

1927.  
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WESTERN AUSTRALIA.

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# ROYAL COMMISSION

OF

## Inquiry into Alleged Killing and Burning of Bodies of Aborigines in East Kimberley

AND INTO

## Police Methods when Effecting Arrests.

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COMMISSIONER: G. T. WOOD, Esq., S.M.

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*Presented to both Houses of Parliament by His Excellency's Command.*

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[FIRST SESSION OF THE THIRTEENTH PARLIAMENT.]

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ROYAL COMMISSION

WESTERN AUSTRALIA, } By His Excellency Colonel Sir William  
TO WIT. } Robert Campion, Knight Commander  
of the Most Distinguished Order of St.  
W. R. CAMPION, Michael and St. George, D.S.O., Gov-  
Governor. ernor in and over the State of West-  
ern Australia and its Dependencies in  
the Commonwealth of Australia.

[L.S.]

To Our Trusty and Well-beloved GEORGE TUTHILL  
WOOD, Esquire, Magistrate of the Local Court,  
Perth.

Greeting:

KNOW you that I, the said Governor, acting with the  
advice of the Executive Council, do hereby appoint you  
to be a Commissioner to investigate—

(1) The circumstances of the arrest, in June, 1926,  
of the aboriginal Lumbia on a charge of the wilful  
murder of Frederick William Hay.

(2) The facts relating to the alleged killing and  
burning of the bodies of aborigines, in or about June,  
1926, at Gote-gote-merrie and Mowerie in the Forrest  
River district, by native trackers and police boys when  
such aborigines were about to be arrested by, or while  
in the custody of Police Constables Regan and St. Jack,  
assisted by Special Constables O'Leary and Jolly.

(3) The circumstances of the alleged killing of four  
aborigines and the burning of their bodies at or near  
a place called Dala while in the custody of Police Con-  
stables Regan and St. Jack.

(4) The disappearance of the aboriginal Tommy who  
was lately in the employ of Leopold Overheu and who,  
it is alleged, can give material evidence in this inquiry.

(5) The employment by the police of armed aboriginal  
trackers and police boys in executing warrants for the  
arrest of aborigines, such trackers and police boys not  
being, it is alleged, under the efficient and proper control  
of responsible officers.

And I declare this to be a Royal Commission within  
the meaning of "The Royal Commissioners' Powers  
Act, 1902"; and do hereby desire and request you, with  
as little delay as possible, to report to me in writing the  
result of your inquiries by virtue of this Commission.

Given under my hand and the Public Seal of the  
said State, at Perth, this 26th day of January,  
1927.

By His Excellency's Command,

(Sgd.) P. COLLIER,

Premier.

GOD SAVE THE KING !!!

# REPORT of Royal Commission of Inquiry into alleged Killing and Burning of Bodies of Aborigines in East Kimberley, and into Police Methods when Effecting Arrests.

*His Excellency Colonel Sir William Robert Campion, Knight Commander of the Most Distinguished Order of St. Michael and St. George, D.S.O., Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.*

*May it please Your Excellency,*

I, your Commissioner, was appointed on the 26th day of January, 1927, to investigate—

- (1) The circumstances of the arrest, in June, 1926, of the aboriginal Lumbia on a charge of the wilful murder of Frederick William Hay.
- (2) The facts relating to the alleged killing and burning of the bodies of aborigines, in or about June, 1926, at Gotegote-merrie and Mowerie, in the Forrest River district, by native trackers and police boys when such aborigines were about to be arrested by or while in the custody of Police Constables Regan and St. Jack, assisted by Special Constables O'Leary and Jolly.
- (3) The circumstances of the alleged killing of four aborigines and the burning of their bodies at or near a place called Dala while in the custody of Police Constables Regan and St. Jack.
- (4) The disappearance of the aboriginal Tommy, who was lately in the employment of Leopold Overheu and who, it is alleged, can give material evidence in this inquiry.
- (5) The employment by the police of armed aboriginal trackers and police boys in executing warrants for the arrest of aborigines, such trackers and police boys not being, it is alleged, under the efficient and proper control of responsible officers.

## ITINERARY OF THE COMMISSION.

The Royal Commission left Fremantle in the m.v. "Koolinda" on the 11th February for Wyndham. It was intended to open the inquiry at Wyndham, but as I, your Commissioner, ascertained that one of the members of the police expedition concerned in the inquiry had gone to Darwin, the Commission proceeded thither to take his evidence. While this involved a loss of three days to the Commission, it obviated the expense of conveying the witness to Wyndham and keeping him there for two months until the next boat called to take him back. The first sitting was held on the "Koolinda" at Darwin on the 25th February, when Richard John Jolly, who was one of the special constables with the expedition, was examined. The Commission returned to Wyndham, arriving there on the 27th February. After taking portion of the evidence at Wyndham the Commission, on the 10th March, proceeded to the Forrest River Mission, distant 52 miles by water from Wyndham, and there took the evidence of various witnesses. While there I resolved to take advan-

tage of the settled weather to visit Dala, the scene of one of the alleged atrocities, which place had not been visited by either Police Inspector Douglas or Aborigines Inspector Mitchell. Though the distance from the mission station was only 15 miles, the journey occupied three days, being exceedingly arduous owing to the rough mountainous country that had to be negotiated. The mission was reached again on the 15th March, additional evidence was taken, and the Commission returned to Wyndham on the 17th. Further sittings were held in Wyndham, and I deemed it advisable personally to make various inquiries that gave promise of assisting me to arrive at the facts. Partly on this account, and partly because of heavy rains that rendered travelling in the bush almost out of the question, I did not visit Gotegote-merrie or Mowerie. However, I had already heard the evidence of the several parties who had made investigations at those places and, as it agreed in essentials, an inspection of those places was of less importance than of Dala. Leaving Wyndham by the "Koolinda" on the 23rd April, the evidence of Daniel Murnane, another of the expeditionary party, was taken at Derby on the 25th, and the Commission returned to Perth on the 2nd May. Since then various sittings have been held in Perth, at the close of which I heard addresses by counsel, by the Rev. Gribble, and the Chief Protector of Aborigines (Mr. A. O. Neville).

## ABORIGINAL RESERVE AND CHURCH RESERVE.

Aboriginal Reserve 13873, situated in East Kimberley, comprises 3,000,000 acres. Within it is a church reserve of 100,000 acres on which the Australian Board of Missions has established an aboriginal mission known as the Forrest River Mission. The Rev. E. R. B. Gribble is head of the Mission. The object of the Mission is to christianise the natives, instruct them in various useful occupations, assist them, and furnish them with the means of subsistence in return for work done. (Q. 132.) Apart from the 175 natives permanently resident at the Mission, there are some 800 who are more or less regular visitors to the Mission, many of them being well known to the staff. A roll is kept of the visiting natives showing the dates of their visits, and any absentees can easily be noted. Some thirty natives, who had been visiting the Mission over periods ranging up to 14 years, have not been seen there since June of last year; neither have they been heard of in that locality by visiting natives. This fact is of

immense significance in view of the alleged wholesale massacre of natives, including some whose names are sworn to and who were well known to several of the witnesses. The missing natives had their usual habitat on camping grounds within 16 miles of the mission station.

#### PLAN OF DISTRICT.

A glance at the plan herewith will convey a good idea of the region in which the police party conducted their operations. It is a departmental plan in which have been inserted the places of interest to the Commission, they being mainly the native names for pools or creeks. These localities have been marked on the map by responsible officials, and witnesses who have been over the country have heard the evidence and agreed as to their accuracy. It will be seen that police camp No. 3 represents the farthest west base from which the party worked, and that it is 16½ miles from the mission station. All the other places—Mowerie, Gotegote-merrie, Youngada (Wodgil), Jowa and Dala—are well within that radius. It should be remembered, however, that the country is exceedingly rough and mountainous, and many gorges have often to be circumvented in order to pass from one point to another. It is well to bear in mind the radius of 16½ miles because, at the time Lumbia was arrested, a report dated Wyndham, 9th July, was published that he had been captured about 100 miles north-west of the Forrest River Mission. As a matter of fact, he was caught just beyond Dala and, judging by the evidence, well within the 16½ miles radius. Another fact to be appreciated is that the line passing through the word "Marndoc" is the southern boundary of the aborigines' reserve, that Nulla Nulla Station adjoins the reserve on the south side, and that there is no other cattle station in the vicinity.

#### THE POLICE PARTY.

In order to lead up to the subject matter of the inquiry, it is necessary to go back to May, 1926, when Frederick William Hay, a partner of Leopold Rupert Overheu in the Nulla Nulla cattle station, was murdered by a black. On the circumstances being made known to the authorities, a police expedition was organised, presumably for the capture of the murderer. This expedition comprised Police Constable Denis Hastings Regan of Turkey Creek, Police Constable James Graham St. Jack of Wyndham, Special Constables Bernard Patrick O'Leary and Richard John Jolly, accompanied by two civilians—Leopold Rupert Overheu and Daniel Murnane. The party had with them police trackers Jim McDonald (otherwise known as Mulga Jim), Charlie (a native employed by O'Leary), Frank (the Turkey Creek police boy), Jacob (the Wyndham police boy), Windie (otherwise known as Joe), and Sulieman. There were also with the party an aboriginal native named Tommy and his gin Lyddie, both of whom were then in the employment of Overheu. Thus the party consisted of six whites and seven blacks, exclusive of the woman, and with the same exception all of them were provided with firearms. The regulation rifle, a .44 Winchester, was the principal weapon carried. The party were well equipped with stores and ammunition, the supply of ammunition amounting to at least 400 or 500 rounds. Each individual was mounted, and no fewer than 42 horses and mules were used for riding and packing.

#### MOVEMENTS OF THE EXPEDITION.

Part of the expeditionary force started out from Wyndham on the 1st June under Constable Regan and joined up with the rest of the party some days later. Constable Regan was in charge of the whole party. The operations to capture the murderer of Hay may be conveniently considered in two stages, the first being the stage between Nulla Nulla Station and the Forrest River Mission, and the second being the stage from the Forrest River Mission to north of Dala and back. The party arrived at the Forrest River Mission in the third week of June, and it was during this interval that the alleged atrocities at Gotegote-merrie and Mowerie are supposed to have been committed.

Constable Regan and his section reached the mission station on the 21st June; Constable St. Jack and Overheu arrived on the 23rd June. Sergeant Buckland, in charge of the police at Wyndham, arrived at the mission from Wyndham on the 24th June and there disbanded the two special constables Jolly and O'Leary. At this stage Overheu also left the party, and as Murnane had previously returned to Wyndham via Nulla Nulla Station, the police party were reduced to Constables Regan and St. Jack, and the trackers Sulieman, Frank, Jim and Joe.

At the mission the police were informed by the Rev. Gribble of the whereabouts of the suspected murderer of Hay—a bush native named Lumbia—and two mission blacks named Herbert and Aldoa were sent to assist the police party to effect Lumbia's arrest. They started from the mission on the 26th June and proceeded north, returning on the 4th July with Lumbia and witnesses. It was during the period 26th June to 4th July that the alleged atrocity at Dala is supposed to have been committed.

#### RUMOURS OF ATROCITIES AT GOTEGOTE-MERRIE and MOWERIE.

After the departure of the police for Dala to arrest Lumbia, reports were received by the Rev. Gribble that natives had been shot by the police party before they arrived at the mission on the 21st June. Further reports of the shooting of natives were received at the mission on the 6th July and 17th July. On the 30th July the Rev. Gribble, who is a protector of aborigines, reported to the Chief Protector of Aborigines that he had been informed that during the police operations west of the mission station the following natives had been shot and burned, namely, Boondung, Boondung, Delagai, Damunda, Wearie, Jumarie, Kangooloo and Gumbool. (Q. 158.) Aborigines Inspector Mitchell, with the Rev. Gribble and four mission blacks, left the mission station on the 12th August to make investigations. This search resulted in the finding at Youngada (also known as Wodgil) of traces of a police camp and traces of native prisoners. On the 19th August the Rev. James Noble, an aboriginal native deacon attached to the Forrest River Mission, was sent out with mission boys to conduct a further search, and made the discovery at Gotegote-merrie. The Rev. Noble returned to the mission on the 21st August and reported his discovery to the Rev. Gribble. On the 24th August Inspector Mitchell and the Rev. Gribble, guided by the Rev. Noble, left the mission to examine the scene at Gotegote-merrie, after which they followed the tracks that led to the discovery at Mowerie.

## INVESTIGATIONS BY INSPECTOR DOUGLAS.

The matter was then formally reported to the police at Wyndham, as a result of which Police Inspector Douglas, then in charge of the Northern Police District and stationed at Broome, 600 miles from Wyndham, journeyed from Broome and arrived at the Forrest River Mission on the 29th August. On the 30th August Inspector Douglas, with the Rev. Gribble, John Colin Thomson (Lay Missionary attached to the mission) and two mission natives visited Gotegote-merrie and Mowerie and what subsequently was proved to be police camp No. 2 at Youngada (Wodgil). (Q. 2379.) On the 5th September Inspector Douglas, accompanied by P.C. Donegan and the native tracker Sulieman—one of the trackers employed with the police expedition—left Wyndham and proceeded via Nulla Nulla to cover the ground that had been traversed by the police expedition in June. On this journey the inspector located the three police camps, namely, No. 1 at Jowa (16 miles north-west of Nulla Nulla Station), No. 2 at Youngada (Wodgil), and No. 3 on the Forrest River (north-west of Mowerie). Inspector Douglas made reports to the Commissioner of Police dated the 1st, 21st and 23rd September on what he found and what he was informed by tracker Sulieman. (Q. 2380-1.)

For some time after this Inspector Douglas was engaged in interviewing members of the expeditionary party and taking statements from them. In this work he had the help of Detective-Sergeant Manning, who had been despatched from Perth in response to a suggestion by the Inspector that two experienced detectives should be sent to assist him. (Q. 2380.) The members of the expeditionary force had by this time scattered far and wide, and much travelling was entailed in the next few weeks to secure the statements.

## RUMOURS OF SHOOTING AT DALA.

On the 28th October Inspector Douglas and Detective-Sergeant Manning went to the mission and were there informed of native rumours of the shooting and burning of aborigines at Dala. The Inspector was unable to inquire into those rumours personally and suggested that the Rev. Gribble should send some of his boys to ascertain whether there was any truth in the rumours. On the 6th November the Rev. Gribble, his son Mr. John Gribble, and the mission boys Herbert (who had assisted the two police constables in the search for and arrest of the native Lumbia north of Dala) and Munjara proceeded to Dala, which is situated about 15 miles travel north of the mission station, but less as the crow flies. There they made discoveries very similar to those that had previously been made at Gotegote-merrie and Mowerie. On the 27th January, 1927, Sergeant Buckland, in charge of the police at Wyndham, accompanied by Constable Donegan and tracker Quartpot, went with Mr. John Gribble to Dala. The Rev. Gribble at that time was in Perth.

## A FOURTH DISCOVERY.

In addition to the three places mentioned as the scenes of alleged atrocities—Gotegote-merrie, Mowerie and Dala—Inspector Douglas reports that during his investigations with tracker Sulieman at Gotegote-merrie and Mowerie he found, in a ravine west of Mowerie, indications similar to those at Gotegote-merrie and Mowerie. It was in this vicinity that the police expedition had their No. 3 camp.

## DIFFICULTIES THAT CONFRONTED THE COMMISSION.

It is a matter for regret that legal assistance was not obtained to present the case for the Forrest River Mission and the Aborigines Department. Thus they were at a disadvantage as compared with the parties implicated, who were represented by counsel. The absence of counsel on the other side placed upon me a considerably increased burden and responsibility in conducting the inquiry, and led to difficulty in obtaining evidence for presentation to the Commission. I have to report also the absence from the Commission of three important witnesses in the persons of trackers Sulieman, Windie (Joe), and Frank, who were employed by the police during the expedition. Although I gave the police specific instructions to have those witnesses brought before the Commission, and although they were held in Wyndham until within a few days of the Commission opening there, they were permitted to escape to the bush. On my instructions, efforts were made to compel their attendance, but those efforts proved fruitless. The Commission was therefore deprived of the oral testimony of those witnesses. This is a very grave matter. It affects the evidence considerably and might have proved fatal to the usefulness of the inquiry had it not been that each of the trackers had previously made statements to Inspector Douglas and Detective-Sergeant Manning, which statements were reduced to writing, signed, witnessed and filed. According to the evidence of Detective-Sergeant Manning the statements were given voluntarily and in his opinion were truthful. The statements are of the utmost importance, particularly that of Sulieman, which supports the Rev. James Noble's evidence of what he tracked from Wodgil to Gotegote-merrie and from Gotegote-merrie to Mowerie, and what he found at both places.

Sulieman's statement also supports very strongly the evidence of Herbert and Aldoa, the mission boys sent by the mission with the police party to Dala to effect the capture of Lumbia. I must record my displeasure that those trackers were not produced before the Commission, and I cannot exonerate the police at Wyndham from responsibility for their absence or for the very slight effort that seems to have been made, when their absence was discovered, to secure their return and attendance.

In another instance the efforts of the Commission were frustrated by the action of counsel for the parties implicated. I desired to have the witness Murnane, who was at Derby, examined on the boat on the return trip to Perth before he had held any communication with anyone as to his evidence. Although I expressly informed Mr. Nairn of my desire and warned him against interposing, he deliberately took Murnane to his cabin and interviewed him, meanwhile keeping the Commission waiting for a quarter of an hour. I remarked at the time that such action would influence me in considering Murnane's evidence, and I do not retract that expression of opinion.

Further I would remark that the Commission was informed of rumours that were rife in Wyndham, and of statements made publicly by parties concerned both before and after the expedition. According to Sergeant Buckland, a rumour of the atrocities reached him early in July and was common talk about the place. (Q. 542.) I deemed it my duty to investigate by personal inquiry and interview and otherwise many of the statements alleged to have been made.

On two occasions I visited the Afghan camp to interview an Afghan who, I was informed, could give material evidence, but he denied all knowledge of having seen or heard anything. Particulars of statements by him and other persons were supplied to the Commission on what appeared to be reliable authority, but all attempts to get the individuals in question to stand to their statements were fruitless. In fact, what amounted to a conspiracy of silence existed throughout the locality. Perhaps the experience of the Commission was no worse than that of Inspector Douglas who, in his report to the Commissioner of Police, intimated that it was going to be extremely difficult to prove anything "with everyone in the district, except the Rev. Gribble, up against me." (Q. 2379.) Had there been counsel on the other side, or a member of the detective force to assist me, the results might have been different.

Let me also offer a few remarks on the condition of affairs existing in the district concerned. I was impressed with the evident ill-feeling entertained towards what may be termed the bush blacks, as distinguished from the domesticated blacks, on account of the killing of cattle. There is no doubt in my mind that the white settlers have a real grievance against the blacks on this score. In fact, Overheu, a member of the expedition, stated that Nulla Nulla station, in which he was a partner, had been practically ruined by the depredations of bush blacks amongst the cattle. The loss sustained by the station owing to this cause was stated by him to be over £5,000. (Q. 1827.)

Again, from the correspondence before me, I find that fully two-thirds of the funds collected to engage counsel to watch the interests of the individual members of the expedition at the inquiry was subscribed by the public. (Q. 2753.)

#### THE FIRST DISCOVERIES.

After the arrest of Lumbia for the murder of Hay it was persistently reported by native visitors to the mission that the police expedition had been responsible, during its operations, for the shooting and burning of innocent natives. (Q. 158.) In consequence of those reports, the Rev. Gribble and Inspector Mitchell of the Aborigines Department visited a police camp (No. 2 camp) on the 12th August, but found nothing. This visit was followed by a search party led by the Rev. Noble, who on his return reported having found a spot (Gote-gote-merrie) where natives had been killed and their bodies burned. He also reported that the tracks of three female natives led away from the spot, the tracks being accompanied by those of three shod horses. The Rev. Noble handed over some charred bones gathered at Gote-gote-merrie, and the package was placed in the care of the Resident Magistrate at Wyndham, Dr. A. R. Adams. The Rev. Gribble and Inspector Mitchell, guided by the Rev. Noble, then went to Gote-gote-merrie and made the following discoveries:—(1) A small tree to which prisoners had apparently been chained; (2) Near the tree a ledge of rock darkly stained and showing signs that efforts had been made to clean up the declivity; (3) Stones removed and edges of rock chipped; (4) Forty feet from the tree in the bed of the river a large hole, described as an improvised oven, where a fire had been made and flat stones had been used to keep in the heat; (5) A large flat stone placed over the hole

and a log on top of the stone; (6) In the ashes of the fire fragments of bone; (7) In a shallow pool near by, pieces of skull and other bones.

The party then followed the tracks of the three native women and three shod horses for six miles up the river and came to another spot (Mowerie). Here there were indications of horses having been tied up for some time. Close by were marks of a fire, and a number of teeth and a quantity of charred bones were found in the ashes. The tracks of the horses leading from the spot were seen, but though diligent search was made, tracks of the three women leading away from the spot could not be found.

#### REVIEW OF THE EVIDENCE.

In reviewing the evidence, let me remark at the outset that a police force of six whites and seven blacks, all fully armed, appears to have been a very large party to effect the arrest of the murderer or murderers of Hay, and was certainly calculated to give rise to the thought that the expedition assumed the aspect more of a punitive expedition than one intended merely to effect the capture of a criminal native. Inspector Douglas evidently considered the party unduly large. It was on his instructions that the strength was reduced considerably for the second and final stage of the police operations beyond Dala. Colour is lent to this view by a letter dated the 29th May, 1926, addressed by one of the party, Overheu, to his father and published in the "Daily News," Perth, of the 8th July, 1926. (Qs. 1796-852.) In the letter Overheu stated *inter alia*—

I'm going to pilot the police out and give them any assistance possible so as to make the place safe for myself in the future. In officially reporting the matter to the police, I've asked for a strong force to go out, and also that the natives be dealt with drastically.

In view of his use of such strong terms, Overheu was examined closely and his explanation was by no means satisfactory. (Qs. 1835-52.)

#### EVIDENCE OF WHITES ANALYSED.

The answer of the white members of the police expeditionary force implicated in the alleged atrocities consisted mainly of denials of any knowledge whatever of the shooting or burning of natives during the course of the expedition. The whites, one and all, agreed on that point. O'Leary, when asked whether he denied Sulieman's statement—which so specifically contradicted these denials—about the burning and shooting of natives replied, "Yes, I deny everything." That is typical of the attitude adopted by all the white members of the party. This attitude justifies me in making a somewhat close examination of their evidence and offering a few comments upon it. In the first place it cannot be overlooked that the evidence of those witnesses was the evidence of interested parties. They had everything to gain by denial and everything to lose by admission. It was what is regarded in law as interested evidence, actuated by the strongest inducement to cover up their doings.

An analysis of the evidence reveals many discrepancies, and when a comparison is made with the statements on the Police Department file, witnessed by Inspector Douglas and/or Detective-Sergeant Manning, the inconsistencies on material points are found to be more marked. The first point in dispute is where Constable Regan's section joined up with

that of Constable St. Jack. Constable Regan said in evidence:—

After leaving Wyndham we joined up at Nulla Nulla with a party consisting of Constable St. Jack, a civilian Leo. Overheu, and two boys, Joe and Tommy. (Q. 600.) In his statement of the 18th October, however, he said otherwise:—

There was no person at the Nulla Nulla homestead when we arrived. I sent one of the trackers, Frank, in search of Constable St. Jack and Leopold Overheu, who were out in this locality. . . . When Frank came back my party packed and went out to where Constable St. Jack and Overheu were camped. . . . We stayed overnight at this camp (Jowa).

Constable St. Jack said the whole party left Nulla Nulla on the 5th June. (Q. 782.) Overheu stated that the party consisting of six whites and seven natives started from Nulla Nulla about the 5th June. (Q. 918.) Jolly said, "At Nulla Nulla we saw Constable St. Jack, L. R. Overheu and the boys Tommy, Jacob and Joe." (Q. 4.) Murnane was asked—

When Regan's party arrived at Nulla Nulla, were St. Jack and Overheu at the homestead?

His answer was—

No; they had gone on towards Jowa, and we caught them at Jowa, about 12 miles off. (Q. 2238.)

Murnane also said in evidence:—

We camped at Nulla Nulla one night and next day caught up with the other portion of the party, which included St. Jack and Overheu. (Q. 2143.) It was about the evening of the 5th when we joined forces. . . . We camped that night at Jowa. (Q. 2145.)

O'Leary in evidence said, "At Nulla Nulla we joined up with St. Jack's party." (Q. 1101.) In his voluntary statement made before Mr. T. Woodland, J.P., at Hall's Creek on the 3rd November, this was O'Leary's account:—

Next day we camped at Nulla Nulla Station. Constable Regan sent police boys to Constable St. Jack's camp and told him he would join him the following day. I do not remember any date. After joining Constable St. Jack, who had Overheu with him, we camped that night with them at Jowa camp.

Tracker Jim McDonald (Mulga Jim) in his evidence said—

We went to Nulla Nulla where we met St. Jack and Overheu, trackers Joe, Jacob, Tommy, and Tommy's gin. (Q. 1038.)

In his statement of the 13th October Jim said—

From the station (Nulla Nulla) we found which way Overheu and Constable St. Jack had gone and we started out after them. We got to their camp the same day.

Tracker Frank in his statement of 18th October said—

There was no person at the (Nulla Nulla) station when we got there. From Nulla Nulla I went out with a letter to Leo Overheu and found his camp, gave him the letter and came back to Nulla Nulla. The next morning we all started out and got to Overheu's camp about dinner time. Constable St. Jack, Leo Overheu, and trackers Jacob, Joe, and Tommy and his gin were at this camp. We camped for the night at this camp. (Q. 2371.)

Tracker Sulieman in his statement of 16th October said—

We got to Nulla Nulla station (from Wyndham) in four days. There was no one at the station. We all went down to see the place where Hay was killed and came back to the station. From Nulla Nulla station we all went out and the same day we came to a camp and found Constable St. Jack, Leo Overheu and trackers Joe, Jacob, and Tommy and his gin. . . . We all camped together that night. (Q. 2370.)

Police Inspector Douglas, in his report to the Commissioner of Police dated 23rd September, said—

According to St. Jack and Overheu, the whole party started together from this point (Nulla Nulla), but I find that this was not so, as the party joined up some 16 miles further north at Jowa and St. Jack and Overheu had been out for some days previously. This was apparently called Camp No. 1. (Q. 2381.)

I have no doubt that Inspector Douglas arrived at a correct conclusion when, in his report of the 23rd September, he said the two sections joined up at Jowa and not at Nulla Nulla. Thus from the very outset the evidence of the whites is shown to be unreliable.

In my opinion Constable St. Jack's party was operating in the district several days before being joined at Jowa by Constable Regan's section. There is nothing to show what Constable St. Jack and Overheu did during those four or five days. Maybe their actions were quite innocent, but, if so, why the need for any disagreement as to where the two sections joined forces? It was not more than a few miles from Jowa that some of the natives were supposed to have been shot and burnt.

Other dates also have not been accounted for satisfactorily, particularly those covering the stay of the party at Youngada (Wodgil), No. 2 police camp. This fact is of the utmost importance owing to the central situation of the No. 2 police camp in relation to the scenes of the alleged atrocities at Gotegotemmerrie and Mowerie. The date carved by O'Leary on the tree at No. 2 police camp was 8/6/26. (Q. 1101-6.) The evidence of the white members of the expedition is that they reached No. 2 camp on the afternoon of the 6th June and stayed only one night, leaving again on the morning of the 7th, and that then the party operated for three days in two distinct sections. Tracker Sulieman said they stayed two days in this camp. (Q. 2370.) Tracker Jim in his statement also said they stayed two days in this camp, but in his evidence before the Commission he maintained that they stayed only one night. (Q. 1051, 2.)

O'Leary said he must have made a mistake in the date when he carved 8/6/26 on the tree. Is that a reasonable explanation? The evidence is that the carving was neatly done (Q. 158), that the party had left Wyndham only a week before, and that apart from the two constables, Jolly kept a diary for four or five days (Q. 100). Inspector Douglas says—

My native, Sulieman, assures me that the whole party were there for two days. . . . I was unable to find any tracks leading direct from No. 2 camp to this spot (Gotegotemmerrie) as some 40 horses and mules had been grazing around this camp for two days. (Q. 2381.) Thus we have another discrepancy on a vital point.

Both Constable Regan and Constable St. Jack kept notes of entries for their journals and yet they could not agree on another important date. Constable Regan in his statement said—

On the 12th June all the party left this camp (No. 3) and went on about south towards the ranges. Saw no natives that day. On the 13th June we went on further and saw smoke in the distance. We camped and sent the trackers out looking for native camps. They came back and reported finding a camp. The next day (14th) all the party, except Murnane and Jacob, surrounded this camp and secured 34 natives. We spoke to them through tracker Tommy. He was the only one who spoke their language. We satisfied ourselves that the offenders we were in search of were not among them and we released all of them at our camp. We had brought them to our camp to interrogate them.

They all went away back in the direction of their camp. We were four days in this camp altogether.

Constable Regan adhered to those dates in his evidence (Q. 647-58). Constable St. Jack, with his journal before him, deposed that on the 13th nothing happened; the natives made no report (Q. 812). He also said, "We went 15 miles that day." He gave the 14th as the date when the smoke was seen and the 15th as the date of the raid. (Q. 813.) He also said, "We took them (the native prisoners) to our camp and interrogated them individually on the 16th about the murder of Hay." (Q. 831.)

It is worthy of note also that tracker Sulieman, who in September conducted Police Inspector Douglas over the route taken by the police party, and whose assurance on various matters the inspector evidently accepted (Q. 2381), made no mention of the party having divided into two sections from the 7th to the 10th June and said nothing whatever about such a large number as 34 natives having been captured in one lot.

A question arose as to whether Murnane took part in the raid on the blacks' camp, in which the police claimed to have captured 34 natives. Jolly said, "All the whites went out and surrounded the camp." (Q. 56.) He was also asked, "Was Murnane with you when you surrounded the native camp?" and his reply was, "Yes." (Q. 96.) Jolly indicated no doubt whatever on that point. Yet all the other white witnesses said Murnane remained in the police camp when the raid was made.

Constable Regan, in the concluding portion of his statement quoted above, said, "We were four days in this camp (No. 3) altogether." Murnane said the general police camps, where all camped together during the 16 or 17 days he was with the party, numbered five, though there might have been more. "We camped at different spots practically every night." (Q. 2237.) Then Murnane was asked—

Would you deny that you stayed longer than one or two nights at any one particular camp?  
His reply was—

Yes; I do not know of any camp where we stayed more than a day and a night or two nights. Our longest stay at any one camp was, I think, at No. 3. (Q. 2242.)

Again Constable Regan stated that the return journey from the spot where Lumbia was captured to the mission occupied three days (Q. 1176-83), whereas Constable St. Jack said it took two days (Q. 904). The mission boy Herbert said it took only one day (Q. 1661). Tracker Sulieman in his statement said—

Next morning we found him (Lumbia) and brought him back to camp with a lot of other natives. The next day we started out and reached the mission with Lumbia and the other natives that we found in his camp. (Q. 2370.)

Tracker Jim, in his statement of the 13th October, said—

Next day we got into camp and handed the natives over to Constables Regan and St. Jack. We camped for the rest of the day, and next morning we started back for the mission and got back there on the same day.

In his evidence, Jim also said they got back in one day. "We came back in one day. We got back in the middle of the night after walking all day." (Q. 1079.)

Other instances of discrepancies could be quoted that show how unsatisfactory and unconvincing was the evidence of the whites.

I wish also to direct attention to the evidence of Goolara, otherwise Lyddie (Q. 1083-99) and to her statement to the police, witnessed by Detective-Sergeant Manning on the 1st November, 1926, and put in by that officer (Q. 2375). I was careful to ask Detective-Sergeant Manning to explain definitely the manner in which Lyddie's statement was taken. He said that no inducement or threat was held out to the woman to make the statement, and she was suffering no physical disability when he questioned her. (Q. 2374-8.) Yet when she appeared before the Commission at Wyndham she denied having made any such statement to the police, which, of course, was absurd. The fact that her original statement was so damning to the police convinces me that Lyddie had been influenced between the day she made it and the day of her appearance before the Commission. Consequently there can be no suggestion that, in making the statement, she was actuated by any threat or promise. The same remarks apply in a less degree to the native witness Jim.

#### POLICE INSPECTOR DOUGLAS'S CONCLUSIONS.

Let me now deal at some length with the reports of Police Inspector Douglas to the Commissioner of Police, which reports can fairly be regarded as reflecting the considered opinions of a police officer of high standing.

On the 28th August Inspector Douglas arrived at the mission and on the 30th was conducted by the Rev. Gribble over the Gotegote-merrie-Mowerie ground. Inspector Douglas reported the results of this inspection to the Commissioner of Police in a report dated 1st September, 1926. In that report he said—

There does not seem any doubt that some human remains were burnt at each fire (Gotegote-merrie and Mowerie). (Q. 2379.)

This extract from his report is much more definite than was his evidence before the Commission, from which I quote the following:—

There were small fragments of what appeared to be charred bone, and at the edge of a pool of water some 30 yards farther away I saw some charcoal cinders and two or three little fragments of bones. Mr. Gribble pointed out to me a spot near the fire where he said natives had been shot, but to my mind there was nothing to indicate that anything of the kind had taken place. (Q. 441.)

On arrival at Mowerie I saw the scene where a large fire had been made at a tree, upon the sandy country. Within a short distance of the scene of the fire were indications that horses had been standing there for some time. In the ashes of the fire there were quite a lot of fragments of what appeared to be charred bone; also what looked like pieces of teeth. (Q. 442.)

It will be seen presently that Inspector Douglas was even more emphatic in other reports to the head of his department than he was in the evidence quoted above.

About the 5th September Inspector Douglas, accompanied by Constable Donegan, was conducted by tracker Sulieman over the route taken by the police expeditionary force and on his return he wired the Commissioner of Police, under date 21st September, *inter alia*—

Returned from Forrest locality. My investigations satisfy me that sixteen natives were burned in three lots; one, six and nine; only fragments bone not larger than one inch remain. (Q. 2380.)

It should be mentioned that the discoveries at Dala were not made until November and that the Inspector did not visit Dala until he went with the



Commission. In the same telegram the Inspector suggested that two experienced detectives should be sent North and added, "Have no suitable police this end to assist me." (Q. 2380.)

On the 23rd September Inspector Douglas wrote a report in elaboration of his telegram to the Commissioner of Police and detailed his investigations of the operations of the police party from Nulla Nulla station to the Forrest River Mission. It will be found from the evidence that the whole of the white members of the party stated that no natives were seen until the blacks' camp was raided on the 14th or 15th June, *i.e.*, after leaving No. 3 police camp. Yet Inspector Douglas, in framing his report to the Commissioner of Police, was obviously satisfied to accept the statement of and the assurances to the contrary given by Tracker Sulieman on the spot. No doubt he was able fully to test the accuracy of Sulieman's account of what had happened while Sulieman was with the police party and, from what he himself saw, to assess the credibility of such a witness. Inspector Douglas is a responsible officer of long experience in the force and a good many years' service in the North. He is the senior officer in a large district extending north from Broome and including the whole of the West and East Kimberleys, and his report to the head of the department on personal investigations carefully conducted under the guidance of one of the trackers who accompanied the police party, together with his conclusions, must carry considerable weight, especially as the evidence adduced by the Commission contains so many inconsistencies. Inspector Douglas could have given no credence to the story of the police party that after leaving No. 3 camp they captured 34 natives and released them. His report deals with the capture of small lots. Sulieman in his statement also mentioned only small lots. Sulieman, too, said nothing of the police party having split into two sections, one under Regan and the other under St. Jack, and of their having operated independently from the 7th to the 10th June. Inspector Douglas's report to the Commissioner, dated 23rd September, gives an account that certainly appeals to the reason as being the correct one, and when read with the evidence of the Rev. James Noble as to what he gathered from the tracking, and the evidence of him and other witnesses as to the discoveries at Youngada (Wodgil), Gotegote-merrie and Mowerie, it becomes convincing. The salient points of Inspector Douglas's report are:—

Sulieman informs me that. . . they (the trackers) left six natives with St. Jack and O'Leary and were to join them further up the river. After burning the (native) camp they went three miles along the river where they found Constables St. Jack and O'Leary at a large fire. They had no natives on the chain. They did not see any of the natives killed, but knew that the bodies were in the fire. This is the place called Mowerie, where Gribble and Mitchell found a number of teeth and some quantity of small pieces of bone. . . Sulieman states that in the afternoon Constables Regan, O'Leary, and Murnane left the camp (No. 3) with the nine natives accompanied by native trackers Charlie and Frank, and that they took the natives back to the camp where they had been caught in a ravine some six miles away. On arrival there they sent Charlie and Frank back to the camp with the horses, but the three white men did not return to the camp that night. On the following morning they were picked up by the other members of the party on the top of this ravine. I visited this spot and found the horse tracks leading in and out of the ravine, where there had been a native camp. About 50 yards from the camp I found the remains of a large fire and some thousands of fragments

of bone in the ashes, and timber had been dragged from all around to the fire. No footprints were visible; the ground was sandy and rocky and all footprints were obliterated by the wind and loose sand.

This last named place is quite independent of Mowerie and Gotegote-merrie and had not been visited by either the Rev. Gribble or Inspector Mitchell. Inspector Douglas added—

By the size of the fire and quantity of bone fragments, I have no doubt but that the nine were cremated here. (Q. 2381.)

It is a noteworthy fact that Counsel for the members of the police party, in his address to the Commission, made no reference whatever to the damning reports of Inspector Douglas.

Apart from Inspector Douglas's investigations and conclusions, the result of the inquiry hinged to a great extent on the evidence of tracking. I desire to state that the great acumen and ability displayed by the Rev. James Noble, who is an educated man, has merely enhanced his reputation as a tracker as elicited by the evidence. (Q. 1485-6.) Mr. Noble's evidence of the tracking from Youngada (Wodgil) to Gotegote-merrie and from Gotegote-merrie to Mowerie is thoroughly convincing, and when read in conjunction with the statements of tracker Sulieman, as accepted by Inspector Douglas, satisfies me that what Noble deposed can be accepted as being absolutely reliable. I do not intend to prolong my report by quoting details which may be read in Noble's evidence. (Qs. 1341-528.) Sulieman's statement (Q. 2370), and Lyddie's statement (Q. 2375) are also worthy of careful perusal. Apart from all this, we have in the evidence of the Rev. Gribble and of Aborigines Inspector Mitchell, strong corroboration of the scenes presented to the searchers at Gotegote-merrie and Mowerie.

## SECOND STAGE OF THE POLICE EXPEDITION.

Touching the Dala episode, it will be remembered that when the police party arrived at the Forrest River Mission on the 21st June, they were informed by the Rev. Gribble where Lumbia—the murderer of Hay—was to be found. Constable Regan denied that he received this information from the Rev. Gribble, but a scrutiny of Constable St. Jack's journal revealed an entry stating that Regan told St. Jack that he had received the information from Gribble, thus disproving Regan's statement to the contrary. Regan also denied to the Rev. Gribble that the party had seen any natives whatever up to the time of reaching the mission. When taxed with this statement, Regan admitted having lied to Gribble, and gave as his reason that he had been led to believe that Gribble was antagonistic to the police. (Q. 1172.) The Rev. Gribble not only informed Regan of the identity of the murderer and his whereabouts, but supplied him with two mission boys—Herbert and Aldoa—to guide the police to the spot where Lumbia was to be found. On other occasions also the Rev. Gribble evidently rendered assistance to the police. That surely did not indicate anything in the nature of antagonism to the police.

The strength of the police force was reduced at the mission on instructions from Inspector Douglas, and thence for the journey to the north of Dala and back consisted of only two whites—Constables Regan and St. Jack and six trackers. Murnane said he would

not have trusted himself out with a small or ill-equipped party (Q. 2233), but the two constables expressed no misgivings about the reduction of the force. The party left the mission on the 26th June. Regan and St. Jack deny having seen any natives on the journey out, but the mission boys—Herbert (Q. 1655) and Aldoa (Q. 1707)—as well as the police boys Sulieman (Q. 2370) and Windie (Q. 2367) state that blacks were captured and taken into the police camp at least two days before Lumbia was caught. The weight of evidence goes to show that three of the four natives caught were chained to a tree, that next day they were left in the camp with the two constables, and that when the boys returned they noticed the absence of the prisoners (Q. 1655-707). Herbert asked what had become of the prisoners and was told by St. Jack that they had been sent to the mission. Those natives were Gumbool and Boondung (males) and Newringie and Bungomerrie (females), the women being the wives of Gumbool. (Q. 1681-707.) On the following day the trackers went out again, captured Lumbia and took him back to the camp where the police had remained. (Q. 1065-72, 656, 7, 9, 707, 2367, 70, 1.)

#### COMMENTS ON DALA EVIDENCE.

If the evidence of Herbert and Aldoa is to be believed—Herbert is an intelligent boy who has been at the mission for 10 years—it is significant that when Lumbia was taken back to the police, the trackers were not allowed to enter the camp, but were taken past it to a spot some distance away. (Q. 1691, 4-6, 709, 10.) Soon after their return from capturing Lumbia, Herbert and Aldoa reported to the Rev. Gribble that Regan and St. Jack had had four prisoners in the police camp and they thought St. Jack had killed them. (Q. 1673-7.) In consequence of this report the Rev. Gribble, on the 30th October, sent Herbert and Aldoa to search at Dala for traces of the four prisoners. The boys returned, bringing with them two paper-bark parcels of charred bones and teeth, which subsequently were handed to Inspector Douglas.

On the 5th November the Rev. Gribble, Mr. John Gribble, Herbert and Munjara went to Dala and examined the camp where the prisoners had been chained and found the indications detailed elsewhere in this report. One of the finds was a shirt button showing marks of discolouration, which is significant in view of the statement by Herbert to the Rev. Gribble that the two women prisoners were wearing shirts. (Q. 163.) Another important fact is that when Gumbool was caught he was so sick that he had to be carried into the police camp. (Q. 1681.) If he was so sick, it is evident that he could not have got far away from the camp and should have been found dead or alive in the subsequent searching. Those four natives were well known to the mission people and were frequent visitors to the mission, and not one of the four has been seen there or elsewhere since.

The Rev. Gribble having reported the discoveries at Dala, Sergeant Buckland, who is in charge of the police at Wyndham, accompanied by Constable Donegan and police boy Quartpot, went out to make an inspection, arriving at the police camp on the 22nd January. Sergeant Buckland and Constable Donegan were the only representatives of the Police Department who, up to the date of the Commission's visit, had made any investigation of the scene at Dala.

Sergeant Buckland gave evidence on the 3rd March of what he saw at Dala and his deductions therefrom. This evidence was given 11 days prior to the Commission's visit to the spot. His evidence so disparaged the serious allegations made by the Rev. Gribble that it was well the Commission was able to make the journey thither and determine for itself the credence to be given to the testimony of these two important witnesses. Here are a few extracts from Sergeant Buckland's evidence:—

Mr. Gribble, jun., pointed out the place where he said the natives had been chained, but I could see no evidence of natives having been chained. . . . About a foot from the ground (on a bloodwood tree) was a mark which young Gribble said was a bullet mark. It did not look like a bullet mark; it seemed to be a bruise that had been made with a stone or blunt instrument. I poked it with a knife but there was no trace of any bullet. (Q. 554.)

Young Gribble then took me to the creek 70 or 80 yards away and on flat rocks he pointed out where there had been a fire and where he said bones and teeth had been found. (Q. 555.)

There was evidence of a very small fire, nothing more than one would make to boil a billy. (Q. 556.)

From there we went a distance of about 50 yards up the creek in water. The rocks I referred to are in the creek. Gribble sent his boy into water about 18in. deep and he started to throw up handfuls of charred bones and chips of bones. (Q. 558.)

Gribble said the police had camped there but I saw no evidence of the camp. . . . There had been heavy rains. (Q. 569.)

It was not a spot that I would select for a camp. There was no shade or anything. (Q. 586.)

The Commission visited Dala on the 14th March and as a result I have no hesitation in pronouncing Sergeant Buckland's evidence unreliable and unsatisfactory. So dissatisfied was I with his account of his Dala investigations that as soon as the Commission returned to Wyndham, I had him recalled for further examination. Questioned as to the size of the fire in the creek bed, he replied that all he could see were burnt marks about 2ft. square (Q. 1728). Mr. John Gribble's estimate of 6ft. by 3ft. was much nearer the truth (Q. 1603). Sergeant Buckland also said that he did not see any charred sticks where the camp fire had been (Q. 1733, 4). The Commission saw them, and Sergeant Buckland's suggestion that the charred sticks may have been in a spot that Gribble did not show him is hardly feasible. (Q. 1735, 45.) His own description of the spot, apart from the evidence of Mr. John Gribble and Herbert, shows that he was undoubtedly at the police camp, and one would expect a responsible police official not to miss such obvious signs of a camp as charred sticks, a jam tin, sauce bottle, etc. There was unmistakable evidence of a camp fire, and if the sergeant did not see it, his investigation must have been very perfunctory indeed. I am of opinion that he did see it and that he was not as candid with the Commission as he should have been. Compare his answer regarding the mark on the bloodwood tree (Q. 554) quoted above, with the following re-examination:—

Did you see a bullet extracted from the bloodwood tree by Quartpot?—Yes, it was taken from a tree about 50 yards from where the natives were camped. I had a statement of that in my report, but omitted to mention it when giving my evidence. It was quite an oversight. (Q. 1743.)

That which Sergeant Buckland swore did not look like a bullet mark, which appeared to be a bruise and which showed no trace of any bullet when poked with a knife—prior to the Commission visiting Dala—he

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creek and take no end of pains to chip and clean up the rocks?

As to No. 3, it is possible for anyone to die from influenza and undoubtedly a large number of blacks did succumb to that complaint, but the tracks of many of the missing natives were identified by relatives, and the tracks of missing natives accompanied by those of shod horses, led from the vicinity of a police camp to the scene of the fires and no farther. Again, the blacks do not cremate their dead except under the special conditions that already have been mentioned. What is the reasonable inference? Inspector Douglas did not suggest to his chief that either bush fires, kangaroo bones, or influenza explained his discoveries. What he said was, "My investigations satisfy me that sixteen natives were burnt in three lots," and had he visited Dala also, I have no doubt that he would have added another four cremations to the tally.

The report of the Government Bacteriologist is relied upon by counsel to refute the allegations that there had been foul play. The utmost that the Bacteriologist could say of the bone fragments was that no piece of bone was distinctive of the human skeleton, but he did say, "I am of opinion that the teeth are human." That refers to the teeth found at Mowerie, which numbered 32. Of the teeth found at Dala he says that the particles were too small to enable him to form a decided opinion, but they were very suggestive of human teeth. Dr. Adams, Resident Medical Officer at Wyndham, in whose custody a package of bone fragments from Mowerie were placed, was a little more definite. He said—

They are sadly broken up and undoubtedly calcined. To the best of my belief they are probably human remains. The majority appear to be portions of ribs or of the long bone from the foot or the hand. Bones in the process of calcination lose many of their characteristics. (Q. 2057.)

Dr. Adams said he did not think anything would be gained by submitting the fragments to the Government Bacteriologist for examination because he did not think there would be any bacteria on them. An expert of vast experience in osteology and with the aid of a microscope might be able to come to a definite conclusion, but he did not know whether there was such an expert in the State. (Q. 2058.)

Although I agreed with counsel for the parties implicated that no evidence had been adduced before the Commission that would justify a prosecution on a charge of murder, there is in my opinion sufficient evidence to establish that the atrocities alleged were committed by some party operating in the neighbourhood two or three months before the remains were found at Gotegote-merrie, Mowerie and Dala. The only party operating in close proximity to those places was the police party, which went out in June of last year. Constable St. Jack stated that had any other party been operating within fifty miles he would have known of it. (Q. 856.) Inspector Douglas did not suggest that any party other than the police was responsible. Mr. John Gribble was able to testify that until Father Cubero went through the Dala district on his way to the Drysdale Mission in July last, no party had been through that portion of the country in the last six years. It is country that is seldom traversed by the missionaries and, with a few well-known exceptions, never by other white people. Consequently the only reasonable conclusion to be drawn from these facts is that some members of the expeditionary party were the persons responsible for the outrages.

The visit of the Commission to Dala satisfied me that the allegations as to the shooting and burning of four natives at that place had solid foundation because of the indications that still existed, notwithstanding that eight and a half months had elapsed since the police party were there. Those indications undoubtedly supported the suggestion that natives had been shot at a tree within fifty yards of where a camp fire had been burning. Beside that tree was another tree in a horizontal limb of which was a mark 5ft. 11in. from the ground, as though made by a bullet, and embedded 9in. from the ground in the butt of another tree 25 yards beyond was a bullet. The bullet was produced as an exhibit, and, from the opinions expressed by Police Inspector Douglas and Detective-Sergeant Manning I have no doubt that it was a .44 Winchester rifle bullet, which corresponded with the arms and ammunition issued to the police party. Seventy yards north of the two trees we found on the flat rock in the creek bed indications of a fire of considerable heat and intensity. Not only had the rock been discoloured by fire, but the mass of rock had been cracked and rent as though by extreme heat. Thirty yards along the creek bed the boy Herbert, in the presence of the Commission, entered the water and from a depth of 2ft. brought up handfuls of charcoal, burnt bones, teeth and fire-marked rock chippings similar to the rock in the dry creek bed. This dredging up of bones, etc., coincided with what Sergeant Buckland described as having seen during his visit to Dala in January last. Herbert was one of the mission boys who accompanied Constables Regan and St. Jack to this locality in search of Lumbia; he it was that conducted the Commission over the ground. Having seen the actual spot and considered all the evidence bearing upon this phase of the police operations, one would be disbelieving not only the most convincing testimony but the evidence of his own senses if he came to any conclusion other than that the four natives met an untimely end there.

I invited counsel for the parties interested to call any evidence he desired, and he produced Dr. McKenzie and Captain Tindale. Dr. McKenzie deposed as to the results obtained in a test to consume a human body by fire in which wood was used as fuel. His evidence goes to show that it took 4½ hours to consume a human body and that a quantity of wood equal to two-thirds of a cord was required for the purpose. (Q. 2465-74.) The period when the prisoners were left with their alleged murderers was a whole night and day at Gotegote-merrie and at Mowerie, and a whole day at Dala. At each of those places abundance of wood fuel was obtainable in the vicinity, and at the fourth place beyond No. 3 camp Inspector Douglas reported that timber had been dragged from all around to the fire. (Q. 2381.) Of the intensity of the fires at each place, the evidence is incontrovertible. The two essentials—time and fuel—the police party had and to spare. Consequently that portion of the evidence of Dr. McKenzie does not assist in the slightest. The part that does assist is his statement that teeth would resist very great heat in burning (Q. 2473), and it is the teeth found at Mowerie and Dala that point indisputably to the fact that the remains burnt at those places were those of human beings. Captain Tindale presented statistics of the murders of white people by blacks during the last 12 or 15 years, and spoke of the danger to be feared from bush natives in the North. His evidence on the latter point was not at all con-

vincing and in any event had little or no bearing on the subject matter of the inquiry. (Q. 2757 *et seq.*)

Taking all the evidence into consideration, I repeat that a bare denial or the extremely weak suggestions offered do not refute the very strong evidence on the other side; nor do they account for the indications of intensely hot fires, burnt bones and human teeth that at intervals marked the trail of the police party almost from start to finish through country scarcely visited by anyone but blacks. Overheu wrote to his father that he had asked for a strong force to go out and also that the natives be dealt with drastically. I am firmly convinced that that spirit animated the police party throughout the expedition, that the natives were dealt with drastically by bullet and fire, and that at least four natives met their deaths at the hands of the police party near Gotebote-merrie, three women at Mowerie, two men and two women at Dala, and on the report of Inspector Douglas it is most probable that nine more natives shared a similar fate beyond No. 3 police camp.

#### TOMMY'S DISAPPEARANCE.

Tommy and his gin Lyddie were employed by Leopold Rupert Overheu and accompanied the police expedition on the first phase of the operations from Nulla Nulla Station to the Forrest River Mission. Tommy was apparently the source from which the rumours of the killing and burning of natives by the police party first sprang. (Q. 1418.) Overheu states that about the 17th July, which was some three weeks after their leaving the police party at the mission, he had a row at Nulla Nulla Station with Tommy, who threatened him with a stick and then ran away. He reported the occurrence to the police. (Q. 967.) Lyddie cleared out the same night. On the 23rd September Tommy returned and asked to be given employment again, which was done. Lyddie was then at Overheu's camp. Next day Overheu says he started out with Tommy to look for horses. Both were mounted, and Overheu was armed with a revolver. Overheu says they parted on the plain near the range between the 9-Mile and 10-Mile, *i.e.*, from Wyndham. The search for the horses was to be continued separately and they were to meet again near the 10-Mile bottle tree. Overheu says he went to the place arranged for the meeting, but Tommy did not put in an appearance. He did not know what had happened to Tommy, but thought he might have had a fall. He searched about and found Tommy's horse with the saddle and bridle on. He says he rode back, using Tommy's saddle, and left his own at a saddler's for repairs.

This statement has to be considered with the evidence of the Rev. Gribble who reported to the Chief Protector of Aborigines that Jacky, a native boy employed by Overheu at the time, informed him that when Overheu returned that night without Tommy, there was blood on the saddle. (Q. 164.) Lyddie, however, denies that there was blood on the saddle. (Q. 2375.) According to the evidence, nothing has since been seen or heard of Tommy. P.C. Donegan was sent to search for him, but his search seems to have been of a very perfunctory kind, in that he never went beyond a radius of three miles from the spot where Tommy was last reported to have been seen. (Q. 1917.)

Rumours were rife amongst the blacks that Tommy had been shot by Overheu, and apparently Tommy could have given material evidence against Overheu

and the rest of the police party, as he, according to Juberoo, actually disclosed the part enacted by the police party. There is no proof that Tommy was thus disposed of. A statement was made to me in Wyndham that an Afghan had said that while searching for camels he had seen Overheu actually shoot Tommy. I visited the Afghan camp personally and questioned an Afghan answering to the description of the one alleged to have made the statement, but he denied all knowledge of having seen anything of the kind, or of even knowing Overheu or Tommy. Overheu said he had heard that Tommy had since been seen at certain distant places, one being Sing's Garden and another Speewa Station, 90 miles from Wyndham. (Q. 998, 9.) Yet no effort was made by Overheu to produce him and show by Tommy's presence the untruth of the rumours of his having shot the boy.

#### POLICE METHODS.

Before going specifically into the evidence obtained, let me remark that the system of employing trackers seems to have developed into much more than the finding and following of tracks of suspected offenders, and that trackers are now employed as police boys actively engaged in police work by assisting at and sometimes actually effecting the arrest of offenders in the absence, temporarily, no doubt, of their white officers. As to the employment of armed aboriginal trackers, the evidence of the police officers generally is that it would be quite impracticable to attempt to use black trackers on an expedition for the arrest of wild bush natives unless the trackers were armed. If unarmed, the police say, the trackers would be in danger of being killed, and could not be induced to go after horses or indeed any distance from their white officers. An instance was given of an unarmed tracker, whilst rounding up horses of a police party, having been speared by natives. The method of locating the whereabouts of a suspected criminal black is to send the trackers ahead for perhaps a mile or more, as on the occasion of the capture of Lumbia. The trackers locate the wanted black, return to the police camp and report, and at about daylight next morning a raid is made by police officers and trackers while the occupants of the blacks' camp are still asleep. The camp is surrounded, and the whole of the inmates are captured.

The evidence of Herbert and Aldoa, mission boys tracking for the police, supported by the statements of police boys Sulieman and Windie, satisfies me that Constables Regan and St. Jack did not accompany the trackers at the actual capture of Lumbia. The trackers, armed with rifles, were sent out a distance of several miles without the restraint or supervision of their white officers. This action on the part of two constables is a breach of the police regulations. (Q. 2632.) I am of opinion that such tactics should be discontinued and that no native armed with a rifle should be allowed to take part in the arrest of a criminal unless under the immediate and actual control of his white officer.

I was pleased to hear from the Chief Protector of Aborigines that the Police Department render his department magnificent assistance. Throughout the State, police constables are often appointed protectors of aborigines, and have given yeoman service, but there are exceptions to every rule. (Q. 2476.) After twelve years' service as resident magistrate in

the North-West, I am pleased to add my testimony to that of Mr. Neville. Much controversy and correspondence has taken place between the Aborigines Department and the Police Department on the question of the employment of black trackers, and the shooting by both police and trackers of natives for whose arrest expeditions have been sent out. In 1922 the Chief Protector of Aborigines wrote protesting against the arming of trackers and gave his reason. (Q. 2477.) He says the Commissioner of Police told him the trackers were not armed, but the records show that they were armed. He speaks about the promiscuous shooting by trackers and takes strong exception to it. He also objects to the employment as police boys of blacks that have been imprisoned for tribal murders. He gave an instance of a party of armed trackers having been sent out alone to capture a criminal. (Q. 2478.) He states that the present practice of arming trackers and making them police boys doing police work, instead of merely assisting to find and follow tracks, is calculated to inflame the black with ideas of superiority over his fellows and make him a real danger to them. In some instances he has found it necessary to prohibit the return of such a native to his own country on this account.

I am of opinion that the Police Department as a department have done all they could to secure an inquiry and assist to elucidate the several questions submitted to the Commission for investigation. It was at the instance of the Commissioner of Police that the Commission was appointed. That the Police Department have not received the support that they have a right to expect from the police stationed at Wyndham seems only too evident. Witness Inspector Douglas's own words to the Commissioner of Police—

It is going to be an extremely difficult matter to definitely prove anything with everyone in the district except the Rev. Gribble up against me. He is so cordially hated that most men here will go to any measure to thwart his object. (Q. 2379.)

Further, he suggested by telegram that two experienced detectives be sent North, and added—

Have no suitable police this end to assist me. (Q. 2380.)

The Chief Protector of Aborigines referred to a shooting episode on the Durack River on the 23rd July, 1922, when a number of natives were rounded up and shot by police boys. A half-caste named Harry Annear had been murdered, and police parties were sent out to arrest the culprits. The Chief Protector then wrote to the Minister as follows:—

No doubt the police did their duty according to time-honoured methods instilled into the force from the earliest days of the State's history, but I am nevertheless bound to express the opinion that these methods are wrong and not in keeping with the time. They can only force them (the natives) to regard us as their enemies, and postpone our chance of making them law-abiding and useful people for many years to come. (Q. 2622.)

The Commissioner of Police in his evidence stated that there was no provision in the regulations he enumerated against arming native trackers, the reason being that no native assistant would do the work unless he was armed. (Q. 2633.) It was impracticable to utilise natives unless they were armed (Q. 2634), thus making the administration of aboriginal affairs extremely difficult. (Q. 2479.) Several suggestions for the better treatment of blacks and their use as trackers were made by the Rev. Gribble. (Q.

169.) The Chief Protector of Aborigines agreed on the whole with those suggestions, but also proposed that the duty of arresting natives and dealing with offences by native against native should be left in the hands of the Aborigines Department. This suggestion is doubtless made with the vexed question of tribal murders in mind, and it has been urged that when the natives merely carry out their tribal laws in dealing with the offenders, there should be no interference by the white people. This proposal, however, is beyond the scope of the Commission, and I do not feel that I am required to comment upon it.

The question of harsh treatment meted out to prisoners whilst on the march was also mentioned, and a painful case was cited. (Q. 2513.) The treatment of native prisoners and witnesses has been provided for under the Police Regulations, as pointed out by the Commissioner of Police (Q. 2632), and instructions are given, he says, to police officers to adhere strictly to those regulations. If the regulations are not obeyed, the blame would appear to lie with the unit of the force who fails to observe them rather than with the Police Department. He pointed out that in February, 1905, file 4002/11, a minute was addressed by Sergeant Buckland, then in charge of the police at Derby, to Constable Wilson as follows:—

The Commissioner of Police instructs that under no condition, unless absolutely necessary, should firearms be issued to native trackers. You will see that these instructions are carried out.

The reply was written by Constable B. J. Forbes of Isdell Station, dated 25th May, 1905, as follows:—

I respectfully beg to report *re* your file 700/04 and C.O. supplying firearms to native trackers. I consider it necessary at all times to allow the trackers firearms at Isdell Station when horse-hunting. Since Constable Sullivan's tracker was speared on the Barker River while horse-hunting, the trackers at Isdell have refused to go horse-hunting unless they had a revolver. I have sent them out on several occasions and they have returned and said, "Horses long way and I can't go unless I have a revolver." (Q. 2635.)

The Commissioner of Police considered that the present system of employing and arming trackers was all right so long as the regulations were carried out. (Q. 2636.) It is the duty of the district officer to see that the regulations are carried out. The Commissioner of Police also stated that Constables Regan and St. Jack, the two constables concerned, possessed a knowledge of the requirements under the regulations dealing with aborigines.

The Rev. Gribble submitted a list of fourteen suggested reforms in reference to police methods (Q. 169), some of which might well form the subject of discussion between the Police Department and the Aborigines Department. The proposal that, where possible, expeditions for the arrest of native criminals should be accompanied by a protector of aborigines is worthy of consideration, provided the protector was independent of either the police or the parties interested in the apprehension of the offenders.

Since returning from Wyndham I have noticed statements in the daily Press suggesting that undesirable or unwanted natives were deliberately disposed of by poisoning. Rumours to that effect certainly reached me in Wyndham, but the scope of the Commission was restricted, and did not permit of my investigating them.

## FINDINGS.

Having detailed the story of the police expedition and commented upon the evidence, there now remains only the duty to set out categorically the findings at which I have arrived under the five headings mentioned in the Commission. I find—

(1) That the actual arrest of Lumbia, the murderer of Frederick William Hay, was accomplished beyond Dala by the black trackers in the absence of their officers, Police Constables Regan and St. Jack; that at the time of the arrest those officers were in camp some miles distant from the scene of the arrest; and that all the black trackers at the time were armed with firearms.

(2) That in June, 1926, four aborigines met their death and their bodies were burned near Gotegotemmerrie, and that three aborigines met their death and their bodies were burned at Mowerie; that the aborigines at the time were in the custody of Police Constables Regan and St. Jack, assisted by Special Constables Patrick Bernard O'Leary and Richard John Jolly, accompanied by civilians Leopold Rupert Overheu and Daniel Murnane and trackers; that the aborigines met their death at the hands of one or more of those members of the police party, but there is not sufficient evidence before the Commission to establish definitely the actual perpetrator or perpetrators of the murders.

(3) That four aborigines met their death and were burned near a place called Dala about the end of June, 1926, while in the custody of Constables Regan and St. Jack, and that the only persons responsible for those deaths were Constables Regan and St. Jack.

(4) That the aborigine Tommy was last seen in the company of Leopold Rupert Overheu on the way to the bush between the 9-Mile and the 10-Mile, *i.e.*, from Wyndham; that the evidence before the Commission discloses no proof that Tommy, as was alleged, had been shot by Overheu.

(5) That the practice of arming native trackers is necessary, but the regulations governing the super-

vision of armed trackers are not properly observed. Armed trackers are permitted to get so far away beyond the control of their white officers as to render those trackers a menace to the natives against whom they are operating.

## CONCLUSION.

In conclusion, let me add a few words of appreciation for the assistance and consideration afforded me throughout the inquiry. The Rev. E. R. B. Gribble, of the Forrest River Mission, had a very unpleasant duty to perform, and must have experienced much anxiety in performing it, but he never allowed any personal consideration to stand in the way of facilitating the inquiry. The mission launch was always at our disposal; our stay at the mission during a very trying season of the year was made pleasant by many kindnesses, and arrangements were completed by Mr. Gribble at very short notice for the Commission's visit to Dala. To Inspector Mitchell my thanks are due for his indefatigable efforts to make smooth the course of the inquiry. His knowledge of the aborigines and their customs proved of the greatest assistance on many occasions. Inspector Douglas also rendered substantial and willing help in a grave and difficult position. His organising of the trip to the mission and his care to see it carried through with a minimum of discomfort were keenly appreciated. My best thanks are reserved for my energetic and capable secretary (Mr. J. S. Bridgman) of the "Hansard" staff. I cannot estimate the splendid work he has done and the labour he has saved me. Throughout the inquiry he has paid daily and diligent attention to the task, and I am deeply grateful for his kindly and efficient service.

I have the honour to be,  
Your Excellency's obedient servant,

(Sgd.) GEO. T. WOOD,  
Royal Commissioner.

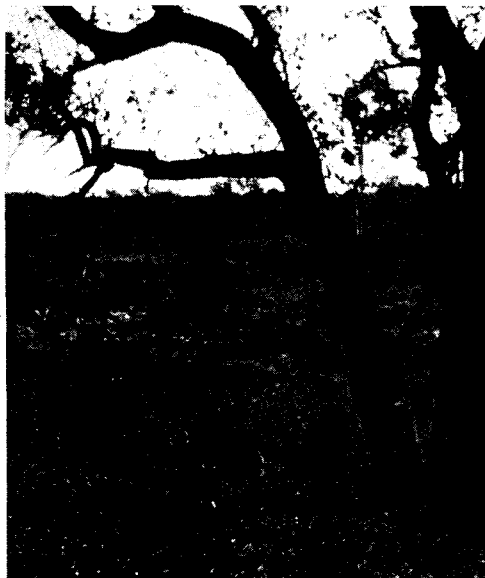
21st May, 1927.

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PHOTOGRAPHS PRODUCED AS EXHIBITS TO ROYAL COMMISSION.



Dala, where four prisoners alleged to have been chained and shot. Left lower limb marked as if by bullet. Exhibit C, page 9.



Gumbool, alleged to have been shot at Dala. Exhibit D, page 9.



Dala, scene of fire on rocky bed of creek. Jam tin marks centre of fire. Exhibit C, page 9.



Mowerie fire spot, where three women alleged to have been shot and burnt. Rev. Gribble (left) and mission boy Ronald (right) searching amongst ashes and charred bones. Exhibit A, page 8.

# Notes of Evidence.

At DARWIN.

FRIDAY, 25th FEBRUARY, 1927.

Commissioner: G. T. Wood, Esq., S.M.

Mr. W. M. Nairn represented individual members of police and other parties mentioned in the matter.

Rev. E. R. B. Gribble represented the Australian Board of Missions.

Inspector E. C. Mitchell represented the Aborigines Department.

Inspector W. A. Douglas represented the Police Department.

1. The COMMISSIONER: If the inquiry had been commenced in Wyndham I should have started with the evidence on which the charges were formulated, that is to say, the evidence of the Rev. Mr. Gribble and that of Inspector Mitchell, but as we had a witness in Darwin whom it would have been inconvenient to take to Wyndham and keep there for two months, the Commission have come to Darwin in order to take his evidence. We will not go fully into the opening at present but will proceed with the taking of the evidence of the witness Jolly.

RICHARD JOHN JOLLY, labourer, formerly of Wyndham, sworn and examined:

2. By the COMMISSIONER: At the latter end of May last you were in Wyndham and there was a report of the death of Frederick William Hay, who was supposed to have been killed by natives on the Nulla Nulla Station?—Yes.

3. You formed one of the party sent out to search for the perpetrator of the murder and were sworn in as a special constable?—Yes.

4. Will you take up the story from the time you were sworn in?—I left Wyndham in company with Constable Regan, Special Constable O'Leary, Daniel Murnane, and police trackers Jim, Suliehan, Charlie, and Frank on the 1st June and went as far as the pumping station, 20 miles from Wyndham. Then we went to a camp on the creek. I do not know the name of it but I think they called it Snake Creek. We came to another creek the name of which I do not know. Eventually we reached Nulla Nulla Station on the 4th day after leaving Wyndham. At Nulla Nulla we saw Constable St. Jack, L. R. Overheu, and the boys Tommy, Jacob, and Joe. Tommy had a gin with him. We joined forces and started out next day in a westerly direction, I think, or it may have been a bit north of west.

5. In the statement you made to the police you said you went south-west?—It would perhaps be south-west or west; I am not sure of the direction. We camped there.

6. That was the first day out. Did you see any natives at all?—No.

7. Were there no natives at all about there?—None apart from the trackers.

8. You are certain you saw no natives?—There were no natives. On the following day, 6th June, we proceeded on in the same direction or we may have gone a little north of the original direction. We camped for the night.

9. Did you see any natives that night?—No.

10. Or during the day you were travelling to that camp?—No.

11. Is it not rather singular that you saw no natives? I believe there are a lot about that part?—I did not see any.

12. Are you positively certain about that?—Positively certain. On the following day, 7th June, we divided the party. One of the police constables went with each party. I went with St. Jack. The other members of his party were O'Leary and trackers Suliehan, Jim, Charlie, and Joe.

13. Nulla Nulla Station is south of the Forrest River Mission Station?—Yes.

14. When you split into two sections did your section go towards the Forrest River or still westward?—We went north-west, I think.

15. That would be in the direction of the Forrest River?—Yes.

16. In what direction did the other section go?—They must have gone south-west or west; I do not know.

17. You were still travelling in a westerly direction?—I think we travelled mostly in a westerly direction.

18. You went to the north of the other section?—Yes.

19. Then you would be getting up towards the mission station to a certain extent?—Yes, I think that would be the way.

20. What arrangements were made about meeting?—The police had a talk between themselves; I did not hear what they said, but I understood that we were to meet them the next day or the day after. One would cut the other's tracks somewhere.

21. If you were south of the Forrest River and proceeded north-west it would take you towards the Forrest River?—Yes. We were to meet somewhere in a westerly direction from where we parted.

22. Or north-westerly?—Yes.

23. There are certain places in a north-west direction from Nulla Nulla. Do you know Gotegote-merrie?—No.

24. In your statement to the police you said you did not know the names of those places?—That is so.

25. For your information Gotegote-merrie is about 14 miles to the west of the Forrest River Mission. You were travelling from Nulla Nulla in a north-westerly direction and were therefore going that way?—Yes, if I am right in my idea of the direction.

26. When were the two sections to meet again?—I did not hear any special time mentioned. We travelled west or north-west and the other section went south-west. They were to circle round and either we would cut their tracks or they would cut ours. That is what I understood from the conversation.

27. When you parted from the other section how far did you go in that direction?—About 15 or 16 miles; it is hard to tell in that rough country.

28. In your statement you said 14 miles?—It would be 14 to 16 miles. Then we camped.

29. How far is Nulla Nulla from the mission?—I have heard it is 25 miles south. When we camped that night the trackers were sent out to see whether they could locate any tracks, natives or camps.

30. Did you see any natives that day or that night?—No.

31. When the trackers returned what was their report?—That they had seen nothing.

32. Had you been out in that district before?—No, never.

33. What labouring work were you doing in Wyndham?—On the wharf.

34. Had you done any native tracking at all?—No.

35. Who asked you to become a special constable?—I had been working at the meatworks, but I fell out with the manager, walked off the works and was out of

a job. It was the talk of the town that the police were going out and that they wanted special constables. It was a matter of bread to me and I applied for the position.

36. So you had had no prior experience of natives or the tracking of natives?—That is so.

37. You have told us what happened on the first day out after parting company with the others. What happened on the following day?—We travelled approximately in the same direction, north-west I think, but I cannot be certain. We covered 14 to 16 miles that day. The only way I could judge the distance travelled was by the time we were riding. If the country was rough, we could not travel far.

38. Then you camped and went on next day. Did you find any natives?—No. On the following day, the 10th, we picked up the other section.

39. Are you sure it was the tenth?—Yes, it was three days after parting.

40. You camped there. Do you know the name of the camp?—No.

41. Was not it Wodgil?—I do not know.

42. Did you hear the name Youngada?—No.

43. Are you sure?—Certain.

44. Did the police make any mark on a tree to show that they had camped there?—I did not see any nor do I know of anyone who made a mark on a tree, but the police may have done so. I shod some horses there that day.

45. Were the trackers sent out again that day?—Yes, they generally went out in the evening.

46. Did they make any report?—They reported that they had found no natives. They always said there were no natives.

47. According to a sketch I have, you were getting close to Gote-gote-merrie if the police camped, as is alleged, at Wodgil. Are you sure you do not remember the name Wodgil?—No. If I had heard any of those names I should probably have forgotten them.

48. Did not you see a tree in which had been cut the police mark, the letters "O.L." and the date?—No.

49. Are you certain you did not see it?—Yes.

50. When did you make the next move?—On the morning of the 11th. We seemed to go in the same direction or we may have gone to the north. In rough country like that we would be going in all directions. Our next camp would be north-west or west from the other, probably west.

51. According to your statement to the police you rested in camp on the 11th. Was it not on the 12th that you started again?—We did shoe some horses and we did have a day's rest. It must have been the 12th when we started. We moved in a south-westerly direction and camped on a creek.

52. Did you see any natives on that day?—No.

53. None at all?—No.

54. Did the boys go out to look for them?—Yes.

55. Did they report that they had not seen any at all?—Yes. On the 13th we proceeded together and camped that night. On the 14th we proceeded again.

56. Was any report made that evening?—Yes, the boys located a camp of natives six or seven miles away. I cannot say exactly in what direction. The boys reported a big mob or a good mob of natives. I heard them tell the police that. I do not think they had been too close to the camp. On the following day we got out early and surrounded the camp. The gin and one of the boys were left in our camp. All the whites went out and surrounded the camp.

57. Did you have the trackers with you and under control or did you send them forward?—The trackers took the lead. Sometimes they would be a couple of hundred yards ahead.

58. Were the trackers all armed with rifles?—Yes.

59. What ammunition had they?—I think the police gave them only one or two cartridges. I have heard the police say it would not do to give the boys a lot of ammunition. The police had to account for their ammunition.

60. Do you know personally the number of cartridges they had?—No.

61. The trackers were sent on a couple of hundred yards when you were surrounding the camp?—No, when we got within a certain distance the police and the boys were mixed up.

62. Were the boys, on approaching the camp, under the control of the police?—Yes.

63. Were the police in a position to control their actions and restrain them from firing?—Yes.

64. There is no question about that?—No.

65. A large number of natives, male and female, were captured in the camp. How many were there?—Between 25 and 30.

66. Did you know the names of any of them?—No; they had only native names. I did not hear any names mentioned by the police. If I had, I would not have remembered them.

67. How long had you been in the Wyndham district?—I had been at the meatworks for about six years but had had nothing to do with natives.

68. You did not employ natives or anything of that sort?—No.

69. I suppose you knew a few of the town natives by name?—I did not even know them.

70. Did you hear any names that you might have forgotten?—I cannot say that I heard any of them. Probably when the police were questioning them I heard some names, but I would not remember them.

71. Were you present when the police were questioning them?—Yes, perhaps for a few minutes, but I think I was cooking that day. The police did all the questioning.

72. If I mentioned a few names would it bring them to your memory?—I do not think I can remember native names.

73. Did you hear mentioned Boondung, Delagai, Gumbool or Juberoo?—I cannot remember having heard any of them.

74. I do not suppose it is likely that you would, either. When you surrounded the natives what took place?—We surrounded the camp about daylight. I think the natives were all asleep. They were quiet. Tommy was the interpreter.

75. What took place to get possession of the natives?—It was dark when we sneaked up and made a great noise.

76. Were any shots fired?—No.

77. Are you certain of that?—No.

78. Did not you hear any shot fired?—As near as I can remember no shot was fired.

79. If any firing took place you would not be likely to forget it?—I would remember it.

80. You are positively certain that no shot was fired?—I do not remember any.

81. If a shot was fired you would have heard it and remembered it. Will you swear on your oath that no shot was fired?—I will swear that I did not hear a shot.

82. If a shot was fired you would have heard it?—I should have heard it.

83. And you did not hear it?—No.

84. Then will you say that a shot was not fired?—I say I did not hear a shot.

85. You say not that a shot was not fired but that you did not hear any?—I say I did not hear any. I do not think a shot could have been fired without my hearing it.

86. You have not yet said that you swear no shot was fired?—I say that I did not hear a shot fired.

87. You will not say that a shot was not fired?—No.

88. Was there any attempt by the natives to break away?—No, they submitted quietly.

89. There was no hustling?—No, they were all apparently sick with influenza. All the trackers had influenza and the natives seemed to be suffering similarly.

90. The natives were interrogated by the police through Tommy the interpreter?—Yes; we questioned them at our camp and they were all allowed to go away next morning.

91. Do you swear that no harm came to any of those natives?—Yes.

92. You remained in that camp all that day and the night?—Yes. On the following day the party divided again. Regan, O'Leary, and myself and trackers Jim, Sulieman, Frank, and Charlie left for the mission station to get stores. The other section left for Nulla Nulla Station.

93. The mission was the nearest place to get rations?—Yes.

94. In your statement you said the other section were going to Nulla Nulla for meat?—That is correct, and they were also going to send word to Sergeant

Buckland to send stores by the launch to the mission. We were going to the mission to get the stores, the intention being to search for Hay's murderer afterwards.

95. Murnane went with the other party?—Yes.

96. Was Murnane with you when you surrounded the native camp?—Yes.

97. What were the arrangements between the two sections after the party divided?—We were to go to the mission and wait until the launch came out. The other section were to go to Nulla Nulla station for beef. Murnane was to go into Wyndham by dinghy from Nulla Nulla and St. Jack and Overheu were to take the meat to the mission and rejoin us there. Looking at the sketch before you I should think that the police camp No. 2 would be further north than the spot shown on the sketch. To me the sketch seems to be wrong.

98. In returning to the mission you would go very close to Mowerie and Gotegotemerie?—Yes.

99. Did you see any signs of natives there?—No.

100. Did you make any notes of your travels in any book?—When we started I kept a rough diary for four or five days and then knocked off. I lost the diary at the mission.

101. From the camp where you released the natives you were three days travelling to the mission, which was reached about the 20th June. On the way to the mission did you see any natives?—No.

102. Although you passed Mowerie and Gotegotemerie you did not see any natives or signs of natives?—If we passed those places, I did not.

103. Did you see on your way signs of any fires having been made in any camp?—The only places where I saw signs of fire were in the old camps of blacks and where there had been bush fires.

104. Did you see any distinct signs of a fire much larger than an ordinary fire in the bed of the river or anywhere else?—No.

105. While you were travelling to the mission the trackers were out searching for natives, I suppose?—Yes, they had a look around but did not seem to go too far. We were eating waterlilies on the way across because we had nothing else.

106. You got to the mission on the 20th and waited for St. Jack's section till the 22nd June?—Yes.

107. The launch came from Wyndham with Sergeant Buckland on board and then you were told that you were discharged from your duties and were to return to Wyndham in the launch with Buckland?—Yes.

108. You left the mission on the launch next day, leaving the remainder of the party at Wyndham?—Yes.

109. You say you swear on your oath that the only natives, either dead or alive, you saw on the whole of that trek were the natives you rounded up at that camp on the 15th June, excepting of course the trackers in the party?—Yes.

110. There were no reports of other natives having been seen by the trackers or the boys?—No.

111. You heard nothing about any natives being shot or burned either on the trip or when you were at the mission?—That is so.

112. You do not think any shooting or burning of natives could have been done by the party you were with without your knowing of it?—That is so.

113. You are certain that if anything of the kind took place it would be known to you?—Yes.

114. You on your oath declare that no such thing occurred to your knowledge or that you heard of any such thing?—That is so.

115. By INSPECTOR MITCHELL: You said that Tommy's woman was left at your camp while you surrounded the native camp. Was she left with her own man or with another man?—Tommy's gin was left behind with another man, Jacob I think.

116. By REV. GRIBBLE: When you discovered the native camp that you surrounded, did the police find it through a native guide whom they found and who led them to it?—The natives discovered the camp and guided us to it.

117. Did you hear of a native guide having been found and of his having guided the police to the camp?—I did not hear of it.

118. Do you remember hearing Regan state to me and to others at the mission station that they had seen

no natives whatever on the trip?—I did not hear that. Regan was speaking to you by himself.

119. Do you remember my having lunch at your camp?—I think you had a cup of tea there.

120. We killed goat for you and I had lunch at your camp?—Yes.

121. You had a certain amount of food in the camp?—We may have had tinned food but we had no beef. We had not had beef for four or five days. I think we had a tin of jam and some flour left. We ate the last of our camp pie before we reached the mission. Regan and I went over to get provisions from you.

122. By INSPECTOR DOUGLAS: Are you sure that the native Jacob was with the party at any stage?—As far as I know blacks' names I think Jacob was there. Tommy was the only boy who could speak the language.

123. By Mr. NAIRN: When you made a second division of the party on the 17th and your section went to the mission for supplies, did you hear anything of another gin?—At one place where we camped for dinner we saw some smoke down a gorge. The trackers were sent to find out whether it was caused by natives. The country had been burnt; there was no grass and the horses had rambled away. I went to fetch the horses. When I returned the others told me that an old gin had come to the camp and said they thought she would die at any time—she was so old and thin and sick looking. The water was in a deep gorge and we were camped on the bank. By the time I got back the boys had returned and were having their dinner and we began putting the packs on the horses. I was told that the police had given the gin food and that she had gone to the waterhole. The others reckoned she was a freak and told me to see her, but I did not see her. We put the packs on and went straight away.

124. By the COMMISSIONER: Tommy was employed by Overheu?—I think he used to work for Overheu.

125. There was a question of some animosity between Overheu and Tommy?—Overheu seemed to think Tommy was a very good boy and he seemed to do his work all right. I did not hear Overheu say anything to him.

126. Do you know that he ran away from Overheu?—Yes.

127. And that Overheu took him back just after they returned from this tracking party?—I do not know that. I left Wyndham before that.

128. By REV. GRIBBLE: When did you leave Wyndham for Darwin?—After I left Wyndham I worked at the Ord River on road work.

129. After being disbanded how long were you in Wyndham before you went to the Ord River?—I returned to Wyndham on a Friday and left Wyndham on the following Tuesday.

130. But you have been in Wyndham since?—Yes.

The Commission adjourned.

AT WYNDHAM.

TUESDAY, 1st MARCH, 1927.

131. The COMMISSIONER: Before commencing the taking of evidence this morning I wish to draw the attention of witnesses to the fact that this is not a judicial inquiry such as a police court or the Supreme Court. It is a Commission of inquiry and the rules of law relating thereto are somewhat different. In a judicial inquiry a witness may be cautioned and told that his evidence will be taken down in writing and may be used in evidence against him at any subsequent proceedings. Here it is not so. This is merely an inquiry by Royal Commission, so that no witness will be cautioned in that way and therefore any statements made could not be used against him in the same way that they could if he was cautioned at a judicial inquiry in the ordinary way. Witnesses therefore are protected to that extent and that may be the means of their feeling not so bound as they might otherwise be regarding the consequences of what they might say of themselves personally. I wish to make that clear because I think the suggestion gets abroad that, if a witness gives evidence at this inquiry, it may be used against him at

a judicial inquiry later on. Witnesses will not be cautioned, and therefore any statements made even on oath cannot be used against them subsequently in the absence of a caution. I do not propose to caution them in the course of this inquiry.

ERNEST RICHARD BULMER GRIBBLE, Clerk in Holy Orders, Head of the Forrest River Mission, Justice of the Peace, Official Visitor to the Wyndham Gaol, sworn and examined:

132. By the COMMISSIONER: What is the Forrest River mission?—It is an aboriginal mission founded by the Australian Board of Missions. It operates in a church reserve of 100,000 acres which is within a reserve of 3,000,000 acres granted by the Government of Western Australia. My duty is to christianise the natives, advance their state and teach them industrial, agricultural, and pastoral habits and form a settlement. We have 175 natives permanently resident, of whom 57 are children, and 800 names on our visiting list. The latter come mainly from the north coast.

133. The following men were reported missing on the 6th September:—Boondung, Boondung, Damunda, Delagai, Gumbool, Wearie, Biamie, Jumbarie, Gungooloo, Gumbool, Doomaranga, Juberoo, Ayedamay, Umbilijie, Ninuroo, Jibarie. Were they visiting natives?—All those men had been visiting the station for the last 14 years.

134. The following women were also reported missing:—Goorlay, Woorawoola, Yowan, Minniwalla, Nullgara, Mareo, Wunulla, Ahloo, Jemull, Gumbaringa, Marga, Bungomerrie, and Urinie?—Except Minniwalla they were all on our visiting list.

135. Were they regular visitors?—Yes, there were in the immediate vicinity of the mission station.

135a. How often would they visit you?—They came and went frequently at irregular intervals.

136. Have any of them been seen lately?—Not since June of last year.

137. Do you know why they have not been there? Have they been dying from disease?—That list does not include a number of old people who died from influenza.

138. Nothing has come to your actual knowledge that those people have been seen since June or have died from disease?—That is so.

139. On the 27th May last you reported that some natives gave you certain information?—May I make a statement first. I would like to impress upon you that I have not had any communication with the Press either by pen or interview here or in the other States. The only communications have been made to the proper authorities, in the first instance as a protector to the Chief Protector of Aborigines, secondly to the head of my church in this State, he being president of the Western Australian branch of the Australian Board of Missions. A mail later I communicated with the Board of Missions, Sydney, of which I am an employee.

140. You have not made any personal effort to ventilate the matter? You have moved through your department?—Yes, through the authorities to whom I am responsible.

141. I have received a communication from the Board of Missions certifying what you have told us. Proceed with your story?—I quote the following from the mission log:—

27th May. News brought us to-day that police boys Windie (Joe) and Tommy killed old blind man Umbilijie with butt of rifle and then threw body into the water. Some native women, Angelina Mulung being one of them, found body and buried it somewhere on the Pentecost side of Durack River. Previous to this large numbers of natives had passed from the north to the south, a very unusual thing, and to the westward.

142. Have you any knowledge of the object of their migration?—I think it was owing to the fact that in the previous year Hay and Overheu had a cotton crop and got a lot of natives to pick it. Hay and Overheu looked after them well and killed beef for them. Many were natives from the coast, the Drysdale mission. At that time the Drysdale mission launch had been lost and the head man passed through the Forrest Mission station and saw his own people there. They moved on and the head man came to Wyndham. I got uneasy about the presence of such a large number of natives moving off the reserve to the south and I sent a messenger to

try to overtake one section and get them to return, and especially to get the Drysdale natives to accompany their head man who was going overland. The messenger found they had moved on and followed them into a prohibited area. He met the police and was put in gaol for being on a prohibited area. The messenger was Ernest, one of the mission boys, and I had not given him a letter to show the object of his being there. That was just prior to the murder of Hay.

143. The fact of a large number of natives migrating into the south would have some effect I suppose on the food supplies there and might lead to their killing cattle?—Yes.

144. Was there much cattle killing by natives at that time?—In the previous year I heard that although Hay and Overheu were killing beef for the natives, they were killing cattle in the west. Knowing there was no cotton to pick and thinking cattle killing would result I made an effort to get the natives to return.

145. On the 27th May you heard about the native being killed?—Yes, he was the father of Umbilijie, one of the boys on our station. On the following day two natives named Aldoa and Mirong reported the death of Hay. At the mission the log is kept in my absence and some of the entries I shall quote were written during my absence. On the 28th May the nursing sisters told me they could not understand why the natives passing the station seemed to be in a state of fear and fright. In my log of the 28th I say, "I wonder what truth there is in all this. Time will show." On the 1st June I was in Wyndham and saw the police and special constables leave to effect the capture of Hay's murderer. I quote the log as follows:—

9th June. Great excitement over the death of Hay. Body was found with only boots on. A party left on Wednesday, two constables and three trackers, to secure the murderers. . . . . Of course the mission is blamed and myself in particular.

21st June. The police in search of the murderer of Hay came on the reserve this mid-day. Two of the police, Constable Regan and Special Constable Jolly, came up to the settlement.

146. Who were in that party?—Constable Regan and Special Constables Jolly and O'Leary, and trackers. Regan told me they had seen no natives at all prior to reaching the mission. One of my staff, Mr. Thomson, was present when Regan said that. I told Regan our sisters were treating a native for a shot wound in the leg. Regan said he did not know how that could be. He acknowledged having given tracker Joe a shot gun and a couple of cartridges but said that Joe had returned the gun saying it was no good and had asked for a rifle. One of the sisters also reported that a man Lambdilla visiting the station had a buttock full of buck shot. I saw that man.

147. Were you satisfied that it was shot?—Yes, he has been getting the shot out ever since.

22nd June. Aldoa told me the following this evening as regards Hay's death: Hay rode to the river and thrashed Lumbia with his stockwhip across the head and face. Lumbia fell down and then jumped up and stabbed Hay with his shovel spear. Goolool was witness.

23rd June. Overheu and Constable St. Jack arrived at the police camp to-day.

24th June. Government launch arrived this evening. On board Government launch Sergeant Buckland, Captain Douglas, Mr. Pretlove. Launch came out with supplies for search party.

The following entries were made by Mr. Thomson:—

25th June. Rev. Gribble left this morning for Wyndham in tow of Government launch. Special Constable Jolly left search party and went into Wyndham on launch. Mr. O'Leary left party and made overland for Wyndham.

26th June. Search party left at dawn going north. Aldoa and Herbert with party.

I had left instructions for both those boys to go with the police. I had told the police the story I had heard as to the murderer of Hay and where he was

to be found. That was to the north of the mission station. I also pointed out that there was no need for bloodshed because the natives were anxious for Lumbia to be taken as they themselves did not feel sure. Herbert is a mission boy and Aldoa a camp boy.

148. Who composed the party?—Constables Regan and St. Jack and the police trackers, together with Herbert and Aldoa.

149. How many trackers were there?—I do not know. Some of them came to the station and I heard that there was a disturbance. Charles, the son of Umbilijie, was in a terrible state, knowing that Windie or Joe was there, and I realised that there was likely to be a fight. I went up to prevent a disturbance and found Frank, Jim, and Joe. That is the only time I saw the trackers together. I suggested to Regan that as there would be no trouble whatever to get Lumbia, he should send his boys and my two boys unarmed.

150. Were those natives armed when they left the station?—I cannot say. They were not carrying firearms at the station. They walked up from the police camp. To my suggestion that the boys should be sent to get Lumbia, Regan replied that he could not do it as the regulations or orders forbade the boys being sent alone; the police had to accompany the trackers. The following entry was made by Mr. Thomson on the 28th June:—

28th June. Mee-alaman arrived and reported search party camped Dala.

The party were going up to capture Lumbia. Then follows this entry—

30th June. Rumour of police boys shooting blacks at Mongonea.

I might explain that the natives divide the country into districts and adopt local names as well. Mongonea is a district that includes Gotegote-merrie and Mowerie but not Youngada. On the 3rd July I made the following entry:—

3rd July. Heard to-day that some natives had been wounded and shot by the police before they arrived here last week.

151. From whom did you hear that?—I have no record of my informant.

4th July. Herbert and Aldoa returned from the police who are camped at Durraman (west of the station). They have captured Lumbia and two witnesses.

5th July. Went down to police camp; Mrs. Noble interpreted and we questioned the natives. Lumbia admitted spearing Hay. Hay assaulted him over the head with the butt of the handle of his stockwhip and also over the back with the lash. Lumbia still has the scar on the forehead. He fell down; then jumping up he ran for his spear when Hay fired his revolver at him. Then the native speared him in the stomach.

On my arrival at the camp I found quite a number of natives on the chain; also not on the chain several women and children. I told Regan that he could not take that number of natives off the reserve. I also told him that any natives for Wyndham I would take by launch to save them the long journey round by land. He declined to accept my offer. By road it is six days' journey and by water only six or seven hours. I told him that it behoved me as a protector, a Justice of the Peace and Superintendent of the Mission to see that no irregularities occurred, and I insisted upon interrogating the natives so that only those required in connection with the murder of Hay should be taken to Wyndham. Regan said that I was against the police. I replied that I had done enough to show I was not against the police as I had given them provisions and guides and information to enable them to capture Lumbia. Mrs. Noble acted as interpreter and the police questioned through her from 9 a.m. to 5 p.m. Regan afterwards accepted my offer to take Lumbia, two witnesses and another man who had Hay's hat, into Wyndham. A statement made by Regan at that juncture was to this effect, "What about charging these other natives with cattle killing?" I replied, "I have no charge of cattle killing; the wanted man is Lumbia and the

others not required will have to be released." They were released.

152. There was no warrant out?—No.

153. Is a warrant always issued for the arrest of natives for cattle killing?—I do not think so.

154. INSPECTOR DOUGLAS: We would never effect an arrest if we had to issue a warrant. A constable goes out perhaps hundreds of miles and would have to come back to a justice, swear an information and return to the spot where the wanted native was. By that time he would have disappeared.

155. WITNESS: The next entry is by Thomson—

6th July. Launch left to-day with Lumbia and witnesses, in charge of Constable Regan. Kangooloo reported that police boys shot the following at Ungulgie:—Boondung (two), young Juberoo, Ungooloo, Mongool (F), Goolay (F).

156. By the COMMISSIONER: Where is Ungulgie?—I think it is in Mongonea. I accompanied the police with Lumbia into Wyndham. On the 7th July I met O'Leary at the hotel and he made the following remarks to me: "Look here, Gribble, I know the kind of man you are. If your own brother made a trip as regards the Aborigines Act you would go for him. If ever I catch you on my tracks in any nigger business I will put a bullet into you."

157. Who were present at the hotel when that was said?—Maloney was there, but was chatting to other people. Mrs. Reckner, wife of the then hotel manager, was listening. I have not spoken to her about it since. There were also other people present. On the 21st July Thomson recorded in the log—

21st July. Sent Aldoa and Bargardenda away to search for bones of men who were reported dead being shot by police boys.

22nd July. Aldoa and Bargardenda arrived back to-day after searching for bones, but were unsuccessful.

During that period I was absent from the station having left on the 13th to take bullocks to Wyndham. I quote the following entry from my private journal—

Aug. 2nd, 1926. Yesterday (Sunday) I returned from Wyndham in the Government launch, which was bringing Mitchell (Aborigines Inspector) over . . . We are having a deal of excitement of late. In January Hay, part owner of the nearest cattle station; was speared by a native. The native story was to the effect that the murder was done by a bushman named Lumbia, and that there were only two witnesses, his wife and another woman. In Wyndham I found great feeling against me; in fact I was blamed for the whole business. Special constables were sworn in and two police and another native boy left for the scene. Ten days or so afterwards they arrived at the mission. In the meantime I made inquiries and got the whole story and also the whereabouts of Lumbia. I suggested to the police that my boys and theirs should go unarmed and get him and that there would be no trouble. They demurred as they had to keep to orders and be with their boys. I sent Herbert, a mission boy and communicant, and a bush boy named Aldoa. They returned with Lumbia and the two women, also nine other men on the chain and some other women. I insisted upon inquiry on the spot. Mrs. Noble interpreted, with the result that Lumbia was kept in custody and the rest liberated. The two women and a man were kept as witnesses. I took the party into Wyndham. I could ill spare the time as I had to muster bullocks. Since all this we have had reported to us that prior to the discovery of Hay's murder the police raided a camp on their way from Wyndham and an old man, blind and decrepit, was brained by a native tracker with a rifle butt. His body was thrown into the water and afterwards some native women found it and buried it. It has also been reported that the police boys shot seven men, Boondung, Boondung, Wearie, Jumbarie, Damunda, Kangooloo, and Gumboc prior to their coming to the station, and that the poor bodies were burnt. Those men were all absolutely innocent. I will visit the scene and must move in the matter. A civilian (Overheu) has been with the police all the time. Then again it has been re-

ported to me that when the police left to capture Lumbia they gave my boys rifles and sent the boys, their own and ours, on by themselves to effect the capture, despite their regulations. Also that the white police shot an old man named Gumbool. This also must be investigated. O Lord how long! I leave to-day (2nd August) to attend inquest on Hay.

While proceeding with the bullocks, and when four days out from the station two boys came to me and reported that natives had been shot at Oombalie, six miles from Gotegote-merrie. I asked them to go back and find the remains but they would not do so.

158. By the COMMISSIONER: Was that report ever investigated?—Yes, when I got back. After arriving in Wyndham I handed Inspector Mitchell an open letter (dated 30th July, 1926) addressed to the Chief Protector of Aborigines, as follows:—

Since my last *re* the case of the murder of Hay a further development is as follows:—Whilst on my way across the Forrest River bound for Wyndham with cattle, information was brought to me by natives that during the period that the police party were on the aboriginal reserve and prior to their arrival at the Forrest River Mission, four native police boys captured and shot the under-mentioned natives and burnt the bodies. I had passed within three miles of the spot where this is reported to have happened, but was unable to go back. However, I sent two natives to get the remains and take them on to the mission. I intend visiting the place on my return. The natives reported as having been shot were innocent of any connection with Hay's murder. The following are the names given me by my informants:—Boondung, Boondung, Delagai, Damunda, Wearie, Jumbarie, Kangooloo, Gumbool. My informants also stated that these natives were at the time sick with "flu," which then was raging amongst the natives throughout the country. I would also like to draw your attention to the fact that Overheu, a civilian, was with the police party right to the mission and only left them when the special constables were dismissed. Ernest R. B. Gribble, Protector.

The following is a copy of a letter, dated 6th August, 1926, sent to the Archbishop, Perth, and to the Chief Protector of Aborigines, Perth:—

Sir,—The following is an account of recent happenings upon this aboriginal reserve. On 27th May last news was brought me by bush natives that the police from Wyndham had raided a native camp near the Pentecost River, south of here about 50 miles, and that a native named Umbilijie had been brained by a police tracker and his body thrown into the water from where it had been taken and buried by two native women. This old man was blind and decrepit. His son is among our mission boys. On the 28th further news came in that Hay had been speared by a native named Lumbia. . . . . (Memo.—Sentences expunged by order of the Commissioner.) Hay attacked Lumbia with his stock-whip and knocked him down with a blow on the head with the butt of the whiphandle. He still carries the scar of that blow. Jumping up he ran for his spear for up to that time he was unarmed. Getting his spear he drove it into the white man, who fell from his horse. An armed expedition set out from Wyndham, two mounted constables and two special police sworn in for the occasion, Messrs. Jolly and O'Leary. Overheu, Hay's partner, accompanied the party on his own authority, I understand. On the 21st June a section of the police arrived at the mission, that is 13 days after leaving Wyndham. They informed me in the presence of a member of my staff that they had seen no natives. On the 23rd the rest of the police party, with Overheu and two natives, turned up. In the meantime I had learned where the wanted man was and offered to send two mission boys to pilot them, and also told them that the natives were anxious for the man to be taken as they did not feel safe. On the 24th the Government launch came out with Sergeant Buckland on board. He disbanded the special police, having received orders to that effect. On the 26th the police with their trackers and our two boys left and returned on the 4th July with a

number of native prisoners on the chain, and several women and children. Previous to this, on 30th June, rumours came in that the police, prior to their coming to us, had shot a number of natives somewhere near the Ernest River, a day's ride to the west. The police with their prisoners camped near us and I went to them and told them that as a justice of the peace and protector I would not allow them to take any innocent natives off the reserve. I sent for Mrs. Noble to act as interpreter, as none of the natives spoke English. From the suspected native Lumbia, his wife and another woman was obtained the same story that I had already heard from the natives. Lumbia confessed his guilt as to spearing Hay and to being the only man in the affair. The other prisoners were then released, and I took the prisoner, witnesses, Constable Regan and two trackers to Wyndham. In due course the inquest upon Hay was held. Lumbia was present and gave evidence as to how it all happened. The two women also gave evidence. Strange to say, nothing of the (expunged) story came out. It seemed to me that efforts were made to make it a cattle-killing affair. The Inspector of Aborigines was present on behalf of Lumbia and even he seemed anxious to keep out anything unsavoury. Lumbia was committed for trial on a charge of wilful murder. As a matter of fact, it was simply a dispute between an armed white man and, at the outset, an unarmed savage, for he had left his spear some distance away when the white man rode up. The savage won. On 6th July a native came to the station and reported that a number of men and women had been shot and burnt near the Ernest River, giving their names. Whilst on my way to Wyndham with bullocks for the works natives came to me with the same report. On the 12th August I left the mission for the Ernest River accompanied by Mr. Mitchell and several natives to investigate the reports which had become so persistent. We found the camp where the police had evidently been for some time. In this camp were unmistakable signs of the presence of native prisoners. We could find no trace of these natives leaving that camp. I was confident that there had been a tragedy, though Mitchell seemed to think otherwise. On our way back I noticed some tracks coming down the range of hills and wondered what they were. On the 18th I took Mitchell back to Wyndham and, as I was leaving the mission, I told the Rev. James Noble to take certain men and go back and follow up those tracks. He did so and returned the day after my return from Wyndham. He had found the spot where a number of native men had been killed and their bodies burnt. He also found tracks of three native women who had been chained to a tree a short distance from where the men had been murdered. Their tracks were also in evidence right up to the spot where the men had been butchered, accompanied by one individual. Their tracks then led up the river accompanied by three shod horses' tracks. Mr. Noble was unable to follow these tracks far owing to the growing darkness. He also saw the trail by which the party of prisoners had been brought down from the police camp. He brought back a parcel of charred bones. On the 22nd August I left for Wyndham, taking Noble with me. I handed the parcel of charred remains to the medical officer there and sent you a wire. I then went and told Mr. Mitchell. Later in the day I asked him to go back with me, which he did. We left the same day and reached the mission early next morning, and left for the Ernest at noon. We went straight to the spot, being guided by Noble. Where the men had been done to death was a small tree to which the prisoners had evidently been fastened. Round this tree was a ledge of rock about a foot high. Dark stains were still visible, though great efforts had been made to clean up the declivity. Stones had been removed and the edges of the rock had been chipped. About 40 feet away to the north-east from this spot in the midst of the rocky bed of the floodwaters of the Forrest River was a large hole where a large fire had been. The fire must have been very fierce and large flat stones had been used to keep in the heat. When Noble found the place it had been neatly covered up, and large flat stones

and a log placed on top. In the ashes we found a quantity of fragments of charred bones and other matter. In a shallow pool about 20 or 30 feet to the north of where the fire had been were small heaps of charcoal and in these we found small portions of skull and other bones. We then followed the tracks of three native women and three shod horses. We followed them about six miles up the bed of the Forrest River. Both Noble and myself had come to the conclusion that these women had been liberated and I said, "Well, we will follow on to the top of that sandbank." We did so and, as we surmounted the bank, we all received a shock for there, facing us, were the remains of a large fire at the foot of a tree. Close by I noticed where horses had been tied for some time, as evidenced by the tracks and manure, and close by was the spot where a small fire had been lit to boil the billy. Searching among the ashes we found a quantity of teeth and fragments of charred bones. The tracks of the women led right up to the spot and, although we followed the tracks of three horses away from the spot to the north-west, we could find no traces of native women's tracks. We returned to the mission after visiting again the deserted police camp. On 26th August I took Mr. Mitchell back to Wyndham. Inspector Douglas arrived in Wyndham on the 28th, and on the 30th, in his company, I again left the mission for the Ernest River. We went over the same ground and, where the women were burnt, we found a large stone behind the tree near where the fire had been, and on this stone dark stains and a few human hairs, which the inspector kept. We also found the trail by which the prisoners had been marched to the place of execution. There are some thirty native men and women missing. Reports have come in of other shootings of natives. At the time of the visit of the police here our nurses were treating a native with a shot wound in the leg. Another turned up with the back of his thighs full of shot. A woman named Looorabane has been reported as having been shot through the thigh. A woman, sister to one of our mission men, is reported as having been shot near Nulla Nulla Station and her baby brained by a Wyndham police boy. The brother asked permission to go and get her remains. He returned next day with two leg bones. Inspector Douglas is now on his way overland to make a thorough investigation by following up the tracks of the police whilst they were away. It has been a terrible affair. It has happened on the aborigines reserve in their own territory and in the name of the law. I sincerely trust that this awful tragedy of innocent men and women done to death in cold blood will lead to steps being taken to render such things impossible in the future. One of the women was blind. Ernest R. B. Gribble, Protector.

A copy of the foregoing letter was sent to the Rev. J. Needham, Chairman of the Australian Board of Missions, Pitt Street, Sydney, a mail later, that was at least a month later. I quote the following log entry—

1st August. Mr. Mitchell arrived in Government launch and left again at noon for Wyndham.

Thomson made the following entries:—

2nd August. Launch left this morning. On board head of mission, Mrs. Noble and crew. Going in to inquest regarding death of Hay. Mrs. Noble interpreter.

5th August. Launch returned from Wyndham after inquest regarding death Hay.

9th August. Government launch arrived and left at once after landing Mr. Mitchell, Inspector of Aborigines.

12th August. Head of mission and Mr. Mitchell, accompanied by Robert, Clement, Waybram, Wunmurra left to investigate scene of reported shooting of blacks by police boys.

The following entry was made by me—

14th August. Returned 5 p.m. after visiting Oombalie, Youngada, Ernest River country. Found police camp and signs that they had a number of native prisoners at the camp, but could find no

trace of natives having been shot. Am convinced, however, that a number of natives have been destroyed by the police and will later on again search the neighbourhood for evidence. These men are missing:—Delagai, three Boondungs, Jumbarie, Wearie, Goolamerrie, Kangooloo, Damunda, and several women.

In the police camp we found on a tree very neatly cut the police mark "P" in a broad arrow with the word "Wodgil" and "No. 2," as well as a star and the date 8-6-26. Above that carving were four lids of cartridge boxes—I have them at the station still—packed up with horseshoe nails. On another tree was a circle with the letter "L" in it, and someone had also tried to put his initials on a tree with horseshoe nails. We picked up a number of lids of cartridge boxes and saw where prisoners had been chained. At one end of the encampment was a tree and at the foot of the tree were the marks of three fires as if natives had been camping there. Close by were indications of Europeans having had their beds. There were a large number of horse tracks about the place, but we could not find any tracks of natives leading away from that camp.

159. The COMMISSIONER: How many cartridges would there be in a box?

160. INSPECTOR DOUGLAS: There are 50 in a cardboard box.

161. WITNESS: The boxes are easily broken.

162. By the COMMISSIONER: When you found those traces on the 13th August was Inspector Mitchell with you?—Yes. I quote the following from my private journal—

20th August. Visited (12th August) the scene of the police operations on the Ernest River beyond Camera Pool. Although there were evidences of the fact that the police had prisoners, we could find no trace of where they had taken them. . . . To-day (20th August) just returned from Wyndham with cargo or water pipes. Took Mr. Mitchell in. I find to-day that further details brought in by natives are that the natives were shot at night up a little creek. I sent Noble and two men out the day I left for Wyndham and they had this later information before they left. Other news is to the effect that a woman was shot at Barungnulla (the native name for Nulla Nulla) and her baby killed by a knock on the head.

The following entries were made by Thomson:—

18th August. Launch left for Wyndham with Mr. Mitchell.

19th August. Wondugma arrived this afternoon and reports that Tommy informed Juberoo of the shooting of the Delagai mob at Oombalie. They were taken away at night to a small creek and shot. Wondugma also reports that Minniwalla and young baby were shot at Bowarie. This news arrived before Jim Noble left to resume investigations at Oombalie.

20th August. Head of mission returned from Wyndham 4 p.m.

21st August. Noble returned this evening having found the spot on the upper Forrest (Gotegetemerie) where the police shot and burnt their native prisoners. He brought back a parcel of charred remains. The natives were shot on the stones in the bed of the river. Blood is still all around. Intend leaving to-morrow for Wyndham to catch Inspector Mitchell.

22nd August. Head of mission left for Wyndham at 5 p.m. Took quantity of charred remains found by Noble into the medical officer.

I handed the parcel to Dr. Adams and he still holds it. I now quote the following:—

24th August. Head of mission accompanied by inspector of aborigines arrived from Wyndham at 7 a.m. Left at noon for Oombalie, scene of butchering and burning of native prisoners. Head of mission using every means to bring offenders to justice.

26th August. Returned with Mitchell from Ernest River country. Visited spot found by Rev. Noble, saw place where natives executed and about eight yards away, on bed (dry) of stream (Forrest River) saw oven where bodies had been burnt. On his previous visit Rev. Noble had uncovered the hole, it having been packed over with flat stones which had been used in the fire. There must have



been great heat as the stones used showed. Among the ashes found quantities of bones and in water-hole about 40 feet north found where quantities of charcoal had been thrown. Here we found pieces of human skulls and other bones. At the place of execution were distinct traces of blood, also spittal. We also found in the water two sticks three feet long that had evidently been cut with a sharp axe at one end while the other end was greasy and charred. The entry continues—

We then followed the tracks of three female prisoners on chain, accompanied by three shod horses, up the river to the westward. These tracks we followed for about six miles and suddenly, on the north bank of the Forrest River, found the remains of a huge fire at the foot of a stump, evidently the remains of a dry tree.

I produce a photograph of Mowerie showing the stump of the tree. (Exhibit A.) We found bones and at a subsequent visit teeth. The entry continues—

Another fairly large tree grew on one side, the butt of which had been scorched for a considerable distance up the trunk. Close by were signs of horses, one a mule, tethered to a tree, and close by where some folk had lunched. Raking the ashes we found human teeth in three distinct parts of the fire. The women had evidently been chained to the tree on arrival and then in their own time the human fiends had dispatched them. We followed the women's tracks, three in number, to this spot and then followed horse tracks away. No women's tracks left the spot where the fire had been. We followed the horse tracks to the top of the hill and then again visited the police camp at Youngada, where the police had put their mark, also initials, and the No. 2. On the day of my return from Wyndham—Tuesday, 24th August—Amos, one of our married men, left to search for the remains of his sister, reported to have been shot near Nulla Nulla station. He returned to-day with two leg bones, but the dingoes had demolished the body.

Her name was Minnie-walla. The entry continues—

Natives report to-day that Overheu tried to shoot the native Tommy (Overheu's boy, who was a member of the police expedition). Tommy ran away. I heard when in Wyndham that Overheu had stated that Tommy had tried to spear him.

163. Statements like those do not carry much weight unless you can give the names of the natives?—I cannot give the names. The only reason I mentioned it was that Juberoo had brought another story. I now quote the following entries:—

27th August. Head of mission, accompanied by Mr. Mitchell, left for Wyndham.

29th August. Returned from Wyndham with Inspector Douglas on board.

30th August. Left with Inspector Douglas, Thomson, and two boys for the Ernest River country, the scene of the awful murders by the police. Reached Gote-gotemerrie where the men were killed and burnt.

31st August. Camped there (Gote-gotemerrie) last night. This morning at 5.30 left for the place where the women were killed (Mowerie). Reaching there we searched the ashes and got 27 teeth. Then followed tracks to the north-west. Left them and returned south to Youngada where the police had camped. Then on to Oombalie for lunch. Arrived home 5.30 p.m. all tired out. Leaving to-night for Wyndham. At the place where the women were slaughtered we found a stone with black hairs and bloodstains. The head of the mission and inspector returned from scene of murder and left at midnight for Wyndham.

I have no information for the whole of September. During that time Inspector Douglas was in the vicinity and to the west. I have a copy of a letter dated 15th August reporting the case so far to the Chief Protector of Aborigines. It reads—

Through the Inspector of Aborigines, Mr. Mitchell, I have acquainted you with further developments of the murder of Hay. I attended the inquest. At the time of the arrest of the man Lumbia the police in my presence questioned the man and the two female witnesses through Mrs. Noble as interpreter and elicited the story as I had al-

ready heard it and with which I have already acquainted you. The inquest did not touch on that matter at all; hence the evidence as given. Without a doubt a number of innocent natives have been murdered by the police expedition and that before the police came to me here. In my communication to Inspector Mitchell I have given the names of those now missing, and there are others. Inspector Mitchell and myself have visited a portion of the reserve where the shooting is said to have taken place and, although we found unmistakeable signs of prisoners in the police camp, could find no trace of reputed victims. The fact remains that a large number of able-bodied men and women are missing, leaving only those of that section of the Kolya tribe who happened to be with us at the time. Would you kindly suggest to the Hon. the Minister that in future where possible a native protector should accompany such expedition. Further, that when the police find it necessary to enter the reserve they at once come to me and secure my co-operation to arrest the offenders. If they had come to me in the first instance they would have secured the sole culprit earlier and without bloodshed. I would like to take this opportunity to point out that if this had happened some few years ago it would have been very disastrous as regards the work of the mission and our safety. E. R. B. Gribble, Protector.

I quote the following log entries—

2nd October. Natives Nipper and Deddie came to-day with story that Overheu shot Tommy somewhere near the Nine-mile, Wyndham. He met Tommy and asked him to work for him and gave him clothing, etc. Next morning Overheu left the boy Jacky to look after his pack and went off with Tommy into the hills up the Eight-mile creek, and came back without Tommy. Jacky saw on the saddle of the horse ridden by Tommy blood, Overheu having led the horse back. Jacky went and told Nipper who said that Jacky was crying when he told him. Nipper came all the way with Deddie to tell me. The following visitors were present and heard the story:—Messrs. Banks, Kennedy, Tompkins and Smith-Woods.

Some of the visitors were standing by; one or two were not.

25th October. Launch left for Wyndham 10.30 a.m. to meet the steamer, also for Lumbia's trial. Mrs. Noble on board as interpreter.

On the 29th I conveyed back to the mission Inspector Douglas and Det.-Sergeant Manning.

2nd November. On Saturday, 30th ult., at the instance of Inspector Douglas sent Herbert and Aldoa, who had accompanied the police at the time of the capture of Lumbia, to see if they could find any traces of the remains of Gumbool, Boondung and the two women. Inspector Douglas, Det.-Sergt. Manning and self left for Wyndham by launch at 3.30 p.m., reaching Wyndham at 6.30 a.m. following day. Last night Kulumaroo and Charles arrived overland having been sent by my son with the results of the search at Dala by Herbert and Aldoa. I handed over to the inspector two paperbark parcels of charred bones, also teeth. Left Wyndham this morning 7 a.m., reached mission 5 p.m.

6th November. Yesterday with my son Jack, mission boy Herbert and camp boy Munjara left with three horses for Dala, about 15 miles north. We reached there at 3 p.m., hobbled out the horses and after a drink of tea walked five miles over very rough country to where the police had been camped, and where old man Gumbool, his two wives (Newringie and Bungomerrie), and a man named Boondung had been shot. We found a camp and 50 yards from the main camp fire found where prisoners had been chained up. On the tree to which they had been fastened there were bullet holes, and on another tree a few yards away another bullet hole about a foot above the ground. Marks of where the bodies had been dragged from under the tree were still visible, also hard bloodsoaked

sand. About 50 yards north was a small creek and the bodies had been taken there and burnt. The fire had been made on the flat rock on the bed of the creek. The rock had been chipped and the place washed. A few yards up the creek we found three heaps of charcoal and charred bones. In the larger of these three heaps we found 32 teeth and a shirt button. Herbert informs me that the two women were wearing shirts when he left them at the camp with the police. Herbert's story is that the police put these four natives on the chain, although they were then in search of the man Lumbia. The day after capturing these four, two of whom were ill with the 'flu, all the police boys and our two boys were sent on to effect the arrest of Lumbia. They were away all night, returning next day. Thus St. Jack and Regan were alone with the prisoners. When the boys returned with Lumbia and others, St. Jack met them and made them go further up the creek. Hence they did not return to the camp where they had left the two constables the day before. The next day they shifted camp, but St. Jack and blacktracker Sulieman stayed behind at the old camp and rejoined the party in the afternoon. The following day they reached the mission. The police inspector has the parcel of bones brought back by the boys, and I have the shirt button and 32 teeth. This evening Wunmurra came in with a parcel of bones of a native, another Gumbool, shot near the Durack River by police or trackers.

20th November. Notified sergeant of police that I had heard of the spearing of Goolool, late a witness in Lumbia's trial for murder. Also informed him of my recent find at the police camp near Dala. Wired Chief Protector and Inspector Douglas re the same.

I produce as exhibits two small tins of charred bones and teeth found at Dala (Exhibit B). One piece of bone is evidently portion of a jaw bone, the sockets where the teeth were being discernible.

164. The COMMISSIONER: It seems to be pretty clear what they are. I may have to submit them to the analyst.

164a. WITNESS: There is also a shirt button. I also produce three photographs taken at Dala (Exhibit C) and a snapshot of the native Gumbool (Exhibit D). I put in the following letters:—

8th November, 1926. To the Chief Protector of Aborigines. Sir,—In my resume of recent events on this aboriginal reserve in connection with the murders of a number of natives, you will have noticed that on the 26th June (Saturday) the police constables Regan and St. Jack left the mission, accompanied by their trackers, and two of our mission boys. On information supplied by myself they left to effect the capture of a native named Lumbia. I had also informed the police that there would be no difficulty in getting Lumbia; the natives were anxious for him to be taken, as they did not feel safe. On the 4th July the police returned and our two boys informed me that when on the way to get Lumbia they found an old man named Gumbool, his two wives (Bungomerrie and Newringie), also a man named Boondung. The man Gumbool was so sick of the "flu" that he had to be carried. The police promptly put these four natives on the chain. Next day the two constables stayed in camp and sent all the native trackers and our two boys to go and get the native Lumbia. The four prisoners were in the camp with the two constables. The trackers returned next day with Lumbia and other natives on the chain. Herbert states that St. Jack ordered them to camp further up the creek, so they did not return to the camp from which they had set out. Herbert asked St. Jack where the four natives were and he said that he had given them flour, etc., and sent them on to Mr. Gribble. Herbert stated that he did not believe the police and that he could find no tracks of the natives going towards the mission. He also states that when they shifted camp next day toward the mission, Constable St. Jack and a native tracker Sulieman stayed behind at the old camp, and that as they journeyed they saw smoke rising from the old camp

St. Jack and Sulieman rejoined them later in the day. I mentioned the above to Inspector Douglas and Det. Sergt. Manning on their visit here from the 29th to 31st October. During their presence here I sent the boy Herbert and another to visit the old police camp and see what they could find. They returned on the 31st, just after we had left for Wyndham. My son dispatched other messengers overland with a parcel brought back by Herbert and his companion. This parcel of charred bones I handed to Inspector Douglas. The following day I returned to the mission and on Friday, 5th November, left for the scene accompanied by my son, by Herbert and another native. At a place called Dala we hobbled out our horses and walked about five miles further to the deserted police camp. Here we found where native prisoners had been chained to a tree about 50 yards off the remains of the main camp fire. On the tree were several bullet marks, and on a tree a few yards distant was the mark of a bullet about a foot from the ground. Marks were also visible where the bodies had been dragged from under the tree. Under the tree was a patch of blood-soaked sand. About 50 yards to the north in a little creek and on the flat rocky bed was the remains of a large fire. This place had been well cleaned up, evidently with water. The rock had also been well chipped. Up the creek a few yards were three heaps of charcoal and charred bones. The water had completely dried up, leaving the heaps quite exposed. In the largest of these heaps were found 30 odd teeth and a shirt button. Herbert informed me that the two women were wearing shirts when he left them with the police. We also found chips or flakes of fire marked stones, evidently thrown with the ashes into the water. I would like to emphasise the following: That the special police had been disbanded before the expedition to capture Lumbia. That when the two police left here they had definite information from myself as to the man they wanted for Hay's murder. That the two constables were the only persons in the camp with the four prisoners after the native trackers and two boys left to get Lumbia. That the native trackers left fully armed and no officer with them. That our two boys who had never handled firearms in their lives were given a gun apiece. That the natives, on their return with Lumbia, were not allowed to return to the camp from which they had set out the day previous. That St. Jack and native tracker Sulieman stayed behind at the old camp whilst the rest of the party moved camp further towards the mission. That Herbert states that he saw smoke from the old camp whilst on the way to the next camp. That myself and my son left Dala just after sunrise and reached the mission midday. Therefore the journey from the scene of the above could have been done comfortably in a day instead of in two as was done by the police. Ernest R. B. Gribble, J.P., Protector.

8th November, 1926. To Inspector Douglas, Broome. Sir,—Owing to the information brought back by the two natives sent by me during the time yourself and Detective-Sergeant Manning were here, I journeyed to the scene accompanied by my son, also the boy Herbert (who had been with the police at the time of the capture of Lumbia for the murder of Hay), and another native named Munjara. We reached a place called Dala and here we turned out our horses and walked a distance of about five miles to a deserted police camp. Here we found where native prisoners had been chained to a tree as evidenced by the marks on the bark of the tree. On the tree were several bullet marks, and on a tree a few yards distant the mark of a bullet about a foot above the ground. Dried blood was still in evidence, also a mark caused by the dragging from under the tree to a spot about 50 yards north to the bed of a small creek. Here were evidences of a large fire on the flat rocky bed of the creek. The place had been washed out and the rock chipped. About 50 yards up the little creek were three heaps of charred bones and, in the larger of these, we found 32 teeth, also a shirt button. Herbert informed me that when he saw the four natives at the camp the two women were wearing shirts. I would like

to emphasise the following: That the special police at this time had been disbanded. That the police arrested these four natives at the time when, on information from myself, they knew the man they wanted. That the old man, Gumbool, was so sick from "flu" at the time that he could not walk. That this old man never left his country but to come to the mission where he was a great favourite. That the two constables, Regan and St. Jack, were left behind with the four native prisoners; all the native trackers including the two mission boys leaving fully armed to effect Lumbia's capture, and that without their white officers being with them. That even our two mission boys, who had never in their lives handled firearms, were given a gun apiece. That St. Jack, when asked by our boy Herbert as to where the four natives were, said that he had given them flour, etc., and sent them on to Mr. Gribble. I am asking my son to sign this, in conjunction with myself, he having seen the camp and evidences of the murder. Ernest R. B. Gribble, J.P., Protector; John W. Bulmer Gribble.

4th October, 1926. To the Chief Protector of Aborigines, Perth. Sir,—A native named Nipper, accompanied by a native who usually works at Nulla Nulla Station, arrived here two days ago with the following story:—Tommy, who accompanied Overheu with the police party in June last and whose name was mentioned as being concerned in the recent shooting of natives and had recently run away from Overheu, met Overheu recently in the vicinity of Wyndham. Overheu took him again into his employ fitting him out with clothing, etc. The day after, Overheu took him on horseback up a creek near the eight-mile near Wyndham to look for buffalo. (?) Overheu returned to his camp with a led horse but without Tommy. He had left a boy Jacky in charge of his camp (packs, etc.) This boy Jacky went to the native Nipper and told him that the saddle had blood on it and also told him the above details. Nipper, in telling me in the presence of several visitors to the mission, said that he did not believe the story at first but that Jacky was crying for Tommy and that it might be true, and so he walked all the way from Wyndham to tell me what he had heard. As Protector I feel it my duty to acquaint you with the above. I had made some efforts to get Tommy to come here for his own safety. Ernest R. B. Gribble, Protector.

165. By the COMMISSIONER: That is all you can tell me about these occurrences?—That is my statement.

166. You mentioned that the police boys were armed. Do you know of your own knowledge that the police do arm the trackers?—Yes, it is the custom.

167. Your own boys, when assisting the police, were armed?—On their own statement they were.

168. Are your boys accustomed to the use of firearms?—No.

169. As a protector of aborigines and as the head of the mission have you any suggestions to make?—I present the following—

Reforms suggested by Rev. E. R. B. Gribble in reference to police methods.

1. All expeditions for the arrest of native criminals to be accompanied by a protector if possible and a responsible police officer.
2. If a native is wanted by the police from a reserve the police must work with the co-operation of the superintendent of the reserve.
3. That trackers be not allowed to carry firearms, but that the police protect their trackers who, after all, are merely servants of the police.
4. That the custom of sending trackers armed to effect the capture of natives be discontinued and that the police do their own work of arrest.
5. That trackers be engaged over a term of years and trained for their own particular work, and be taught not to shoot but to help in seeing justice done to their own people.

6. Trackers not to be employed by the police in their own districts.

7. Trackers must be married men as far as possible.

8. As things are at present no native tracker's evidence be taken against his own countrymen.

9. Native witnesses not to be incarcerated in the same cell and on the same chain as the prisoner in whose case they are witnesses.

10. Better treatment of native witnesses and prisoners.

11. A native witness's evidence in a court of law (there is an abundance of unreliable evidence from whites in every court of justice at the present time) to have the same weight as any other evidence.

12. Night raids on native encampments by police be prohibited as in these encampments are always many women, children and old and helpless folk.

13. The travelling of native prisoners and witnesses to be seen to and reforms made.

14. That the police be prohibited from disposing to their own profit of weapons and curios taken from the natives. Also that the police be prohibited from disposing, to their own profit, of the scalps of dogs shot at native camps.

170. Would those suggestions make for the better welfare of the natives?—Yes, under present conditions, though a good many would fall to the ground in the event of segregation being adopted.

171. By Mr. NAIRN: From your statements it appears that you, over a series of years, have been making complaints. As soon as a native makes a report you run off and send it to the Chief Protector of Aborigines or to the police?—Will you mention a particular case?

172. Generally is that true?—No, because I have not made many complaints.

173. A good few have proved to be false?—Give an instance.

174. I have a report that you made against Mr. Siddins on the 12th August, 1923, that he had killed a black boy while in the saddle. Was that true?—My report stated that I had heard it. Afterwards I met Mr. Siddins in town and told him the boy was on the boat in Wyndham.

175. On the 12th August, 1923, you reported that a white man named Siddins had shot a native in his employ, the native name being Nunjune alias Jimmy, the story being that he was shot while on his horse. You said that you had held an inquiry in the presence of some 200 natives, Nunjune's wife being present, and the natives were emphatic in the matter. Is that a fair sample of the value of native reports? The man turned up alive and kicking. He had gone bush and been out for some months. Is that right?—I do not know anything about that. I only know the report was brought to me.

176. But you went further. You told the police you held an inquiry, that 200 natives were present, and that they were emphatic that the man had been murdered?—Yes.

177. You backed the report with your opinion?—I could only report what I had heard.

178. In that case your information from natives was totally unreliable?—In that case it turned out to be not reliable, but I believe the woman was convinced that such was the case.

179. Regarding the present case the first report was that natives had been killed on the Ernest River?—Yes.

180. You have not found any confirmation of the killing of natives on the Ernest River?—The Ernest River country includes the places mentioned.

181. Do you suggest that Gotegotemerrie and Mowerie are in the Ernest River or Forrest River country?—Youngada is on one of the branches of the Ernest River.

182. Were any natives killed there?—No, but the tracks led from one to the other.

183. It was reported to you that natives had been killed at the Ernest River?—Yes.

184. And your investigations prove that that is not confirmed?—I reported the rumours as they came in.

185. Is it correct that investigation proved that the first rumour was wrong?—We found certain things. My complaint is not about rumours but of certain things seen by me.

186. That statement proved to be wrong?—As regards the locality it proved to be wrong.

187. Youngada or Wodgil is in the Ernest River district?—Yes.

188. When you first went out you took Inspector Mitchell to Youngada camp?—Mitchell and I did not know any place, but we went to No. 2 camp at Youngada or Wodgil.

189. I suggest that you went there in consequence of a report that that was the scene of the killing?—I had no definite locality to go to. It was in the vicinity.

190. Someone took you there?—We camped at Oombalie and sent the boys to find the police camp. They found it and we walked up.

191. The original information was that the killing had been done in the Ernest River district. I suggest that you went to the camp in consequence of information you had received that it was the scene of the killing?—No, we had to find it.

192. Your first visit with Inspector Mitchell was resultless?—Yes.

193. As you were going to Wyndham you sent James Noble to make further investigations and you subsequently reported that Noble had found the spot Gote-gote-merrie on the Forrest River?—Yes.

194. Did you also report that Noble and his natives had been attracted to the spot by the smell of blood?—No, the only statement I have to that effect is that while I was there with Noble subsequently he said that when they were trying to locate the spot where the bodies had been burnt, one of the party said, "I can smell blood here somewhere."

195. Does that justify the words in your report of the 23rd August to the Chief Protector of Aborigines, "He (Noble) states that he and those with him were drawn to the spot by the smell of blood"?—That bears out what he told me.

196. Did he say that?—Yes.

197. Why do you say to-day that it was not Noble who made that statement but one of his party?—Noble told me his own boys drew attention to it.

198. According to your statement Noble and those with him were drawn to the spot by the smell of blood?—The spot was amongst some bushes.

199. Did Noble or anyone else tell you that he was drawn to the spot by the smell of blood?—I infer so.

200. Did Noble, after having seen the oven where the bodies are alleged to have been cremated, state he was of the opinion that kerosene had been used?—Yes.

201. Does he confirm or deny that now?—I myself said it.

202. Does Noble confirm or contradict you regarding the kerosene?—I fancy he said the same thing. I think I said that the police must have had kerosene.

203. Was it your opinion that the police or whoever was responsible used kerosene?—Yes, because there were so few ashes left.

204. Noble in his statement refers to a place 20 miles from the mission. What place would that be?—Gote-gote-merrie.

205. He is of opinion that kerosene had been used?—That was his opinion.

206. He states that he and those with him were drawn to the spot by the smell of blood—That is so.

207. On the second occasion you went out you were accompanied by Inspector Mitchell and you went first to Gote-gote-merrie?—Yes, led by Noble.

208. You said you saw blood all round where the natives were shot in the bed of the river and you spoke of the "place of execution." How did you fix that?—It was where the natives had been sitting under the small tree and where the rocks had been chipped, washed and cleaned up. I also fixed it by the presence of matter in the rocks.

209. Did you see blood at the place of execution?—If I had been asked on the spot I would have said it was blood.

210. You say that there was blood all round?—Yes, in different places.

211. Did you take samples of the earth in which you say there was blood?—Yes.

212. Do you know that the Government Bacteriologist reported that those samples gave no reaction for blood?—I have heard that.

213. Were the samples correctly taken from the spot that you described as having blood all round?—The stains were on the stones, but samples were taken from a crevice at the side.

214. Were the samples taken correctly?—Yes.

215. So that you were mistaken in your impression that they were blood?—I was under the impression that the stains were blood.

216. And being under the impression you made the assertion. More than once you have said that. Did the natives tell you it was blood?—No.

217. Did they tell you they had smelt blood?—Noble did.

218. Apparently he is subject a good deal to his imagination. What did you see in the way of tracks leading to Gote-gote-merrie?—On one occasion I saw distinctly one female track. It was pointed out and the name was given to it. That led from Gote-gote-merrie. There were many horse tracks about.

219. Could you see any tracks that led to Gote-gote-merrie?—Yes, bare tracks made by native women could be seen, but only here and there.

220. Where were they?—On the trail leading down. The Ernest River is on a tableland and drops down towards the Forrest River.

221. How far were the tracks from Gote-gote-merrie?—Two or three miles.

222. How do you know they led to Gote-gote-merrie? Did you follow them for two or three miles?—Yes.

223. There were very few of them and yet you followed them?—We followed the horse tracks leading down to Gote-gote-merrie. I think the Inspector will bear me out that once we picked up the tracks from Youngada we followed them.

224. Do you say you followed the horse tracks from Youngada?—No, we picked them up further on towards Gote-gote-merrie. It looked as if the parties had met together afterwards.

225. How many horses did the tracks suggest, the whole contingent?—I would say the whole lot.

226. How far out from Youngada did you pick up the tracks?—A mile or two.

227. The tracks seemed to come together?—Yes, and made a strong, plain trail down the slope to Gote-gote-merrie.

228. Were you able to follow the tracks to Gote-gote-merrie?—Yes, the horse tracks.

229. How many horses had they?—It may have been one hundred or only twenty.

230. Your power of observation is not very great. Did the tracks lead in a straight line?—No, but it was a distinct track that could not be missed leading from the tableland down to Gote-gote-merrie.

231. Did you follow the tracks right to the bank of the Forrest River?—You do not understand the country. The tracks were very plain right down to Gote-gote-merrie, but the whole of the horses had not gone to the spot on the rocks; a camp had been made. We saw indications of the horses having been feeding all round.

232. How far is it from Youngada to Gote-gote-merrie?—Six or seven miles.

233. Where did you pick up the tracks?—One and a half to two miles out where they came together.

234. So you followed those tracks about four miles to Gote-gote-merrie?—Three or four miles.

235. For how far was the trail continuous?—For about a hundred yards from the Forrest River.

236. Only a small contingent went to Gote-gote-merrie?—Three shod horses. Noble drew my attention to the fact that the women had been by the tree and that someone wearing boots had brought them down. Noble followed their tracks that evening and later we tracked three horses and three women to Mowerie.

237. You followed the tracks from Youngada to within a few hundred yards of Gote-gote-merrie and then you traced horses and a mule to the spot?—There were no tracks of horses or mules leading down to the rocky bed.

238. From the point where the big mob of horses had been feeding were there any tracks of horses or mules down to the spot where the fire had been?—No, it was hard rock as clean as the floor. It was the rocky bed of the river.

239. Then how did you see the tracks of men and women?—I saw the tracks leaving there and leading to Mowerie.

240. You said you saw the tracks of four men and three women leading to Gotegote-merrie?—Yes, on top in the soft country.

241. Until you got to Gotegote-merrie only horse tracks were visible?—Yes.

242. You assume, therefore, that the women walked along the same tracks as did the horses?—Yes.

243. The place where the horses were feeding, you say, was a few hundred yards from Gotegote-merrie?—Gotegote-merrie represents the whole of that country.

244. Regard Gotegote-merrie as the spot where you found the improvised oven. Where the horses were camped was a few hundred yards away?—Yes.

245. You could not trace any tracks from there to the spot below?—No, but Noble did. He drew my attention to the fact that three women had been taken down to the spot by some one wearing boots. Half way down the ground was all soil.

246. Could you see anything?—No; he made that statement before I got there.

247. Did you see any tracks of humans leading to Gotegote-merrie?—Not on the rocks but further up on the tableland.

248. Near the improvised oven was some soil?—No, it was rock.

249. Where was the soil?—Where the party had camped.

250. How could Noble have seen the tracks of humans there?—You had better ask him.

251. Do you think it possible for Noble to have seen the tracks nearly two months after the alleged event?—I saw boot tracks at the camp about 100 yards away.

252. Where you found the ashes you did not see any human tracks?—No.

253. Where did you say you saw them?—Leading down to the spot.

254. Why did not you ask Noble to show them to you?—We asked him to put us on the tracks and we followed them in the direction leading away from the oven.

255. Why did not you ask Noble to show you the tracks? Had not you any curiosity?—We were in his hands. As soon as we had finished our investigations there we took up the tracks that Noble had abandoned previously and followed them.

256. Why did not you ask Noble to show you the tracks?—I do not know.

257. It would have been more conclusive if you could have seen some of the tracks?—Yes.

258. When you say "we" followed the tracks to Gotegote-merrie you are speaking not from your own knowledge but from something Noble told you?—We followed the tracks to Gotegote-merrie with Inspector Mitchell. On that occasion we entered Gotegote-merrie from another direction. I saw tracks at the camp. Gotegote-merrie is a waterhole a couple of miles long.

259. What is the bed of the Forrest River like?—It is a wide valley very difficult for tracking.

260. Could you follow the tracks up?—No, but I knew sufficient to tell a track and determine whether it was that of a male or a female. Noble did the tracking and so did Mitchell's boy.

261. Then you went to Mowerie. Was it then that you got the teeth?—I got one lot when with Inspector Mitchell and another lot when with Inspector Douglas.

262. Juberoo reported that Tommy had told him the police had been shooting. Do you know that the reports of natives are very uncertain and that not much reliance can be placed on them?—After 34 years' experience I am of opinion that you can get the same percentage of truth from them as from whites.

263. You have given several instances of natives who have not told the truth. Lumbia told a lie when he said he was the only one present at the spearing of Hay, whereas the two women said otherwise?—I could give instances of my having taken no notice of natives and of their having proved to be correct.

264. There seem to have been a lot of instances of native rumours that were quite incorrect. One in November was incorrect?—In the main it was not incorrect. The woman was murdered.

265. Sometimes, of course, you would expect to be correct?—The woman was murdered; it was correct.

266. You were ready to allege that the police boys had done that?—No, I said what the rumour was so that the police could make investigations.

267. There is not much love lost between you and the police?—That is not my fault.

268. Whenever any allegation is made against the police you are ready to rush off and report it. Do you know that allegations are made against you by the natives?—Yes, lots. I have been 34 years in the north and I ought to know that by this time.

269. Do you know it has been alleged to the police by natives that you encourage them to kill the cattle on Nulla Nulla station?—That is an absolute falsehood, but you can get a blackfellow to say anything when he is away from you, especially to people who are out for your scalp.

270. When it touches yourself, you give no credence to it?—Do you wish me to infer that that is a charge against me personally?

271. No; natives have made the charge and I mention it to show that a blackfellow will say anything?—There are a good many whites who will lie as much as do black people.

272. That is a poor estimation of human nature. I am surprised at you wasting your life amongst such people?—In your profession you ought to be aware of that fact.

273. You seem to think that a majority of people, white or black, are bad; I think a majority are good. Judging from your remarks, your inclinations are all with the blacks. You suggest that the evidence of trackers should not be received against their own tribesmen?—That is so.

274. Your idea is that a police boy's evidence should not be received at all?—Not under present conditions.

275. Yet you would accept the evidence of a blackfellow equally with that of a white man?—In a court of law a native can be convicted on a native's evidence. Against a white man the evidence of a native would not be taken. It is taken in the one case and not in the other. If the evidence of a tracker is taken, so should the evidence of any other native be taken.

276. If you were sitting on a jury would you accept the evidence of a black man equally with that of a white man?—It would depend on the blackfellow. I would take Noble's evidence. There are blacks and blacks as well as whites and whites.

277. Is it not a fact that the blacks will say anything that suits them?—No, they say what they are permitted to say. A characteristic of the aborigine is that when questioned he gets to know what you want and tries to please you by saying it.

278. I believe Tommy's case is a striking example of that. It was reported that Tommy had been shot by Overheu?—It came to me secondhand.

279. According to your report the native said that Overheu brought back Tommy's horse and that the saddle had blood on it?—That was the boy's story.

280. Do you know that in fact the statement about there having been blood on the saddle was untrue?—I do not know anything about it.

281. Did you not suggest it to the boy by asking him?—I did not put a question to the boy.

282. Did not you ask the boy whether the saddle had blood on it?—No.

283. Did your interpreter ask that?—The boy speaks English, and he spoke to all of us. He told us on his own initiative that the saddle had blood on it.

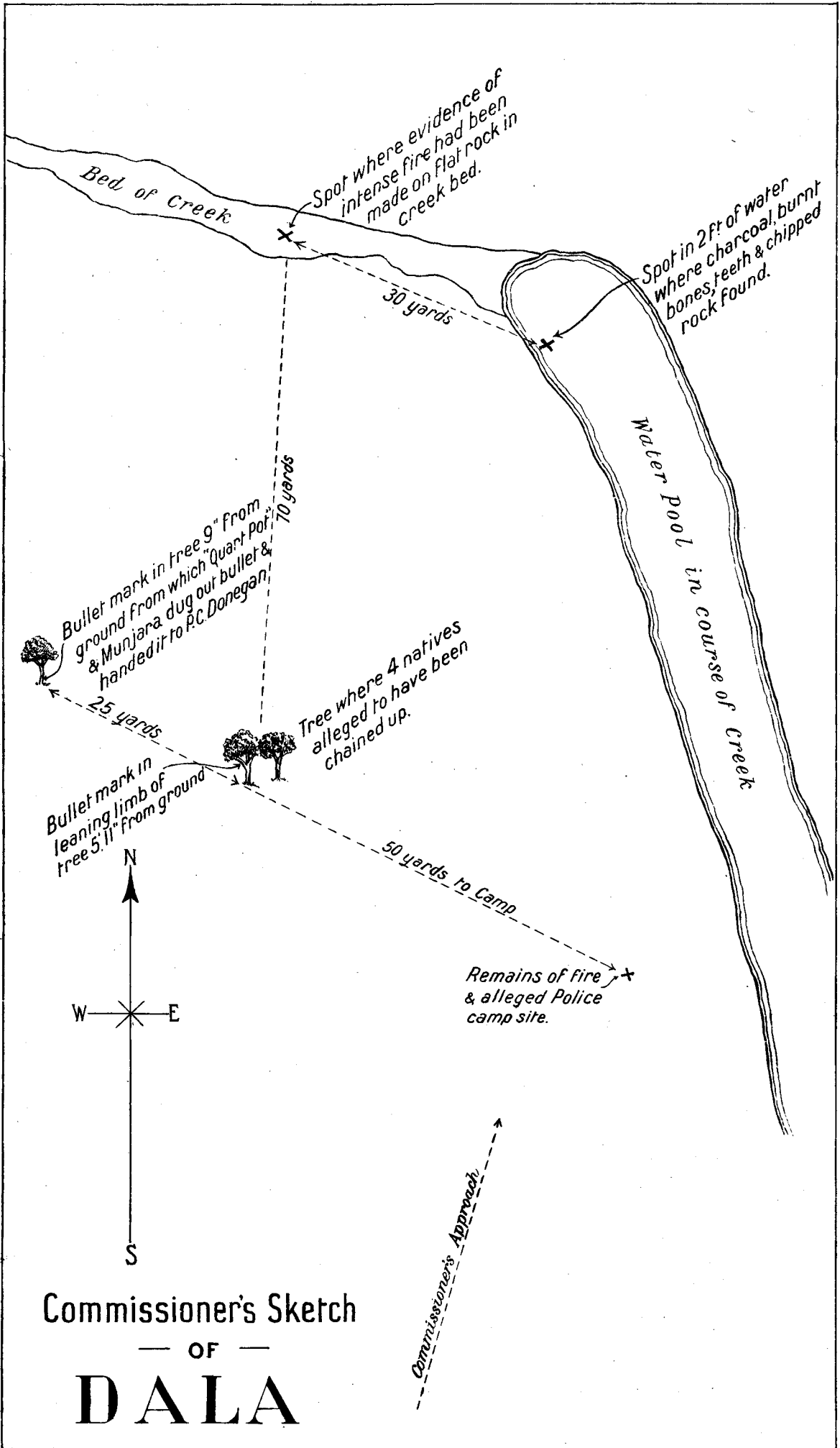
284. By the COMMISSIONER: You did not give him any hint that there might have been blood on the saddle?—No.

285. Without any prompting he told you there was blood on the saddle?—Yes.

286. By Mr. NAIRN: If your suggestion that all expeditions for the arrest of native criminals be accompanied by a protector were adopted it would make a few good jobs for protectors?—It would depend whether the jobs were honorary ones.

287. You know that a good deal of cattle killing has been done by your natives?—On the whole, very little. There is only one station near the mission and that has been there for only five years.

288. And you know it has been ruined by the killing of cattle?—We are located on only one side of that station; we are not in touch with any other station in East Kimberley.



289. You were bad friends with Hay and Overheu?—Not necessarily.

290. You regarded Hay with animosity?—I carried their freight at a reduced rate, five pounds as against £18 for the Government launch. We brought their cotton down and lumped it three times for a charge of £5 and lent them a dinghy. When this occurred they were using our dinghy and had had it for nine months.

291. A statement was made to the police that you told the natives on your place to go down and spear cattle on Hay and Overheu's station?—I heard that that had been said, but it was an absolute lie. The reverse was the case. After Dunnet's case I warned the natives about it and told them how bad it would be for everyone concerned. My efforts have been entirely in the other direction. If we adopted that attitude our own cattle would not be safe; indeed they would be the first to go.

292. By INSPECTOR DOUGLAS: You said a large number of natives were migrating south. Were they not going to a large corroboree at Durragee?—Where the homestead is, the natives call it Barungnulla, and it has been a gathering place for natives from time immemorial. A lot of the blacks who came down on that occasion had not been down before.

293. It is not unusual to see at a corroboree a large number of natives who have not been there before?—That is so.

294. They sometimes travel further than usual?—Yes.

295. You said Regan suggested charging the natives he took to the mission station with cattle killing. Quite a large number of your cattle were killed a short time previously?—In 1925, but not very many.

296. There was a good deal of killing going on and you reported it?—Yes.

297. Did Regan ask you whether amongst the crowd of natives he was about to release there were any who had been cattle killing?—He asked what about charging these natives with cattle killing.

298. Those were the exact words? He did not say "this" native?—As far as I can remember he said "these" natives.

299. In many cases you have duplications and triplifications of native names. Is not that very unusual in your long experience among natives?—No, there are certain names that are numerous, such as Gumbool, Boondung, Jumberoo, and Analgoo. We do not allow a native to take an English name until he has been baptised, and then we attach an English name to his own name.

300. You do not name the natives?—No.

301. If one of the Gumbools or Umbilijies turned up to-morrow you would know whether he was one of those alleged to have been killed?—We know the natives; we have been there 14 years.

302. You see very little of them?—Some natives we see only twice a year, but the missing people are known to all of us. Their names are familiar to us.

303. You said you heard rumours of two natives having been shot at Oombalie and that you investigated them. Did you find anything?—Those places are all round about the same district. Oombalie seemed to be the centre and the nearest we could get to it.

304. Then there was nothing in the rumour of natives having been shot at Oombalie?—All the rumours relate to the same locality.

305. You said that native prisoners had been chained to a tree at No. 2 camp, Youngada. Were there any marks of a chain on that tree?—No, but there were marks of prisoners having been sitting around as in a ring.

306. You went so far as to look all round the bark of the tree with a magnifying glass?—It was a very poor glass.

307. It was not a bad glass; I also had a look through it. There was not the slightest sign of the mark of a chain around the tree?—No.

308. If native prisoners had been chained around that tree do not you think there would have been some indication left on the soft bark?—I came to the conclusion that the natives must have been attached to each other around the tree.

309. You made a point of having found a number of lids of cartridge boxes there. From your own experience do not cartridge boxes get broken up?—Yes.

310. Would it not be likely that those lids were thrown away at that camp?—Yes; I merely mentioned the lids of the cartridge boxes to show that it had been a police camp.

311. Not to show that an excessive number of cartridges had been used in that locality?—No.

312. Suppose someone else had been camped there and had left cartridge box lids?—I doubt whether anyone else would put up the police broad arrow.

313. We started to look for tracks between Youngada and Gotegote-merrie. Did we have any difficulty in finding them?—Great difficulty.

314. As a matter of fact we were going in all directions?—Yes.

315. Did you follow any tracks?—Yes, horse tracks.

316. Did you eventually lose them or give them up?—One lot joined in to where you were, and I went to look for another lot.

317. Could you say that you were following the tracks of any animal in particular?—Yes, horse tracks. I am positive of that.

The Commission adjourned.

WEDNESDAY, 2nd MARCH, 1927.

Rev. E. R. B. GRIBBLE, further examined.

318. Rev. GRIBBLE: Yesterday at midday O'Leary (one of the special constables) accosted me at the foot of the stairs of the Wyndham hotel. He was under the influence of liquor. He asked me when I was going over to his place. I said, "What place?" He said, "My place, and when you do your toes will turn up."

319. The COMMISSIONER: Do you infer that he threatened you with personal violence?

320. Rev. GRIBBLE: I just make the statement in view of his previous remarks.

321. The COMMISSIONER: The matter having been brought to my notice officially, I cannot allow it to pass. To threaten a witness subpoenaed during the course of a trial is an offence against the law. If I hear anything more of the kind I shall institute proceedings against any person who interferes with a witness called by the Crown. I trust, Inspector Douglas, that you will take notice of these remarks and ensure that, if any personal violence is threatened to a witness, police protection is afforded him. I hope it will not be necessary for me to take more drastic action, but I shall not hesitate to do so if it be necessary.

322. INSPECTOR DOUGLAS: I shall note your remarks. I did not know anything of the matter until Mr. Gribble mentioned it to me.

323. The COMMISSIONER: If the man was under the influence of liquor I suppose some allowance should be made for his action.

324. By INSPECTOR DOUGLAS: Prior to leaving Gotegote-merrie for Mowerie did I ask you to request the natives to show me any native tracks they could between the two places?—You may have done so; I do not remember.

325. Did they on one occasion between those two places show me one native track?—Yes.

326. By the COMMISSIONER: What period had elapsed between the time Noble first saw the tracks and when the inspector was there?—Noble left on the 19th August and Inspector Douglas was out 11 days afterwards.

327. By INSPECTOR DOUGLAS: Any tracks your natives saw in the first place would have been two and a half months old?—Yes.

328. You suggested that the round stone you picked up was used to finish off some of the natives?—Yes.

329. Did not that stone fall into two pieces?—I had it in my handkerchief and when I was getting on my horse I dropped it and it broke in halves.

330. Were we not trying to get Tommy and send him to you for safety?—Yes.

331. Were not your natives after Tommy?—No.

332. Did not you tell me that the Oorawoodie tribe were after him for killing one of their people?—There was a rumour that they wanted Tommy. They were blaming Tommy for the supposed killing of one of their people during the police expedition.

333. By the COMMISSIONER: Was that one in the list of the missing?—No.

334. By INSPECTOR DOUGLAS: Was not Minnewalla one of them?—Probably so.

335. Did not you tell me it was for the killing of Minnewalla?—My recollection is hazy. Probably I did say so. She was killed at Bowarie.

336. A suggestion was made yesterday that kerosene had been used in one of the fires. A large quantity would have been required, would it not?—Yes.

337. Do you know that kerosene is not carried by bushmen in their pack bags?—It is not carried as a rule.

338. By the COMMISSIONER: Do they carry any kerosene at all?—Not that I know of.

339. By INSPECTOR DOUGLAS: They mostly carry small carbide lamps?—I have not carried carbide.

340. By the COMMISSIONER: It has been suggested by a native who formerly belonged to South Australia that it is the custom of the aborigines to burn their dead. Is that the custom in this part of the Commonwealth?—It is not the custom for natives on this side of the Gulf to burn their dead.

341. Do you know of any such custom in any other part of Australia?—I have been in most of the States, and there is only one part where that is done. That is in the north-east of Queensland. It is done under peculiar conditions and no remains are left. The body is first mummified, which takes a week or two. Then it is painted with red ochre and tied up in cane. It is carried about with the tribe for nine months and then burnt in a small fire and nothing is left. That pertains only to some men and to some children, but not to women. A majority of the people who die are not treated in that way.

342. Is it a common practice or a special practice?—A special practice.

343. By Mr. NAIRN: How do the natives in your district dispose of their dead?—They wrap the body in ti-tree bark and place it in the fork of a tree for several months. The bones are then gathered and the natives have a ceremony. After that the bones are placed in holes in the rocks and left there.

344. Are not the bones frequently burnt after they have been buried for some time?—No, I have never heard of that.

345. Some of your natives died from injuries received through an explosion on your launch?—Yes.

346. Their remains were interred at Wyndham?—Yes.

347. Afterwards the remains of one were taken up and conveyed to the mission?—Yes; the boy at the hospital, with the assistance of a police boy, I am told, took up the body, and I understand the bones are in a tree to this day.

348. You have bush fires in this country nearly every year?—Yes.

349. There must be many instances of the bones of natives being cremated as a result of bush fires?—Yes.

350. It is not difficult to find the charred remains of natives?—I have never found any.

351. Your time is spent mainly about the mission?—I go about the country a good deal.

352. Evidence will be adduced that it is not difficult to find the charred remains of natives in the bush. Do you dispute that?—The blacks, in their ceremonial rites, do not burn their dead.

353. Mr. NAIRN: You said they put their dead in trees and naturally if a bush fire occurred the bones would be burnt.

ERNEST CHARLES MITCHELL, Inspector of Aborigines operating throughout Western Australia, sworn and examined:

354. By the COMMISSIONER: How often do you visit the aborigines?—At no stated times. I take an itinerary and do the work as it comes to hand. I have no set period for visiting; my visits are governed by the seasons.

355. Tell me what you know about the question of the destruction of these natives?—On 21st July whilst proceeding to Wyndham under instructions to attend the inquest on Hay I had reached Ivanhoe station. After leaving there my native assistant told me that natives had informed him that police boys had killed some native women and had asked, "Why should they do that? It was a man that killed Hay." On the 29th Mr. Gribble arrived at Wyndham and made certain statements to me. On the 30th I sent a wire to the Chief Protector of Aborigines as follows:—

Rev. Gribble arrived overland cattle last night reports police trackers shot several bush natives names known subsequently burning bodies. . . .

Intend personally getting truth on spot referred to. On the 30th July Mr. Gribble promised to put his oral report in writing, addressed to the Chief Protector of Aborigines. I received the report dated 30th July. That report has already been read by Mr. Gribble. On the 1st August I left Wyndham in the Government launch for the mission to bring back Mrs. Noble as interpreter. At my invitation Mr. Gribble and James Noble accompanied me. Mr. Gribble refused to allow Mrs. Noble to return to Wyndham as her husband had only just returned to the mission and he thought it fair that they should have more time together. I returned to Wyndham that night. On the 9th August I left for the mission. On the 10th and 11th I inspected the mission. On the 12th I left for the scene of the alleged murder of natives, accompanied by Mr. Gribble, three trackers and my native assistant. We camped at Oombalie on the Ernest River. On the 13th August we proceeded and camped at Brendango Pool, still on the same river, a tributary of the Forrest. Mr. Gribble sent a naked native Wunmurra out scouting and received a report from him of a police camp in the vicinity. We proceeded to the place which was on another tributary of the same river. The natives call it Youndaga. There I saw indications of a police camp—a tree marked "Wodgil, 8-6-26," also a broad arrow with a "P" on the lower part. Another tree had the letters "O.L." cut on it. I added my initials and the date—13-8-26—to the former tree. I took particular notice of the name "Wodgil" because it was a strange name to find there and I wondered how it had got there. I asked the natives if the name had any local significance but they did not know the name. It is a southern native name. We searched the locality. The natives under the Rev. Gribble's direction searched the bottom of all shallow waters. The tree marked "Wodgil" showed signs of natives having been tied up around it. On the 14th we searched the country pointed out by natives as having been the scene of the alleged crime, and found absolutely no sign of suspicious circumstances.

356. How far did you go from Wodgil in your search?—We searched the immediate vicinity trying to pick up tracks.

357. What sort of country was it?—Stony in parts, but fair tracking for a native. There was not much vegetation. There had been fires and in some places the grass had grown again. On the 15th, 16th, and 17th I inspected the mission. On the 18th I returned to Wyndham and wired the Chief Protector as follows:—

Returned last night careful personal investigation one scene alleged illegality assisted Gribble two bush natives two mission (natives). My assistant discovered no evidence whatever support report.

Before leaving the mission I addressed the natives telling them—"If this thing been done talk is no good to Government. I am Government and you must show me. Don't disturb the tracks but show me the place." On the 23rd Gribble and Noble arrived in Wyndham and reported that Noble had found the place where the natives had apparently been killed and burnt. Some calcined bones had been brought in and handed to Dr. Adams. I did not see them. Gribble said four men had been disposed of while there were tracks of three native women having been taken away by mounted men further up the Forrest River. Noble confirmed it. I told Gribble we must follow those women's tracks at all costs. What I had previously heard from the bush natives about native women being killed then recurred to me.

358. Did they mention any names?—Not at that time. On the 23rd August I wired the Chief Protector:—

Proceeding mission this evening, returning Saturday. Dr. Adams cannot say anything definite small charred bones. Gribble reported to church authorities.

I then reported the matter to Sergeant Buckland. The same day I left Wyndham in the mission launch. On the 28th I made the following report to the Chief Protector of Aborigines and later supplied a copy of it to Inspector Douglas:—

Acting upon report given me by Rev. Gribble, I reached a spot on Forrest River, about eight hours ride from the mission station on 25th August, accompanied by Revs. Gribble and Noble, also my



native assistant and three natives from the mission, two of the latter being naked bushmen (one of them speaks a little English). At a spot called Gotegetemmerrie, James Noble pointed out a small tree, the butt of which I could span with my two hands (circumference), growing among flat rocks on what appeared to be the higher or flood rocky bed of creek. Stains, which might be faint blood-stains, were pointed out. I secured some earth from beneath these stains which ran down a ledge of rock ten or 12in. high, near the tree. There were other stains that looked like expectorations, one on the tree, others around the tree on the rocks. The trackers said the rocks had been washed near the tree. There were indications of a few small grass fires near the tree on the north side. I secured a couple of stones beneath the ledge of rocks referred to. About six feet away my native picked up what looked like congealed blood, or may be excreta. I took possession of this also. About 25 ft. north-east from the tree saw a shallow excavation amongst flat burnt stones, where an intense fire had been burning. There was a charred log of dry wood burnt at the end still there. James Noble discovered this place and had opened it prior to our arrival. It looked like an improvised oven. Something had been burnt under flat stones, which had been placed on top. I moved some stones and recovered pieces of burnt bone. One piece of stone about 10in. thick on the edge of the oven had been split with the heat. The native, Waybram, then showed me a shallow pool of water, about 40ft. north-east from this spot, where charcoal had been thrown into the water. I searched in the water and secured flat pieces of bone, which looked like pieces of skull. I then secured pieces of flat stone, showing stains and fire marks. James Noble told me he had tracked four men and three women here, evidently led by a mounted party. We then followed three horse tracks, also three naked female tracks away from this spot, proceeding up the Forrest River. Every now and again the natives showed me what appeared to be a female's track on the soft ground. I do not know how many. We proceeded over very difficult tracking, the bushmen in the lead, and crossed the Forrest about five or six miles. It might be less, as the tracks wound about, but did not cross the river before reaching Mowerie. The country was undisturbed by other tracks, either of loose stock or horses. Upon crossing the river, I saw a little back from the bank the burnt stump of a tree, about 12in. in diameter, also a few yards away, a tree where horses had been tied. A fire had been burning around the stump. The rest of the tree was missing. I recovered 22 what looked like human teeth in three different places around the tree butt in the ashes and charcoal, quite near the surface, also pieces of bone, broken pieces of what appeared to be ribs and pieces, apparently of skull. There was no attempt to conceal here other than by fire. A few dead bushes were on the surface. All the exhibits I picked up myself or saw picked up. I was present the whole time; they were handed to me as they were gathered. The place is called Mowerie. We followed three horse tracks away from here, but no human tracks. The tracks crossed the river back again a little further up, climbed the steep hill on the other side, and led off to where we knew the police camp had been. A tree was marked "Wodgil 8-6-26," also broad arrow with "P" in it, and another tree "OL." There were evidences here that natives had been chained up. James Noble says the seven tracks came away from here. The natives say the names of the deceased seven are—Boondungs (2), Delagai, Damunda (males), and Goorlay, Yowan, Warrawalla (females), also that the women were the wives of three of the men alleged to have been destroyed at Gotegetemmerrie.

359. You speak of those tracks with a considerable amount of certainty. Did you see them yourself?—My native assistant had instructions from me to do his own tracking and report to me. He showed me the track of a female here and there, where it was possible.

360. Was it intelligible to you?—Yes.

361. Is there any doubt that there were the tracks of three females leading from Gotegetemmerrie to Mowerie?—I cannot say how many there were; there may have been three.

362. You are certain there were some?—Yes.

363. Are you certain also that there were horse tracks?—There were three shod animal tracks.

364. You feel certain about that from the marks shown you?—Yes.

365. You saw none of the female tracks or the tracks of human beings coming back from Mowerie?—No.

366. Did you search for them?—We looked around for them.

367. Did you see the tracks where the horses had returned?—Yes, coming away from Mowerie.

368. And also going from Gotegetemmerrie to Mowerie?—I depended on my native for the tracking.

369. Were you, as a reasonable man, satisfied that what the native told you was right?—I am perfectly satisfied that he showed me the track of a female leading from Gotegetemmerrie to Mowerie and only horse tracks coming away from Mowerie.

370. The horse tracks, after leaving Mowerie, led towards the police camp at Wodgil?—The boys went in the lead and, when we found that no human tracks led away from Mowerie, they followed the tracks of the three horses. When we reached the top of the hill, they said the tracks were lost, but were leading towards the Wodgil camp. There were numerous tracks around and about the camp for a considerable distance.

371. You cannot say that the horse tracks leading from Mowerie were leading direct to the police camp?—No.

372. But you saw them where they left Mowerie?—Yes. The tracks went northerly, but the natives told me the horses had gone over the hill. The tracking there was very difficult. After that, they said the tracks turned down towards the camp.

373. What natives had you?—My own tracker, two bushmen and a tracker from the mission.

374. Did any of the trackers give you any indication as to the age of those tracks?—Yes, they were old tracks, a couple of months old.

375. You have had a good deal of experience in following the tracks of natives?—Yes.

376. Are you of opinion that those tracks would be a couple of months old?—I cannot say, personally. A native can give an approximate idea, but a white man can say merely that tracks are fresh or old. These were old tracks, but where they were shown to me, they were quite distinct. The rest of my evidence deals with the bringing in of exhibits. Two shin bones have been mentioned. They were sent to me but, as they had been brought in by a bush native and I had seen nothing connected with the case, I did not bring them away. They were in a state of putrefaction. The exhibits were taken from Gotegetemmerrie and Mowerie. The teeth came from Mowerie. I produce a photo. of the stump of the tree at Mowerie (Exhibit E). The exhibits, which were given to Det.-Sergt. Doyle and conveyed to the Government Bacteriologist, were:—

Found at Gotegetemmerrie on 25th August, 1926.

1. Three stones bearing marks of fire and stains. These were found at improvised oven.

2. Two pieces of stone from near small tree where natives were alleged to have been chained up, and from beneath small shelf of rock.

3. Some dirt supposed to contain blood stains from near tree.

4. Paper-bark parcel, containing supposed pieces of burnt skull bones found in water in Forrest River, near above oven.

5. Paperbark parcel containing burnt alleged human pieces of bones.

Found at Mowerie 25th August, 1926.

6. Paperbark parcel of apparently burnt human bones.

7. Havelock tobacco tin containing cotton for packing and 22 apparently human teeth and one piece of bone, all burnt.

The report of the bacteriologist reads—

I have examined the seven aboriginal specimens from Wyndham handed over to-day (September 14th) by Det.-Sergt. Doyle to me.

1. There seemed to be charred organic material on the stones. It did not give the chemical reaction for blood. If blood is completely burnt it would not give the test.
  2. No stains resembling blood on these stones, and they give no reaction for blood.
  3. On dissolving part of the dirt it did not give a reaction for blood.
  4. Some of them were skull bones but there was no piece distinctive of the human skull.
  5. These were burnt bone, but no piece was distinctive of the human skeleton.
  6. The same remarks apply as to No. 5.
  7. I am of opinion that the teeth are human.
377. Those were the teeth recovered at Mowerie?—Yes.
378. By INSPECTOR DOUGLAS: Noble says that seven tracks came from Wodgil. Did Noble show you seven tracks there?—No.
379. You examined carefully the scene of the fire at Gotegotemerrie. Would it be possible for the bodies of four natives to have been burnt there without leaving some further traces?—When I looked back I was struck with the indications of the great heat of the fire. It is difficult to answer your question. Noble had been there before me. I gather that there had been some attempt to remove the debris because of the charcoal and portions of skull found in the creek.
380. The place had been disturbed prior to your visit?—Yes.
381. By Mr. NAIRN: The bones might have been kangaroo bones?—And they might not have been.
382. Is not there just as much reason to expect them to be kangaroo bones as human bones?—I will not admit that.
383. You probably had the view of Noble before your mind when you made your examination?—No, I went there with a perfectly open mind.
384. The bacteriologist cannot say that these are human bones and I do not suppose you would go further than he has done?—No.
385. The Wodgil camp is roughly south and six or seven miles from Gotegotemerrie?—Yes, roughly.
386. Most of the country between is hard and rocky and very difficult for tracking?—Yes, most of it is difficult for tracking.
387. After 2½ months could tracks be followed that distance?—Provided the country had not been disturbed. Circumstances govern such cases. If it was maiden country that had not been disturbed by other tracks and there had been no rainstorms or wind, it would be possible to do the tracking after that lapse of time.
388. Had there been rainstorms or wind?—Judging by the ground I think there had not been.
389. You think it would be quite competent to follow tracks from Wodgil to Gotegotemerrie?—Yes, for a native.
390. To Mr. NAIRN: We searched around Wodgil and when Noble brought us back the second time we came from Oombalie, thus approaching Gotegotemerrie from a slightly different direction, leaving Wodgil on the left. I did not examine the country between Wodgil and Gotegote-merrie.
391. By Mr. NAIRN: Did Noble tell you that he had followed horse tracks to Gotegote-merrie?—Yes, he said he had tracked four men and three women from Wodgil to Gotegote-merrie.
392. Did you ask him to show you some of the tracks?—No.
393. Why not?—It would be of no use my posing as a tracker.
394. Over a distance of five or six miles surely there was some point where a track could be distinguished by a white man if pointed out to him?—Possibly.
395. I cannot understand your not having asked him to point out some of the tracks?—I had plenty of work ahead without going back.
396. You have a pretty good estimate of native statements?—I regard Noble as a good tracker and rather above the average black man and I accept his evidence.
397. Would it not have been more satisfactory if you had seen some of the evidence if it ever existed?—I have not said that they took the natives from Wodgil to Gotegote-merrie. Noble said that.
398. You are bringing forward Noble's report?—I gathered sufficient evidence between Gotegote-merrie and Mowerie to prove that human beings had passed that way.
399. All you can swear to is the track of one person?—Yes.
400. You cannot swear that there was more than one person at Forrest River?—No, I saw one female track.
401. That is not much corroboration of seven persons having gone that way?—We supposed that four had been left behind.
402. You are drawing on your imagination or accepting the assurance of natives to a large extent?—Why?
403. You accept as proved the statement that seven natives had been brought from Wodgil to Gotegote-merrie?—I left their report as to four and took up the case of the three in clean country.
404. Can you give the slightest evidence that any number of natives were taken from Wodgil to Gotegote-merrie?—No.
405. Can you say that any natives were taken from anywhere to Gotegote-merrie?—No.
406. You followed the Forrest River for five or six miles. The bed affords better walking than the average ground?—That is not my impression. There was water here and there and a little quicksand.
407. That could be skirted. If the police did their duty some of them would probably be in the bed of the Forrest River in the course of their two weeks' investigation?—I did not see any sign of other than the three animal tracks.
408. You assume that those were the tracks of the police party?—I relied on the tracks of the shod horses.
409. You would expect that some of the party would be in the bed of the Forrest River at some time or other?—I do not agree with that.
410. Do you think it suspicious that you found police horse tracks in the Forrest River?—The three tracks we saw were on maiden country. There was no stock travelling in that part. Wodgil was the place where all the tracks were, not Gotegote-merrie.
411. The police did not sit down at one spot; they were scouting through the country. There were a dozen men with 42 horses. You would expect to find the marks of them in many places?—Provided they had been there.
412. If they did their duty they would scour the whole of the country and you would expect to find the marks of their horses in the river beds?—They would have no reason to follow up the river to get water.
413. Do not natives follow the rivers very much?—Yes.
414. Those are the places where the police would be likely to find them?—That is on the edge of the river. Why go to the bed?
415. Mr. NAIRN: Would not you expect to find police marks in the bed of the river?
416. By the COMMISSIONER: Were those marks in the bed of the river?—No, on the bank away from the sand of the river.
417. By Mr. NAIRN: Not on the top of the bank?—Following the course of the river.
418. By the COMMISSIONER: How far is Mowerie from Gotegote-merrie?—Gotegote-merrie is on the rocky level of the flood bed, not the lowest part of the river but within the excavation of the river.
419. By Mr. NAIRN: Were the tracks made in the bed of the river?—No, in the concave excavation formed by the river.
420. By the COMMISSIONER: Would the tracks be covered when the river was in flood?—I think they would be.
421. By Mr. NAIRN: You spoke of the tracks of the woman as following the police track. Why?—They appeared to be over the other tracks as if the shod tracks had been made first.
422. Could you swear that you saw foot tracks on top of horse tracks?—No.
423. I suggest you were a good deal influenced by what Gribble and Noble told you?—After the ex-

amination I came to the conclusion that the bones were human.

424. What ground had you for concluding that four men were burnt at Gotegote-merrie?—Nothing other than Noble's statement that he tracked seven persons there, and I subsequently saw the tracks of women going away and found three separate lots of teeth in the ashes at Mowerie.

425. You cannot say whether the tracks of the three shod animals were one month or four months old?—I do not think it possible for them to have been four months old.

426. What was the oldest they might have been?—I cannot say. My mind was influenced by the date on the tree.

427. You cannot say how old the tracks of the woman were?—No.

428. The tracks might have been those of a woman who passed that way a month later than the police?—Yes, provided the track led to the same spot.

429. How far from Mowerie was it that you saw the last native track in the river?—I think it was just on the south side of the river, on the opposite side from the stump of the tree.

430. By the COMMISSIONER: You did not see any tracks around the stump or near the stump?—No, the nearest was in the river turning towards the stump.

431. By Mr. NAIRN: Did you go further west along the Forrest River to see whether those tracks continued?—Yes, we cut across the river.

432. Tracks are picked up only once in about a quarter of a mile?—No, closer than that.

433. You saw a single track only here and there?—Yes.

434. Did you go beyond the Mowerie point to test whether the tracks you saw on the river had gone further west?—No; if you see a track leading in one direction it is not usual to go in another direction.

435. You saw one track?—It may have been one of three tracks.

436. Again you are drawing on your imagination?—Why not?

437. Why not one of 12?—I know better than that.

438. You did not see more than one footprint. Why say one of three?—Because I saw three different sets of teeth afterwards at the spot to which the tracks led.

439. Did you pick up all the teeth that you could find?—At the time, yes.

440. You found 22 teeth?—The party found 22.

WILLIAM ARCHIBALD DOUGLAS, Inspector of Police, in charge of the Northern District, stationed at Broome, sworn and examined:

441. By the COMMISSIONER: In consequence of reports received, what did you do?—On the 23rd August I received a report from Sergeant Buckland, which I communicated to the Commissioner of Police. I left Broome on the 24th August and arrived at Wyndham on the 28th. On the 29th I went to the Forrest River Mission, and on the 30th I left the mission accompanied by the Rev. Gribble, John Thomson, and two mission natives. We went to Gotegote-merrie. Some three miles before reaching it the whole party were searching for tracks. We found tracks going in different directions. I followed the tracks of three animals that had gone in the direction of Gotegote-merrie. I took the tracks to be those of a horse and two mules. One was a shod horse and the others looked like mule tracks. I followed them along to where the tracks broke off from the tableland going down to the valley about a mile before reaching Gotegote-merrie. From there there were really no distinct tracks other than the bent and broken grass. The grass was matted and particularly heavy, and it was impossible to tell whether a horse, an emu, or a kangaroo had been through it. All such creatures would leave practically a similar track—the grass was so dense and heavy. I went down to Gotegote-merrie in company with the other members of the party and saw in the river indications of a fire. It was in an overflow of the actual river bed, amongst a lot of rocks and stones. The whole scene of the fire had been disturbed and rooted over by various persons who had been there before I saw it. That was on the 30th August. There were small fragments of what appeared to be charred bone, and at the edge of a pool of water some

30 yards farther away I saw some charcoal cinders and two or three little fragments of bones. Mr. Gribble pointed out to me a spot near the fire where he said natives had been shot, but to my mind there was nothing to indicate that anything of the kind had taken place. I searched around the spot for tracks. The ground in the vicinity was particularly stony. There was no trace of any footprints. We searched back for about 200 or 300 yards to a tree where Mr. Gribble said a camp had been made. The country in this locality had been burnt, but I could find no indications of there having been a camp—no camp fires where a billy had been boiled or anything of that kind. He showed me a tree to which natives were supposed to have been chained, but I could not find any definite marks of a chain having been around a tree or any footprints around it to satisfy me that it had been a camp. There were quite a lot of horse tracks in the locality. Apparently horses had been moving backwards and forwards, and it was impossible to say how many there had been. From the tracks I can say that there had been horses without shoes and horses with shoes. The ground at this spot is inclined to be of a sandy nature and a strong wind would quickly obliterate all traces of human footprints. I saw the track of one person who had been wearing a boot. It appeared to be of a rather large size, but I could not say how old the track was. We camped there that night and on the following morning I asked Gribble to request his natives to show me the tracks of any natives between Gotegote-merrie and Mowerie over which we were then about to start. The natives went out in front and we followed the course of the valley to Mowerie. In some places it was sandy, in other places stony, and in other places it was heavy grass country. In one place the natives pulled up and showed a single track which, judging by the size, appeared to have been made by a female native.

442. Was that the only footprint shown to you on the whole distance from Gotegote-merrie to Mowerie?—Yes. On arrival at Mowerie I saw the scene where a large fire had been made at a tree, upon the sandy country. Within a short distance of the scene of the fire were indications that horses had been standing there for some time. In the ashes of the fire there were quite a lot of fragments of what appeared to be charred bone, also what looked like pieces of teeth. I searched all around the locality and in one place saw the track of a boot.

443. Similar to the track you saw at the other place?—Rather smaller.

444. Indicating that two persons wearing boots had been in the vicinity?—Yes. I could not say how old the track was. About 100 yards from this place we picked a number of horse tracks going in a westerly or south-westerly direction. We followed them down to the valley.

445. How many horses would there have been?—Possibly five. The natives, who were following the tracks just there, hesitated. The tracking was difficult. Eventually they picked up the tracks of three horses and a mule going westerly. I was not quite satisfied that they were the same tracks, but I followed them for about a mile, still going in the same direction. At the time I was not equipped to follow them for any distance.

446. Did you follow them over the river?—No.

447. From Mowerie you went west about a mile along those tracks without crossing the river?—Yes.

448. You kept on the north bank of the river?—In places the river twists and runs sometimes north and sometimes west.

449. Then you would be crossing and recrossing occasionally?—We crossed it when we came to Mowerie. The tracks were still on the same side as the fire had been. We left those tracks and I went to the place known as Youngada or Wodgil. That would be in a more southerly direction. I inspected Youngada and saw there the markings on the trees. On one tree was the name "Wodgil" cut into the bark; there was a broad arrow with the letter "P"; also a star and a date "8-6-26."

450. Did that suggest anything to you?—It suggested that possibly the police had been camped there and that someone had been carving.

451. Is that what you would be likely to find in a police camp?—It is very unusual; the police as a rule do not go about leaving brands on their camps. There were a large number of tracks of horses in this locality. In consequence of what Mr. Gribble had said I looked

for the tracks of natives who might have been chained up there. I searched the trunk of a tree where there was what appeared to be the remains of two small fires. I looked at the trunk of the tree through a magnifying glass that Gribble was using but I failed to find anything on the trunk to indicate that a chain had been around it. It appeared as though quite a large party had been camped there. From there we left for the mission, following for a time a large number of tracks of horses and mules that turned towards the mission and eventually turned farther north. We reached the mission that night and I came to Wyndham. On the 5th September I left Wyndham in company with Constable Donegan and a native tracker. We went to Nulla Nulla station and arrived there on the 8th September. On the 9th I left there and went on to Jowa Spring, about 16 miles north of Nulla Nulla. In consequence of what Mr. Gribble had said I was searching for the remains of deceased natives.

452. Jowa Spring would be between Nulla Nulla and the mission on the south of the Forrest Mission?—Yes. I failed to find trace of anything there. On the 10th I kept on searching through the bush and travelled to Mungea. On the 11th I reached Youngada. I made a circuit around Youngada and found horse tracks leading in all directions.

453. Were those the same tracks as you had seen before?—Yes, but on the first occasion I had not time to inspect them closely. There were the tracks of one party going north and the tracks of another party going about south-west. There were tracks leading in various directions, three or four one way, half a dozen another way, and so on. What I could see generally was that the great bulk of the tracks went one lot northerly and the other lot south-westerly. From Youngada I followed quite a lot of tracks in various directions to try to get definite tracks leading to Gotegote-merrie, but there had been so many tracks in the locality that I could not pick up anything definite within a mile of the camp at Youngada.

454. How far is Gotegote-merrie from Youngada?—About four miles.

455. So there were three miles in which you could find no definite tracks?—No distinct tracks. I followed along. I picked up one set of tracks that led to the top of the tableland in the direction of Gotegote-merrie. They appeared to be the tracks of horses and mules. How many there were I could not say. They were over the top of one another and the country there was not too good for tracking. I followed them to where they joined up with other tracks and turned and went away westerly. They did not actually go to Gotegote-merrie. After zigzagging about a good deal I eventually took the tracks that I was following on the previous occasion and tried to run them back to Youngada. In that I was not successful. I could not get anything leading back direct to the camp or within a mile of it. I followed on the tracks to Gotegote-merrie and looked carefully for native tracks. En route I found in one place a footprint indicating that one native had been walking along. It was visible for three or four yards. Within about a mile I saw the tracks of three apparently male natives on a bare patch, but they seemed to be fairly fresh tracks.

456. Nothing like three months old?—No; I took them to be the tracks of Noble and his party. I went into Gotegote-merrie and made a careful search for anything that might have been overlooked when I was there previously or by those who were there prior to my visit. I could not find anything further. We had been walking about there a good deal on my first visit and, on my second visit about nine days later, I was struck by the fact that our earlier footprints had been obliterated, though the horse tracks were still visible. The footprints had been obliterated by the wind. I went on again to Mowerie and made a further careful search for anything I might have missed. I found nothing but what I had already seen, and then I tried to follow the old horse tracks leading away from the locality. I ran them down into the valley in a south-westerly direction, but in the valley I lost them going in a south-westerly direction. That was on the 12th September.

457. Would not those tracks be going towards Youngada?—No, Youngada would be more to the south. There were other tracks there and I circled all round but could not definitely pick any tracks leading from there as being the tracks. Other tracks had been over them previous to my visit. After losing the tracks I

followed for a time the tracks I had previously been following with Gribble. I followed them for probably a couple of miles going north-west.

458. That would be away from Mowerie?—Yes; it appeared that they were the tracks of a scouting party, possibly police natives searching for camps, or possibly a police party out looking for natives. I failed to find any further trace of those tracks leading away from there. I returned to Nulla Nulla Station and made a search at a place called Bowarie, where it had been alleged that a gin named Minnie-walla had been killed. I searched in the rocks and found the remains of a female native. A native named Alick informed me that the woman had been killed by a native named Toora, otherwise known as Tommy, about six months previously, but the natives had never been able to find out where he had buried her. I was satisfied from what I heard that the remains I found were those of Minnie-walla. I found them close to the locality in which she had been camped. Her skull had been fractured. I made a very careful search of what was left of the bones, but no portion of a rib or any other bone in the body bore any trace of a bullet mark. I brought the fractured skull with me and it is now in Wyndham. I then came to the 20-Mile and made a search for Tommy. I sent Constable Donegan after Tommy who was in the locality.

459. Is that the same Tommy who is missing now?—Yes. The constable and the tracker missed him on two occasions. In the rocky country he was too fast for them. I returned to Wyndham on the 20th September. I then took statements from various members of the police expedition, in which work I had the assistance of Det.-Sergt. Manning. Those statements are on the file.

The Commission adjourned.

THURSDAY, 3rd MARCH, 1927.

POLICE INSPECTOR DOUGLAS, further examined:

460. By the COMMISSIONER: Will you continue your statement?—On the 28th October I went to the mission with Det.-Sergt. Manning and the Rev. Gribble. We were taking statements and conducting general inquiries into this matter. Gribble suggested that I should go to a place called Dala, but as there was nothing definite—there were only native rumours—I did not go at the time. I suggested that he should send his natives out and satisfy himself whether there was anything at Dala. We returned to Wyndham on the 31st October with Gribble. I am not quite clear whether it was the following morning or the morning of the 2nd November that I met Gribble in the street in Wyndham and he handed me a parcel of charred bones which he said had been brought overland from the mission by a native. I could not go to Dala, the place whence they had come, as I had an appointment at Ivanhoe, 50 miles distant, and I also had an appointment with O'Leary at Hall's Creek for the 2nd November in connection with this matter. I was desirous of interviewing him. Up to that time I had not got a statement from him. I conveyed the parcel of charred bones to Perth and handed them to the Government Bacteriologist. I produce the report:—

I have examined the incinerated bones brought by Inspector Douglas of Broome. There are none of the fragments so distinctive of the human skeleton as to justify me in saying they are human bones. 3/12/26. (Exhibit F.)

461. What about the exhibits that Mr. Gribble produced?—They were a different lot from the same spot.

462. I think that the other bones will have to be examined?—I understood that a native collected the bones that were handed to me.

463. You saw the exhibits that Mr. Gribble put in. From the point of view of an untrained man do not you think they included human teeth and a jawbone?—They certainly looked like it.

464. If you had seen bones of that description you would have been more anxious to make an inspection?—I certainly would; but I had an appointment at Hall's Creek, the only means of getting out was by car, and we were becoming pressed for time with the rains coming on. As there was nothing definite or conclusive I allowed the matter to stand over. I proceeded to Hall's Creek to interview O'Leary who, after waiting three days for us went before a justice of the peace, made a

statement and left it for me, and then returned to his station some couple of hundred miles farther out. That statement is on the file.

465. By Mr. NAIRN: How did the bones that you took to the bacteriologist compare with those that Mr. Gribble produced here?—They were nothing like them. The lot I took down were little pieces; those produced by Mr. Gribble were large in comparison.

466. Several of those pieces are quite distinctive?—Yes.

467. What you took to Perth were only chips?—Yes, about the size of the thumbnail. There was no distinctive bone amongst them.

468. The bones presented to you were the first collection and those put in by Mr. Gribble were the second collection?—I understand that Mr. Gribble presented what he himself had gathered, and that what I took to Perth were gathered by a native.

469. And that a native had been sent out for the special purpose of getting bones that might be identified as human bones?—I would not say that. A native was sent out to investigate.

470. By the COMMISSIONER: By whom?—By Mr. Gribble at my suggestion. He said that there were rumours and he was rather keen about there being something at Dala. Det.-Sergt. Manning and I were not satisfied and as I was unable to go—I had met with a slight accident to my foot—we decided that we could not be running here, there, and everywhere on native rumours.

471. By Mr. NAIRN: The boy sent out was instructed to bring in bones for the purpose of making an exhibit of them?—I cannot say what instructions were given him; he did not get instructions from me.

472. Was that your request?—No; I simply asked for investigation. I did not think that any bones would be brought in; I thought that the scene would be left intact so that we could view it for ourselves.

473. At that time it was only a rumour, so I take it you had no definite statement that the native Herbert had spoken of there being natives of the chain?—That information was before me. Gribble had told me previously that his boy had said he had seen natives on a chain. That was one of the boys who went out with the police. Aldoa, who I believe is also known as Matthew, was the other boy.

474. The COMMISSIONER: Were those the same boys as were sent out to capture Lumbia?

475. Rev. GRIBBLE: Yes.

476. WITNESS: I do not know whether one or both of those boys had been out previously, but Mr. Gribble informed me that he had sent one of them out previously and that he had returned without finding anything. That rather put me off.

477. By Rev. GRIBBLE: You said you made a thorough search around Youngada. At what distance did you find that the police had been operating westward? Would it be a hundred miles west of the mission?—I was not out one hundred miles west of the mission.

478. By the COMMISSIONER: They had not been operating at anything like that distance?—I would not say they had been out 100 miles west. Of course, they might have been.

479. By Rev. GRIBBLE: The police camp at Youngaga was marked No. 2. Did you discover No. 1 camp?—Yes, it was on Oombalie Creek, or Mungea.

480. On one of the branches of the Ernest River?—I cannot tell you the names of the various little branches and creeks. I really do not know which is the Ernest, but this I understand is a pool on Oombalie Creek.

481. Oombalie Creek is the Ernest River?—Then it has two names. I understood the name of the pool to be Mungea. I think that all the locality there is called Jowa.

482. By the COMMISSIONER: No. 1 camp was on Oombalie Creek a few miles from Oombalie?—I thought it was on Oombalie Creek.

483. By Rev. GRIBBLE: That would be four or five miles from Oombalie?—From Jowa Spring to Mungea water would be I think from two to three miles. That would be about 17 miles from Nulla Nulla station, equal to about a day's march. It is extremely rough country and one cannot judge the pace at which one is travelling.

484. By the COMMISSIONER: How far is it from Jowa to Youngada?—About ten miles. There was evidence of a police camp in the Jowa locality.

485. By Rev. GRIBBLE: Did you find No. 3 police camp?—Yes, on the Forrest River.

486. By the COMMISSIONER: Was that towards the mission or in the opposite direction?—In the opposite direction.

487. By Rev. GRIBBLE: In the vicinity of Gote-gote-merrie?—No.

488. By the COMMISSIONER: West of Mowerie?—Roughly 10 to 12 miles from Gote-gote-merrie. There was no particular name for No. 3 camp. There were three distinct camps. I discovered no others.

489. Are you satisfied that those were the police camps that were occupied by the police when they were searching for the murderer of Hay?—In my opinion they were.

490. By Rev. GRIBBLE: In your opinion was Youngada the main camp while the party were out?—There was nothing more distinctive about Youngada than about the others.

491. By the COMMISSIONER: It did not appear to have been more used than the others?—From the indications I cannot say definitely the comparative time during which the police party stayed in any of the camps. There was such a large number of horses with the party and there were no definite indications to enable me to say positively.

492. By Rev. GRIBBLE: Could you say that the three camps were all 10 miles or less from Gote-gote-merrie?—Two of them were more than ten miles. Youngada is four to four and a half miles from Gote-gote-merrie. No. 3 camp is 10 to 13 miles distant.

493. When at Youngada did you notice any campfires at the foot of the tree where the marks were?—There were signs of two small fires at the foot of the tree where the marks were.

494. In chaining natives for security is it not possible to secure prisoners around a tree so that no marks would be left on the tree?—I do not think so. Some distinctive mark would be left on the bark to enable one to say that there had been a chain around it.

495. Would it not be possible to chain natives around a tree without putting the chain on the tree?—That is not the custom. The custom is to secure one end of the chain to a tree and, if there is another tree adjacent, to secure the other end of the chain to that tree.

496. You found bones of a female native at Rowarie. Was the whole skeleton there?—No, it was minus the lower portion from the thighs down. The bones were sound so far as any breakages were concerned. The bones were in a crevice of the rock. The wild dogs could get underneath and gain access to the lower portion of the body, whereas they could not get at the upper portion. The remains smelt very high.

497. You heard me give evidence that the report I received stated that the shooting was done by the native Windie alias Joe?—The natives around Nulla Nulla told me that Tommy had killed her about six months previously. I placed reliance on the report of natives in the locality.

498. You heard my evidence regarding the police interrogation of the natives brought from Dala?—Yes.

499. Do not you think it strange that as a result of the inquiry held at the mission the police released the other prisoners and brought in the three natives mentioned in the story I had given to the police, and is it not strange that that fact was not mentioned in the court proceedings?—No. I would not think it strange when it was found before the inquest took place that that statement was not correct. The persons mentioned in that story were brought in to give evidence in support of the charge of murder.

500. You took exception to my remark that it seemed to me kerosene had been used, which statement I made owing to the indications of great heat in the fires. Is it impossible to carry kerosene on pack horses?—It is not impossible to carry a small quantity, but there is always a danger of the container getting broken.

501. There would be the same danger if the police were carrying liquor for instance?—Yes.

502. They do carry liquor on those expeditions, a gallon or so?—Yes.

503. Is it a regular thing for police parties on such expeditions to carry liquor?—It is possible but highly improbable.

504. The COMMISSIONER: I shall carry some when I go out.

505. By Rev. GRIBBLE: Did you find evidence of any of the party having gone back to Nulla Nulla during their occupation of the Ernest tableland?—No, but I have knowledge that they did.

506. Apart from the excursion to get beef did any portion of the party go to Nulla Nulla prior to their arrival at the mission?—Yes; that is how I was able to get into touch with the party for the first time. Mr. Murnane came in by boat from Nulla Nulla and notified me where I could get into touch with the party.

507. By the COMMISSIONER: Was that before the party divided, one section to go to the mission and the other section to Nulla Nulla?—That was the time they divided.

508. Is there any evidence of any of the party having gone to Nulla Nulla from one of the camps prior to that?—I cannot say where they went. One set of tracks led north towards the mission through Youngada, and the other went away out to the south of Mowerie. Mr. Gribble was present when I was following the tracks. There seemed to be about half the party in each lot.

509. One went to the south towards Nulla Nulla?—No, they were going westerly and northerly.

ARTHUR HAROLD BUCKLAND, Sergeant of Police in charge of the station at Wyndham, sworn and examined.

510. By the COMMISSIONER: You received a report about the 26th April?—I had a complaint from Overheu about the killing of cattle. On the 20th May I sent Constable St. Jack with trackers to inquire into the matter. On the 26th May I received a report of the death of Hay about seven miles from Nulla Nulla station.

511. In your statement on the file you say there were 200 natives in the locality of Nulla Nulla and the place where the police operated?—Two days before they got to Nulla Nulla I had a report that there were 200 natives in one camp. St. Jack made that report. I engaged two special constables—Jolly and O'Leary—to assist the police in their inquiries about the murderer of Hay and to effect the arrest. The party started on the 1st June. They consisted of Constable Regan, Special Constables Jolly and O'Leary and Mr. Daniel Murnane, an official who was investigating the buffalo fly pest for the Commonwealth and State Governments. Twice Murnane came to me and offered his services.

512. I suppose he wanted an opportunity to settle the buffalo fly question as much as anything else?—I suppose he would see as much out there as anywhere else. It would be an opportunity for him to get into touch with his work. Trackers Frank, Jacob, Jim, Suleiman and Charlie accompanied the party. Frank and Jacob were regularly employed by the police and the other three were put on specially. They started from Wyndham on the 1st June and were to meet St. Jack and Overheu at Nulla Nulla as soon as they could.

513. Is Regan a young officer?—He is a young man, but was the oldest available. He is in charge of Turkey Creek.

514. St. Jack is quite a young officer?—Yes, he had been in the force 12 months or a little more.

515. Had he had any experience of dealing with and arresting natives?—He had been out on one trip before.

516. In company with Regan or O'Leary?—No.

517. What instructions did you give them?—Before they started I called them into the office and told them to be very careful about the use of firearms.

518. Had they all firearms, including the police boys?—No, but firearms were taken for them. We had firearms to arm the whole of the party including the boys.

519. Did you give them any instructions as to arming the police boys with rifles?—No.

520. Are there any police instructions regarding that?—The police are supposed to be with the boys when they have firearms.

521. Is there any regulation prohibiting the issue of firearms to police boys or trackers?—Not that I know of.

522. You satisfied yourself with giving them fair warning about the use of firearms?—Yes.

523. Do you think it a proper thing to send armed natives into the bush by themselves to search for other natives? Do you think there is any harm in it?—I have always sent natives out armed when they have been scouting. You could not induce them to get the horses unless they had firearms.

524. You think it absolutely necessary to give them firearms if they are to go out?—They would not go out unless they had them. They would be too much afraid.

525. Therefore you find it necessary to supply them with firearms when they go out scouting by themselves?—Yes.

526. They would not be under the immediate control of their officers and the officers would not have a restraining influence over them?—I think I have done as much native hunting as has any man in the Kimberleys. It is customary to detail some of the party to watch the police camp while the rest rush the natives' camp, usually at daylight. The natives can get into places where a white man cannot.

527. How many years' experience have you had?—Practically 30 years.

528. And you think it absolutely necessary, in order to get the work done properly, that the natives should be armed?—It could not be otherwise.

529. It is necessary at times for them to be out of control of their officers when carrying arms?—Yes.

530. What was the next you heard of the party?—On the 19th June Murnane arrived from Nulla Nulla station where some of the party had gone for beef. He came in alone in a dinghy. He brought a letter asking that stores be sent to the mission. Inspector Douglas was there when Murnane arrived. On his instructions I went to the mission in the launch with the stores. His instructions were to disband Special Constables Jolly and O'Leary. That was done, and Constables Regan and St. Jack continued. I went to the mission on the 24th June and returned on the 25th. Jolly returned with me in the launch and O'Leary came overland with his horses.

531. After Murnane came back on the 19th did he return to the party?—No, he remained in Wyndham. He said he was expecting wires and could not stay longer with the party.

532. Was that the only reason he gave for not rejoining the party?—He said he might have to go to Darwin on business.

533. Did he say anything about that when he started out with the party on the 1st June?—No, he did not say how long he could stay with the party.

534. Did he state then that he was expecting wires and might not be able to stay out?—No.

535. It was only when he came back that he told you he was expecting wires and could not rejoin the party?—He said he was very sorry; he would have liked to continue with the party.

536. You are certain of that?—Perfectly certain.

537. Are you sure that he was not disgusted with the whole thing?—Absolutely certain.

538. Have you heard of any remarks made by him in connection with the expedition?—No.

539. There was no suggestion of any remark having been made by Murnane derogatory to the expedition?—No.

540. No one has told you that any such remark was circulated in Wyndham?—No.

541. Regan and St. Jack were to continue the search for the native Lumbia?—Yes; they told me at the mission they were satisfied that Lumbia was the principal in the murder of Hay. The next thing that I heard was when Regan returned with Lumbia on the 7th July.

542. Before he returned certain rumours came to your ears about the killing of natives by the police party?—I heard various rumours and made inquiries. One person would say, "I do not know; I think so and so told me." When I went to that party, the reply I got was that he had heard someone else talking about it. It was general talk about the place but I could get nothing definite.

543. Did you endeavour to trace the tattle to its source?—I did.

544. Have you any idea who mentioned it first?—People told me that it originated with Mr. Gribble.

545. Had he been in town during that time?—Yes, he had been in and out.

546. About the 7th July there were rumours of natives having been killed. Did you take any step in the matter?—I could not get anything definite; people would not talk. The next thing that happened was about the 23rd August when Inspector Mitchell came to me and asked whether Dr. Adams or Mr. Gribble had made any report to me. I replied, "No."

547. He said something of Gribble having brought in charred bones?—Mitchell told me a little about it. He said he had not the hang of it but would find out the facts. He saw the doctor down the street and, after a conversation with him, Mitchell informed me that charred bones had been brought in and handed to Dr. Adams.

548. When he handed the bones in he did not say what they were?—He said they were supposed to be the remains of bones of natives killed by the police. I then wired Inspector Douglas. I made inquiries of members of the police party regarding the rumour. St. Jack said it was all nonsense.

549. Did he deny the statements altogether?—Yes.

550. Did you see Regan at the time?—He had gone back to Turkey Creek. Jolly and O'Leary were in the bush. The only man I had an opportunity to speak to at the time was St. Jack. Inspector Douglas wired me that he was coming to Wyndham.

551. Did you receive any report about the alleged killing of the native boy Tommy?—Yes, Gribble reported on the 6th October that Tommy was supposed to have been killed by Overheu at the 8-mile.

552. Is that any where near Nulla Nulla?—No, it is only two miles beyond the 6-mile hotel, going from Wyndham.

553. How far is Nulla Nulla from Wyndham?—By boat a little over 20 miles, and by road about 50 miles. I sent Constable Donegan to investigate the report but he could not find anything at all.

554. He got some news from a saddler who repaired the saddle that Tommy was supposed to have been using?—Yes, and I got a report from the saddler himself. He said there was no blood whatever on the saddle. Later on I was sent out by Inspector Douglas to Dala. I left Wyndham on the 20th January, reached the mission the next day, and left for Dala on the following day. I travelled ten miles that day and on the 22nd got to the place. Mr. Gribble, jun., pointed out the place where he said the natives had been chained, but I could see no evidence of natives having been chained. There was a little mark, three or four inches at the outside, on a bloodwood tree. If you rubbed a bloodwood tree it would make a scaly mark. About a foot from the ground was a mark which young Gribble said was a bullet mark. It did not look like a bullet mark; it seemed to be a bruise that had been made with a stone or a blunt instrument. I poked it with a knife, but there was no trace of any bullet. It was right in the centre of the tree. There was another little tree, a bohemian tree, two or three feet away, and the mark was in the centre of the bloodwood tree facing the bohemian tree. I saw what appeared to be the mark of a small bullet in a limb about 6ft. 6in. from the ground. Young Gribble showed me a spot where he said his father had found blood. I saw no evidence whatever of blood.

555. What did the spot look like?—It was sandy ground, but I saw no evidence of discoloration. Young Gribble then took me to the creek 70 or 80 yards away and on flat rocks he pointed out where there had been a fire and where he said bones and teeth had been found.

556. Could you see that a fire had been burning there?—There was evidence of a very small fire, nothing more than one would make to boil a billy.

557. Were those the only fire indications pointed out to you?—Yes.

558. Did young Gribble show you anything else?—From there we went a distance of about 50 yards up the creek in water. The rocks I referred to are in the creek. Gribble sent his boy into water about 18 inches deep and he started to throw up handfuls of charred bones and chips of bones.

559. Were those the remains Mr. Gribble brought in?—No. The boy brought up some handfuls; there seemed to be any quantity of them there.

560. Did you examine any of the bones secured by the native on that occasion?—Yes.

561. What sort of bones were they?—I cannot say; some were little chips and some were little pieces. I did not see any teeth among them.

562. What was done with those bones?—They were left there.

563. Did Gribble take any samples of them then?—No, they were simply left on the bank.

564. Are you sure you saw no teeth?—I am certain there were no teeth.

565. The COMMISSIONER: When was that, Mr. Gribble?

566. Rev. GRIBBLE: Sergt. Buckland's visit was made while I was in Perth. My visit was made previously, before the rain came. I showed the sergeant my exhibits in a box.

567. WITNESS: Yes, Mr. Gribble showed me a few pieces in a matchbox. He just showed them to me for a second or two. He said there were teeth, a button, and some charred bones.

568. By the COMMISSIONER: You saw the prongs of the teeth,—Yes.

569. What happened when the native took the bones out of the creek?—Gribble tried him again in deeper water but he was unsuccessful. He said there were two other places where there were bones, but he did not find any more. Gribble said the police had camped there, but I saw no evidence of the camp. There was a rib-bone of a bullock about 15 inches long. I asked what it was, and he said it was out of the meat the police had got at the mission. I could not say that anyone had camped there. There had been heavy rains.

570. Were there any tracks of horses?—Yes, very old, but they were 100 yards further back. I did not notice any at the spot. They were the tracks of shod horses. I have no idea how many there had been. The ground was sandy and heavy rain had fallen. From the tracks it appeared that the horses had been walking past the spot. There were no marks to indicate that a number of horses had been standing there. Gribble told me I would see nothing on account of the rains. I could see by the creek that there had been heavy rains.

571. Rev. GRIBBLE: There was 14 inches in December.

572. By the COMMISSIONER: Such a rain would obliterate tracks?—Yes, on sandy ground, and the ground there was very sandy. There was a good deal of vegetation and grass over a foot high. Gribble pointed out the spot where he said he had seen the heel marks of natives who had been dragged along, but I could not see any.

573. If tracks had been made by anybody six months previously, do you think they would have lasted until your visit?—I do not think so.

574. Do you think 14in. of rain would obscure them?—Yes.

575. Rev. GRIBBLE: And there was 4in. in the previous month.

576. By the COMMISSIONER: Are the bones produced the ones that Mr. Gribble showed you before he went to Perth?—They were in a wax vestas box similar to the one produced.

577. Did he show you this particular piece of bone (resembling a jawbone)?—No.

578. Does not that bone look like portion of the jawbone of a human being showing sockets where the teeth have come out?—It looks as if there had been teeth in it.

579. By Mr. NAIRN: When did the Rev. Gribble show you the exhibits in the tin box?—Before he went south.

580. He did not have the piece of jawbone then?—I did not see it.

581. Rev. GRIBBLE: I did not have the larger box with me at the time.

582. By Mr. NAIRN: Did he show you that shirt button?—He showed me a button similar to that.

583. Do you see any evidence of charring on that button?—No.

584. The COMMISSIONER: There is a black mark on it, but I cannot say what it is.

585. By Mr. NAIRN: It is suggested that the police camped there a good while, that there were natives chained up and that natives were shot and dragged away. If those things had happened, do you think that in January there would have been some evidence of a camp having been made there?—It is generally possible

to see evidence of a camp months afterwards, but I could see no evidence of a camp.

586. There was no evidence of any police having camped at Dala?—It was not a spot that I would select for a camp. There was no shade or anything.

587. A hundred yards away you saw tracks apparently made by horses en route?—Yes, and they were going in both directions.

588. About how many horses were used by the party that went out after Lumbia, a dozen?—More than that.

589. If that number of horses were camped there they would make more distinctive marks than would be left by a party moving along?—I should think so, but there had been heavy rain.

590. The rain had not washed out the tracks a hundred yards away?—No.

591. Is there any difference between the country at the camp and that a hundred yards away?—No, it is similar sandy country.

592. Did Gribble then or at any time show you that piece of jawbone?—I did not see it until this morning.

593. After the alleged atrocities in June or July Mr. Gribble was in Wyndham and had plenty of opportunity to report the matter?—Yes.

594. He did not do so?—The only report I ever got was from Inspector Mitchell.

595. The COMMISSIONER: When were you first aware of the rumours, Mr. Gribble?

596. Rev. GRIBBLE: On the 3rd July. There is an entry in the mission log made during my absence that on the 30th June rumours were received of natives having been shot by the police party near the Ernest River.

597. By Mr. NAIRN: Mr. Gribble was in Wyndham and had opportunities to report to you?—Before Murnane came in on the 19th June, I had heard of the rumours which people said were spread by Mr. Gribble. I asked Murnane about the matter and he said there was nothing in it.

598. Rev. GRIBBLE: It took me 16 days to get to Wyndham with the cattle and when I got there I made my report to the Chief Protector of Aborigines through Mr. Mitchell on the 30th July, the day after I delivered the bullocks.

599. By Mr. NAIRN: You did not get the information from Inspector Mitchell until August?—I received it on the 23rd August.

DENIS HASTINGS REGAN, Police Constable in charge of Turkey Creek Station, sworn and examined.

600. By the COMMISSIONER: You remember the report of the murder of Hay being received?—Yes, I was in Wyndham at the time. On the 1st June I went in charge of a party to effect the arrest of the murderer of Hay. The party consisted of Special Constables Jolly and O'Leary. Mr. Daniel Murnane accompanied us unofficially and we had trackers Frank, Jacob, Sulieman, Jim and Charlie. Frank was the Turkey Creek boy and Jacob the Wyndham boy. The others were employed casually. After leaving Wyndham, we joined up at Nulla Nulla with a party consisting of Constable St. Jack, a civilian Leo Overheu, and two boys Joe and Tommy.

601. What firearms did you have?—There was a rifle for each of the boys and a rifle each for Murnane, Jolly and O'Leary. I had a revolver. St. Jack carried a revolver and sometimes a rifle. I had 100 odd cartridges.

602. Did each boy carry his rifle?—Yes.

603. What ammunition did you give the boys?—They got none until we started from Nulla Nulla and then I gave them sometimes five and sometimes four cartridges apiece. We left Nulla Nulla on the 5th June. Altogether we had 41 or 42 horses and mules. Each man and boy had a horse and numerous packs accounted for rest.

604. Did you take any kerosene with you?—No.

605. I suppose you do not take kerosene on such expeditions?—No, I should not like to carry it.

606. Did you take any liquor?—Yes, a bottle of brandy and half a bottle of whisky; nothing more. We left Nulla Nulla on the 5th June.

607. Did you know that 200 natives had been reported as being in the vicinity a few days before?—Only from St. Jack's telling me there were about 200 natives in a big camp at Durragee.

608. St. Jack had dispersed that camp?—Yes, before my arrival.

609. In what direction did you go at the start?—Towards the Forrest River Mission, which was about 25 miles distant. We started off about north-west. We did 15 or 16 miles that day and made our first camp at Jowa where we stayed one night.

610. Did you make any search for natives when on your way to Jowa?—Yes, the party were scouting.

611. Did you see any natives?—No.

612. Are you sure of that?—I am.

613. There were 200 natives in the vicinity not many days before and you are certain that you did not see any before you got to Jowa?—Yes. Next day we proceeded in the same general direction but our course was erratic.

614. Did anything happen during the day?—Some old tracks of natives were seen four or five miles from Jowa camp. We saw no natives.

615. Were the police boys scouting out?—Yes, some were right ahead of the plant, some to the right and some to the left.

616. Were those in the lead much ahead of the main party?—At times they would be a mile or more ahead of the plant. Two or three boys, who rode ahead, had instructions that if they cut fresh tracks or saw any signs of natives, they were to return immediately and let me know so that we could stop without taking all our plant forward, alarming the natives or running the risk of their getting away.

617. While they were so far ahead they would not be under your immediate control?—No.

618. You would trust them to that extent?—Yes.

619. As to the use of firearms the trackers would not be under control?—They would be too far away for that.

620. They had instructions not to arrest, but only to report the presence of natives?—That is so.

621. They reported some tracks; were any natives seen that day?—No.

622. Where did you camp on the night of the 6th?—I know the place as Wodgil.

623. Did you put a police mark on a tree there?—No.

624. Did you see a tree in which a broad arrow with a "P" and the date had been cut?—Yes.

625. Who did that?—So far as I know, O'Leary did it.

626. I believe he put the letters "O.L." on the tree also?—I do not know about that.

627. Did you stay any time at Wodgil?—One night.

628. You did not stay there the next day?—No.

629. How is it that the date 8/6/26 appears on the tree?—I cannot account for it unless O'Leary made a mistake in the date. He certainly did not ask me the date.

630. It is said that No. 2 was also cut in the tree, so that agrees with your story. Do you know that the place is also called Youngada?—No.

631. How far north-west of Jowa would Wodgil be?—Fifteen to eighteen miles.

632. What happened on the 7th June?—The party split into two sections. I took one section consisting of Overheu and Murnane, and St. Jack took Jolly and O'Leary. I continued north-westerly and St. Jack went more to the north. We were to meet in three days time or as near that as practicable, somewhere on the Forrest River or wherever our investigations led us.

633. There is a hiatus in your statement to the police because the next note you have relates to the 10th June when you met the other party. What were you doing during those three days?—I was travelling the country in search of tracks, of recent signs of blacks or of blacks themselves, but without avail. I travelled in the direction in which I started off on the first day. On the second day I crossed a big stony river—I think it was the Forrest River—and camped there. I left there and travelled in a semi-circle toward the west covering about 16 miles, and on the



following day I went in a semi-circle in the opposite direction, thus bringing me back to the spot from which I had started. That was the 10th June, and that night St. Jack arrived with O'Leary, Jolly and the boys. I got to No. 3 camp in two days, but as St. Jack was not there then I went scouting about for a day. St. Jack joined me in that camp on the 10th.

634. During the two days you were scouting about did you see any natives?—No.

635. Notwithstanding that you had been searching for them?—That is so.

636. In your statement, you said you had been searching about for three days and now you say you were searching about for two days?—While we were travelling we were searching and we searched on the third day while waiting for St. Jack to join us.

637. Is it not strange that you saw no natives there, seeing there were some 200 in that district a few days before?—No. The 200 natives were in a camp known as Durragee, which is in close proximity to the Durack River crossing at Nulla Nulla, and is on the opposite side to Nulla Nulla station. Those natives had been dispersed by St. Jack. They must have heard of Hay's death, but whether they knew that a police party was out I cannot say. If they were connected with the murder or knew anything about it, or thought the police were out, they would make themselves very scarce.

638. You think they would give the police a wide berth, and that in your opinion accounts for the singular paucity of natives in the district at the time?—That is the reason.

639. You are positively certain that you saw no natives?—Yes.

640. And that you saw no tracks of natives?—Only the old tracks I have mentioned; they were very old tracks.

641. Did you come across any native camp fires?—There were the remains of fires on the first day out, but the boys could not determine how old they were. The fires were too old for that.

642. Mr. NAIRN: That dispersing took place on the 23rd May and we are now speaking of events about the 8th June.

643. By the COMMISSIONER: St. Jack reported that he had seen no natives?—When he re-joined me, I asked him whether he had seen any and that is what he said. We stopped there on the 11th. I did some shoeing and I think St. Jack did some also.

644. Did you see anything of natives while there?—No. We left the camp on the 12th and travelled towards the Durack River.

645. No. 3 Camp was near the Forrest River and to the north of it?—Yes.

646. You crossed the Forrest River and went towards the Durack, which would be southerly?—Yes.

647. Did you see any natives that day?—No. On the 13th we travelled from there and saw some smoke in the distance. We camped and sent the trackers ahead to investigate. They returned and reported a big camp of natives on a waterhole, 10 or 12 miles in a southerly direction, so far as we could judge from their reports. We decided to raid the camp next morning. The party, with the exception of Murnane and one of the boys, who remained in the camp, took part.

648. Did you have Tommy's gin with you?—Yes, but she remained in the camp.

649. Was Jacob the boy who remained in the camp?—It might have been Jacob.

650. Jolly told us that all the whites went out and you say Murnane did not go?—He did not go with us.

651. When did you surround the native camp?—A little before daylight on the 14th.

652. Were all the men and trackers armed with rifles?—Yes. When there was sufficient light to see what we were doing, we approached the camp. On our approach, the occupants awoke and jumped up in a surprised manner. The boys with us made signs for them to stop. Two or three attempted to flee, but the moment they approached a white or a boy they received the signal to stop and go back. Eventually, they were grouped in the centre of the camp, and while some of the whites—myself one of them—stood on guard to prevent any of them running away—the boys and the remainder of the whites put the men on the chain. The blacks were suffering from influenza. Some were aged; the gins and even some of the younger males were suffering from influenza.

We chained those whom we thought capable of running away and the remainder were left loose. We then decided to take them to our camp and interrogate them; we had no food with us. We returned to our camp late in the afternoon, travelling slowly, because there was a big crowd—32 or 33 males and females.

653. Were any of the names of those blacks known to you or to any of the trackers?—No. The trackers could not speak their language.

654. Are you sure of that?—Positive.

655. You did not hear any names mentioned between them?—No.

656. When you rushed the camp, was any opposition shown?—No.

657. Were any shots fired?—None at all.

658. Are you certain of that?—Absolutely. There was no occasion for it because the moment any one of them made an attempt to run away he would see that someone was blocking his passage and would realise that it was useless to offer any resistance. We used Overheu's boy Tommy as interpreter and devoted the whole of the following day to interrogating the natives as to whether they knew anything of the murder or Hay. We gained nothing from them. They were either ignorant of the murder or were determined to conceal what they knew. We learnt from them nothing apart from the fact that there was to be a big corroboree between the Forrest River Mission and the Drysdale Mission. From what the boys said it was to take place in three or four weeks. It was of no use keeping them and I released them on the night of the 15th and they went away.

659. Did any harm come to them?—Not in my presence.

660. Do you know of any harm having come to any of them?—No.

661. Why did you answer "not in my presence." You would know if any harm came to them?—Yes.

662. Do you say that no harm came to any of those natives?—That is correct.

663. They all went back to their camp?—Yes.

664. How long did you remain in that camp?—We remained that night and I think we left that camp on the 17th. St. Jack, Overheu, and Murnane started for Nulla Nulla to get beef and send word to Wyndham to arrange for provisions for the party to be conveyed to the Forrest River Mission. The rest of us were to go to the mission, obtain the stores, and meet St. Jack and Overheu there. With that intention St. Jack and his party left us and headed for Nulla Nulla. I with O'Leary and Jolly proceeded in the direction of the Forrest River Mission. We had flour and jam but were without tinned stuff or beef. It took us three or four days to get to the mission, where we arrived on the night of the 20th or 21st.

665. Starting for the mission on the 17th, how far had you to travel to reach the mission?—We had four or five days' travelling and I estimated the distance at 70 or 80 miles.

666. Then when you started from No. 3 police camp you must have been a long way further west than you told me, because it is only about 32 miles from the mission. You must have gone another 50 miles out?—No; I cannot say what was the actual distance at the time we started for the mission. Sometimes the travelling was slow and sometimes it was good. We travelled in reasonable stages for our plant, which was getting knocked up.

667. When going towards the mission did you pass through Wodgil again?—We passed close to it.

668. Did you camp there again?—No.

669. Would that have been the first night out after separating?—No, it would be the second or third day. We went on to another water nearer the mission.

670. Did you go anywhere near Jowa again?—No.

671. Do you know the spot called Gote-gote-merrie?—No.

672. Has it never been suggested to you where Gote-gote-merrie is?—No.

673. Look at this sketch. You must have passed pretty close to Gote-gote-merrie on your way to the mission?—No, we followed an old track that had been taken by a man who took goats to the Drysdale Mission. We were on that track for three miles on the mission side of Wodgil. We crossed the Forrest River fairly close to the mission.

674. Do you swear that you saw no natives during that trek?—Yes.

675. No natives of any description, apart from your own boys?—That is all.

676. Did not you see one old native?—Yes, an old gin came into a dinner camp when we were in a gorge. No one could understand her. Tommy had gone away with the other party. I gave her some bread and jam, which was the best we had, and got her a drink of tea. I left about a day's tucker for her and she was sitting in the camp when we left.

677. That was the only native you saw until you got to the mission station?—Yes.

678. How long did you wait there before St. Jack arrived?—I think he arrived on the 23rd with Overheu. We waited for the launch, which came from Wyndham on the 24th. Sergt. Buckland took Jolly with him and instructed O'Leary to return to Wyndham.

679. When you got to the mission you were informed who the murderer of Hay was?—Not exactly. At the mission I saw a boy and a gin shepherding sheep. That was the first sign of a native I saw. I asked the boy if he knew who I was and he said "Might be policeman." I said, "What do I want?" and he said something in the course of which he mentioned Lumbia. He associated the name of Lumbia with Fatty Bill, by which name Hay was known, and then said, "Throw a spear." I also spoke to a boy named Robert and asked him if he had heard about Fatty Bill being killed, and he replied that a boy named Lumbia had killed him. He said a gin named Goolool had brought the yarn to the mission. The two mission boys, Jolly, and I went to the mission and there Mr. Gribble said, "We know the man you want." On the 26th we went out to arrest Lumbia. On the 28th I found some tracks, followed them, got Lumbia and others and returned to the mission with them on the 4th July. All were allowed to go with the exception of Lumbia and three witnesses, who were taken to Wyndham on the 6th July.

680. While at the mission did Mr. Gribble make a complaint about a native being shot in the leg?—Yes. I asked to be shown the native. He could not speak English. He had a small abrasion, just skin deep, the shape of a boomerang, on the shin. Gribble asked Herbert to inquire of the boy what made the sore, and Herbert replied, without referring to the boy at all, that he had been shot in the leg. I told Herbert to ask the boy the question and Herbert told me he said he had been shot in the leg.

681. The only time you saw natives on the whole of that trek was the time you raided the camp with joint forces and secured 32?—Yes.

682. That was the only time you saw natives from Nulla Nulla to the mission excepting the old gin?—Yes.

683. Will you swear that?—Yes.

684. Did you hear any shots fired by any of the party during the trip?—Not any shots that were not accounted for. Sometimes a boy would fire at a turkey and miss. On one occasion a boy brought a turkey in.

685. There is evidence of a number of lids of cartridge boxes being found at Wodgil. Can you suggest why they were left there?—I had cartridges in the cardboard boxes, which were not full. When we arrived at Wodgil I transferred stuff from pack to pack to even the loads of the pack horses, some of which were getting sore shoulders. The cartridges got loose and I wrapped them in a calico bag and discarded the boxes.

686. It was not because the cartridges had been used?—No, they had all spilled.

687. Look at the sketch. Where did you get Lumbia?—At the Lyne River, north of Dala.

688. Your journeyings took you towards places where the remains of natives have been found burnt. Four are said to have been burnt at Gotegote-merrie, and you see the relative position of No. 3 camp. When you went to the mission, Gotegote-merrie and Mowerie were still within the range of your expeditionary party?—It is quite possible.

689. At one place tracks were traced from Gotegote-merrie to Wodgil and also from Gotegote-merrie to Mowerie, three shod horses and the tracks of three women going from Gotegote-merrie. Tracks were seen again leading from Mowerie in the direction of the police camp. Are you certain there were no tracks leading from Wodgil to Gotegote-merrie?—There were no tracks of my party.

690. If there were tracks they would be the tracks of someone else and also the tracks from Mowerie to Wodgil?—Yes.

691. Did you pass any other mounted party during your expedition?—No.

692. Did you see the tracks of any mounted party?—No.

693. If there were tracks of shod horses it indicates that they were the tracks made by your party rather than by anyone else. If anyone else had been in the district could you have failed to see them?—Quite easily.

694. There may have been other parties in the district?—Yes.

695. Do you suggest that if these atrocities were committed about the time you were there, they were committed by other parties?—No; I suggest that it was possible for a party to be out near those places and for me not to see them.

696. If the atrocities were committed by a mounted party operating about the same time, you suggest that they were committed by some party quite unknown to you?—Yes.

697. And that such a party could operate at the same time without your knowing it. Is that probable? Do not you think you would have come across traces or indications of such a party?—It would be very unlikely, but still not impossible. It would be possible for a party to be there and for me not to see them.

698. Did any portion of your party at any time break off from the main body for an excursion for a day or two or half a day?—No, but in the general travelling the members of the party were well separated.

699. But not out of touch?—No, with the exception of boys who were scouting ahead.

700. Have you done much of this native work?—No, I have been in Turkey Creek for twelve months. That is all the experience I have had.

701. This was the first time you had been on an expedition of the kind?—Yes.

702. And the first time you had been in charge of armed native trackers?—Yes.

703. Do you know anything of the disappearance of the boy Tommy?—No.

704. Tommy was working for you?—Yes.

705. Are you aware that it was through Tommy that information was supposed to have been conveyed to Mr. Gribble?—No.

706. You never heard of that suggestion in Wyndham?—No; I was at Turkey Creek, and the first I heard was a rumour that the Rev. Gribble had brought in three boxes full of bones and given them to Dr. Adams.

707. A rumour never loses anything in the telling, we are told. How did Tommy and Overheu get on during the expedition?—They were good friends. Tommy was a good competent boy. There did not seem to be any trouble between them.

708. Was there not some little hitch between Tommy and his gin?—No.

709. When you raided the camp the gin was left in the police camp with another native, Jacob. Was not there any trouble over that?—No.

710. By Mr. NAIRN: Tommy was the only boy who could speak the language of the people there?—Yes, we had to take him as interpreter. I am not sure that it was Jacob who was left behind. It was either Jacob or Jim. Apart from Sergt. Buckland I was the only man available at the time for the expedition. I had not heard of Dala before coming to the inquiry.

711. Mr. Gribble said that your party captured four natives and had them in camp on a chain while you were going out to arrest Lumbia?—There is no truth in that.

712. He also said that the police, yourself, and St. Jack did not go to make the arrest of Lumbia but sent the boys, the police remaining in camp?—That is not correct. It would not be a wise procedure to adopt. We left the camp, rode eight to ten miles, hitched our horses and walked to the camp. We took up positions around the camp before daylight and at daylight entered the camp. There were about 31 natives in the camp. Some of them attempted to break away and I fired a shot in the air to stop them. That had the effect of making them look around and they then saw that the camp was surrounded. Three or four male natives grabbed one black who, I afterwards learned, was Lumbia and held him. That directed my attention to Lumbia and we put him on the chain. We broke up the blacks' spears, etc., excepting a few that were brought in. The raid was made under the direct control of myself and St. Jack.

713. By Rev. GRIBBLE: How long did it take you to go from No. 3 camp to the mission?—Nine days.

714. On what day did you pass close to or through Wodgil?—About the seventh day.

715. Did you camp for lunch that day at Oombalie water hole where there was evidence of a turkey having been shot?—Yes.

716. Where did you camp for the night after leaving there?—In a gorge eight or nine miles distant as we went, but by direct route five or six miles distant.

717. When you arrived at the mission, did not I mention the story of Hay's death and say where Lumbia was?—Yes.

718. Did not I say that if you had come direct you could have got Lumbia a week earlier?—I cannot remember that.

719. Did not you tell me you had seen no natives at all?—Yes.

720. I mentioned that we were then treating a native with a shot wound in the leg?—Yes.

721. Did not you inspect his wound in the presence of the ladies?—A lady was standing close by.

722. Do you remember visiting the camp and seeing the man's leg?—No.

723. Was St. Jack present when you saw the man at the dispensary?—I am not sure.

724. You said that when you proceeded to Dala you saw no natives other than those you brought in?—That is correct.

725. Are you aware that it is the usual custom for police expeditions to send natives to effect captures?—I do not know that. I have not had much experience.

726. Do you remember Mrs. Noble, yourself and myself questioning the natives from 9 a.m. to 5 p.m.?—Yes.

727. As a result of that you released all but Lumbia, two witnesses, and a native who had Hay's hat?—There was another boy who had met Lumbia after the murder.

728. Do you remember telling me that it was all very satisfactory and that the interrogation had been very fair?—No, I mentioned nothing about it.

729. Did the prisoner and witnesses have chains on when they left the station in our launch?—Yes, but I do not know whether the gins had.

730. Do you remember telling me in Wyndham, "If it had not been for the mission and for you in giving information and guides, we would still have been hunting in the bush and killing horses without capturing Lumbia?—I do not remember it.

731. Do you remember saying, "You must not think me under the influence of drink; I can remember what I am saying"?—No.

732. Do you remember saying that you had different views and that after being at the mission you had not said anything derogatory to the mission?—No.

733. By INSPECTOR MITCHELL: In issuing the cartridges to the trackers did you take any precautions to ascertain how they had expended them?—Whatever I issued, I treated all alike and asked them to account for the cartridges. Sometimes a boy would explain that he had shot at a kangaroo or a turkey.

734. If you issued four cartridges and a boy brought back two empty shells you would know why they had been fired?—Yes. On one occasion a boy had four and when I asked him where they or the shells were, he told me the mule he was riding had bucked and thrown him.

735. He satisfied you that everything was all right?—Yes.

736. Tommy's gin was left in camp with another native. You had to take Tommy as interpreter?—Yes.

737. Did it ever occur to you to ask Tommy which boy he would have preferred to remain with his wife? He might have had a relation there?—No, I did not bother.

738. When you got the mob of 32 Tommy was with you. Did he recognise any of them?—He did not tell me that he knew any of them.

739. When you arrested Lumbia and the others why did you break their spears. They had already caught the prisoner and handed him over?—We had to leave them there or bring them in, and I decided not to bring in more than the few natives required. I did not like the others being there and I broke their spears to ensure our own safety.

740. By Rev. GRIBBLE: Do you remember telling me that you had given Joe a shot gun and two cartridges, but that he had brought it back and said it was no good to him?—I never had a shot gun in my hand.

741. Were there any shot guns in the camp?—I believe there was one, but I cannot be sure whether it was with the party all the time.

742. By the COMMISSIONER: To whom did the shot gun belong?—I believe it was his property or else Overheu's.

743. By Mr. NAIRN: You told Mr. Gribble you had not seen any natives up to the time of reaching the mission. What was the reason for it?—Mr. Gribble was notoriously antagonistic to the police and offered us obstacles in the execution of justice, and I did not feel inclined to tell him the truth. It was a minor detail.

The Commission adjourned.

FRIDAY, 4th MARCH, 1927.

CONSTABLE REGAN, further examined:

744. By the COMMISSIONER: You camped near the mission about 21st June?—Yes, with O'Leary and Jolly until the launch came out on the 24th. Overheu and St. Jack arrived from Nulla Nulla a day or so after, about the 23rd. All left with the launch on the 25th except St. Jack and myself. At daylight on the 26th we set out to capture Lumbia. We had with us Herbert and Aldoa, two boys lent by the mission, and my boys, Frank, Sulieman, Jim and Joe. Charlie had gone away with O'Leary. We moved from the mission in a northerly direction towards an old place known as Egan's. We went ten or twelve miles and camped.

745. Did you see any natives that day?—No. On the 27th we went twelve or fourteen miles in the same direction and camped.

746. Do you know the name of the place where you camped that night?—No.

747. Would you be surprised to learn that it was Dala?—Yes.

748. Would you be surprised to hear that Mr. Gribble's log contained the following:—"28th June. Mee-alaman arrived and reported search party camped Dala"?—I do not know the place.

749. It may have been Dala?—It is quite possible that that was the name.

750. On your own evidence you were camped in the vicinity of or at Dala. Are you prepared to dispute that you were camped at Dala that night?—No.

751. What happened on the 28th?—We travelled eight or nine miles. It was a short stage in the same general direction. On the 29th we continued and saw smoke a little way in the distance. We camped back a bit. On the 30th we sent the trackers out to see whether the smoke came from a native camp. They returned late in the afternoon and told me that natives were there.

752. Did they say whether they recognised any of the natives in the camp?—No. I organised a raid for daybreak on the 1st July. We all travelled on horseback for seven or eight miles—no one was left in our camp—and hitched the horses to trees, walked the remaining distance and surrounded the camp.

753. You have no doubt that at that raid you were all present—yourself, St. Jack and the six boys?—That is so.

754. Have you any doubt about that?—No, every one was present. When we entered the camp some of the natives attempted to run away, but were blocked. I fired a shot to stop them and settle them down. They all stopped then. Three or four boys in the camp caught hold of one of the natives, who proved to be Lumbia, and I arrested him.

755. At what time on the 30th did you send all the native trackers out to scout?—As soon as they had had their breakfast. They were away until late in the afternoon. St. Jack and I remained alone in the camp from the morning until late in the afternoon.

756. Will you swear that you had no natives in the camp that day?—Yes.

757. You say you saw no natives at all on that trek?—That is so.

758. Will you swear that?—Yes.

759. When the trackers returned that afternoon did not you direct them to go to another camping place a little further away?—No.

760. Evidence will be adduced that on one occasion the trackers on returning were directed to go to another camping place and were not allowed to enter the camp where you and St. Jack were. Is there any truth in that?—No.

761. I suppose you took the usual police precaution of entering your movements in an occurrence book?—I did not have an occurrence book with me. I made a few notes on foolscap and on the back of a set of statements. I took the notes to Turkey Creek. I believe they are still there.

762. It is unusual to leave notes in a place like that when they might be of assistance to the Commission. Could you obtain the notes?—I do not know whether they are still there.

763. By Mr. NAIRN: You have your journal, which was written up from those notes?—Yes, at the police station, Wyndham.

764-5. By the COMMISSIONER: I shall require you to produce it at a later stage?—Yes.

JAMES GRAHAM ST. JACK, Police Constable, stationed at Wyndham, sworn and examined:

766. By the COMMISSIONER: In consequence of a report about cattle killing you went to Nulla Nulla with Joe and Jacob about the 20th May last and proceeded to the vicinity of Durragee Hill where a large number of natives were camped?—Yes, on the Pentecost River, about 22 or 23 miles by road from Nulla Nulla station. The native camp was two miles from Durragee Hill. The natives were dispersed from the camp by me, Overheu and the trackers.

767. Was any shooting done there?—Yes, by me and my boy.

768. Was anyone hit or hurt?—Not that I am aware of.

769. What shooting was done?—I shot a number of dogs. When raiding the camp I gave my boy a shot gun for his own protection. When the natives broke from camp I heard the report of a shotgun on a hill three-quarters of a mile away. The boys were pursuing the natives then.

770. Was that the only shot you heard fired by your boys?—Yes. I cannot say whether my boy fired more. He swam the Pentecost River and informed me that, in so doing, he had lost his cartridges and spoilt the gun.

771. He turned up without the cartridges and might have fired them for all you knew?—Yes, he might have.

772. It is suggested that a native went to the mission about that time suffering from a shot wound?—The only natives I saw at close quarters were two I detained. The others fled before we got into the camp; the dogs had given them warning.

773. Whom did you detain?—I did not hold them long enough to find out their names. They cleared out.

774. You remember Joe firing a shot?—Yes.

775. In your statement on the file you said you could not say whether he fired a shot. Now you remember that he did?—Yes.

776. In your statement you said you did not know what cartridges he returned? Now you say he returned none, having lost them in the river. That is a rather contradictory statement. Can you explain it?—I have had time to brush this up since I made that statement.

777. You have come to the conclusion that what you remember now is more accurate than your recollection at the time although that was so much nearer to the occurrence?—Yes, I have brushed it up.

778. After the affray at Durragee you went to Nulla Nulla with Overheu and heard about the finding of Hay's body?—Yes, we found Hay's body on the 25th.

779. You remained at Nulla Nulla station until the 4th June, when you were joined by Regan, O'Leary, Jolly, Murnane and four trackers. Overheu was there and you formed a party to search for the murderer of Hay?—Yes.

780. The COMMISSIONER: Tell me the itinerary of the expedition and what took place. Be careful as to dates and places.

781. Mr. NAIRN: I suggest that the witness be permitted to look at his journal.

782. By the COMMISSIONER: You may look at your journal to refresh your memory?—On the 5th June the whole party left Nulla Nulla station travelling in a direction north of west to a camp at Jowu 16 miles away. On the 6th we proceeded on a wide spread to another camp about 12 miles away.

783. Was that Wodgil camp?—I do not know the name of it.

784. Was it marked by some one as No. 2 police camp?—It was our second camp, but I do not know of any one having marked a tree there.

785. Did you not see a tree marked with a broad arrow, "P" for police, and the date?—No.

786. Did you see any natives on either of those two days?—No bush natives.

787. Did it not strike you as singular that you should see no natives after having seen so many in the neighbourhood a few days before?—No, it is what I expected. I thought we would be lucky if we saw any bush natives for a week.

788. Why? On account of the fright they got?—No; whenever the police leave Wyndham on patrol the natives, if aware of it, clear in all directions. They were aware that I was at Nulla Nulla station.

789. They have a holy horror of the police? Is that it?—It appears so.

790. What should make them so afraid of the police?—They were afraid of the police before I came here. I cannot get down to the origin of their fear.

791. The police should be looked upon as protectors of the aborigines and it is unfortunate that they should be regarded in any other light. Do you not think so?—I do not think they receive any harsh treatment from the police. I do not know why they adopt that attitude.

792. So far as you know there is no reason for it?—No; I think it is just a matter of the police being a bogey with them.

793. Regan said that No. 2 camp was at Wodgil?—Yes. On the 7th June, we divided the party. I took with me O'Leary, Jolly, Jim, Sulieman, Joe and Charlie. Regan had with him Murnane, Overheu, Frank, Jacob and Tommy. Tommy's gin was also with them. I went north.

794. You had been travelling generally in a north-westerly direction and you went still further north?—Yes. Regan's section went north of west. That day I travelled 14 miles. We separated on the morning of the 7th and arranged to meet on or about the 10th.

795. The tree at Wodgil bears the date 8th of June, so that whoever put it there must have made a mistake?—I saw no mark.

796. If some one marked on the tree "8-6-26," he must have made a mistake, in your opinion?—Yes.

797. Did you see any natives on the 7th?—No.

798. Did you see any tracks of natives?—The boys reckoned they saw a few tracks about a fortnight old.

799. Did they point them out to you?—No. They would run them a little way, lose them, pick up more and lose them. The ground there does not hold the tracks too well.

800. Have you had much experience of natives?—I have been in the force three years and have been nearly two years here.

801. Have you done much tracking in the two years?—A considerable amount; I have been doing practically all the patrol work.

802. You were travelling up a branch of the river?—It is hard to say what river it was.

803. Do you know the Forrest River?—Yes, but I cannot say which is the bed of the Forrest River, because gorges run out for miles and they are practically rivers, too.

804. Wodgil is on a river or close to it?—I do not know Wodgil, but No. 2 camp was on the bank of the river bed?—I travelled straight north to avoid the gorges and hit the Forrest River.

805. Then you must have crossed the Forrest River?—Yes. I continued north until I got good going out of

the gorges. Then I ran the river up. On the 8th I went 16 miles and saw no natives. On the 9th I went 17 miles. I did not see any natives there. On the 10th I patrolled up the north side and then struck straight across to the south side and caught up with Constable Regan's section. That was on the Forrest River.

806. How far would No. 3 police camp be from No. 2 camp, at Wodgil?—I have not travelled that country. I covered a lot of country, but never actually travelled from camp to camp. I cannot give the approximate distance.

807. You met at police camp No. 3 without seeing any natives?—That is so.

808. You never saw a single native all the time you were tracking?—No, not up to the 10th. When we met Regan's section we camped for the night. On the 11th I shod some horses.

809. You had about 40 horses?—There were 41 horses and mules but I shod only the 11 horses and mules that I took out.

810. Did the others shoe their horses?—I believe O'Leary shod his.

811. How long were you at that camp?—We arrived on the 10th, shod on the 11th and left early on the 12th.

812. You had not seen a native in all the time after leaving Nulla Nulla on the 4th?—That is correct. The whole party left on the 12th and travelled south, or perhaps a degree west of south, towards the Durack. We went sixteen miles that day. On the 13th we continued travelling towards the Durack, making south our general course. We went 15 miles that day. Nothing happened that day; the natives made no report.

813. I suppose the natives were out scouting on either side of the party all the way?—Yes, we covered as much ground as possible. On the 14th we rested the horses. I shod a couple more horses and sent the boys out. There was some smoke rising from the Durack a couple of miles away and I sent the boys to see if any natives were there. Numerous fires were burning at that time. The boys reported a native camp about 7 miles away. On the 15th we left our camp in order to reach the blacks' camp just before daylight. We had the camp surrounded at daylight.

814. Who were left in the police camp?—Either Jacob or Jim. Both were pretty sick at the time.

815. Was one white man left in the camp?—Yes, Murnane.

816. Are you sure of that?—Yes.

817. Have you a note of it in your book?—No, but I can recall the fact.

818. Jolly told us that Murnane was with the party. Are you making a mistake or is Jolly?—I think I am correct in saying that Murnane was left in the camp.

819. When you surrounded the camp everyone had firearms?—Everyone was well armed, trackers included.

820. What ammunition did the trackers have?—I cannot recall what I gave my boys on that occasion, but I generally give them three or four rounds.

821. Jolly said the boys had only one or two cartridges?—I will not say they had more, but it is my practice to give them three or four.

822. When you raided the camp did you send the trackers in first?—No. The whites formed a semi-circle on the side nearest our camp and the boys were sent out from each horn of the semi-circle to the opposite side.

823. At what distance were they?—I suppose the nearest tracker was 50 or 60 yards from us. The others were much farther away in the bend of the semi-circle. The farthest distant would have been over 200 yards away.

824. Could you control his actions at that distance?—No.

825. You could not prevent him from shooting as he wished?—No.

826. Were any shots fired when you closed on the camp?—No.

827. Are you certain that no shots were fired?—Absolutely certain.

828. Jolly would not say that. All he would say was that he did not hear a shot fired. You go further and swear absolutely that no shot was fired?—Yes, I am absolutely certain.

829. No shot was fired in the air or in any way to frighten the natives?—No; it is not wise to frighten them when creeping on them.

830. When your presence was discovered by the natives, was no shot fired then?—No; they offered no resistance and there was no occasion to fire shots.

831. The natives were taken practically without resistance?—Yes, without resistance. They were ill with influenza. We took them to our camp and interrogated them individually on the 16th about the murder of Hay.

832. Did you ascertain from those people any anticipated movements on the part of the blacks?—Yes, we understood there was to be a corroboree on the Lyne River, north of that spot.

833. You found nothing incriminating against the natives and let them all go?—That is correct. Someone had to go to Nulla Nulla for beef and I proceeded to go there on the 17th. As the crow flies the distance was about 30 miles to the south-east. The rest of the party decided to go to the mission. With me were Overheu, Murnane, Joe, Jacob, Tommy and his gin. We reached Nulla Nulla on the 18th after two days' march.

834. What time did you arrive on the 18th?—About 9 p.m. We travelled the last seven miles in the dark.

835. Did you see any natives on that stage?—No. Murnane left us on the 19th in a dinghy for Wyndham and did not rejoin the party. We stayed at Nulla Nulla until the 21st and then left for the mission with a supply of beef and arrived there on the 23rd. Nulla Nulla is about due south of the mission. Sergt. Buckland arrived on the 24th and disbanded Jolly and O'Leary. He took Jolly back to Wyndham in the launch and O'Leary and Overheu started for Wyndham by land.

836. It was ascertained that Lumbia was responsible for the murder of Hay and was in the vicinity of Lyne River?—Yes. On the 26th Regan, myself and seven boys started to search for Lumbia. The boys consisted of two mission natives, Joe, Jacob, Jim, Frank and Sulieman. That day we travelled 16 miles and camped.

837. Did you see any natives or tracks on the way?—No. On the 27th we travelled 10 miles and cut the tracks of bush natives. We saw nothing of the natives themselves. On the 28th we went eight miles, still running those tracks. We saw no natives. We camped for the night. We had been running the tracks in and out on rough country, but our progress was very slow. On the 29th we went another eight miles still on the tracks, and camped. On the 30th the tracks were getting fresh and smoke ahead arrested our attention. We sent the boys out just after breakfast.

838. Would not you send them out at dawn to look for a camp?—This camp was some distance away and the boys would have to sneak along.

839. At what time were they sent out?—We had breakfast about daylight, sometimes before daylight, about 5 o'clock I suppose. The natives were away all day and returned in the evening.

840. You and Regan were left in the camp by yourselves?—Yes.

841. Had you any natives with you in the camp?—No.

842. Was not that camp at Dala?—I had never been in that country before.

843. If it was reported that you were camped at Dala on the 28th, you would not be prepared to deny it?—No, it is quite possible that we camped at that particular place. I did not know the names of the places; we were making for the Lyne River.

844. The camp you were in about the 27th or 28th, I understand, was in the vicinity of Dala. You cannot say whether it was or not?—No, I did not know any of the names. We followed a blazed track known as Joe Egan's track. Egan used to have a station towards the Drysdale. On the 1st July we left the camp at midnight. All of us went.

845. You are certain that the seven natives, Regan and yourself all left the camp?—Yes; we did not leave anyone in the camp. We went forward to surprise the blacks' camp. We sighted the camp just before day-break and had just time to surround the camp by day-break, which would be about 5 a.m.

846-7. Will you swear that you all surrounded the camp, the whites as well as the blacks?—Yes, I am positive of that.

848. How was the capture of Lumbia effected? Was any shot fired?—After distributing the boys and taking up our positions we rushed into the camp. A few natives rushed out between us. I heard a shot fired; I do not know who fired it. The blacks looked around and I saw a group of them having a fight among themselves.

They grabbed one of their number and we stuck the whole lot on the chain. We found that the blacks had arrested Lumbia, who was handed over to us. I did not get the strength of the business until afterwards. The natives were brought into the mission and questioned. All except Lumbia and three witnesses were released. We reached the mission on the 4th and I went overland with the trackers to Wyndham, arriving there on the 12th.

849. You say that during the whole of the time you were out with Overheu for cattle killers and subsequently for natives for the murder of Hay, no natives were killed or burnt to your knowledge?—That is so.

850. And no natives were shot?—None was shot.

851. Did you hear of the killing or burning of any natives while on the trek?—I asked Mr. Gribble on the 23rd what was the strength of the statement about a native being killed at Durragee Hill. I was in the dark and my boy Joe was alleged to have brained the man. Gribble explained that two gins had found this old blind man at Durragee with his head bashed in. I knew nothing of it.

852. There was a considerable amount of shooting at Durragee?—I shot a number of dogs and the boys were out of my sight for some considerable time. When they were out of my sight they were out of my control.

853. Do you consider it proper to allow armed trackers out of your control?—I do not like it, but in hostile country where the natives are wild and there is no get-away, I see no alternative to arming them, though it is almost impossible to keep them under supervision the whole time.

854. Do you think the work of the police could be effectively done otherwise?—I am sure it could not.

855. When effecting the arrest of bush natives the work could not be effectively done without arming your boys?—In that country, with strange boys, they refuse even to go horse-hunting unless they are armed.

856. Do you think it possible for any other mounted party to have operated in the districts where you were without their being seen by you?—Not in the same country. In my opinion no party could have operated within, say, 50 miles of where I was without my seeing the tracks. We searched thoroughly everywhere.

857. Is it possible to distinguish tracks three or four months old in that country?—Yes, under certain conditions. If the tracks were made at the end of the wet season in good mud and the native had some peculiarity about his feet the boys could pick up that track, but in the case of the average blackfellow's track I do not think it would be possible. I think a lot of the talk about tracking is a myth. The boys pretend to know tracks, but I doubt whether they do.

858. There is evidence that tracks were seen leading from the police camp at Wodgil towards Gotegotemerie, where it is alleged a number of natives were shot and burnt. The tracks of three horses were seen. Horses should make a good track after the wet season?—Yes, they should.

859. The season is wet until April?—I think we had rain in May.

860. So in June the ground would be in a good condition for leaving good tracking marks, would it not?—It should be fair tracking then, but we had great difficulty in tracking natives out there.

861. Still it would be better tracking than during the dry season, say in October or November, before the rain starts?—Yes.

862. There is evidence of the tracks of three shod horses and three native women leading from Gotegotemerie to Mowerie. Do you think it likely that such tracks would be seen within 15 or 16 miles of Wodgil?—The country near the camp you call Wodgil is sandy. After crossing the Forrest River going up beyond the gorges it is bush and scrub country.

863. If there is evidence that such tracks were seen, can you suggest who made them? The tracks were supposed to have been seen on the 19th August, or two and a half months after you were in the district. Can you account for them in any way?—Not for particular tracks, but I think it possible to find the tracks of the police party from about six or seven miles north of the Forrest right down to the Forrest. I do not know how Regan patrolled the opposite side, but I was of opinion that he was patrolling down to the Forrest and back to a range on the other side.

864. If there were such tracks you can only suggest that they were made by the police party?—I think I

know that there was no other party operating out there.

865. If the tracks are proved to the satisfaction of the Commission the only solution you can give is that they were made by the police party?—Along the bed of the river?

866. No, along the bank?—I do not know the nature of the country along the bank.

867. The nature of the country does not matter. If the tracks of shod horses and native women were seen on the bank of the river leading from one place to another, in your opinion they were made by the police party?—That is my opinion; I do not know of any other party that was operating there.

868. If any other party had been operating there at the time, you would have known of it?—I must have known of it.

869. Can you give us any information about the disappearance of the boy Tommy, one of the trackers?—Not beyond hearsay.

870. If I cannot get direct evidence I shall have to depend on hearsay. Tommy and his gin were employed by Overheu?—Yes.

871. You saw them working on the Nulla Nulla station?—Yes.

872. Did you hear of any dispute or difference between Tommy and Overheu?—No, there was no dispute. Tommy seemed to be a very sensible boy and a good worker.

873. Was not there some difference between him and his gin and the native Jacob?—I never heard any talk of that.

874. Did not Tommy leave Overheu's employ about that time?—Overheu reported to the police station that Tommy had been playing up.

875. Did not he report that Tommy had attacked him?—Yes, and he wanted police protection. Tommy at that time had cleared away to the bush. I believe he took his gin with him, but I am not sure. It was after the expedition that he cleared out.

876. Up to the time he started with the police party he had been in Overheu's employ?—Yes, and he seemed to get on very well.

877. What was the next news you heard of Tommy?—I believe he returned and re-entered the employ of Overheu. I did not see him again.

878. You have not heard anything of his subsequent employment by Overheu?—I left Nulla Nulla on the 11th July and did not know how things were going until we received the report from Overheu.

879. Did Overheu complain to the police subsequently that Tommy had cleared out again?—I am not clear on that; Constable Donegan made the investigations.

880. Have you heard the circumstances of Tommy's disappearance?—No.

881. Did not you hear that he went out riding with Overheu after buffaloes?—There have been various rumours.

882. You have not taken steps to verify them?—I was not instructed to do so.

883. You are aware that Tommy has not been heard of since?—Yes.

884. Do not you know that he was in Overheu's company when he was supposed to have disappeared?—I heard the rumour that he had gone out with Overheu.

885. By Mr. NAIRN: There were 13 in the search party all mounted and you were searching the country for about two weeks?—Yes, I was searching from the 5th June till the 23rd June when I arrived at the mission.

886. If the police party had done their work they would have traversed a great deal of country?—Yes.

887. Did you examine most of the ravines?—Yes, I went into them to see whether there were any tracks of natives.

888. Where would you expect to find natives?—Right on top of stony hills or down in a gorge, anywhere where they had a really good lookout and a really good get-away.

889. Your tracks then would be all over that country?—Yes, over quite a wide area. We covered as much ground at one sweep as we could make sure of.

890. Taking any particular spot in the area you traversed it would not be surprising if some of your party had been in the vicinity?—That is so. I think our tracks are distributed over practically all that country.

891. The first capture of natives was made on the morning of the 15th June?—That is the correct date from my journal.

892. By Rev. GRIBBLE: After leaving No. 2 camp, Wodgil, did you notice a range of mountains to the west about six or seven miles off?—I think I must have crossed it.

893. How far would it be from farthest camp west, No. 3, to the mission?—35 miles.

894. Had you ever been in the Dala country before?—No.

895. Do you know of a police patrol having been in that part recently, say in the last 14 years?—No.

896. Can you remember any police patrols getting as far as Nulla Nulla in recent years?—Yes.

897. But not farther. Did you travel along Joe Egan's track to Dala?—Yes, and then hit slightly to the east of that track.

898. Would you be surprised to learn that the track you took is known as Father Cubero's track and that Egan's track is further east?—The only indication of a track was an occasional old blaze on a tree. I should say it was 10 years old.

899. How far from the station did you strike the blazed trees?—I cannot recall where we struck the first of them. Later the track seemed to be bearing too far west and we changed our course eastward.

900. That is where you picked up Egan's track. Did you return by the same track or by Egan's track, a very old blazed line?—On practically the same track. Going out we did not know the country and, therefore, we zig-zagged. When travelling new country I take notice of hills, etc., and when returning I return as direct as possible.

901. Did the two mission boys act as guides?—Part of the way. If we were not sure we would ask them.

902. Did you notice whether you went along horse or native tracks?—No.

903. Father Cubero went through in July just ahead of you. You followed his track to Dala. Joe Egan's track comes in from the eastward. How long were you travelling from the mission to the camp, where you captured Lumbia?—Five days.

904. How long did you take on the journey back with your prisoners?—Two days. We came direct.

905. Rev. GRIBBLE: That was Egan's track.

906. By INSPECTOR DOUGLAS: You said that natives were very much afraid of the police and that you were unable to give any cause for it. Is it not a fact that when the police are out in the bush, it is invariably to affect the arrest of some offending natives?—Yes.

907. Would not that be a reason for the natives being afraid of the police?—I think it would be quite sufficient reason.

908. And on this occasion the police were out to arrest the murderer of a white man?—Yes.

909. That would have a further tendency to make the natives fearful?—Yes.

LEOPOLD RUPERT OVERHEU, Acting Head Stockman, Wyndham Meatworks, partner and previously Manager of Nulla Nulla Station, sworn and examined:

910. By the COMMISSIONER: In April last you complained to the police about cattle being killed at Nulla Nulla?—Yes. I ascertained that there was a gathering of natives at Durragee Hill. I communicated with the police and a raid was made on the natives.

911. Do you know of any casualties that occurred during that raid?—No, but one native at the mission was reported to have been shot.

912. Were you present when the raid was made?—Yes, in the early morning of the 23rd May.

913. Were any shots fired during the raid?—Not so far as I can remember.

914. Do you think you might have heard a shot fired and forgotten about it?—I cannot say.

915. You will not say positively that no shots were fired?—To the best of my knowledge, no shots were fired.

916. Could any shot have been fired without your hearing or knowing of it?—No.

917. It is reported that one man suffering from shot wounds was treated at the mission?—Yes, I inspected a native at the mission. He had a V-shaped wound on the point of the shin bone that was said to be a bullet wound. To me it did not look like a bullet wound. I did not ask him how he got the wound. There were 200 or 300 natives in the camp we raided and they scattered in all directions. Shortly afterwards came the death of Hay. I had a boy named Tommy working for me.

918. How long had he been with you?—Excepting time spent in prison and on holidays, he had been working for me for four years. At the time of the murder of Hay, he had a gin with him. He had not had her all the time. When Hay was murdered, a search party was formed to arrest the murderer. In the party were six whites and seven natives. The party started from Nulla Nulla about the 5th June and on the first day travelled to Jowa, 16 miles distant, and camped there. I know the lay of the country as far as Jowa and Oombalie Pool. We kept a look-out for natives and tracks, but saw none. On the following day we continued in the same direction, north-westerly, and camped.

919. Was that the Wodgil camp?—I do not know the name of it.

920. Did you see any marks on a tree?—I cannot remember them.

921. Did you see the letters "OL." and other marks on a tree?—No.

922. It is safe to assume that it was Wodgil where you camped that night. Did you see any natives or tracks that day?—Only a few old tracks. They were a fortnight old or possibly less.

923. How long did you stay at Wodgil?—At No. 2 camp we stayed only one night. Next day the party divided and I went with Regan's section in a westerly direction.

924. Did you see any natives that day?—No.

925. Did you see any tracks?—Not that I remember.

926. How far did you go that day?—I do not remember. The country was rough.

927. You came to a big creek. Did you see any natives at all?—No.

928. Did you camp at the creek?—Yes, for a couple of days. The other section joined us there.

929. Had the other section any prisoners with them?—No. We then went south-westerly and continued in that direction for four to five days. We saw no natives until the fourth or fifth day after leaving that camp. We saw smoke and bore towards it. We camped and the boys went out and located a camp not far off. Next morning we raided the camp.

930. Did the whole party go out on the raid?—No, Murnane and one of the boys and Tommy's gin were left in the camp.

931. Jolly told us that Murnane took part in the raid. Is that not true?—I am fairly sure he stayed in the camp. We left our camp about 1 a.m.

932. What was Murnane doing with the expedition?—I do not know.

933. What were you doing with it?—The police asked me to assist them to carry beef as they had not sufficient packs, and also to give any assistance I could in piloting them through the country.

934. You were familiar with the country?—Not all of it.

935. How far had you been?—Westerly 16 to 20 miles from the station along the Durack River.

936. That would not take you past Jowa?—I had been 10 miles west of Jowa, but only two or three miles north of Jowa.

937. Your presence with the party is explained by the fact that the police asked you to assist them?—Yes.

938. And you assisted them with your knowledge of the country that extended only to those limits?—I helped them to carry sufficient beef and assisted them with horses.

939. Why did Murnane go with the party?—He said he was out to study anything he could find in connection with his work.
940. Prior to this had you ever been out after natives with or assisted a police party?—No.
941. At what time did you surround the native camp?—Just on daylight. We crept up on the camp until there was sufficient light and then stood up and made our presence known. The white men were on one side and the boys on the other. All were armed.
942. Was any shot fired?—Not to my knowledge.
943. Could any shot have been fired without your knowing it?—I hardly think so.
944. There was a distance of only a couple hundred yards between the farthest of you?—Yes.
945. If a shot was fired you would have been bound to hear it?—Yes.
946. Will you swear positively that no shot was fired in the raid that morning?—I do not think so, but it is quite possible shots were fired.
947. Of course it is possible, but when raiding a camp in the early morning when everything is quiet, you would have heard a shot had one been fired?—Yes, I think so, but I do not remember hearing any.
948. Will you swear that no shot was fired that morning?—Yes.
949. You collected some 30 natives at that camp, took them back to your camp and allowed them to go. What was decided next day?—As we were out of beef St. Jaek, Murnane and myself were to go to Nulla Nulla and the rest of the party direct to the mission.
950. In what direction did you start to go to Nulla Nulla?—Slightly south of east. I do not know what direction the rest of the party took because we left the camp first. We got beef from the station and then returned to the mission.
951. Why did Murnane leave the party?—He told me he was expecting a letter instructing him to go to Darwin.
952. Are you sure that that was the reason he gave?—Yes.
953. Have you at any time heard of any suggestion made by Murnane derogatory to the expedition?—No.
954. You have never heard of any remark by Murnane against the expedition?—No.
955. Sgt. Buckland took stores to the mission and Jolly and O'Leary were disbanded. Jolly returned to Wyndham in the launch, O'Leary returned by land, and you caught him up?—Yes.
956. When did you first hear any suggestion about the killing and burning of natives?—I cannot remember.
957. Was it long after the return of the expedition?—I did not hear anything until about the time I was asked by Inspector Douglas for a statement. I had just come into town at the time. That would be at the end of September.
958. Your statement is dated the 22nd October?—I am not sure.
959. You did not hear anything about the shooting and burning of natives prior to that?—Not that I remember. I was not in town very much. I was either at Nulla Nulla or at Rosewood station.
960. Did you hear of natives being ill with influenza and dying?—Yes. When I was at the mission station I spoke to Wunmurra, a boy previously employed by me, and he said he was ill and that his gin and other relatives had died from influenza.
961. You did not hear anything about the shooting and burning of natives until your statement was taken by the police?—I heard a couple of rumours a day or two previously when I came to town.
962. What were the rumours?—I cannot remember.
963. What was the purport of them?—I do not know.
964. If you heard rumours, they consisted of something?—I am so accustomed to hearing rumours, that I placed no credence in them.
965. You saw a wounded native at the mission station?—Yes, he looked as if he had fallen on a stone. If he had been shot, the bullet would have broken the shin bone.
966. Did you see there a boy who had been shot by a shot gun?—No.
967. On the 17th July you said you knew that some bush natives had come to the station the previous night and you had a conversation with Tommy on the following morning. What happened?—I had six boys and two gins in my employ at the station. Next morning one of the gins said that bush blacks had been in the camp the night before. I knew that from the behaviour of a dog. I went out and, contrary to custom, Tommy and another boy were sitting at a fire near the wood heap. They usually did not come up until they were called for breakfast. I asked Tommy what blacks had come into the camp the night before. Tommy denied that any had come in. I told him not to tell lies, and he mumbled something in reply. I asked one of the gins about the blacks and she told me. I again asked Tommy what blacks had come in, telling him I wanted to know, as I desired to get back some of my old stock boys. Tommy said that no blacks had come in. I said, 'Don't tell lies; I know.' He said, 'Me not tell lies. You no give me cheek all the time.' He picked up a waddy about 3 feet 6 inches long and 4 inches through and jumped at me. I dodged to the house to get some protection. Then he ran away and cleared to the bush. I reported the matter to the police, because the tracks on the following day looked rather aggressive. Two boys returned with five other boys and waited in some scrub 300 yards from the house. One boy remained faithful to me and I told him to get the horses up. We then put on our packs and left the station.
968. Did Tommy belong to that country?—I do not know. He seemed to have joined up with the tribe fairly well.
969. Lyddie, Tommy's wife, cleared out the same night?—She and another gin went after dark. I told them in the morning to go, but they said they did not want to go.
970. A month later you saw Lyddie in company with another native?—Yes, and brought her back to the Six-Mile. I heard that the native had taken her from Tommy, and had belted Tommy.
971. That would be the 23rd September. What happened?—Tommy came back and said he wanted a job again. I had to pick up horses from Rosewood Station and wanted more than one boy. I asked Tommy why he had run away and why he had tried to hit me, and he said he was very sorry. I said, 'All right, you can work for me.'
972. You had brought Lyddie back to the Six-Mile?—Yes, she was with Jacky, whose wife she had been before.
973. Where was Lyddie when Tommy came back and wanted to work for you again?—About the Six-Mile. That is where my packs were then.
974. Do you think the fact of Lyddie being about the camp induced Tommy to return?—I cannot say; it may have had some effect.
975. On the 24th what happened?—I started out to look for two mares and foals that were running about the 10-Mile. Tommy and I each had a horse. I took Tommy because the other boys did not know the horses I wanted.
976. Were you armed?—I always carry a revolver when out of the town.
- 977-8. Was Tommy armed?—I never allowed a boy to carry arms. I wanted to look for a couple of hobbled horses that had not come up. We went past the 7-Mile, kept on the edge of the timber and along by the 9-Mile. After we got on the plain, the other side of the 9-Mile, I instructed Tommy to follow the range until we hit the 10-Mile Creek. There is another little creek beyond that and I told Tommy to run it down and meet me near the 10-mile bottle-tree. At that spot one would be able to see the other if he had any horses. I went on past the 10-Mile for a little way and came back to the 10-Mile bottle tree. There was no sign of him and it must then have been after mid-day. I did not know what was the matter; I thought he might have had a fall. I rode to the 10-Mile spring and worked along the range. When I got within a mile or two of the 10-Mile spring, I saw Tommy's horse feeding. The horse still had the saddle and bridle on it. I thought, however, that he would come back. I found out that the other boy had the woman. That was the 23rd September.
979. Had you then heard any rumours about the shooting and burning of natives?—No.
980. Are you sure of that?—I think I am.



981. You did not know that Tommy had been instrumental in reporting the shooting of natives to the police or to Mr. Gribble?—No.

982. Are you certain of that?—Yes.

983. Did you notice anything about Tommy's saddle and bridle. Were they all right, or were they damaged?—They were all right. The horse had apparently been let go an hour before I found it.

984. Did you search about for Tommy?—I looked for his tracks. It is hard country in which to pick up tracks. A lot of goats, horses and donkeys were around there at the time. Tommy's horse had walked about a bit. I thought it was of no use my looking for the boy and I did not want to waste time to look for him.

984a. What did you do then?—After getting the horse I returned to the 9-Mile and had afternoon tea. I had had no lunch.

985. Did you see any one there?—I had afternoon tea with Mrs. Nicholson, who was looking after the 9-Mile.

986. Did she see the saddle and bridle?—I do not know. I just tied up the two horses in front of the house.

987. Were there any marks on the saddle that were not there when you went out in the morning?—I do not think so. I did not make a minute examination.

988. Were there any marks of blood?—No.

989. If there had been any you would have noticed them?—Yes, because I rode in the saddle from the 7-Mile to the 6-Mile.

990. You left your own saddle with Horace Bennison at the 7-Mile and rode in the saddle on Tommy's horse back to the 6-Mile?—Yes.

991. Why did you leave your saddle with Bennison?—It needed repairing.

992. Did you make any inquiries as to where Tommy had gone?—Yes, on account of some rumours that were going about.

993. Rumours that he had been done away with?—Yes.

994. From whom did you make inquiries?—I inquired from Jacky, who told me Tommy was at Sing's garden, on the opposite side of the range from the 9-Mile, roughly six miles from the 6-Mile. It is a well-known blacks' camp.

995. Was any inquiry made there for Tommy?—I do not know. My boy told me that after I had heard the rumours while I was on my way to Rosewood Station.

996. Did you report the disappearance of Tommy to the police?—No; I did not attach any importance to it. I got a number of horses from Rosewood, and when I reached Ivanhoe Station I met Constable Donegan. He mentioned the matter and I said, "There are the two blacks; question them about it."

997. Do you know whether they inquired at Sing's garden?—I do not know.

998. Have you heard of Tommy since then?—I heard that he was supposed to be at Speewa Station, at the head of the Pentecost River, about 90 miles from Wyndham.

999. Who told you that?—Jacky told me that most likely Tommy had gone to Speewa from Sing's garden and he thought Tommy was still there.

1000. By REV. GRIBBLE: Did you notice any horse tracks other than those of the police party?—Yes, on the Ernest.

1001. Whose tracks would you take them to be?—They might have been the tracks of a horse lost from the mission; they might have been the tracks of a mare and foal belonging to Frank Lacey; they might have been the tracks of a big bay more lost from Nulla Nulla Station; they might have been the tracks of one of three horses that Mr. Siddins lost in that country.

1002. Could you tell the tracks of horses that had been ridden from the tracks of loose horses?—If horses were running back to the country where they were reared, their tracks would look like those of horses ridden.

1003. Horses generally feed back?—Not necessarily. I have known them to go 60 miles without a feed.

1004. How long is it since you heard of horses running in that part?—I was looking for them last October twelve months, and Lacy's mare got away during the wet season of 1925-1926.

1005. You remember delivering some bulls to me at Jowa?—Yes.

1006. That country tracks very well, does it not?—

No. Before I took those bulls out I was looking for horses. Three weeks afterwards I tried to follow some of my tracks, but could not. Neither could my boys.

1007. How many times did you go back to Nulla Nulla for supplies?—Only once.

1008. Did Tommy carry firearms when out with the police party?—Not to my knowledge, but he might have.

1009. By INSPECTOR MITCHELL: Did you see the tracks when you were out with the expedition?—Some of them.

1010. Were they the tracks of loose horses?—Yes.

1011. They were unshod?—Most of them. I cannot swear that all of them were unshod.

1012. Were those particular horses long out of your control?—Four horses had been running there for nearly two years and they could not have been shod. Two others might have been shod. I cannot remember.

1013. In that country they could not hold their shoes long. The police had to re-shoe their horses?—But we were travelling in rough sandstone country. The country of which I am speaking is sandy.

1014. By the COMMISSIONER: Are horses turned out with shoes on them?—Sometimes, but it is not the correct thing to do.

1015. By INSPECTOR MITCHELL: If those horses got out with shoes on, the shoes would not last long in that country. Another point is that they would not be shod on all fours?—One shoe might have come off before the others.

1016. By Rev. GRIBBLE: Did Lacy get his mare and foal?—No.

The Commission adjourned.

MONDAY, 7th MARCH, 1927.

1017. The COMMISSIONER: Call tracker Sulieman.

1018. INSPECTOR DOUGLAS: Sulieman is not present.

1019. The COMMISSIONER: Why is he not here?

1020. INSPECTOR DOUGLAS: We have not got him yet.

1021. The COMMISSIONER: Is he away?

1022. INSPECTOR DOUGLAS: Yes.

1023. The COMMISSIONER: When was he last seen?

1024. INSPECTOR DOUGLAS: A little over a week ago.

1025. The COMMISSIONER: Has any effort been made to have him here?

1026. INSPECTOR DOUGLAS: Yes, and I hope to have him here during this week or next.

1027. The COMMISSIONER: He must be brought here even if it should be necessary for the Commission to remain somewhat longer. He must be brought here or accounted for. Call tracker Windie, otherwise known as Joe.

1028. INSPECTOR DOUGLAS: There are three absent, namely Sulieman, Windie and Frank.

1029. The COMMISSIONER: How is it they have been allowed to get away?

1030. INSPECTOR DOUGLAS: I had them up to the time the boat came in. They disappeared one night.

1031. The COMMISSIONER: Have you any reason to suspect that any influence has been used to get them away?

1032. INSPECTOR DOUGLAS: From what I can gather from the other natives those three trackers got a bit of a scare. Some stories have been told them that they are going to be hanged.

1033. The COMMISSIONER: Who told them?

1034. INSPECTOR DOUGLAS: There is a story to that effect in circulation amongst the natives and some pictures have been floating around illustrating a native tracker suspended by the neck from a gibbet.

1035. The COMMISSIONER: I must ask that every effort be made to have those witnesses brought here.

1036. INSPECTOR DOUGLAS: I think I can safely say that they will be here, not in the course of a day or two, but at a later stage.

1037. The COMMISSIONER: It is rather disappointing. Their absence will hang up the evidence, but I suppose it cannot be helped.

JIM McDONALD, also known as MULGA JIM, aborigine, examined:

1038. To the COMMISSIONER: I came from Alice Springs, South Australia. I have been in this country a long time working as a stock-boy and drover. I came to Wyndham with Jack Salmon with bullocks, and Constable Regan told me about the murder of Hay and asked me to help him to catch the murderer. Regan and some other white men went out with trackers Sulieman, Frank, Charlie and myself. We went to Nulla Nulla where we met St. Jack and Overheu, trackers Joe, Jacob, Tommy and Tommy's gin. The first night we camped, St. Jack and I went out to look for native camp fires but did not see any. Next morning we started to look for blackfellows. That night we camped at a billabong and the next night we stayed at another camp. I do not know the names of the camps. When we got there the trackers were sent out to look for natives, but did not find any.

1039. By the COMMISSIONER: Suppose Sulieman said you found five women and four men?—That is not right.

1040. You say Sulieman is not telling the truth?—He is not telling the truth.

1041. Why should he lie?—He got frightened.

1042. What did he get frightened about?—I do not know.

1043. Did not you see the five women and four men?—No.

1044. He said you brought them down to the camp?—No.

1045. Joe found near the big river an old native who was sick and unable to walk. Do you remember him?—No.

1046. Why should Joe make that statement if it is not correct?—He was frightened.

1047. Sulieman said that five women and four men were put on the chain that night?—No native came in that night.

1048. Did not Tommy say that the murderer of Hay was amongst the four men?—No.

1049. Did not he pick out two natives, say they were the men who had killed Hay, and put them on the chain?—No.

1050. What took place next morning?—We split up.

1051. How long did you stay in that camp?—One night.

1052. You told the police that you stayed two days at No. 2 camp?—We spent only one day there.

1053. Did you see any tracks?—Only old ones going out.

1054. The COMMISSIONER: I order the court to be cleared of all persons who are not witnesses as well as all witnesses who have been examined, in fact all except those who are watching different interests. [The court was cleared.]

1055. To the COMMISSIONER: When we left No. 2 camp the party split; I went with St. Jack, O'Leary, Joe and Sulieman, and after walking all day stopped at a camp on a creek. We did not take three women away with us to the river. I do not know the name of the river. Next morning we went out again in rough country. We went straight on while the others went another way. We had a good look round for blackfellows but did not catch any that day.

1056. By the COMMISSIONER: Are you sure of that?—Yes.

1057. Did not St. Jack and O'Leary have six natives on the chain?—No.

1058. Did not St. Jack and O'Leary take six natives up the river and tell you to catch them up later on?—No.

1059. Did you see any fires about there?—No.

1060. Did you see St. Jack and O'Leary near a big fire that night and two horses and a mule close to them?—No.

1061. Sulieman says he saw them by a fire?—He was only gammoning.

1062. Did anyone tell you to say that?—No. We went up to find police tracks and catch up with the other section. We saw no blackfellows. Next day

the whole party went on through a deep gully. We stayed there one day but saw no natives. From the time we separated until the two sections met again was three days. We saw no natives during that time. After joining up we went by a deep gully but saw no natives there. Next day we saw a big fire southwest of us. We camped not far from the fire, and next morning the police and trackers got off early to raid the camp. I was sick and I remained in the police camp with Murnane and a gin. Jacob joined in the raid. I did not hear any noise because the native camp was too far away. The party came back at sundown with a lot of natives, who were questioned, but we did not find the man we wanted so we let them all go.

1063. Were any of those natives hurt?—No. Some were sick with colds. We stayed there a day to shoe horses and then the party split up again. One section went to Nulla Nulla and the other section to the mission. It took four days to reach the mission. We travelled all day; the country was rough.

1064. On your statement to the police you say you stayed at the mission three days. How long did you stay?—St. Jack and Overheu came up two days later and the launch came out from Wyndham. Tommy, his gin, Overheu, O'Leary and Jolly left the party, the rest of us went after Lumbia. We then had the two policemen, two boys from the mission, Sulieman, Frank and myself. On the first day we saw no tracks and no natives. Next day we found some tracks. The next day we camped and saw a big fire. We got up about the middle of the night and reached the native camp at sunrise. We were riding all the time but were just walking our horses.

1065. Were Regan and St. Jack present when you raided the camp?—Yes.

1066. Are you sure that they did not stay back in the camp?—They were with us.

1067. Other native trackers have stated that the policemen stayed in camp and only the trackers went out?—No, the policemen were there.

1068. Were any shots fired when you surrounded the camp?—One, and then the blackfellows got hold of Lumbia. No one was hurt by the firing of the shot.

1069. In your statement to the police you said that you got back to the camp where you had stayed the night before and handed Lumbia and the natives over to Regan and St. Jack in the camp. Which statement is correct?—What I am telling you now is right.

1070. Were Regan and St. Jack there all the time?—We were all together.

1071. Sulieman says the same thing that you told the police. Which is correct?—What I am telling you now.

1072. Then what you told the police before was not correct?—No.

1073. Why did you tell the police the wrong thing? Has someone talked to you about it since?—No. I do not know why Sulieman cleared out. I do not know of any threats having been made that if he repeated what he said before he would be hanged by the neck.

1074. Two boys from the mission and Sulieman say that the policemen were not with the trackers when Lumbia was captured?—The policemen were there.

1075. Then the other natives are not speaking the truth?—They gammon.

1076. Joe, in his statement, said that that morning you left Regan and St. Jack in the camp and the six trackers went to look for Lumbia?—No, we were all there.

1077. He also says, "We captured Lumbia and brought him back to the camp where Regan and St. Jack were"?—That is wrong.

1078. Those fellows are all telling lies and you are the only one who is speaking the truth?—That is right. They are trying to make themselves good fellows.

1079. To the COMMISSIONER: We took five days to go from the mission to catch Lumbia and we came back in one day. We got back in the middle of the night after walking all day. The reason why it took so long to go from the mission to the camp where we caught Lumbia was that we had to look around. Apart from the natives we got at the camp we did not catch any. I heard of plenty of natives dying in the bush at that time, being sick with colds.

1080. By the COMMISSIONER: When a native dies what do they do with the body?—Bury him for two or three days, then pull him out of the hole, take out the big bones and burn all the rest of the body. The bones are taken to the mother. That is the practice all round here. Then the bones are put in a fire and broken into very fine parts and mixed with red ochre. The men paint their bodies with the mixture to make new men of themselves. When a man gets sick he rubs himself all over with some of the mixture made from the dead man's bones.

1081. By Mr. NAIRN: During the whole time you were out did you see any natives shot, killed, or burnt?—No, and I did not hear of anything of the kind.

1082. By Rev. GRIBBLE: Had you been in that western country before?—No, not at all.

LYDDIE, aboriginal woman of the missing Tommy, examined:

1083. To the COMMISSIONER: I work for Billy Weaber at Ning Bing Station. At one time I belonged to Tommy and worked for Overheu at Nulla Nulla. I went out with Tommy and the police to look for the man who had killed Fatty Bill (Hay). I remember Constable St. Jack raiding the camp at Durragee. All the blacks ran away. I stayed with the packs and did not hear of any blackfellow having been shot or killed there. Some days afterwards the police came to Nulla Nulla to look for Lumbia and I went with them. The first night we stayed at Jowa. I saw no blacks. Next day we went to another creek. I saw no blackfellows there. I did not see them bring in blackfellows and women on the chain. I was in the camp all the time and did not see any blackfellows brought in. I was sick and could not walk about.

1084. By the COMMISSIONER: You said in your statement that you brought in five men and five women on the chain and at about sundown Regan, St. Jack, O'Leary and trackers took them on chains away from the camp?—I told the police I did not see any natives on the chain.

1085. Did you see the police return without the natives and did they say they had let the natives go?—I told the police that I saw the boys going out but they had no blackfellows on the chain.

1086. Did not the trackers tell you that all the men on the chain had been shot?—Nobody told me that.

1087. Then why did you make that statement to the police?—I did not tell the police that. We camped two days on the big river but I saw no natives brought in.

1088. Did you tell the police a lie at that time?—No, I told the policeman just like I am telling you.

1089. Did not the trackers tell you that the policemen whitefellows had shot the blackfellows?—No.

1090. Did you hear Overheu tell the policemen whitefellows to shoot the natives?—No.

1091. All that you told the police is not true?—I did not talk like that. I could not have talked to the police because I had a sore throat.

1092. Did you have any talk about policemen or trackers shooting blackfellows?—I did not hear any conversation like that. I was generally by myself in the camp.

1093. Did you hear any of the mission blacks talking about the shooting of blackfellows?—No.

1094. Did not they tell you that they had heard it from Gribble?—No.

1095. After you got back from Nulla Nulla did Tommy and Overheu have a row?—They had a bit of a row and Overheu went into the house to get a revolver. Tommy ran away, but I remained at Nulla Nulla. Later I went with Overheu to the Six-mile and saw Tommy. Tommy and I camped together that night. Tommy runs away too much and goes to the bush and I do not like him any more. I do not want Tommy Pearce; I want Captain. Next morning Tommy and Overheu rode away on two horses. I did not see Overheu come back. I have not seen Tommy since. Nobody told me what had become of Tommy. Tommy didn't tell me why he and Overheu were going out, but I heard Overheu talking to Tommy once and asking him if he had seen any buffaloes near the 20-mile. Tommy replied, "No buffaloes there, nothing."

1096. The COMMISSIONER: It is strange how accurate this woman is in regard to a matter that does not bear very much upon the case. (To the COMMISSIONER): I did not hear Overheu ask Tommy to go out for buffalo. When they went out I did not see whether they took any tucker. I do not know whether Overheu carried firearms; I did not see them start. I did not tell the police that Overheu had two revolvers. I saw Overheu at the pack saddle camp when he returned. I did not ask him about Tommy, but Overheu told me that Tommy had cleared out to the bush and he also said, "Let him stop bush." I did not ask Overheu whether he had shot Tommy. Overheu did not say, "I could not shoot Tommy; he ran away himself." No blackfellow told me that Overheu had shot Tommy. I have not been in amongst the blacks' camps since. I did not say to the police that while on the expedition I saw two lots of blackfellows on the chain. I did not say I saw the police take one lot of blackfellows into the bush and return without them. The police took the chains out, but did not bring any blackfellows back with them. Tommy did not tell me that one lot was shot and burnt by the police and white fellows. I told the police the same story as I am telling you.

1097. To Mr. NAIRN: When Tommy came to Overheu at the 6-mile Overheu asked him whether he had come back after me and Tommy said, "I no come after Lyddie; I want a job." When Overheu and Tommy went out with the two horses and Overheu returned alone I did not see any blood on the saddle.

1098. To Rev. GRIBBLE: When I went back to Nulla Nulla and Tommy had a row with Overheu, Tommy ran away and Bully Wagalin went with him. I know Undugma. He has gone bush. When Tommy ran away he came back to take me bush. Tommy, Bill and I went to the pumping station. Tommy and I stayed under Mt. Cockburn. Tommy Pearce and my Tommy had a row about me. I stayed there with my Tommy. I came to Wyndham with Overheu, whom I met at Mugg's Lagoon. Constable Donegan brought me in to the 6-mile and the two Tommys followed me to the 6-mile.

1099. To Mr. NAIRN: When Tommy ran away to Nulla Nulla he went by himself. Juberoo was not there.

PATRICK BERNARD O'LEARY, Pastoralist, Galway Valley, sworn and examined:

1100. By the COMMISSIONER: You were employed as a special constable in the search for the murderer of Hay?—Yes.

1101. How came you to be employed?—I had just delivered some cattle to the Meat Works and I heard that the police were short of horses and were looking for volunteers. I had my plant there and volunteered. I took out nine horses. I have had a fair amount of experience in tracking natives. I have been seven years in the Kimberleys and have followed stock work nearly all my life. Most of the time I have been in touch with natives. I have also been in Queensland and in the Territory. We started out on the 1st June, the party being in charge of Constable Regan. At Nulla Nulla we joined up with St. Jack's party. The first night after leaving Nulla Nulla we camped at Jowa. St. Jack and some of the boys went out to look for tracks but when they returned they reported having seen none. Next morning we proceeded to Wodgil and camped there for one night. I made the marks on the tree. I cannot say what date we got there.

1102. The mark on the tree is 8/6/26. Would that be the date?—I do not think it was the date when we were there.

1103. Then why did you put the 8th if it was not the 8th?—I thought that was the date; I did not ask anyone.

1104. You had left Wyndham only a few days before. You should have known the date?—I did not keep a diary and a man in the bush often makes mistakes about the dates.

1105. What date do you think it really was?—If we left Wyndham on the 1st June it would have been about the 6th or it may have been the 7th when we were at Wodgil.

1106. The date is rather important, because many things might happen in two days?—When dealing with my mail I often make mistakes in the date.

1107. How long did you camp at Wodgil?—Only one night. Next day the party split into two divisions.

1108. We have it in evidence that the lids of ammunition boxes were found at Wodgil?—Yes, I think the police cleaned out their pack bags there. The cardboard boxes containing the cartridges had got broken.
1109. It is strange that that should have happened just then. You had been out only a day or two?—We were splitting up the party. One lot was going one way and the other lot another way and the police were changing the packs.
1110. Quite a number of ammunition box lids were left there. Did you notice how many?—No.
1111. How many cartridges does each box hold?—Fifty, I think.
1112. Are you sure they were not shot off there or round about?—Not that I can remember.
1113. To destroy neither dogs nor anything else?—No. When we left that camp Regan went one way and St. Jack and I another way. The distance from Nulla Nulla to Jowa is 15 or 16 miles and Jowa to Wodgil is 10 to 12 miles a little north of west. St. Jack and I went in a northerly direction, the arrangement being that we were to join up with Regan's section later on.
1114. How far did you go on the day of parting?—About 16 miles to the river. Nothing happened that day. We followed the river on the north side for three days. It is a hard river to follow on account of the number of gorges. In those three days we travelled about 40 miles direct but we covered a lot more country than that. At the end of three days we reached Regan's camp.
1115. Did you see any natives during that time?—No, we saw no signs of them.
1116. Do you swear that?—Yes.
1117. In what direction did the whole party move then?—Southerly towards the Durack.
1118. In your statement to the police you said you followed the Forrest River. After rejoining Regan, what took place?—We went about 15 miles and camped, still going towards the Durack.
1119. In your statement you say you again followed the Forrest River up?—It would have been the Forrest River waters.
1120. Do you say you were going south at that time?—In a southerly direction. We saw some smoke and sent the boys out to locate it. They reported a big camp. In the morning all hands except Murnane, a boy and the lubra, who were left in our camp, surrounded the blacks' camp. At daylight we surprised the blacks. No shots were fired; no dogs were shot. The natives were taken back to our camp, questioned about the murder of Hay and released. Most of them were sick and the only information the police got from them was something about a corroboree that was to be held. As we were short of beef, St. Jack and Overheu went to Nulla Nulla to get supplies. Murnane went with them. The rest of us went to the Forrest River Mission where the launch was to bring rations for us. It took four days to reach the mission, which was about 70 miles distant by the way we had to travel.
1121. Did you see any natives on the way to the mission?—Only one feeble old gin. The police gave her some food and directed her to go to the mission. I did not go up to the mission. The launch came next day and Jolly and I were disbanded.
1122. Was any reason given for your being disbanded?—I think Gribble told the police he could get the blackfellow who had killed Hay and it was decided that there was no need for us. So far as I know there was no other reason.
1123. Do you know tracker Sulieman?—Yes.
1124. Have you heard of his statements?—Yes.
1125. You say that you saw no natives except the crowd you rounded up when the parties rejoined 70 miles from the mission?—Those are the only ones we saw.
1126. Did you see any between that and Nulla Nulla?—No.
1127. It would be about the 17th June when you rounded up those natives so that between the 5th of June when you left Nulla Nulla and the 17th June you saw no signs of a native?—None at all.
1128. I suppose that you know that Sulieman tells a very different story?—I heard something about it; I do not not know why he should.
1129. Can you suggest why he should make up such an incriminating story?—No, unless he is like any other blackfellow who says whatever he thinks will please you.
1130. It would not please the police to know that those things had happened?—I suppose he was frightened of the police.
1131. If so he would take mighty fine care to say nothing of transactions reflecting on the police?—I suppose he would.
1132. That argument will not wash. If he wanted to please the police the last thing he would have said would have been what he actually did say?—When a policeman talks to any blackfellow he becomes frightened. Doubtless he has done something wrong during his life; he does not know what he is up for, and will say anything to please the police.
1133. That might be the explanation if he had something to hide but to volunteer such information with no apparent reason is more than I can understand?—I do not know why he should have said it. Unless the boys saw something when they were out scouting alone and did not tell us. They did not bring any blacks into our camp.
1134. If he saw what he says he saw it would have been difficult for the rest of the party not to see it. He mentions the names of those of the party who are supposed to have done certain acts?—There is a lot of imagination about a blackfellow. Sulieman is not too intelligent. I think he came down with one of the drovers.
1135. In his statement he said he belongs to Hall's Creek and was down with cattle. Do you deny his statement about the burning and shooting of natives?—Yes, I deny everything.
1136. The COMMISSIONER: I should hardly expect you to do anything else.
1137. By Mr. NAIRN: There was no shooting or burning of natives throughout the expedition?—No.
1138. You say that the native boys were out at periods?—Only out scouting. They never had time to do anything such as is suggested because they were not away long enough.
1139. How did the name of Wodgil come to be adopted?—One of the party made a damper that was a bit donehv. In the bush I make a sort of a damper called Wodgil. I made one and I do not think the others had seen that kind before. A Wodgil is like a little star—all points. I thought it would be a good name for the camp.
1140. At Wodgil there is evidence of a lot of cartridges having been used. Was there any shooting at that camp?—No.
1141. Mr. NAIRN: I do not think there is any evidence to suggest shooting at that camp.
1142. The COMMISSIONER: No, except the presence of cartridge box lids.
1143. By Rev. GRIBBLE: At what time did you reach Wodgil?—After the dinner hour.
1144. When did you leave?—About 9 a.m. on the next day.
1145. It took four days for you to go from the farthest point west to the mission. Did St. Jack's party start for Nulla Nulla at the same time as you started for the mission?—Yes, on the same day. But I think they got out of camp first.
1146. How many days passed between your separating and the arrival of St. Jack's party at the mission?—About six days.
1147. What distance do you estimate they had to travel from the camp to Nulla Nulla?—I do not think they could go direct; it might have meant going miles around. Straight across the distance would be about 40 miles.
1148. What would be the distance from the point where you separated to the mission?—60 or 70 miles.
1149. Was Charlie your own boy?—He was employed on my station.
1150. Did you bring him here on this occasion?—In the wet season I allow my boys to go walking and that is where he is now.
1151. It would be necessary for St. Jack and Overheu not only to travel to Nulla Nulla but to get a beast and kill it before they returned to the mission?—Of course.
1152. By INSPECTOR DOUGLAS: Do not you know that the special constables were disbanded on my instructions?—No.

1153. It was not on account of anything that Mr. Gribble had stated?—Not to my knowledge.

POLICE INSPECTOR DOUGLAS, further examined:

1154. By the COMMISSIONER: Give me your opinion as to the expediency of arming trackers?—I consider that the arming of police trackers is absolutely necessary. Usually they are marked men among the natives and it is unsafe for them to go out without being armed when they have to locate native camps. In fact it would not be possible to get one of our trackers to go very far away from the camp unless he was armed. We have had instances of our trackers being killed when going out unarmed in search of horses in the morning. Not long ago one of the trackers went out from Derby for a holiday. He was only 25 miles from Derby when a tribe of natives attacked him. He got away with a spear wound through his rib. That was a tribe of natives some of whom he had been frequently instrumental in catching for cattle killing. They were known as the Obagooma tribe. The trackers, in going out to locate native camps, incur considerable risk at the hands of bush natives, and unless they are armed they have no means of defending themselves if attacked.

1155. Do you suggest that they should be sent out armed to effect the arrest of natives without being under the supervision of their officers?—Not to arrest but to locate natives. The practice is to send trackers out to locate the camps. They report to the police and the police go out with them to effect the arrest.

1156. Are you satisfied that when arresting natives the police never allow the trackers to get out of their control?—I cannot speak for all members of the police, but I have made it a practice to be always with my natives on occasions when I have been out to effect arrests.

1157. You would have them under control to restrain them from firing?—As far as possible. You might be a quarter of a mile apart at times when natives scatter and run away. One might go in one direction, another in another direction, and another in still some other direction.

1158. So it is almost impossible to keep them under direct control in all circumstances?—It is.

1159. When armed trackers are employed to arrest other natives there are times when necessarily they are not under the control of their officers?—That is so. It is impossible at all times to have them under control.

1160. Have you of your knowledge known of natives having been shot by blacktrackers while arrests were being effected?—I knew of one instance on the fields where a native was shot in a camp that was being dispersed. Some shots were fired over their heads and one native was subsequently found dead.

1161. I presume that that was an isolated case?—One day when using a shot gun about three miles from Wyndham I put a couple of pellets into a native who was in the long grass. I was shooting the dogs that remained in the camp after the natives had dispersed and there was a subsequent report that I had shot four natives on the Wyndham Race-course. Investigations showed that a native had three spent pellets just under the skin, one under the shoulder, one further down the back and another under the scalp. He must have been 80 or 90 yards away. He explained how it had happened. He was a houseboy belonging to the police and when the other natives ran away he sat in the long grass. It is easy for a native to get a couple of grains of shot.

1162. By Rev. GRIBBLE: The trackers lately employed would be marked men after the expedition?—Most trackers are.

1163. Is it not strange that being marked men Joe has gone bush unarmed amongst the natives, as well as Frank and Suliman?—They no doubt have gone to their own country.

1164. The story of your having shot four natives did not emanate from me?—No.

1165. By INSPECTOR MITCHELL: I understand that special instructions have been issued to the police not to allow the trackers to effect arrests in the absence of the police?—That is one of our regulations.

The Commission adjourned.

TUESDAY, 8th MARCH, 1927.

CONSTABLE REGAN, further examined:

1166. By the COMMISSIONER: You told me that you got information about Lumbia not from Mr. Gribble, but from other sources?—Yes, from the boys.

1167. Did not you make a statement to the contrary to Constable St. Jack?—To what effect?

1168. St. Jack in his journal says, "Regan informed me that he had made inquiries re the Hay murder and had learned from the Rev. Gribble that a native named Lumbia had murdered Hay"?—It was confirmed by Gribble. I told St. Jack when he arrived.

1169. I thought you wanted me to understand that you got the information from other people, but you evidently told St. Jack that you had got it from Gribble; otherwise he would not have made a note to that effect?—I told him exactly how I had gleaned the information.

1170. If you told him exactly, then you must have told him you gleaned it from Mr. Gribble. The other day you wished me to understand that you got the information from natives, not from Gribble. It is not much of a point, but it shows that you are not very accurate in your evidence. Further, when you got to the mission you told Gribble that you had not seen any natives, but as a matter of fact, you had seen natives?—Yes.

1171. Express your reasons for denying at the time that you had seen any natives at all?—I had heard a lot about Mr. Gribble and the attitude he adopted towards the police. I was led to believe that he was antagonistic to the police in carrying out their duty. Before I interviewed him, I was determined to tell him nothing of my movements, and it was only that that caused me to say to him that I had seen no natives.

1172. You preferred to tell him what was not true, because you thought he was antagonistic to the police?—That is so.

1173. To me that does not seem to convey any reason at all. Even if he was antagonistic, why should that prevent your telling him that you had seen natives on your trek. I do not see what connection there was?—There was nothing much in it, except this, that had Gribble known we went in that direction and were on the wrong trail, he would probably have ridiculed the party and held himself up as one who knew the information long before the police knew it, and would probably tell anyone to whom he was speaking.

1174. Yet he told you where the murderer of Hay was and gave you necessary information. He did not seem very antagonistic to the police then, did he?—It is quite possible that boys other than the two I had seen prior to meeting Gribble would have told me. He certainly was quite open when I spoke to him.

1175. You know the suggestion that might be made namely that you did not disclose to Gribble the fact of natives having been seen, because of the treatment you had meted out to them. Do not you think it unwise to have given a loophole for people to say such a thing?—No, I never suspected that.

1176. In your journal you say you took three days to travel from the spot where you captured Lumbia to the mission. The first day you travelled 16 miles?—The second day was a short day.

1177. No, on the second day you travelled 17 miles, and on the third day 15 miles. Tracker Jim said you started early in the morning and reached the mission the same night. Which is correct?—As far as I can remember we took three days to reach the mission.

1178. Then Jim was not correct when he said you did the journey in one day?—He was not correct.

1179. How far was it from the last camp to the place where Lumbia was captured?—Eight to ten miles.

1180. Then you got back to camp and travelled on your estimate nearly 60 miles to the mission?—Roughly 60 miles.

1181. If Jim's story is correct the distance could not be anything like that. If you had women and children on the chain you could not have got to the mission in one day?—That is so.

1182. You took five days to travel from the mission to the place where Lumbia was captured?—Yes.

1183. And you did the return journey in three days although you had a string of natives including children on the chain?—Yes.

1184. They walked all the way, I presume?—The native women carried the children.

1185. When you left the mission you travelled 16 miles on the 26th, 10 miles on the 27th, 10 miles on the 28th, 10 to 12 miles on the 29th. On the 30th the trackers located natives in a gorge 12 miles off and on the 1st July you raided the camp. According to that statement you were travelling five days?—Yes.

1186. According to your journal you must have travelled about 72 miles?—The mileage would be much greater on account of my not knowing exactly where we were bound and not travelling on a direct course.

1187. By Mr. NAIRN: The statement of tracker Jim that you returned to the mission in one day after capturing Lumbia is obviously wrong?—Yes. I do not know how he got that into his head.

1188. You left the mission on the 26th June, captured Lumbia on the 1st July, and got back to the mission on the 4th July?—Yes.

1189. The return journey occupied less time because you were travelling more directly than when you were going north and were searching the country?—Yes.

1190. Going out your men would be scouting on both sides?—Yes.

1191. Did you take a direct course?—No, we did not know where the tracks were leading. We went wherever we thought we could pick up tracks and when we got them we followed them. Our course was not a direct one.

1192. You said that Gribble is reputed to be antagonistic to the police. Can you say anything in support of that?—My personal experience of him is not great, but I had learned a lot on what I considered to be good authority. One case mentioned to me was that blacks were killing cattle on the mission station, that Gribble was aware of it, and that he made no report to the police, thus encouraging the natives in their depredations. On one occasion Gribble himself told me that the head stockboy used to round up cattle and that the bush natives then speared one from the mob. Gribble admitted that that had happened on one occasion, but I had learned previously that it had happened on many occasions and that he had not reported the matter to the police.

1193. You could form an opinion of Gribble only from what you had heard of his reputation?—Yes.

1194. What would you expect if Gribble had to judge between a white man and a black man?—The black man would get the preference every time.

1195. By the COMMISSIONER: You base that opinion on information received from outside sources, from a third party?—Yes.

1196. Have you satisfied yourself by personal observation that the information you received from outsiders was correct?—Yes.

1197. In what particular?—In connection with the murder of Hay, I understand that Gribble in the court endeavoured to show that Hay had been killed on account of a native woman. From what I can gather it is apparent that Hay was killed while on his horse and that the trouble arose over a beast that had been killed at the scene of the murder.

1198. The COMMISSIONER: In what way do you consider that shows that Gribble was antagonistic to the police? Anyone may hold an opinion without necessarily being antagonistic to any other person.

1199. Mr. NAIRN: That is referring to his attitude as between white and black.

1200. By the COMMISSIONER: Do you mean to say that Gribble seems to believe the story of the native rather than the story of a white man on that account?—Yes, in my estimation he thought more of a black-fellow than of a white man.

1201. Mr. NAIRN: Do you know whether the story of the native women confirmed Gribble's view or supported the view you are stating?

1202. The COMMISSIONER: We cannot go into that. The case was heard before a competent tribunal and decided according to your view, namely, that the trouble arose through the killing of cattle. We need not go into that, particularly as the matter was specially excepted from my commission.

1203. Mr. NAIRN: I think it supports the opinion that Gribble takes a distorted view of these matters.

1204. The COMMISSIONER: I do not know that there was much distortion in his saying that he came to that conclusion. There were the elements of such a suggestion. He may have come to that conclusion quite rightly or wrongly.

1205. By INSPECTOR MITCHELL: Tracker Jim said you travelled the men, women and children back on the chain, arriving at night?—The last stage was completed at night.

1206. By the COMMISSIONER: What time did you arrive at the mission?—Between 8 and 9 p.m. We travelled a couple of hours after sundown.

1207. When you arrived you were apparently anxious to take the whole of the natives into Wyndham?—No.

1208. Did not Gribble offer to take Lumbia and his women and the witness in a launch to Wyndham and did not you refuse at first to accept his offer?—No. I said I did not know who were the witnesses and who were not, and it was only after we got Mrs. Noble to interpret that I did know. When Gribble then made his offer I accepted it gladly to save going around by land.

1209. Was not there a suggestion on your part to take the whole of the natives to Wyndham by road?—Not on my part.

1210. By Rev. GRIBBLE: Did I volunteer the information that Lumbia was the murderer?—Yes.

1211. Did you inform me that you had already heard it from the natives?—Yes.

1212. By the COMMISSIONER: Why did not you say so in your report or tell St. Jack so. St. Jack's report says nothing about your being informed by a native?—I told St. Jack orally.

1213. Then he must have forgotten to put it in his report?—No, I think the reason why he put it as coming from Gribble was that sometimes a native's story is contradictory and is not taken much notice of. He put it in his journal as coming from a white man and the department would accept that.

1214. By Rev. GRIBBLE: When you left the mission on the 26th June, did not you, guided by my two boys, follow the tracks right out to Dala?—We followed no tracks on the day we left the mission.

1215. Would you be surprised to know that when I went out I followed your tracks?—No.

1216. You left the mission on the 26th June and returned on the 4th July. How many days was that?—Nine.

1217. When you returned to the station did you send any word that you had Lumbia and the others there and thus had verification of my information?—Not that night. I camped a good distance from the mission.

1218. A mile or a mile and a half at the outside?—More than that.

1219. When I went down to your camp in the morning Mrs. Noble was with me?—Yes.

1220. Do you remember my saying to you, "You cannot take all those people off the reserve"?—No.

1221. Would you be surprised to learn that my boys informed me you were not coming up to me but were going on that day?—I would be surprised.

1222. That is what took me down to your camp that morning?—Then it is peculiar that we pulled down to the mission.

1223. You were a mile and a half off?—But we were in view of the mission.

1224. You deny that I said to you, "You cannot take all those people off the reserve"?—Yes.

1225. Did you not say to me, "You are antagonistic to the police, Mr. Gribble"?—I mentioned it on one occasion.

1226. At that particular time?—Not in answer to a remark of the kind you have suggested.

1227. Did not I say, 'I am not antagonistic; I have given you information of Lumbia that you needed and also two guides and supplies'?—You did not say that.

1228. Are you aware that when the cattle were killed I arrested 17 natives and took them to the station, that the police came out and that those people were tried and sentenced?—You informed me of that but that was on another occasion.

1229. No, you have been on the station only once. Are you aware that some of them gave no trouble whatever? Did it show antagonism when the police were not required and when I had the natives in custody?—You may have used a subterfuge.

1230. Are you aware that two of the ringleaders were sentenced, one to seven years and the other to two years for cattle killing?—No.

1231. Mr. NAIRN: Those were mission cattle.

1232. Rev. GRIBBLE: Yes; no other cattle adjoin ours.

1233. Mr. NAIRN: Only those of Nulla Nulla.

1234. INSPECTOR MITCHELL: Your cattle, Mr. Gribble, do not intermingle with the cattle on Nulla Nulla station.

1235. Rev. GRIBBLE: No.

1236. The COMMISSIONER: Do you wish to suggest any witnesses, Mr. Nairn?

1237. Mr. NAIRN: No. I may call some evidence in Perth, but it will be very little.

The Commission adjourned.

#### AT FORREST RIVER MISSION STATION.

FRIDAY, 11th MARCH, 1927.

1238. The COMMISSIONER: It was intended not to examine witnesses at this stage, but to come later when it might be easier to examine the country. The Commission desired to examine the spots mentioned in order to be better able to arrive at a conclusion regarding the veracity of the statements made. I am given to understand that the longer the inspection is delayed, the better chance there will be of getting to the spots. I understand that some of the country is practically under water and that it would be impossible to reach the desired places except under great difficulty and hardship. In order that the parties might not be hampered by a possible inability to give evidence at a later date, I have come here to take evidence now. Later on, if conditions are favourable, I shall make an inspection of the spots indicated.

JOHN COLIN THOMSON, Lay Missionary attached to the Forrest River Mission during the last three years, sworn and examined:

1239. By the COMMISSIONER: Part of your duty is to keep the log in the absence of the head of the mission?—Yes; I produce the log book.

1240. Do you keep a list of the natives belonging to the mission and of visiting natives?—Yes, and a daily roll. That had been done for the last three years.

1241. Have you a record of a native answering to the name of Boondung?—Yes. The record since February 1926, shows that Boondung was present in March and April. I have not seen him since. While I have been here, he has been visiting the station at least three times a year. I cannot distinguish between the Boondungs. The reference may apply to either.

1242. When was Delagai here?—He was here in February for 13 days. I knew him; he was a frequent visitor.

1243. What about Damunda?—I do not remember him; he does not appear in the log.

1244. What about Wearie?—He was a frequent visitor. He has not been here since February, 1926.

1245. What about Jumbarie?—He does not appear in this log. I do not remember him, but I would probably know him if I saw him.

1246. What about Kangooloo?—Kangooloo, the man who reported the occurrence recorded on the 6th July,

was supposed to have been in the blacks camp when it was raided. He escaped, but his father was killed. Young Kangooloo was on the reserve.

1247. Rev. GRIBBLE: Kangooloo is expected to arrive from the north at any time now.

1248. WITNESS: His sister received a shot in the buttocks when she was escaping at the time of the same raid. On the 6th July I received a report that certain natives had been shot by the police boys at Ungulgie.

1249. The COMMISSIONER: Where is Ungulgie?

1250. Rev. GRIBBLE: It is in the same district.

1251. By the COMMISSIONER: On the 6th July you recorded, "Kangooloo reported that police boys shot the following at Ungulgie—Boondung (2), Young Juberoo, Ungooloo, Mongool (f), Goolav (f)." From whom did you receive that report?—From young Kangooloo, whose father was shot. Young Kangooloo was in the camp with his sister, Loorabane, when the camp was raided.

1252. The COMMISSIONER: Are those natives on the station?

1253. Rev. GRIBBLE: They were sent for three days ago. They ought to be here at any time now.

1254. The COMMISSIONER: This is the first time we have had any suggestion of any person having actually seen the alleged shooting. (To witness): Did you know the women Mongool and Goolay?—No.

1255. When did the report of the shootings first come to your knowledge?—On the 30th June. I did not enter the name of my informant.

1256. Was not that of sufficient importance to enter?—We often hear rumours.

1257. On the 3rd July you entered, "Heard to-day that some natives had been wounded and shot by the police before they arrived here last week." From whom did you hear that?—That is the Rev. Gribble's entry.

1258. At about that time did you notice any difference in the demeanour of the natives about the mission?—Yes; after the rumours had been received, the visiting natives seemed rather timid. They were afraid of the police. It was a topic of general conversation amongst them as to when the police would arrive and how long they would stay.

1259. What is the next entry made by you?—"21st July. Sent Aldoa and Bargardenda away to search for bones of men who were reported dead, being shot by police boys."

1260. Why did you wait 15 days before sending those boys out?—Mr. Gribble was away. The boys went in the direction of Oombalie and returned on the following day. They were unsuccessful.

1261. Did you go out with any of the parties?—Yes, with Mr. Gribble and Inspector Douglas.

1262. Were any tracks pointed out to you?—Yes; we cut some tracks going to Gote-gote-merrie and followed them, but I could not distinguish one from another. A boot track was pointed out to me by the boy Robert. I asked him whether the boot track had been made by one of our party and he replied, "No, it is a strange track." That was just about where the horses had been tethered or 100 yards from the remains of the charred bones.

1263. Was the boot track distinct?—Yes. Next day we went to Mowerie and I saw the charred stump of a tree, charred bones and evidence that horses had been there. A round stone was found near the tree and upon it were hairs and stains.

1264. The COMMISSIONER: What became of the stone and the hairs.

1265. Rev. GRIBBLE: I have the stone.

1266. INSPECTOR DOUGLAS: I took the hairs off the stone and have them still.

1267. The COMMISSIONER: Have they been submitted to the bacteriologist?

1268. Inspector DOUGLAS: No.

1269. The COMMISSIONER: Then I shall want you to produce them. Was the stone submitted to examination?

1270. Rev. GRIBBLE: No.

1271. The COMMISSIONER: Had the stone been subjected to fire?

1272. Rev. GRIBBLE: The stone was found on the far side of the tree from the fire.

1273. By the COMMISSIONER: Was anything else found?—Teeth and charred bones were found around the stump in three distinct places. Inspector Douglas took charge of them. From Mowerie we followed the river for a couple of miles and then cut off to Youn-

gada. Then we returned to the mission via Oombalie.

1274. By Mr. NAIRN: According to reports there appear to have been three Boondungs?—Yes.

1275. Do you know which of the three visited the mission in March and April?—No.

1276. There might be more than three Boondungs in the district?—Yes.

1277. The first definite report came from Kangooloo on the 6th July?—Yes.

1278. Did Kangooloo tell you that his father had been killed?—Yes.

1279. That is not entered in the log?—It appears in the log as Ungooloo.

1280. Do you suggest that Ungooloo refers to Kangooloo senior?—I cannot verify that.

1281. By the COMMISSIONER: Is there such a person as Ungooloo?—I cannot remember.

1282. By Mr. NAIRN: Have you more than one Kangooloo?—I cannot remember.

1283. Did Kangooloo tell you that his sister had been shot?—Yes.

1284. You did not enter that?—No.

1285. Did he tell you at that time that he and his sister had been in the camp when it was raided and had escaped?—Yes.

1286. Did you ever tell Mr. Gribble that young Kangooloo was in the camp when it was raided?—Yes.

1287. Did you tell Inspector Douglas?—He did not inquire of me.

1288. By the COMMISSIONER: One would have expected you to inform Inspector Douglas?—Kangooloo was not here at the time.

1289. By Mr. NAIRN: Did you tell James Noble?—No.

1290. I understand that Mr. Gribble has been unable to give the police the name of anyone who could give first hand evidence of the killing of any native. Are you sure you told Mr. Gribble?—Yes, I pointed it out to him when he returned from Wyndham on the 9th July.

1291. When he wrote the letter of the 30th July he gave a different list from that supplied by Kangooloo. Did you tell him of Kangooloo's list?—Yes, I directed his attention to it.

1292. What did young Kangooloo report to you?—That he was in the camp at the time it was raided. It was a very short report; he cannot speak English. I then got the names.

1293. Who did he say did the shooting?—He did not say. He told me it occurred at Ungulgie, which I knew was in the western district, but I did not ask him where it was.

1294. Did anyone ever attempt to investigate Kangooloo's report?—Not specially.

1295. Do you know of two Kangoolos, father and son?—Yes.

1296. Why was not an attempt made to find young Kangooloo if he was an eye-witness?—I do not know.

1297. How long is it since he was last here?—After reporting to me on the 6th July he stayed till the 12th. He returned on the 1st December and left again on the 25th. He has not been here since.

1298. Mr. Gribble returned from Wyndham on the 9th July and so Kangooloo was here from the 9th to the 12th July while Mr. Gribble was here?—Yes.

1299. Where was Kangooloo staying?—In the visitors' camp.

1300. Did Mr. Gribble ask to see him?—I do not know; he did not ask me to send Kangooloo in.

1301. By the COMMISSIONER: Was Mr. Gribble aware that that Kangooloo was in the camp?—I do not know.

1302. By Mr. NAIRN: Did Mr. Gribble evince interest in Kangooloo when you made your report to him on the 9th July?—He did not make any comments at all.

1303. On the 13th July Mr. Gribble left for Wyndham with stock and made the report contained in his letter of the 30th July. That letter suggests that that was his first definite information of any shootings. When Kangooloo returned in December was Mr. Gribble at the mission?—Yes.

1304. Did you mention to Mr. Gribble that Kangooloo was present?—No.

1305. You knew that several parties had been here investigating the matter and that it was difficult to find anyone who could give first-hand information about the alleged murders?—Yes.

1306. Did not it occur to you to mention that Kangooloo could give information?—I did not mention it again.

1307. You had not forgotten it?—No.

1308. Inspector Mitchell had been here twice and Inspector Douglas and Det.-Sergt. Manning had also been here investigating the matter. Can you give us any reason why you did not mention that Kangooloo knew all about it?—I had already reported it and I considered that sufficient.

1309. You did not remind Mr. Gribble of it?—No.

1310. Is it likely that Kangooloo would be here from the 1st to the 25th December without Mr. Gribble having seen him?—No.

1311. By Rev. GRIBBLE: Is it not a fact that there were many rumours and stories going about for months?—Yes.

1312. Your entry shows that I left on the 13th with cattle for Wyndham?—Yes.

1313. Is not the entry of the 12th July also yours?—Yes.

1314. Did not I arrive from Wyndham on the 9th July?—Yes, and you were very busy getting the cattle ready for Wyndham.

1315. The 13th July was the date of my leaving the reserve, not the station, with the cattle?—Yes.

1316. Was it not necessary for me to leave with the cattle straight away?—Yes.

1317. You spell your words phonetically?—Yes.

1318. In your log entries is it not possible for you to make a change in your spelling of a native name?—Yes.

1319. In one of your entries do not you allude to Sing's Garden as "Jing gone"?—Yes.

1320. Kangooloo and Ungooloo may therefore be one and the same man?—Yes.

1321. Is it not possible for natives to come to the mission and stay only a few days without my knowing of it?—Yes.

1322. Did you tell me that Kangooloo stated he had been caught by the police and used as a guide to take them to the blacks' camp?—No.

1323. While I was on the way to Wyndham with cattle did you send me word of another rumour?—Yes.

1324. By the COMMISSIONER: When you got the news from Kangooloo you sent a message to Mr. Gribble who had started for Wyndham?—Yes, together with other rumours. I sent it because Mr. Gribble was going through that country.

1325. By Rev. GRIBBLE: Rumours were very plentiful and persistent at that time?—Yes.

1326. Have you heard that I tried to get messengers to go back to inquire?—Yes, they did not go when you sent them; they were afraid. They told me so when they returned. That is why I sent out Aldoa and Bargardenda afterwards.

1327. Is it not a fact that the lists brought to us varied considerably?—Yes.

1328. Although we were supplied with the names of many natives said to have been destroyed near Gotegote-merrie, other names have been mentioned since in relation to other parts and have been mixed up with the Gotegote-merrie names?—Yes.

1329. By Mr. NAIRN: That suggests that the identification is worth nothing. Herbert and Aldoa went with the police party to Dala. Who interviewed them when they returned?—Mr. Gribble.

1330. Did two boys go to Dala earlier?—Yes, Ernest and Niar. That was before Inspector Douglas came to the mission.

1331. Were not Ernest and Niar sent out to capture Lumbia?—Yes.

1332. The COMMISSIONER: Inspector Douglas told us that he did not know whether one or both boys (Herbert and Aldoa) had been out previously. Mr. Gribble informed him that one had been sent out but had returned without finding anything. Was any boy sent out to find if there was any evidence at Dala?

1333. Rev. GRIBBLE: I can remember having asked one boy casually whether he would go out to find traces. I do not think he went. At any rate he made no report.

1334. The COMMISSIONER: What was the name of that boy?



1335. Rev. GRIBBLE: I do not know. I think Aldoa went and that the other was a relation of the Gumbools.

1336. WITNESS: Yes, the other was a relation of old Gumbool and was very anxious about him.

1337. The COMMISSIONER: You did not mean to convey to Inspector Douglas that you had sent a boy out? You meant that a boy had volunteered to go out?

1338. Rev. GRIBBLE: A boy went out with my sanction and with that object, but he did not report to me.

1339. By Mr. NAIRN: Was that boy Aldoa?

1340. Rev. GRIBBLE: I am not sure.

JAMES NOBLE, aboriginal native of Queensland, Deacon of the Anglican Church, residing at Forrest River Mission, sworn and examined:

1341. To the COMMISSIONER: I have been in this State for 14 years and have spent 11 years on the Forrest River Mission. I am well versed in tracking and regard myself as a good tracker. I have been employed as such a few times. I was employed in New South Wales to track a man who had escaped from prison. There were no natives about and the police asked me to track him, in which work I was successful after two days. During that time I travelled a long way and the tracking was hard. I have had other experience in tracking.

1342. The COMMISSIONER: I want to be rather particular about that because your evidence of tracking in this case is of the utmost importance. Consequently I ask you to be very careful in your evidence and to give details as far as possible.

1343. To the COMMISSIONER: On the 19th August, Thomson gave me instructions to make a search. I went to Oombalie on the Ernest River and then to the police camp at Youngada (Wodgil). I did not see anything of importance at Oombalie. At Wodgil I picked up tracks. There was evidence of natives and of a police camp. There was a tree bearing the police mark and a date.

1344. By the COMMISSIONER: In tracking and observing signs of tracks I believe you are able to form an opinion as to their age?—Yes, generally.

1345. Can you say whether those tracks were one month, two months, or six months old?—They were about two months old. At Wodgil I picked up a horse track first of all and then two mule or donkey tracks and then native tracks in the soft country. Of the native tracks there were four men and three women. The natives who were with me knew the people who had made those tracks because they were relations. They told me the tracks were those of Boondung (2), Delegai and Damunda (men), and Goolay, Yowan and Warrawalla (women). I myself counted the tracks. I followed them from Wodgil to Gotegote-merrie, a distance of about eight miles. At Gotegote-merrie I saw where the horses and mules had been tied to a tree, and I saw the four tracks of native men leading towards the river. There was the track also of one white man. There were no tracks of native women leading down to the river. The tracks of the men were in a bunch. Apparently they had been on a chain. I traced them for a distance of 200 yards to the river. Where the tracks stopped we smelt dry blood.

1346. Did it look like blood?—It was really blood on the stones around. I saw where there had been a fire. I concluded then that the natives had been killed and burnt. The place was covered with flat stones. We removed the stones and found ashes and pieces of bone. I made a parcel of them and handed them to Mr. Gribble on the 25th August.

1347. The COMMISSIONER: Those are the exhibits that were handed to Dr. Adams of Wyndham.

1348. WITNESS: A couple of days afterwards I returned to the spot with Inspector Mitchell and Mr. Gribble. I made another search and found other bones and charcoal. I found around the spot sticks bearing tomahawk marks. The trees there were only small. In the river 20 yards away we found a lot more bones and a few teeth.

1349. The COMMISSIONER: Were any teeth found at Gotegote-merrie?

1350. INSPECTOR MITCHELL: Not that I recognised.

1351. WITNESS: The other remains we found in a hole in the river. They were handed to Inspector Mitchell.

1352. By the COMMISSIONER: Are you sure that teeth were found at Gotegote-merrie?—I think a few teeth were found there.

1353. The COMMISSIONER: This is the first time we have heard of any teeth having been found at Gotegote-merrie.

1354. INSPECTOR MITCHELL: He may have thought they were teeth.

1355. WITNESS: The bones and charcoal were buried in the sand beneath the water. I dug there because I saw coals lying about. Inspector Mitchell took charge of those pieces. From Gotegote-merrie we picked up the tracks of the same three women. They led up the Forrest River towards Mowerie.

1356. By the COMMISSIONER: Did you trace the seven tracks right from Wodgil?—I picked them up three hundred yards from the police camp and followed them right to Gotegote-merrie.

1357. Can you tell the difference between the track of a native woman and the track of a native man?—Yes.

1358. You knew that the three tracks leading from Gotegote-merrie to Mowerie were the tracks of native women?—Yes, but I did not know the names of the women. I was told them by the other natives. Mowerie is roughly eight miles from Gotegote-merrie. It was hard tracking in the river, though in some places the tracks were good on account of the sand. The tracks of the women were accompanied by the same horse tracks. I followed the tracks right up to Mowerie. I came to sandy country and saw where there had been a fire. There were horse tracks around, and I could see where the horses had been tied up. The tracks of the native women led straight to a spot where there was a tree stump on a steep rise near the river. There was just a pool here and there in the river. The spot was about half a mile from the water. The tree stump looked as if it had been burnt down. What I took to be bits of bone were scattered around the stump. We dug in the ashes—I think Inspector Mitchell was the first to start digging—and found teeth and pieces of rib bones and skull bones. Mr. Gribble and Inspector Mitchell took possession of the bones.

1359. The COMMISSIONER: The bacteriologist says that while the pieces of bones are indistinguishable, there is no question that the teeth are human.

1360. Mr. NAIRN: That is his opinion.

1361. By the COMMISSIONER: What is your opinion?—They were human and were distinguishable from those of other creatures.

1362. Did you know the Boondungs?—Yes; all those four men worked at the mission. They had been coming and going and working at the mission on building, etc., for 11 years. I knew them quite well.

1363. How long before finding those tracks did you see those men?—I cannot say.

1364. What about the women?—They had been away from the mission for perhaps a year.

1365. Did those four men and three women all belong to the same tribe?—Yes.

1366. How far does that tribe live from the mission?—About 30 miles.

1367. Have you seen those people in the last eight months?—No.

1368. Is that unusual?—No; they have often stayed away that long. I think they had been working for Overheu at Nulla Nulla for a little while in order to get tobacco, but they mostly worked at the mission. They were sick at the police camp.

1369. What makes you think they were working for Overheu?—The mission natives told me that was where they were.

1370. The COMMISSIONER: When was the last occasion you saw them at the mission?

1371. Rev. GRIBBLE: During 1925 Noble was away. He came back in November of that year.

1372. By the COMMISSIONER: When following the four tracks along the Forrest River, did you see any boot tracks?—Only the track of one white man. I also saw a boot mark at Mowerie where the women had been killed.

1373. There is a little discrepancy between your statement now and the statement that appears on the file. You said that you found the tracks of four native women and now you say three?—Three is correct.

1374. The COMMISSIONER: How did four get into your statement? "Three" was mentioned

first of all and "four" inserted afterwards. "Four" appears in two places.

1375. INSPECTOR DOUGLAS: When the statement was read over those alterations were made.

1376. WITNESS: I do not remember that, but I am sure that the number of women was three.

1377. You say there were no boot tracks or the tracks of any male native leading from Gotegote-merrie to Mowerie?—There were no boot tracks following along except where a man got off a horse.

1378. Was the horse shod?—Yes, but the mules were not.

1379. When you saw the evidence of the fire at Gotegote-merrie where you say four men were taken, did you try to find the tracks of those men leading away from Gotegote-merrie?—Yes; six of us made a very careful search but we could not find any trace of the men having left that spot.

1380. Did you circle around and look everywhere?—Yes.

1381. If those four natives had left that spot could they have got away without leaving tracks that you would have seen?—If they left the spot there must have been tracks that we could pick up.

1382. To the COMMISSIONER: From the scene of the fire at Mowerie we made a very careful search for the tracks of native women who might have left that place but the only tracks we found were those of the horses. We found no other tracks leaving that place. There were five or six horse tracks and two mule tracks in the gully leading from Mowerie up the river. I traced them for about a quarter of a mile. We could not find the tracks of any native women leaving Mowerie.

1383. How old do you think the tracks of the three women were?—They seemed to be a month or two months old. I could not tell within a few weeks. Tracks would last for years in that country if there was no rain.

1384. The rain ceases about April?—Yes.

1385. And the tracks made after April might last until the next season or might be obliterated by a heavy wind?—Yes.

1386. Can you generally form some idea of the age of a track?—Yes.

1387. Was your attention attracted by the smell of blood to any of those spots?—We passed the spot at about ten or twelve yards distance and one of the men said, "I can smell blood here," and went straight to the spot.

1388. The COMMISSIONER: Would he mean the smell of a decomposed body?

1389. Rev. GRIBBLE: I can explain that. I myself can smell a habitation.

1390. By the COMMISSIONER: What do you mean when you say one of the men smelt blood? If a person had been killed six or 12 months before you could not smell his blood?—There would be a damp sort of smell different from any other. The men knew it in a minute.

1391. INSPECTOR MITCHELL: That is something we cannot understand.

1392. By the COMMISSIONER: Could you yourself smell the blood?—Not until I saw the scene of the fire.

1393. The blood would then have been 2½ months old. Would the smell last that long?—I think it would unless there had been rain.

1394. Would the smell last six months?—I do not think so.

1395. It is some indication of the time when those natives, if they were killed, met their death, but I am afraid we cannot place much reliance on it. Did you detect any smell of kerosene?—No.

1396. The COMMISSIONER: I think the talk of kerosene is rather a myth. The smell of kerosene would not last long. (To witness): Were you at the mission when the report came through of natives having been shot?—No, I was in the Wyndham hospital at that time.

1397. Rev. GRIBBLE: He came out of hospital on the 29th July.

1398. The COMMISSIONER: The first rumours of natives having been shot by the police were recorded

in the station log by Thomson on the 30th June. (To witness): Is it the custom for natives here to burn their dead?—It is not.

1399. Are you well versed in the customs of the natives?—Yes.

1400. I am given to understand that in Queensland the natives do burn their dead?—Yes, in the Cairns district.

1401. Is that the only place where they do that?—Yes.

1402. Are you quite certain that the natives here do not burn their dead?—Yes.

1403. How do they dispose of their dead?—They hang the body in a tree, take the bones, and after a corroboree or ceremony cry over them and then put the bones in a hole in the rocks.

1404. Do they crush up the bones?—Sometimes they do, but only portions of the forearm and shin bones. The skull is not used in that way.

1405. Would there be any possibility of bush fires burning the bones out of the trees in this district?—Yes.

1406. At Gotegote-merrie and Mowerie where you found the bones were there any trees suitable for lodging dead bodies?—No.

1407. So the bones that were found were not likely to have been bones dropped from a tree through a bush fire having passed that way?—No.

1408. Do the natives here ever deposit more than one body in one tree?—One body only is placed in a tree.

1409. How far from the fires would be the nearest tree suitable for lodging a body according to native custom?—The tree at Mowerie which had been burnt was a big one, like the tree under which we are now sitting.

1410. The COMMISSIONER: This tree is 2ft. 3in. or 2ft. 6in. in diameter.

1411. Inspector MITCHELL: I should say that the tree at Mowerie was one foot through.

1412. By the COMMISSIONER: If it was a tree as big as this one would it be big enough to hold up a body?—Yes.

1413. What was the size of the stump that remained?—About one foot.

1414. Would that tree have been large enough in which to put a body?—Not at Gotegote-merrie.

1415. At Mowerie there was one tree big enough to hold a body but at Gotegote-merrie there was not?—That is so. At Gotegote-merrie there were only small trees.

1416. How big was the tree at Gotegote-merrie?—You could make your hands meet around the butt.

1417. Have any of the natives told you about blacks being shot and burnt?—No, I merely heard the news that was brought into the station.

1418. To Mr. NAIRN: When I left my native habits and went to school I was 20 years old. I am now 45. In the last 25 years I have done a little tracking. I would not be so good a tracker as men in the bush who are tracking every day. The rumours originated with Tommy, who was working for Overheu. Tommy is supposed to have told Juberoo. The four men and three women mentioned used to go to Overheu's and Tommy would know them. He ought to know the correct names.

1419. By Mr. NAIRN: Do you know that the names Tommy gave do not agree with the names that your natives gave? Tommy said Wearie had been killed?—Yes, he has been killed and a lot are missing.

1420. Mr. NAIRN: Tommy said the police had the natives at Oombalie and took them up a creek and shot them at night.

1421. The COMMISSIONER: To whom was that report made?

1422. Rev. GRIBBLE: Thomson entered that in the mission log.

1423. By Mr. NAIRN: Yes, on 19th August. You went out in consequence of a report made by Wondugma?—I was on my way when I heard it.

1424. When you went to Oombalie did you look for a little creek?—I stayed at Oombalie for dinner. The natives told me that the place where the people had been killed was Gotegote-merrie.

1425. Did you see Wondugma on the way out?—Yes.

1426. Did he tell you what Tommy had told Juberoo?—Yes.

1427. Did not he tell you that Tommy told Juberoo of the shooting of the Delagai mob at Oombalie?—Not at Oombalie.

1428. Here is the entry in the mission log?—The shooting occurred at Gotegote-merrie.

1429. Did not you take any notice of what Wondugma told you that they were shot in a little creek at Oombalie?—It was a good way from Oombalie.

1430. Did you go to that little creek?—Yes; that is where I picked up the police tracks.

1431. Oombalie is a different place from Gotegote-merrie?—Yes.

1432. Mr. NAIRN: Wondugma told you that Tommy had told Juberoo that the shooting had been done at Oombalie.

1433. By the COMMISSIONER: Did you speak to Wondugma himself?—No.

1434. By Mr. NAIRN: Who started the report about natives being killed?—I do not know.

1435. Who told you about it?—Mr. Thomson.

1436. Did Thomson tell you from whom he had got his information?—From Wondugma.

1437. The information Thomson gave you was that contained in the entry of 19th August?—Yes, I went to Oombalie and found it was not true. From Oombalie I went to the Youngada police camp. At the outset I did not go to Gotegote-merrie.

1438. The statement about going to a little creek is not correct?—I followed the creek up. Youngada is on the little creek.

1439. How far is it from Oombalie to Youngada?—About three miles.

1440. You say you found the tracks in a little creek half a mile from the police camp. Mr. Gribble says that no tracks could be found within a mile or two of the Youngada camp?—That was when Inspector Mitchell and Mr. Gribble went first of all.

1441. No, they found nothing at first. It was only when you took them out. Where did you find the tracks?—Across the creek.

1442. Is that the same creek as the one on which Youngada camp was situated?—No, another creek.

1443. Were the Rev. Gribble and Inspector Mitchell with you at the little creek?—No.

1444. When you were out with the Rev. Gribble and Inspector Mitchell did you see any tracks leading from Youngada to Gotegote-merrie?—No, we travelled in a different direction.

1445. You did not show either Gribble or Mitchell the tracks of four men or three women?—No.

1446. Did you go with Gribble or Mitchell from Youngada camp to Gotegote-merrie?—No, we went from Oombalie to Gotegote-merrie. Afterwards we went to Mowerie and then back to Youngada.

1447. While at Youngada did you try to find the tracks of prisoners?—No.

1448. You did not see the tracks of natives in the police camp at Youngada?—When I was with Mr. Gribble and Inspector Mitchell I saw a lot of traces of native camps at Youngada. The natives were camped there when the police came on them.

1449. By the COMMISSIONER: How far from the native camp was the police camp at Youngada?—The police camp was alongside it.

1450. Did you point out those traces to Inspector Mitchell?—No, he saw them.

1451. Inspector Mitchell knew that a lot of natives had been camped at Youngada where the police were?—Yes, all around the police camp. Anyone can tell a native camp. The natives were all sick, and that is where they were caught.

1452. From the point where you picked up the tracks, did you follow them all the way to Gotegote-merrie?—Yes, plain as anything.

1453. It is strange that you could not see tracks nearer to the camp at Youngada?—Wunmurra saw a track but did not tell Mr. Gribble. That was the track I picked up.

1454. Mr. Gribble said that no tracks of natives were found within a mile or two of Youngada?—It was not half a mile distant but a lot of horses had been feeding about there.

1455. What was the country like between Youngada and Gotegote-merrie?—Some was stony and some soft.

1456. Was not there a big camp at Gotegote-

merrie?—No, six horses and a mule a couple of hundred yards from the improvised oven.

1457. Did you follow the tracks from that spot to where you say the bodies were burnt?—Yes, over alternately stony and sandy country.

1458. How close to the scene of the fire did you see the tracks of the four men?—About 50 yards.

1459. Those tracks were there when Inspector Mitchell went out?—Yes, but I did not show them to him.

1460. Did he ask you to show him any tracks?—I do not remember.

1461. Why did not you show him the tracks?—I showed him the boot mark.

1462. Gribble says there were three shod horses and Mitchell says the tracks of three shod animals?—I saw only one.

1463. Was the difference between a shod and an unshod mule quite plain?—Yes.

1464. Did you point out those tracks?—No, I told them there were one horse and two mule tracks.

1465. Along the Forrest River could you follow the tracks of the women pretty plainly?—Yes; it was mostly sandy. I could see the holes made by the horses.

1466. Could you follow the women's tracks plainly from Gotegote-merrie to Mowerie?—Yes.

1467. Did you point out to Mitchell or Gribble the tracks of the three women?—I think they knew that there were three tracks. We were following them all the time.

1468. Could Mitchell have seen them if you had pointed them out?—Yes.

1469. Mr. NAIRN: The inference from question No. 400 is that Mitchell saw one track and one only.

1470. INSPECTOR MITCHELL: I was speaking of what I saw. I cannot interpret tracks as a native can.

1471. By Mr. NAIRN: On the way from Gotegote-merrie to Mowerie, did you show Mitchell the track of more than one female?—I showed him three. I could not help seeing three. The marks were plain in the sand in different parts.

1472. Did Mitchell agree that there were tracks of three females?—Yes.

1473. Were the tracks of females leading to the scene of the fire at Mowerie plain?—Yes, and they led straight to the scene of the fire.

1474. Did you point out the three tracks to Mitchell?—Yes.

1475. At Mowerie did you pick up all the teeth that could be found?—Yes.

1476. If you made a careful search, how was it that Inspector Douglas went to Mowerie later and found an additional 27 teeth?—We may have missed some. He may have dug and found more.

1477. Do you know that they were human teeth?—Yes.

1478. What experience have you had to enable you to say that those charred teeth were human teeth?—I can tell. I have seen them in dead people and in skulls. I know them. Sometimes they get burnt in bush fires.

1479. Do you think that what you saw at Gotegote-merrie was blood?—Yes.

1480. That is what made you feel sure that the men had been killed there?—Yes.

1481. You saw samples taken. Were they taken from the right place?—Yes.

1482. You took the blood from where the men had been shot?—There was no fire where I saw the blood.

1483. I think there was more imagination than blood. Who said he thought kerosene had been used?—I could not tell that kerosene had been used.

1484. To INSPECTOR MITCHELL: When we were going to the Wodgil camp I was riding behind you. I could see that natives had been there and you made a sign by nodding. I did not tell you that I saw indications of native camps there. When I showed you the three tracks of females, you agreed. Robert, Waybram and your boy were tracking.

1485. By Rev. GRIBBLE: Were not you employed by the Cairns police in 1907 to do some tracking?—Yes, it was connected with a murder case. I was on it for three months.

1486. The police made a very praiseworthy report of your tracking work then?—Yes.

1487. When you left the mission to go to Oombalie, Mr. Thomson started you off on my instructions and I had spoken to you about it?—Yes.

1488. When did you leave the mission?—I set out at 5 p.m. and walked to Camera Pool. I got to Oombalie next day at dinner time and reached Youngada at sundown.

1489. To Rev. GRIBBLE: I showed you the tracks of three women going towards the spot at Gotegote-merrie. I followed them up the Forrest River together with the tracks of one horse and two mules. On the first occasion we did not follow those tracks on, because it was too dark to track any further. When Inspector Mitchell and you accompanied me later, I put you on to those tracks. I was away from the mission in 1925. I returned at the end of the year. I would not be surprised to learn that in the rolls of the mission for February and April, the names of the missing people appear. When at Gotegote-merrie on the first occasion, I saw the tracks of a number of horses that had been feeding; apparently they had been hobbled. I remember saying to you at Gotegote-merrie that kerosense must have been used, but I was guided by what the boys said.

1490. To INSPECTOR DOUGLAS: I made two trips out altogether. On the first occasion I went on foot and was wearing boots. I picked up several tracks made by natives. They had walked one behind the other on one track through the grass.

1491. By INSPECTOR DOUGLAS: Then would not the tracks be one on top of another?—We could tell on the sandy ground. I took care not to count one track twice. My boys knew exactly how many there were, so did I. A horse and a donkey had walked on either side and the people in the middle. The country there is scrubby. There were no horse tracks over the tracks of the natives.

1492. When you got to the top of the tableland dipping to Gotegote-merrie, were any footprints visible?—Yes, all the way, but there were some hard, stony places.

1493. Was not there a matted bed of grass pretty well all the way down that valley?—Yes.

1494. Would it be possible for you to say what the tracks on that grass were?—I know it was bad for tracking, but we knew the different tracks. When we could not see the footprints; we followed the horse tracks.

1495. You followed the broken down grass?—Yes.

1496. Emus and kangaroos make a path?—Yes.

1497. Would not a horse follow a beaten track down there?—The horse kept to the outside all the time.

1498. Who was with you when you did the tracking?—Ernest, Robert, David, Wunmurra, Bargardenda, and Waybram.

1499. If one of those boys says that you picked up the tracks on the tableland and went to Gotegote-merrie would he be telling the truth?—Yes.

1500. If he says he never saw the tracks of natives from the top of the tableland down to Gotegote-merrie would he be telling the truth?—No.

1501. If the tracks were made by the police party they would have been ten weeks old when you saw them?—Yes.

1502. Patches of ground near Gotegote-merrie are sandy?—Yes.

1503. Would not the wind cause any tracks to be filled up quickly?—The tracks were getting dull looking when I saw them.

1504. Would you be surprised to hear that no tracks were to be found when I went there a few days afterwards?—The tracks of the horses ridden by Mr. Gribble, Inspector Mitchell, and myself would be on top.

1505. And you left no trace for me to find. It is difficult ground over which to track?—No, it is easy to track horses or natives.

1506. If those tracks were police tracks is it not possible they were following on the tracks of natives?—I thought that at first, but when I reached Gotegote-merrie I changed my opinion.

1507. You knew the missing natives very well but did not know any of their tracks?—That is so.

1508. Then you are not very observant of the tracks of different natives?—No.

1509. You said there was no large timber broken or cut about Gotegote-merrie?—It is only small stuff there.

1510. You are contending that four natives were burnt in the fire at Gotegote-merrie?—Yes.

1511. Do you know how much wood would be required to burn one body?—No.

1512. Can you realise that it would take a very large quantity of firewood to burn four bodies into little pieces?—I thought the bodies had been cut up with a tomahawk.

1513. What difference would that make in the quantity of firewood required?—I cannot say.

1514. Considering the size of the fire can you honestly say that four bodies had been burnt there?—Easily. The wood is there right enough.

1515. I am afraid we shall have to agree to differ on that point. Are you sure you picked up tracks 300 yards from Youngada?—At about that distance. I was on the rise.

1516. How far out do the natives of the Kolya tribe go?—To the head of the Forrest River and beyond the range, probably some 50 or 60 miles.

1517. Is it possible for them to be out there without your knowledge?—Yes. They were sick with influenza.

1518. It was very prevalent at that time and the natives between here and Hall's Creek were dying wholesale?—I know that a number died.

1519. Did you hear that at Hall's Creek and Turkey Creek they were dying like flies?—No.

1520. You have not been able to find any native who could tell us that he saw those people killed or saw them dead?—No.

1521. You know that when I was here before I was searching for information?—That is so.

1522. The COMMISSIONER: It would be more to the point to make inquiries as to whether those people are living.

1523. INSPECTOR DOUGLAS: We were doing both. It was our duty to find out whether they were alive or dead. (To WITNESS): Leaving Mowerie you followed horse tracks for a quarter of a mile. Did you lose them at the river?—No, we left them there. There were a lot of tracks and they were leading up the river.

1524. You said you were going to Gotegote-merrie when you heard of the rumour at Oombalie?—I was told that natives had been killed there and that there was nothing at the little creek and I went straight to Gotegote-merrie.

1525. What signs of native camps did you see at Youngada?—There were signs of little fires and a native told me the blacks had been lying there sick.

1526. Were there any mia-mias or gunyahs or shade there?—The natives camp anywhere when there is no rain.

1527. Do not you think it rather peculiar that neither myself, Gribble, Mitchell nor anyone else could see any of those indications of native camps?—It was easy enough to see them.

1528. You said that the police party caught the natives there?—That is what a native told me.

INSPECTOR E. C. MITCHELL, further examined:

1529. To the COMMISSIONER: A question has cropped up regarding the tracks pointed out to me by James Noble. When we were doing that work I was assisted by my native tracker, Frank, who is at present in Perth. His instructions were to report to me. He told me there were tracks of three females between Gotegote-merrie and Mowerie. I did not contradict him; I was satisfied he was convinced that there were three tracks, which were pointed out to me, but the trackers were seeing with the eyes of natives. I, a white man, could not swear that there were three tracks. A native will point out tracks to a white man expecting him to see as he (the native) sees them, and the white man is wise if he refrains from contradicting the native, at any rate at that stage while the work is in hand. Tracks may be perfectly intelligible to natives, but it is difficult for a white man to swear that he could detect the three tracks. As to the pointing out of native camps at Wodgil when we were going through, Noble did make reference to natives having been there. I did not understand him to say anything about natives having been camped there. He may have been looking at other evidence of native camps such as the fires, whereas I considered that I had seen evidence around the tree marked "Wodgil" where natives might have been. I was under the impression that Noble was referring to those indications, and he on the other hand probably thought that I was taking notice of the indications of other camp fires. I have no knowledge of other camp fires there. I have been careful in my evidence to state only what I saw; I have not stated what a native pointed out. I have endeavoured to distinguish between the two.

1530. By Mr. NAIRN: As a result of your visit to Wodgil you telegraphed to the Chief Protector of Aborigines that there was no confirmation of the report of the killing of natives?—That was my first report.

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1531. Then it could not have been brought to your notice that there was evidence of natives having been in the police camp at Wodgil?—It appeared as if a few natives had been chained around a tree. How many there were I do not know. I took it that natives had been chained there and later taken farther on.

1532. Did not Noble tell you at Wodgil that there had been a native camp?—I did not understand from Noble that natives had been camped there. Evidently he was thinking of one thing and I was thinking of another.

1533. You are a Government officer and were out to make an intelligent report?—I trust I did so.

1534. Noble speaks good English and you should have been able to ascertain from him just what he meant?—I was under the impression that natives had been at the tree; I did not hear him refer to camps. What he said did not convey to my mind that natives had been camped there.

1535. Noble says it was good tracking up the Forrest River, sandy in many places, and that the foot marks were clear?—They may have been clear to him. He is a blackfellow.

1536. You could see one footmark at several places?—I could swear to one only.

1537. You saw the track of one female clearly at several places extending over some miles and you saw one only?—It may have been one of three. I am a white man and I could not swear that it was the same track I saw each time.

1538. Did you sense that there was more than one track?—No.

1539. Did Noble attempt to point out more than one track?—He said there were three tracks but I was not qualified to judge.

1540. Did he point to marks on the ground indicating that there were three tracks?—I could see the marks but I could not swear that there were three tracks.

1541. At Mowerie you saw no tracks of natives at all?—Not near to Mowerie.

1542. Did Noble make any pretence to point out any native tracks at Mowerie?—No, the trackers led on the tracks and I followed.

1543. You were called in as Inspector of Aborigines to obtain confirmation of the rumours and you were there to get evidence?—Yes.

1544. You know that the evidence of natives is not readily accepted and that if you had seen something for yourself it could have been acted upon?—Yes.

1545. All you could see for yourself was the one track?—Yes.

1546. By the COMMISSIONER: That you could distinguish as a track?—Yes.

1547. Did you see other marks?—Yes. The reason why I did not see tracks near Mowerie was that the trackers caught sight of the tree and headed towards it.

1548. By Mr. NAIRN: You were looking for tracks?—Yes, but the trackers hurried to their objective.

1549. You have good eyesight and have had a good deal of experience of tracking?—But I have my limitations.

1550. You cannot give any confirmation of Noble's statement that there were tracks of three females leading from Gotege-merrie to Mowerie?—No.

1551. By INSPECTOR DOUGLAS: You heard Noble say that the police party had arrested the natives in a camp at Youngada. Do you think that an experienced bushman, accustomed to native camps, would be able to see whether natives had been camped there or not?—I think he would if he examined it carefully with that specific object in mind.

1552. By Mr. NAIRN: If the police found a camp in which there were natives suffering from influenza, do you think it likely they would pitch their camp on the same spot?—I do not think for a moment the police would do so, even if the natives had not had influenza. White men would not do that.

1553. By Rev. GRIBBLE: Do you remember standing alongside me at the tree marked "Wodgil" and discussing with me the three fires?—Yes.

1554. Do you remember standing a little farther to the west looking at indications of where some one had been sitting, the ground being a little raised around another tree not far from the tree where norseshoe nails had been driven in?—Yes.

1555. By INSPECTOR DOUGLAS: You know it is customary for police trackers as well as bush natives to have a little fire alongside their camp on cold nights?—Yes.

The Commission adjourned.

Rev. E. R. B. GRIBBLE further examined:

1556. To the COMMISSIONER: I produce a stone which was found at Mowerie (Exhibit G). What appeared to be a small cluster of black hair was adhering to it when it was picked up by the boy Ronald close to where I was standing. Thomson directed my attention to the hair.

1557. Did the stone give indications of having been subjected to fire?—Not more than you see at present.

1558. Does the condition of the stone suggest that it had been subjected to fire?—I think it had been subjected to heat. At Mowerie there is a large tree 12in. or 18in. through and at the south side, a few feet away, were the remains of the stump and the indications of fire in which we discovered the three lots of teeth. The live tree was blackened for a considerable distance up. The stone was lying just behind the live tree. The stone, which is a piece of hard smooth sandstone, weighs 7 or 8 lbs. I showed the stone to Inspector Douglas and from it he took the hair and put it in his pocketbook. I put the stone in my handkerchief. When mounting my horse I dropped the stone and it broke in two. The stone has been in my possession ever since.

POLICE INSPECTOR DOUGLAS, further examined:

1559. To the COMMISSIONER: I picked three hairs off the stone. They were one inch to 1½in. long, black in colour, and looked similar to native hair, though I cannot say absolutely. I have the hair in Wyndham and will produce it. I was not present at the time it was found; I was 100 yards distant. The stone produced by Mr. Gribble is the one from which the hair was taken. I saw it subsequently after it had been dropped and broken in two. The weight I consider is about 5 lbs.

JOHN COLIN THOMSON, further examined:

1560. By the COMMISSIONER: You have looked up particulars of the dates when the missing natives were at the station?—Yes, the list is as follows:—

Boondung, 6 days in April, 1926.

Boondung, 6 days in April, 1926. I think the Boondungs are brothers. One of the Boondungs was at the mission for 6 days in March, 1926.

Delagai, 13 days in February, 1926; 31 days in December, 1925; 27 days in July, 1925; 21 days in June, 1925.

Damunda, 13 days in April, 1925; 11 days in March, 1925.

Wearie, 24 days in May, 1925; 23 days in June, 1925.

Jumbarie, 18 days in March, 1926.

Jumbarie, 22 days in March, 1926. One of the Jumbaries 5 days in June, 1925.

Kangooloo, senior, 5 days in June, 1925.

Gumbool (there are four Gumbools), 4 days in August, 1926; 7 days in April, 1926; 24 days in April, 1926; 17 days in March, 1926; 16 days in March, 1926; 25 days in May, 1925; 28 days in February, 1925; 13 days in April, 1925; 9 days in April, 1925.

Juberoo is a young boy and has not been here in 1925 or 1926.

1561. The first Gumbool will not enter into consideration seeing that he was here in August, 1926. Have none of the other Gumbools been here since April, 1926?—No. The list continues—

Ungooloo, is a name I cannot find. It may be a miss-spelling for Kangooloo.

Yowan, 7 days in July, 1926; 24 days in April, 1926; 7 days in January, 1926; 6 days in January, 1925.

Mongool, I cannot trace during the two years.

Goolay, 30 days in January, 1926; 16 days in August, 1925.

Warrawalla, 28 days in March, 1926.

1562. By Mr. NAIRN: You have given the record for two years and it shows that these people did not visit the mission frequently?—That is so.

1563. Yowan was here for a week in July, 1926, and subsequently she was reported amongst the dead?—It may have been another Yowan that was here in July last.

1564. That is always a good explanation. You do not suggest that all four Gumbools were killed?—No, because one was here in August, 1926.

1565. How many visiting natives are there on the books?—600 or 700.

1566. About June or July last, influenza was raging amongst the natives and probably many deaths occurred?—Yes.

1567. You cannot say that any of the people reported missing may not have succumbed to influenza or other complaints?—That is so.

1568. Is it your general experience of native reports that they are not dependable?—Yes.

1569. By INSPECTOR DOUGLAS: Have you anything on the roll to distinguish one native from another where there are two, three or four of the same name?—No.

1570. How is your roll compiled? Do the natives supply the names of the visitors or do you go around the camps and get them?—As they get their meals I take their names.

1571. If the natives do not come for meals you have no record of their visits?—That is so.

1572. By Rev. GRIBBLE: Your roll is kept daily and you check it as the natives receive food for their work?—Yes.

1573. No name goes down unless the native comes for

1574. Regarding Yowan, is it not possible you have made a mistake in regard to that name?—There is a possibility.

a meal and only those who work get meals?—Yes.

1575. Were the Gumbools in the habit of coming here together?—They came in couples.

1576. Were the Boondungs in a habit of coming together?—Not that I remember.

1577. Have you seen two Boondungs here together at any time?—Yes, as the roll shows.

1578. Were the Gumbools easy to distinguish?—Yes, one was a very old man and one had a deformed hand. I cannot remember the other.

1579. Is it not possible for a large number of natives to be in the camp without our having them in the roll?—Yes, they come for a few days, get tobacco from other natives, and then go away.

1580. Are there at present any natives about here whose names are not on the roll?—It is possible that there are.

1581. You spell phonetically and it is possible for you to get names down slightly different in the spelling?—Yes.

1582. It is possible for you to put down a name which you think is the name of the man before you, whereas it may be someone else?—Yes.

1583. Is it not a fact that many natives have two names?—Yes.

1584. And we insist upon using the best known name?—Yes, we use one name and reject the other names.

1585. By INSPECTOR MITCHELL: Have you ever discovered that any natives have been in camp and have not come up for food?—No.

1586. By Rev. GRIBBLE: Is it not a fact that the missing natives are amongst the best known around here?—A majority of them are.

1587. By the COMMISSIONER: Excepting Gumbool and Yowan, none of the natives mentioned have been to the mission since the end of June?—That is so.

1588. What as the latest date in July on which Yowan was at the mission?—The 11th.

1589. By Mr. NAIRN: From your records, those people do not attend regularly. Some of them have visited the mission only once in 12 months or longer?—That is so.

1590. Wearie has not been here since that date?—He has been employed at Nulla Nulla and has been here with messages.

1591. It would not be fair to infer that because a native does not visit the mission within 12 months, he is either dead or missing?—No.

ERNEST, Aborigine, sworn and examined:

1592. To the COMMISSIONER: I have been working in the mission for a long time. I am a Christian and have been baptised.

1593. Rev. GRIBBLE: He has been here since 1915 and has grown up from a little fellow.

1594. To the COMMISSIONER: I went out with Mr. Noble, Waybram, David, Bargadenda and Wunmurra to Oombalie, one day's journey distant. I saw no tracks there. Next day we went close to Youngada and saw the tracks of three women, Goolay, Yowan and Marga.

1595. Rev. GRIBBLE: The name Marga is another name for Warrawalla. There are two Yowans. A second one was here with her husband in July last.

1596. To the COMMISSIONER: I have seen the tracks of those three women plenty of times and I know them well. I am quite sure the tracks were theirs. I also saw the tracks of two young Boondungs, old Kangooloo and young Juberoo. I know their tracks, having seen them plenty times. We picked up the tracks a quarter of a mile from Youngada in the afternoon and followed them till night. Next day we found indications of fire, bones and blood not far from Gotegote-merrie. We returned to Oombalie and then to the mission station. Black marks on the flat stones indicated where a fire had been.

1597. To Mr. NAIRN: I know Delagai. I found his tracks with those of Boondung. I know Damunda. I saw his tracks also. The tracks kept together. I did not see the tracks of Wearie or of Gumbool. I saw Jumbarie's track also. Blackfellows always walk one behind the other when they go out. What I have told you makes the tracks of seven men I saw. I did not see the tracks of Warrawalla. I have often seen old Kangooloo's tracks on the station.

1598. To Rev. GRIBBLE: Goolay was the wife of Boondung. Yowan was the wife of the tall Boondung. Marga was an old blind woman.

1599. To Inspector DOUGLAS: I saw only fresh tracks. I think I could see tracks one moon but not two moons old.

JOHN WRIEDE BULMER GRIBBLE, son of Rev. E. R. B. Gribble, attached to Forrest River Mission as Lay Missionary, sworn and examined:

1600. To the COMMISSIONER: On the 5th November I accompanied my father on an expedition to Dala, with Herbert and Munjara. Dala is about 15 miles north of the station. We set out at about 11.30 a.m. and reached there at about 4.30 p.m. I do not know how far it is from Dala to the spot where Lumbia was captured. At Dala I saw indications of a camp, an empty Worcester sauce bottle, a jam tin, and two or three places where small fires had been lighted. There were also horse tracks which were not very old. I came to the conclusion that it was the site of a police camp. I knew an old man named Gumbool and his wives Newringie and Bungomerrie. I knew Boondung and Gumbool very well. When I returned from my leave last year there were rumours that the two men and two women had been shot. In the police camp we found a tree with deep green leaves and another tree about three feet away. On one of them there were marks as if something solid had been around it. A chain by which prisoners are linked together could have made the marks, and I concluded that the prisoners had been chained around the tree. After blacks have been sitting in one position for some time they make marks with their feet. Such marks I found around the tree, perhaps two or three feet apart. On the occasion of my first visit I could see where undoubtedly three and perhaps more natives had been sitting. The tree around which the chain had not been placed contained a hole in a limb six feet from the ground. It was like a bullet hole. The bullet had evidently come from the direction of the police camp 30 or 40 yards away. Further distant from the camp but inclined to the left of the other trees was a blood-wood tree in which there was a bullet hole about two feet from the ground.

1601. Was anything done regarding those bullet holes?—We poked in our fingers to satisfy ourselves that they were bullet holes.

1602. Did you see other marks on the ground?—Under the tree that had a bullet hole in the limb we

discovered a lot of ants. My father dug at the spot; it was loamy sand which in one spot but nowhere else was caked. About 30 yards to the right were marks as if a body had been dragged from the tree to a large flat rock in the creek. I think I can vouch for two such marks.

1603. Did you notice anything on the flat rock?—The rock was 6ft. by 3ft., and there were a lot of ants on it. At one spot there was blood and the stone had been subjected to great heat. The stone also had been chipped, flakes having been taken off the surface. There were charcoal and burnt stone on the edge of the river. Thirty yards up the creek to the right was a dry creek in which we discovered three little heaps containing burnt stone, charcoal and bone. There was no water in the creek at the time. In the heap we found teeth. We returned to the mission on the 6th. I next visited Dala with Sergt. Buckland, Constable Donegan, Tracker Quartpot, and mission boys Munjara and Herbert. We left on the 21st January and camped at a water hole seven miles south of Dala early in the afternoon. We went on to Dala next day. There I pointed out the bullet hole in the top limb. Sergt. Buckland did not seem to think it was a bullet hole. As to the mark around the tree he said, "Anything could have done that." As to the tree beyond containing a bullet hole he asked Donegan to use his knife and see whether there was a bullet in it. Donegan probed it and it was possible to hear the knife striking against something solid. Quartpot lifted the bark and it was possible to see the bullet inside. The sergeant told Quartpot to get the bullet out, and I walked away with the sergeant. Quartpot returned to us with the bullet and Donegan took it from him and remarked that it was a bullet. I could see plainly the rifling on the bullet.

1604. The COMMISSIONER: It is strange that Sergt. Buckland said nothing about the bullet being found. According to the evidence (Q. 554) he said, "I poked it with a knife but there was no trace of any bullet. It was right in the centre of the tree. There was another little tree, a bohemian tree, two to three feet away, and the mark was in the centre of a bloodwood tree facing the bohemian tree." (To witness): Did you see the bullet in Quartpot's hand?—Yes, and also in the tree.

1605. What did Quartpot do with the bullet?—Donegan took it from Quartpot and I saw it in Donegan's hand.

1606. Mr. NAIRN: I have had some discussion with Donegan and he has told me that this matter was mentioned in his own report but was omitted from Sergt. Buckland's evidence.

1607. The COMMISSIONER: It is strange that the sergeant did not say something about it. (To witness): Did you show the sergeant anything else?—Yes, I took him to the flat rock. From the time I had previously seen the nine inches of rain had fallen. The marks around the tree where I suggested the prisoners had been sitting were still visible and I showed them to the sergeant.

1608. What did the sergeant say when he saw the flat rock?—He did not pass any remark.

1609. He neither affirmed nor denied what you suggested?—No.

1610. You then took him to the creek 30 yards away?—Yes. On this occasion the water was waist high and the hears of bone and ashes were not visible. The boy went into the water and found one or two heaps. He threw the stuff on to the bank, a couple of handfuls of charcoal, stone and bones. Then we looked for further indications but did not find any. We returned to the mission on the 23rd.

1611. Were any samples of the bone brought away?—No, the sergeant just looked at them and threw them down again.

1612. The sergeant said he saw no evidence of the police having camped there. Was the sauce bottle still there?—We did not look for indications. The jam tin was on the rock where I had left it previously.

1613. Sergt. Buckland in his evidence said you told him that the police had camped there but he saw no evidence of a camp, though he said he saw a 15-inch rib bone of an ox?—I did not see that.

1614. Sergt. Buckland went on to say, "I asked what it (the rib bone of the bullock) was and Gribble said it was out of the meat that the police had got at the mission"?—I could not have made a statement like that because I was not at the mission at the time the police went out.

1615. He said there were some old tracks indicating that horses had been tethered there?—Yes, they were visible, leading to the scene.

1616. They may have been your horse tracks?—On the first occasion we walked seven miles to get to the scene.

1617. What sort of soil was it there?—Sandy.

1618. So heavy rain would be likely to obliterate any tracks in the sand?—Yes.

1619. Yet the sergeant said he could see certain horse tracks although he considered them to be the tracks of horses walking past the spot. Did you notice them?—No.

1620. By Mr. NAIRN: The sauce bottle and jam tin might have been left there by any party?—Sauce is never taken out from the mission.

1621. The sauce bottle might have been left there by white men travelling through?—We did not see anybody out there.

1622. It is a common thing for white men travelling in this country to carry sauce?—Drovers no doubt carry full supplies.

1623. Surveyors also?—Yes, but they were nowhere near that spot.

1624. White men travelling in this country are likely to leave a sauce bottle or jam tin behind?—Yes.

1625. You would not infer that it was a police camp because you found a sauce bottle and a jam tin?—No, but we heard that the police had been through Dala and we concluded from the presence of the sauce bottle and the jam tin that they had camped there.

1626. How high from the ground was the mark of the chain on the tree?—About a foot.

1627. There were no bullet holes in that tree?—No.

1628. There was a mark that someone probed, was there not?—A small piece of bark had been pulled off.

1629. When did you return from the East to the mission station?—On the 29th August.

1630. Before you went out two boys had been sent from the mission?—Yes, Aldoa and Herbert went on foot.

1631. You do not know what they may have done during their visit?—They were not away very long.

1632. By the COMMISSIONER: Were those two boys armed?—They may have taken their own weapons but they had no arms from the mission.

1633. By Mr. NAIRN: They would make foot-marks and the appearance of a camp if so disposed?—I do not think they camped there. By the tracks and the fire I could tell where they camped.

1634. By INSPECTOR DOUGLAS: What inference are you drawing from the bullet marks in the trees?—Since you have asked the question the high one would correspond with the shooting in the head of a tall man. As to the other bullet mark I should say that the natives were sitting.

1635. You infer that the shots had been fired to kill the natives and had missed?—Do not ask me whether they had missed. Would a bullet go through a man and come out the other side?

1636. My experience of the body says no?—I should say a bullet would go through a man and come out the other side.

1637. That would depend upon the class of weapon from which the bullet was fired?—It was rifled bullet that was pulled out of the tree.

1638. How old would the tracks have been when you saw them?—There had been no rain and I should say they were about three months old.

1639. By Rev. GRIBBLE: If any mission party had been camped there would they have been supplied with such luxuries as sauce?—From my six years' experience I should say no.

1640. Did you follow the same track with Sergt. Buckland as when you accompanied me?—No, the boy took us on the police track right from the mission station. Herbert knew the police track and we followed it to the scene. Herbert had been lent to the police party when they went out. On the night of the 21st, seven miles on the mission side of Dala, we camped where the police had camped.

1641. What became of the bullet that was extracted from the tree?—When last seen by me it was in the hands of Constable Donegan.

1642. How long did it take you to get back to the mission?—We left on the 22nd and camped seven miles on the mission side of the scene. Next day we continued to the mission and arrived at mid-day.

WUNMURRA, mission boy at the Forrest River Mission, sworn and examined:

1643. To the COMMISSIONER: I have been at the mission for a long time. I know tracking. I went out with Mr. Noble, Ernest, David and Waybram to look for tracks. We went to Gotegotemerrie. After dinner camp I saw the tracks of six blackfellows and three women. I knew all those tracks having seen them plenty of times. They were the tracks of Damunda, Delagai, Boondung (2)—the Boondungs being young fellows and brothers—Juberoo, and old Kangooloo. The tracks of the women were those of Yowan, Goolay and Marga. I also saw the tracks of six horses. The tracks of the blacks were in one line. They had been walking along. I followed the tracks and found blood in the creek. All the tracks went down to where the blood was. I saw the big stone beneath which were little pieces of bone all burnt, and ashes. The fire had been a big one. After that I returned to the mission.

[At this stage Angelina Noble was sworn as interpreter.]

1644. To the COMMISSIONER: I told Noble there were eight blackfellows' tracks—Boondung (2), Damunda, Yunbunoo, Juberoo, Delagai, Jumbarie, and Kangooloo.

1645. To Mr. NAIRN: I did not see the tracks of Gumbool or Wearie. I told Noble I saw the tracks of six horses. Mr. Gribble told me to go to Gotegotemerrie.

1646. To Rev. GRIBBLE: Noble is a good fellow for tracking and could follow the tracks himself.

DAVID (MAJUMBIE), mission boy, examined through Mrs. Noble:

1647. To the COMMISSIONER: I went with Mr. Noble and followed up the tracks of Boondung (2), Delagai, Damunda, Kangooloo and Jumbarie. I told Noble whose tracks they were, that is the men. I cannot remember the names of the women. The tracks stopped at Gotegotemerrie at some clear stone where there was a stick and some blood. There had been a fire under the stone. There were pieces of bone which were handed to Noble. I saw traces of only the three women going away from that spot together with the tracks of three horses. Those tracks led away up the river. We followed them for about a mile and then returned to the mission.

1648. To INSPECTOR MITCHELL: The stick had been partly burnt.

WAYBRAM, bush native of the near Kolya tribe and a frequent visitor to the mission, examined:

1649. To the COMMISSIONER: I went out with Mr. Noble and other boys and found tracks at Mungaro. I recognised the tracks of Mungungoo, Goolay, Warrawalla, Jaymund, Marga, Boondung (2), Damunda, Delagai, and Juberoo. Found the tracks at dinner time and followed till about this time of the day (4.30 p.m.). Where the tracks stopped we found bones. There were some bones also in the water. I saw three horse tracks that went towards Mowerie. I did not follow them any distance but returned to the mission.

BARGADENDA, bush native, a visitor to the mission since 1914, examined through Mrs. Noble:

1650. To the COMMISSIONER: I remember going out with Noble and the boys to look for tracks. We found tracks after leaving Oombalie and before reaching Gotegotemerrie. The tracks were those of Delagai, Damunda, Kangooloo, Wearie and Boondung (2). We got on the tracks and followed them after dinner till about this time (4.45 p.m.). At Gotegotemerrie we found bones, which we dug up and took away. I saw some horse tracks. The horses had gone ahead and the natives had been following behind. There were no tracks of men leading away from Gotegotemerrie but the tracks of women continued towards

Mowerie. I followed the tracks of the women and horses for some little distance and left them.

[The Commissioner experienced considerable difficulty in getting evidence from some of the natives even with the assistance of Mrs. Noble as interpreter. At this stage it was explained by Inspector Mitchell that a native is not permitted to mention the name of a dead relative.]

1651. The COMMISSIONER: That explains our difficulty with the native witnesses.

1652. To Mr. NAIRN: There were horse tracks accompanying the women's tracks all the way. The tracks were first found between Oombalie and Gotegotemerrie. There was a big mob of horse tracks.

1653. To INSPECTOR MITCHELL: The mob of horse tracks were first seen not far from the mission.

1654. The COMMISSIONER: I hope these natives are better trackers than they are witnesses.

HERBERT, mission boy for 10 years, sworn and examined:

1655. To the COMMISSIONER: I went with Aldoa to help the police party find Lumbia. In that party were Regan, St. Jack, Sulieman, Frank and Jim. St. Jack gave me a gun. We travelled one day and camped halfway to Dala. That day we saw no natives or tracks. Next day we reached Dala and camped there. I saw the tracks of Gumbool, Boondung, Bungomerrie and Newringie, and followed them. Aldoa, Sulieman, Jim, Frank and I caught them at their camp. We took them into the police camp at Dala where Regan and St. Jack were. Three of them were put on a chain; the other one was not put on a chain. The chain was passed around a tree. Next morning Aldoa, Jim, Sulieman, Frank and I went out to look for Lumbia. Regan and St. Jack stayed in camp. When we left, the four natives were in the camp. We started out as soon as the sun was up and we walked until the sun was halfway up. The trackers found the tracks of blackfellows and camped for the night. Next day we followed the tracks until the sun was overhead but could not find anything, and so we returned to the police camp for tucker. The sun at that time was about where it is now (5.30 p.m.). When we got back to the police camp there were only the two policemen in the camp. I asked what had become of the prisoners and St. Jack said they had been sent along to the mission. We slept at the police camp that night. Early next day the police and trackers packed up and went to another camp where we halted at mid-day. We were following the old track. We continued on that track and slept halfway. Next morning Regan and St. Jack stayed in the camp and we five boys went on to catch Lumbia. We left the camp at daylight and caught Lumbia in the afternoon.

1656. By the COMMISSIONER: Did not Regan and St. Jack go with you to catch Lumbia?—No.

1657. Who caught Lumbia?—Joe and I.

1658. You told me there were five trackers?—There were six. I forgot Joe until this moment.

1659. How did you catch Lumbia?—We went into the camp and caught him. We put him on the chain and camped there that night. We also camped halfway back to the police camp. We reached the police camp in the afternoon and Regan and St. Jack were there.

1660. Did you catch many natives?—Yes, a mob of them, and took them with Lumbia back to the mission.

1661. How many days did it take you to go from that camp of Regan and St. Jack's to the mission?—We started as soon as the sun got up and went right through to the mission that day, arriving in the middle of the night. Later Inspector Douglas and Det.-Sgt. Manning came to the mission and Aldoa and I went to Dala to see what we could find. We started about mid-day and got to Dala late in the same afternoon. We looked around and saw blood. It was the same place where we had left the two policemen and the four natives. We saw the blood on a tree and chain marks around the tree. We found bones in the water and took some to the mission. After that I went out with the Rev. Gribble, Mr. Jack Gribble and Matthew, and found bones and blood.



1662. Are you sure that the place to which you took the Rev. Gribble and his son was the same place as the police had camped at before?—Yes.

1663. The very place where you saw Regan and St Jack with the four natives?—Yes. Later I went out again with Sergeant Buckland, Constable Donegan, Mr. Jack Gribble and the boys Quartpot and Matthew.

1664. Are you certain that it was the same place where you saw Regan and St. Jack with the four natives?—Yes.

1665. So you have been to the place four times now?—Yes.

1666. What did you do on the last visit there?—Mr. Gribble showed the police the tree, the footmarks and the blood, also the bullet marks.

1667. By Mr. NAIRN: Some time after you went out with Regan's party did Aldoa and another boy go out to see what they could find?—Aldoa and I went out.

1668. Did you find anything?—Bones, blood.

1669. How long was that before Inspector Douglas arrived?—About a month. We found bones in the water and blood at the tree where the blackfellows had been tied up. We brought the blood back in a fruit tin and gave it to the Rev. Gribble. When Inspector Douglas came we went out again and found more bones and more blood.

1670. When St. Jack told you that the four prisoners had been sent to the mission, what time was it?—Four o'clock.

1671. Did you think that St. Jack was telling the truth?—No, I said not true.

1672. Did you think that he had shot the natives?—I did not think that they had gone to the mission. In the early morning we looked for their tracks but could not find them, and I thought St. Jack was telling a lie.

1673. Did you tell the Rev. Gribble that Regan and St. Jack had the four prisoners on the chain in camp?—Yes.

1674. And that when you returned the prisoners were missing, and you thought St. Jack had killed them?—Yes.

1675. Did you tell the Rev. Gribble that soon after you brought Lumbia in?—Yes.

1676. Did Aldoa also tell the Rev. Gribble?—Both of us together told him.

1677. How long after you returned to the mission did you tell that to the Rev. Gribble?—Two days.

1678. By Rev. GRIBBLE: How many times have you been to Dala?—The first time was with Regan's party. The second time was when Inspector Douglas was here. You were in Wyndham at the time. We went on Saturday and returned Sunday night. On that occasion I brought back bones and gave them to Mr. Jack Gribble, who told Culmaroo Eric to take them to you at Wyndham. The third time I went to Dala was with you and Mr. Jack Gribble, and the fourth time was with Sergt. Buckland, Constable Donegan, and Mr. Jack Gribble.

1679. Was I with you when you brought back the tin containing sand and blood?—Yes.

1680. When you left with Regan's party were you given a gun?—Yes, the same day.

1681. When you camped past Dala did you have Gumbool in the camp?—Yes, and Boondung, Newringie and Bungomerrie. Gumbool was sick and we carried him to the police camp.

1682. You say you left the two white police in the camp and returned next day for tucker?—Yes.

1683. When you went away you left the four prisoners in the camp with the two white policemen?—Yes.

1684. When you returned for tucker were those four prisoners there?—No.

1685. Were the white men camped at the same place?—Yes.

1686. When the trackers went out to catch Lumbia did you all have guns?—Yes.

1687. Did anyone fire his gun?—Yes, Aldoa, Joe, Jim, Frank and Sulieman.

1688. Did you fire your gun?—No.

1689. Where did the others shoot?—Towards the sky.

1690. By the COMMISSIONER: Was that done to frighten the natives?—Yes.

1691. By Rev. GRIBBLE: When you brought the prisoners in did you return to the same camp?—No, Regan told us all to go the top side.

1692. By the COMMISSIONER: When you returned for tucker did you go into the police camp?—Yes.

1693. By Rev. GRIBBLE: Did you sleep in the camp that night?—Yes. When we brought in Lumbia we arrived in the afternoon and had to go to the top side. On the morning when we started for the mission the white police started with us, but St. Jack and Sulieman went back to the old camp and stayed until dinner time. I did not see any smoke rising from the old camp.

1694. After you brought Lumbia and the others on the chain to the white police did you go to the old camp again?—No.

1695. Are you certain of that?—Yes.

1696. Who told you to go somewhere else?—Regan and St. Jack.

1697. Did they tell you where to go?—Yes, to the top side. After we caught Lumbia we camped half way between that spot and the police camp.

1698. Did the police meet you on the road when you had Lumbia?—Yes; Regan and St. Jack said we were not to go back to the old camp.

The Commission adjourned.

[Commission visited Dala on 13th-15th March.]

WEDNESDAY, 16th MARCH, 1927.

HERBERT, further examined:

1699. By the COMMISSIONER: Where did you catch the four natives, Gumbool, Boondung, Bungomerrie, and Newringie?—Outside the Dala camp and to the west of Dala. We came on them when they were sitting in camp. Aldoa, Sulieman, Joe, Jim, and I were there at the time. We took them into the police camp and they were put on the chain. I recognise the photograph produced as that of Gumbool, who was one of the men caught and chained up at Dala. The spot where I got the bones out of the water during the visit of the Commission on Monday last was the same one from which I gathered the other bones. On the night before we captured Gumbool and party we slept at the police camp. I did not go down to the water hole and therefore did not see any marks of fire. We got water from the creek at the east side near the police camp. We did not go to the spot where I afterwards saw the indications of fire. The trackers camped between the police and the native prisoners.

1700. To Mr. NAIRN: All the native boys camped together. When we returned for tucker the boys did not talk about the natives being gone, but I mentioned it to Aldoa. St. Jack told me they had been sent back to the mission but I thought they had been killed. I do not like the police; I think they killed my countrymen. The camp that the Commission visited was No. 2 Camp. The No. 3 Camp was some distance north of that. We took Lumbia into No. 3 Camp. It was the camp where the fire had been that the police did not let us enter. St. Jack told me to walk along the top side and stop at our own camp. St. Jack and Sulieman remained in the camp and made me go on. When we came back for tucker I could not smell blood there and none of the boys smelt it. I could not smell burnt bodies. I do not know whether the blackfellows were telling the truth when they said they could smell the blood at Gote-gote-merrie. Bush natives kill a lot of cattle. Shovel-nosed spears are made in Wyndham and the boat boys bring them out. Shovel-nosed spears are used for killing cattle and kangaroos.

1701. To Rev. GRIBBLE: Seven of the Lyne River boys kill cattle.

1702. Rev. GRIBBLE: They are comparative strangers here.

1703. By Rev. GRIBBLE: When you returned for tucker why did not you walk about the camp?—St. Jack told us not to walk about.

1704. Did you look for the tracks of Gumbool?—Yes.

1705. What did St. Jack tell you the four prisoners had with them when they left for the mission?—A billycan, tea, sugar, and flour. I looked for tracks on the mission side but found nothing.

1706. When you went to No. 3 police camp at Damerrie who stayed behind?—Sulieinan and St. Jack. We did not stop at No. 3 camp that night. We went straight on and left the two policemen behind. When we returned with Lumbia the two policemen were there.

ALDOA, casual visitor to the mission, examined:

1707. To the COMMISSIONER: I have been going to the mission for a long time. When the police came after Lumbia, Herbert and I went with them. The first night we camped at Neuringie. In the camp were Regan, St. Jack, Sulieinan, Frank, Jim, Joe, Herbert and I. Next day we camped at Dala. At Neuringie Regan saw smoke and on investigation the trackers found Gumbool, Boondung, and two women. They were taken to the police camp at Dala. Early next day the trackers went out to look for Lumbia but the police remained in the camp. We travelled about looking for Lumbia. When we left the four prisoners with the police Boondung and the two women were chained to the tree. Gumbool was sick and was not put on the chain. I thought the police would look after them. When we went to look for Lumbia the police were not with us. We found some old tracks and followed them up. Then we went back to Dala camp for tucker. It was a little bit dark when we got back. Regan told me he had sent the four prisoners to the mission, but he also said they might go bush. He told me that he had given them tea, sugar, bread and beef. We got tucker and next day all went on to the new camp at Damerrie. Regan and St. Jack stayed in camp when the trackers left at dinner time to catch Lumbia. It was a little dark when we caught Lumbia. We slept there and started back in the morning. We slept halfway and then got back to Damerrie.

1708. By the COMMISSIONER: Are you sure the policemen were not with you when you went to get Lumbia?—Yes.

1709. Are you sure the police were in camp when you returned with Lumbia?—Yes. We caught a lot of men and women and two children beside Lumbia. We did not return to the Dala camp. We passed around it.

1710. Why did you not go into the Dala camp on your return?—The police said not to go to Dala camp but to go around.

1711. By Mr. NAIRN: You had already stayed one night in the Dala camp. The police were not afraid to let you into the Dala camp that time?—(No answer.)

1712. Where did the trackers camp that night in Dala camp?—Between the police and the prisoners.

1713. Can you smell blood if anyone has been killed?—No, the wind was blowing the same way all the time.

1714. If anyone has been killed can blackfellows smell blood?—They can smell it a bit. When we returned to the Dala camp the boys slept together. I did not talk to the other boys about the prisoners. Regan and Jim talked together and so did St. Jack and Joe. They went down to the creek and talked.

1715. When you were told by Regan that the prisoners had been given tucker and sent to the mission did you think it true?—Yes.

1716. Did not Herbert say he thought the police had killed them?—No.

1717. Did you talk with Herbert about the prisoners?—Yes, Herbert said Regan had released them and that they might go to the mission.

1718. Did Herbert tell you that the police might have killed them?—No. When we caught Gumbool he was in camp. We did not have chains. We brought the prisoners in to the camp. We did not see any other blackfellows. When we went out from Damerrie we did not see any blackfellows until we caught Lumbia. We found him camped in a creek. The six of us went into the camp and Joe and Frank caught him. One blackfellow ran away and we followed him up. Joe fired five shots in the air to frighten the blacks and Jim stopped them from bolting.

1719. Did you look at the tree where the prisoners were chained?—No, I did not go over. The weather was cold and dry and there was no grass and we were told to get water at another part of the creek.

1720. To the Rev. GRIBBLE: I did not go up to the tree where Gumbool had been sitting; I stayed by the fire. The police said it was no good walking about.

In the morning I went for the horses but did not look for Gumbool's tracks. I thought he was then at the mission. St. Jack told me not to go for water in one particular place. I remember Durragee on the Pentecost River. I was in a big camp there when the police came a little before daylight and chased up the blacks. Overheu's boy, Tommy, caught me and put handcuffs on me and two others, but I slipped the handcuffs off and ran away. Plenty of shots were fired in the air, but one old man—Umbilijie—was killed by a blow on the head. St. Jack and Overheu were present on that occasion.

1721. By INSPECTOR MITCHELL: When you caught Lumbia, who first got hold of him?—Joe.

1722. By the COMMISSIONER: Who had firearms?—All of us.

1723. By INSPECTOR DOUGLAS: Was Gumbool put on the chain?—No, he was sick.

1724. To Mr. NAIRN: Tommy killed Umbilijie. I was in gaol in Wyndham once but I had done nothing. The police did not know that Tommy had killed Umbilijie.

1725. By the COMMISSIONER: When you found that the four prisoners were missing what did you think had become of them?—I thought they had gone to the mission.

LAMONDILLA, aborigine, examined through Mrs. Noble.

1726. To the COMMISSIONER: I was at Durragee when the police raided a blacks' camp. I heard shots fired and got a number of pellets in my buttocks. Some have been taken out, but some are still there and can be felt. The police boy Joe shot me as I was running away. Another man named Marringai was shot with a shot-gun at the same time. He also got away. A woman named Loorabane was shot with a bullet at the same time. She was shot in the leg.

The Commission adjourned.

TUESDAY, 22nd MARCH, 1927.

AT WYNDHAM.

SERGT. BUCKLAND, further examined:

1727. By the COMMISSIONER: We have had an opportunity to view at Dala the spot where it is alleged four natives were shot. In your evidence in chief you were asked whether you could see where a fire had been burning and you said you saw evidence of a very small fire, nothing more than one would make to boil a billy?—That is so.

1728. Do you mean to say that the indications in the creek were of a fire only sufficient to boil a billy?—All I could see were burnt marks about 2ft. square.

1729. Is it not a very unusual thing to boil a billy in a creek bed?—If the grass were dry and long, the creek bed is the place where I should boil a billy. That is what bushmen usually do in order to get away from the grass.

1730. At the time, June or July last, it would have been in the middle of winter, and there would have been no grass?—It was about July.

1731. The grass does not grow until the rain comes?—It would burn before July.

1732. Wherever we saw campfires our experience was that they were made out of the creek and never in the creek beds. Do you say it is a custom to boil a billy in a creek bed?—Either that or cut the grass right away in order not to start a grass fire.

1733. You said you saw no evidence of camp at Dala. Mr. John Gribble has said that the police did camp there. Did not you see a number of charred sticks indicating where a camp fire had been made?—No, nothing of the kind. All I saw was a beef bone.

1734. Did not you see any charred sticks?—No, none at all.

1735. Good gracious! Then if there are any charred sticks at the spot the suggestion is that they have been put there since?—I would not say that. They may have been in a spot that Gribble did not show me.

1736. You know the tree around which it is alleged the natives were chained?—Yes.

1737. About 50 yards from that spot and towards the pool did not you notice charred ends of wood and ashes as though there had been a camp fire?—No, I did not see where there had been a fire at all. All I saw was the bone; in fact I am not sure that there were not two bones. I could see no evidence of a police camp.

1738. That is singular because to me personally it seemed to be clear. Later in your evidence in reply to Mr. Nairn as to whether there was any evidence of police having camped at Dala you said it was not a spot that you would select for a camp?—The spot that Gribble pointed out to me had very few trees and very little shade at all.

1739. When the police were supposed to have been there it would be the middle of winter and so far from wanting shade they would be rather glad of the sun?—That may be so, but it would be pretty hot.

1740. You said, "There was no shade or anything." Was not there water?—Yes.

1741. And a camping ground with a surface almost as flat as this room? You said there was nothing to induce a person to make a camp there?—It is not a place where I would camp.

1742. Well, that is your evidence. You saw the mark of a bullet in a tree about one foot from the ground?—That was on the far side from where the natives were supposed to have been chained.

1743. Did you see a bullet extracted from the bloodwood tree by Quartpot?—Yes, it was taken from a tree about 50 yards from where the natives were camped. I had a statement of that in my report but omitted to mention it when giving my evidence. It was quite an oversight.

1744. Did not you see a spot in line with those trees and about 50 yards towards the water where a camp fire had been made?—No. From the spot where it was said the police were camped, it could not be in a direct line with the tree.

1745. The spot seen by us, where there was unmistakable evidence of a campfire, and a pretty large one too, was directly in line with the tree where the natives were chained up and the tree beyond whence the bullet was extracted?—The place shown me by Gribble was not in a direct line and there was no evidence of a camp fire. You must have seen a different spot.

1746. Jack Gribble was not with us when we were there but the Rev. Gribble was, and there was no necessity for anyone to show us where the camp fire had been because we could see it for ourselves?—Jack Gribble had seen the spot previously and he took me around. The grass had grown and I could not see anything.

1747. On referring to a sketch I made on the ground I find that the bloodwood tree was 21 yards from the tree where the natives were supposed to have been chained. You say that a bullet was extracted by Quartpot from the bloodwood tree?—Yes, I saw it taken out and handed to Constable Donegan.

1748. The COMMISSIONER: Have you got it now, Constable Donegan.

1749. Constable DONEGAN: I have not got it here. I brought it in to Wyndham, but I do not know whether I shall be able to find it.

1750. WITNESS: There is no doubt that it was a bullet.

1751. The COMMISSIONER: I should like you to try to find it, Constable Donegan. (To witness): When Murnane came back you said the reason he gave was that he was expecting wires?—Yes, and that he might have to go on to Darwin.

1752. Are you sure he did not say it was a letter he was expecting?—No, he said wires.

1753. Did he say anything about a letter?—No, I think he said wires. He thought he might have to go on with the boat.

1754. Although he said nothing about that when he went out with the police party, he told you that when he came back?—Yes.

1755. You said he asked twice to be allowed to go with the expedition?—Yes. I was lying ill in bed at the time and twice he volunteered.

1756. Did he ask to be allowed to join the expedition as an active member?—He said he would like to go as a volunteer and assist.

1757. Assist in the arrest of natives?—Yes.

1758. Did he say it would be convenient for him to go as he wanted to make researches regarding the buffalo fly?—No, he did not mention that to me.

1759. The COMMISSIONER: It seems so strange that he should not have said anything about it, because he was away for three weeks. Perhaps that was longer than he expected.

1760. By Mr. NAIRN: It is said now that a mosquito net peg was found at the alleged police camp. Did you see any mosquito net peg there?—No.

1761. Nothing of the kind was pointed out to you?—At the site pointed out to me as the camp, there was no mosquito net peg; otherwise I could not have failed to see it. The grass was not long. Of course, it might have been lying in the grass.

1762. You have been many years in this part of the State and have had a lot of experience?—Yes, about 30 years.

1763. Dala is situated on high ground, well above the sea level?—Yes, it is high country.

1764. Are mosquitoes to be found up there in the middle of the winter, about the end of June?—I should not think so. There were no mosquitoes when I was there in January. In such high country you rarely get mosquitoes.

1765. You went there in January during the height of the wet season when mosquitoes would be at their worst?—Yes, and there was grass everywhere.

1766. Did you carry mosquito nets?—Yes.

1767. Did you use yours?—On one night, but it was not necessary then. On the second night, I did not use the net.

1768. At the end of June would there be any occasion to use mosquito nets anywhere in those hills?—I should not think so.

1769. The only evidence of a camp pointed out to you was the rib-bone of an ox?—Yes.

1770. Reverting to the river bed, where there was some evidence of a fire in your opinion, had there been a strong fire and had the rocks been subjected to the severe fire that would be necessary to consume bodies?—According to the indications, there seemed to have been only a small fire. The rocks were cracked very little. They had been chipped a little, but they were chipped in other places as well.

1771. Have you any knowledge of the intensity of a fire required to consume a human body?—I do not know what fire it would take, but I think it would require a big fire to burn four bodies.

1772. What would be the effect of a very hot fire on the rocks?—I think it would crack them and also split the bulk of the rock? I could see no indications of that. The rocks were merely chipped on the top.

1773. You have seen a lot of those little creeks. Have you observed that there is often a chipping of the surface of the rocks merely through the influence of the sun?—At that place, you could see where the rock had been chipped right away from the scene of the fire. I think the rocks chip as a result of the influence of the hot sun and the cold weather.

1774. Mr. NAIRN: We walked up a creek and found a lot of chipping of rock surface where there were no indications of fire.

1775. The COMMISSIONER: It seemed to me that the rocks were subject to erosion by water and so on. I suppose it would be the same everywhere.

1776. By Mr. NAIRN: An intense heat would be liable to cause a splitting of the bigger stones and not merely a cracking of the surface?—Yes. I know that if you throw stones into a fire they will crack and often pieces will fly out of the fire.

1777. By Rev. GRIBBLE: Did you notice a tobacco tin, a tin matchbox, or a jam tin at the spot?—No, but such things may have been there.

1778. By the COMMISSIONER: You did not notice a jam tin?—No, I saw no tin of any sort.

1779. The COMMISSIONER: I noticed the jam tin myself.

1780. Mr. NAIRN: There have been lots of visitors to that camp.

1781. By the COMMISSIONER: You did not see the jam tin?—No, I am telling the honest truth, I did not see it.

1782. Mr. NAIRN: The tin matchbox was never mentioned in evidence before.

1783. The COMMISSIONER: I saw the jam tin lying there.

1784. Mr. NAIRN: And there was a tin matchbox where the fire had been.

1785. By the COMMISSIONER: Would not mosquitoes be worse at Dala at this time of the year than in June, there now being more water about?—Of course they would.

1786. If you found it almost unnecessary to use a mosquito net up there now, you think you would be able to dispense with it altogether in June?—I should not think it would be necessary in June. It was the first time I had been there.

1787. The COMMISSIONER: I agree with you there. We did not feel any mosquitoes even at this time of the year.

1788. By Rev. GRIBBLE: You said that the boy obtained bones from the water in handfuls?—Yes.

1789. How far would it be from the fire on the rock in the creek to where the bones were?—About 20 or 25 yards.

1790. Do you think it possible for fire to cause rocks to split and fly that distance?—No.

1791. The COMMISSIONER: I should think that was hardly probable.

LEOPOLD R. OVERHEU, further examined:

1792. By the COMMISSIONER: About the time Hay was murdered was there a good deal of cattle killing going on in the district?—Yes.

1793. Were there many complaints to the police by various settlers about cattle being killed?—Yes.

1794. So there was quite a considerable feeling in the district at the time against the blacks for killing cattle?—Yes.

1795. Do you remember having written a letter about the 20th May, 1926, from Nulla Nulla to your father giving particulars of the tragedy?—I wrote to him about that date.

1796. A letter appeared in one of the Perth newspapers and was introduced thus: "The following letter has been received by Mr. H. C. F. Overheu, of Rheola St., West Perth, from his son, who is overseer on Nulla Nulla Station." That is your father's place of residence?—Yes.

1797. It continues, "It describes the discovery of Hay's body and gives interesting particulars of the habits of the blacks of the locality." Then it sets out the letter in full, beginning, "Suppose you heard the news of Hay being speared by blacks before you got my wire." Did you write that letter to your father?—Yes, about that date. I did not see it as published in the paper so I do not know whether it is the actual letter or not.

1798. In one part of the letter you stated, "Tommy gave me the names of the blacks, who all belong to the Numla tribe. They are a treacherous mob and don't come near the station very often. The few of them that have worked for us have been half educated by the Forrest Mission and talk fairly good English." What led you to suppose that those treacherous natives were half educated by the Forrest Mission?—I was not referring to the Numla tribe.

1799. But that is what you stated?—Then it must have been misprinted. I would not say in any letter that the Numla were half educated by the mission. Some of them might be, but I would say that the Bimbirrs and the Kolyas were.

1800. Then you do not say that the treacherous mob responsible for the murder of Hay were half educated by the Forrest River Mission?—The ones that were actually responsible for the murder, as events proved, were.

1801. Who, Lumbia?—Lumbia was not half educated but other natives who were there were.

1802. But according to the case as tried in the court Lumbia alone was responsible for the murder?—Yes, according to the evidence.

1803. You see what a wide statement you made?—The information I had at the time was that a crowd from the direction of Numla were responsible for the murder.

1804. Do you not think you ought to be a little more careful before making such a statement and branding the people of an institution that is doing its best amongst the aborigines as people who teach the natives to murder white men?—The natives who have been educated and who have left the mission have been the most troublesome in killing our cattle and annoying us.

1805. You went on to say in your letter, "Constable St. Jack already had a mission boy on the chain for

being on the prohibited area near the pumping station." Was that another smack at the mission?—No.

1806. Then why mention that the constable already had a mission boy on the chain for being on the prohibited area?—It is quite right.

1807. Do you know why the boy was on that prohibited area?—Yes, he ran away from the mission. It was afterwards stated that he had gone to look for a boy who was a pensioner, which was wrong.

1808. Do you know that that boy was at the time conveying a message from the mission station to Mr. Gribble?—No.

1809. The COMMISSIONER: Is not that so, Mr. Gribble?

1810. Rev. GRIBBLE: He was sent down to try to induce a lot of Drysdale mission blacks to return at once with Futher Cubero. When I explained the matter to Sergt. Buckland, he released the boy.

1811. By the COMMISSIONER: At that time the natives had been scattered. How far is Durragee Hill from the pumping station?—Thirty odd miles.

1812. That seemed to have been rather a wild statement for you to communicate to your father when we have evidence from Mr. Gribble that the boy was actually on a message?—I was not with St. Jack when he caught the boy, but from what he told me and from what the boy said he was not out on any message. He did not make any statement to that effect. Six weeks before, that boy ran away from the mission because one of his children had died.

1813. You also stated in your letter, "This same crowd of blacks have been killing numerous cattle at the mission." Do you believe that?—The boy Ernest made the statement.

1814. Rev. GRIBBLE: That is the same boy.

1815. WITNESS: He made that statement before Mr. Maloney, Constable St. Jack and myself. He said that cattle killing had been done by bush blacks and that he had told Gribble and that Gribble had taken no notice of it. The boy said he was tired of telling Gribble.

1816. By the COMMISSIONER: You also stated in your letter, "One of them is reported to have killed Bass and Smith who started to walk to the Drysdale Mission in 1920, when Captain Johnston was wrecked with a lugger"?—I was told last year that a black-fellow caught over there for cattle killing was said to be one of the blacks concerned in the murder of Bass and Smith. That boy was not brought before the court in Wyndham. I have a witness to bear out my statement on that.

1817. There was a suggestion that one of them had killed a half-caste?—Ernest told us that.

1818. I take it that all these happenings, all these killings of cattle and the murder of Bass and Smith were inflaming the people here against the blacks?—No, I do not think so.

1819. Taking all the statements, not as isolated instances, but as a concrete fact, they would have an effect upon the minds of station owners and of people interested in cattle?—Would you like me to explain how much cattle killing and damage have been done?

1820. Yes?—Cattle killing actually started at Nulla Nulla Station in March and April, 1923, by the killing of numerous calves. The boys concerned in this included one named George whom I had seen at the mission several times, another named Gunga, and some others that are always in touch with the mission. In May, 1923, Wunmurra, George, and other boys killed some cattle near Humpy Creek. Then there were practically no killings during the dry season. The next killings occurred in November, 1923. Those responsible were Jorgmah, a mission boy named Wundugma and others, when a cow and calf were killed at Argolgee Creek. At about the same time at Nooroo Swamp a cow was killed by Ungula, Lingula, Choondidee, and Irun-gadal (?Burramai). In January, 1924, a cow was killed between Nooroo Swamp and Long Billabong by a boy called Billy, Wandoer, Kolombo, Wunmurra, Ghnelmai, Jabiru, Chibiru, and others. In March, 1924, a steer was killed near Humpy Creek by George, Gunga, Jorgmah, and others whom I could not identify. Between October, 1924, and March, 1925, while I was down South, my partner reported that about ten head, beasts from 18 months old upwards, were killed near Nooroo and further down towards the Durack River. The blacks mainly concerned in these killings were Ungula, Lingula, Jorgmah, Wundugma, Wunmurra, Irun-gadal, Oorooloo, Unmurra, Wandoer, Burramai, Munjurra, Gnoweroo, Jabiru, and others of the same tribe. In April, 1925, one beast was killed near Humpy Creek by

some natives that came from Walmah. Those natives were always in touch with the mission because they went there for tobacco. In March, 1925, a beast was killed on Brachiton Creek, two miles from the house at Nulla Nulla. It was killed by Bumblefoot, Doctor (well known at the mission), Wunmurra, Ungula, Lingula, and a few others. Who the others were I do not know. The killings again ceased during the dry season because we were able to get about the run a good deal. In the wet season we cannot ride around much on account of the bog. In October, 1925, an eighteen months old heifer was killed near Nooroo. The blacks also ran to death the following beasts which died alongside Nooroo Billabong—one imperial shorthorn bull that cost £100 landed on the station, one cow, and one bullock. Those cattle were chased four miles on a very hot day in October. For that Ungula and Lingula were responsible. I think those two natives are brothers.

1821. Rev. GRIBBLE: Ungula and Lingula are man and wife.

1822. WITNESS: No, they are two men.

1823. By the COMMISSIONER: Who supplied you with those names?—I kept a roll of all the blacks employed on the station and the periods they stayed there. Whenever I heard of cattle killing, I inquired which natives had done it.

1824. You got that information from blacks employed on the station?—Yes, and from tracks when I took my boy down and got him to identify them.

1825. Natives can identify tracks pretty well?—Yes.

1826. They experience no difficulty at all?—In November, 1925, an eighteen months old steer was killed south of Nooroo and the natives, to taunt me with the fact that I had not caught them before, propped the head and part of the neck on a stick alongside the road. That beast was killed by Ungula and Jabiru. Another boy, said to be Yender-ramai, was also concerned. In May, 1926, a big crowd of blacks camped at Durragee Hill for a corroboree. They killed one and sometimes two beasts a day for nine days.

1827. That was just before the murder of Hav?—Yes. They had a relay camp on the Duraek River and the natives in that camp would kill the cattle and take the beef back to Durragee camp. The blacks mainly concerned were practically those I have already mentioned with the exception that there were others from the Kolya, Bimbirr and Numla tribes whom I may not have mentioned. To show what damage the blacks have done out here, we invested £1600 of private capital and loans to the extent of £4,200. Through the ravages of the blacks the station has practically gone bung. When the blacks chase cattle they might start with a mob of 50 or 60 head. We have a bigger percentage of cows because we are starting with breeders and are putting our first bullocks in to the Works. Out of 50 head there might be 30 cows. The blacks do most of the damage in April and October, the two months for calving. By the time the cattle have been chased two or three miles every cow within two months of calving loses the calf and every calf that is only two months old is killed by the dogs of the blacks or dies from overheating. Consequently the animal that they actually kill does not represent the whole of the damage they do. When spearing cattle they use in some instances the shovel-nosed spear head. When I was at the Forrest River Mission Station in January, 1924, I saw Mr. Jack Gribble assisting natives to make such spears. When I told him it was not a fair thing as the natives were using them for spearing cattle, he replied that they were used over there only for killing kangaroos. James Noble told me that he knew of instances of mission cattle having been speared with shovel-nosed spears.

1828. Mr. NAIRN: We saw some of those spears at the mission station the other day.

1829. WITNESS: When we were growing cotton at Nulla Nulla, to show the influence over the natives of the educated boys who have run away from the mission and are practically outcasts, Lingula came along at a busy time and next morning there was not a black on the place. He had taken all of them away.

1830. By the COMMISSIONER: Considering the severe losses you sustained it is not surprising that you viewed this black menace with considerable concern?—That is so. When possible I usually employed cattle killers.

1831. I suppose the same feeling against the blacks exists amongst other station holders in this country?—I should think so.

1832. I suppose the feeling against them on account of cattle killing is pretty general. That, very likely, accounts for what you said in your letter, which I shall ask you to explain. There must have been intense feeling against the blacks in this district?—I would not say intense feeling.

1833. If a man loses £4,000 or £5,000 through the depredations of blacks he would not feel too kindly towards them, would he?—No.

1834. That is quite natural. I notice that you ended up your letter to your father by saying, "Now we are waiting for another police patrol and any special constables they may appoint to come out by road. They should get here by next Wednesday or Thursday. I am going to pilot the police out and give them any assistance possible so as to make the place safe for myself in the future?—Yes.

1835. Then you wound up your letter by making the most important statement of the lot, "In officially reporting the matter to the police, I've asked for a strong force to go out and also that the natives be dealt with drastically." What did you mean by that?—I meant that the police should catch the actual culprits.

1836. You did use the expression I have quoted?—I do not remember having used it.

1837. Do you deny that you used it?—My memory is not so good that I can deny or admit it.

1838. You will neither deny or admit having written "I've asked for a strong force to go out and also that the natives be dealt with drastically"?—Why I asked for a strong force was that we did not know when Constable Regan and the Coroner came out whether it was intended to send extra police. The blacks having murdered a white man, it was not fair to ask two whites with boys to go out and look for the murderer amongst perhaps 50 or 60 blacks. A strong force was needed.

1839. The COMMISSIONER: I do not think anybody could object to that, but what I am concerned about is your use of the word "drastically."

1840. Mr. NAIRN: I should think it was a case for drastic treatment.

1841. The COMMISSIONER: It might or it might have not have been. The question is what Overheu meant by dealing with the natives drastically.

1842. WITNESS: If I used the word I meant that everyone of the actual culprits should be caught.

1843. By the COMMISSIONER: Surely you would not term the arresting of a man drastic treatment?—I would not say drastic treatment.

1844. That is the term you used. I want to know what you meant by "dealing drastically" with the natives?—I meant that they should be brought to book.

1845. Bringing a man to book does not constitute a very drastic measure?—It is a drastic measure as far as the blacks are concerned.

1846. To my mind your letter contains a very different meaning. You say you asked for a strong force to go out and also that the natives be dealt with drastically. Now you say you meant that the police should merely go out and arrest the suspected natives?—Yes, every one of them; not merely one or two.

1847. It does not matter how many there were. Did you mean simply that the culprits should be captured?—Yes.

1848. Was that all you meant?—Yes.

1849. To my mind it is a very extraordinary word to use in that connection?—In most cases where boys have been caught and brought in they have been awarded seven days imprisonment. I have known of their having been fined £2 with seven days in default of payment.

1850. I could understand it if you had asked that the natives should be punished more rigorously, but I cannot understand your request that they be dealt with drastically. You know the meaning of the expression "to deal with a man." It generally means personal violence?—What I meant to convey was that when the culprits were caught they should be dealt with so that they would not come back to commit other murders.

1851. You meant simply that they should be given heavier terms of imprisonment?—Yes, or deported.

1852. The COMMISSIONER: It seems to me you were very unfortunate in using the expression if that is what you meant, because your letter certainly conveys very much more than that to my mind. However you have had an opportunity to explain what you did mean.

1853. By Mr. NAIRN: I take it that a majority of the natives that are known to be cattle killers are men who on occasions live at the mission and work there?—Yes.

1854. Did you find out that those natives had a certain round that they followed on more than one occasion?—Yes. They would come in and send a message that they wanted to work. I would give them work. They would work for about three days until they knew it would take only about two more days to finish the job. Then they would go away. I would be two days in finishing the work and then I would discover that they had killed cattle at Nooroo and along the Durack River. All the tracks would lead across the Durack and follow up the Pentecost. Sometimes they would go to Speewa Station, due south of us; sometimes they would cross near the head of the tide of the Pentecost and pass by Cockburn. The natives will kill cattle as they went along. They would kill cattle along the King River and go to Carlton Station, more to the east, and make sure that they could kill quietly. Then they would go down the Ord River, cross the gulf on logs or in a dinghy near Adolphus Island, and proceed to the mission.

1855. What approximately was the length of their round?—From 150 to 200 miles.

1856. How long would it be before you heard of them again?—I could not keep track of them. They might be at the mission for one week, two weeks, or a month.

1857. It is the same crowd of natives who kill all round the district?—Speewa has not been troubled so much, but they always went to Carlton and finished up at the mission.

1858. Did they visit Ivanhoe Station?—They would cross part of Ivanhoe country when going to Carlton Station.

1859. It is suggested that the mission is rather a blessing, a good and useful institution. What is your opinion of it?—My view is that, if the blacks who commit crimes such as cattle killing were handed over to the police that justice might be done, instead of being shielded, it would be a good institution.

1860. Do you say that cattle killers are shielded by the mission?—It appears that they are. They go to the mission and the mission authorities must know that they kill cattle. On the statement of the boy Ernest, they must know.

1861. At the mission the other day we examined a boy named Wunmurra. Do you know definitely that he is a cattle killer?—Yes, and Mr. Gribble has told me so.

1862. He is a bit of a criminal, too. He has been in the hands of the police a good deal?—I cannot say, but from outward appearance and tactics I should say he is.

1863. What has been your experience when you had occasion to chastise a native?—In one or two instances natives have called me names that I would not tolerate from any man. Sometimes they have stood up and fought. If they do not fight and you hunt them away they talk amongst the other blacks to the effect that at first chance they will spear you. Naturally one does not go into the bush without a good dog to protect himself.

1864. And a good gun?—A gun is no good; they are not frightened of it.

1865. Have they ever threatened to report you to Mr. Gribble?—Yes. The latest occasion was by a boy named Unmurra about February, 1926. He stated he had been informed that if I swore at them and they ran away they were to tell Mr. Gribble. Those were their instructions.

1866. By Rev. GRIBBLE: How long have you been settled at Nulla Nulla?—We started operations at the homestead about the 18th November, 1922.

1867. Are you aware that the location of your homestead was for many years a great gathering place for natives?—It was a gathering place but I would not say it was a great one. There were no signs of big corroboree camps when we went there.

1868. Are you aware that Walmah is the great gathering place for blacks now?—No, and I do not think they go there, either.

1869. During the first two or three years of your occupation were not you in the employ of Connor, Doherty & Durack?—No, I was with them for four months in 1923.

1870. You were frequently away from the station?—No, I was not.

1871. You have employed a large number of natives from time to time?—The average number of blacks employed per day, I think, has been no higher than about eight.

1872. You mentioned as cattle killers names that are familiar to me as such. Has not Jorgmah been in your employ?—Yes, because I have made it a practice to employ cattle killers because I then have an opportunity to keep them under my eye.

1873. Jorgmah was in your employ for a considerable time?—Not a considerable time, about two months per year during the last two years.

1874. Was not he with you when you brought cattle around to Wyndham last season?—Yes, but for only about five weeks.

1875. Wundugma was in your employ for a considerable time?—No, for very little time.

1876. Are not a large number of natives that are called King River natives really town blacks?—I do not know where they go.

1877. Would you be surprised to learn that a party of those blacks, all ex-trackers, I think, with the exception of one, turned up at the mission on the day the Commission left there and were very unwelcome visitors to us? Nipper was one of them?—I know Nipper would be. I made a charge against him.

1878. Do you know there are natives around the King River that are a nuisance to the town and everyone else?—No. I have had fewer cattle killed at the King River than anywhere else.

1879. You know that there are King River natives?—They call the town blacks King River natives.

1880. You know they have a bad reputation?—No.

1881. You admit that there are King River blacks?—Everyone knows that.

1882. You spoke of Ernest's child dying. Are you aware that he has only one child and that the child is still alive?—That is what was told me.

1883. The mission station was established a good many years before your station. Do you know that all the natives on that side who have been to the station once call themselves mission boys?—No.

1884. Did you have in your employ for a considerable time a native named Wearie?—He was employed off and on but not for a considerable time. We have not had any boys for a considerable time.

1885. You have always had natives there?—I have known of periods of two months when we have had none. That occurred when a mission boy came and the natives went away with him.

1886. You spoke of the mission shielding criminals. Are you aware that Bass and Smith were murdered nearer to Derby than to Wyndham?—I did not say that the mission shielded the murderers of Bass and Smith. I said I would bring a witness to prove there was a boy who had been at the mission.

1887. By the COMMISSIONER: You said in your letter, "This same crowd of blacks have been killing numerous cattle at the mission. One of them is reported to have killed Bass and Smith, who started to walk to the Drysdale Mission in 1920"?—Yes, and they were murdered closer to Wyndham than to Derby.

1888. By Rev. GRIBBLE: Are you aware that the spot where the boat was wrecked was a considerable distance down the coast towards Derby?—I was camped on the King Edward River when Captain Johnston was wrecked.

1889. Are you aware that Bass was murdered a considerable distance down the coast from the Drysdale mission?—No.

1890. Are you aware that two aborigines were arrested for that murder, sentenced and sent south?—No.

1891. Are you aware that I investigated the case of a particular native who one boy said was concerned and that I found he had had nothing to do with the murder?—I was only stating what I had been told.

1892. Are you aware that Wunmurra has been expelled from the mission station twice and for the last four years and is still only an outside boy who gets no remuneration unless he works for it?—No.

1893. Are you aware that Wunmurra was a town boy for years before the mission was established, and worked at the Government Residency?—No, and I do not think that concerns us at present.

1894. Are you aware that natives were using shovel-nosed spears before the mission was established?—No, I was not in the country then.

1895. By the COMMISSIONER: When did you first come to this country?—In April, 1919.

1896. By Rev. GRIBBLE: How many times have you mustered your cattle since you have been at Nulla Nulla?—That seems a rather irrelevant question. I start mustering in May and do not finish until the end of August. Then I give the horses a month's spell and muster again for a month or six weeks.

1897. Are you aware that before you took up that holding it was portion of the aborigines' reserve?—Yes.

1898. Are you aware that the natives are not restricted to any particular area and that no one has authority to make them stay in the one place?—I am aware that certain blacks are placed on reserves and are held there; also that on some of the reserves the blacks are not considered to be free agents. As a matter of fact you sent Noble and two boys to take one back to the mission.

1899. Rev. GRIBBLE: That was a girl who was sent to us from the Afghan camp.

1900. By INSPECTOR MITCHELL: You do not infer that the Forrest River Mission is the only place where shovel-nosed spears are made?—The blacks make the spears, but I consider that no white man in this country should help a blackfellow to make a shovel-nosed spear.

1901. Do you infer that the Forrest River Mission is the only place where such spears are made?—No.

1902. By Mr. NAIRN: You know they are made at the mission?—Yes.

1903. By the COMMISSIONER: How do you know?—I was at the mission and saw Jack Gribble assisting the blacks to make them.

1904. By Mr. NAIRN: On the mission anvil?—I do not remember whether it was on the anvil or on a piece of "T" iron.

1905. Did you remonstrate with him?—Yes.

1906. Mr. NAIRN: Those spears are used almost exclusively for killing cattle.

1907. The COMMISSIONER: I propose to visit Gote-gote-merrie and Mowerie the week after next and we shall then have an opportunity to ask Mr. Jack Gribble about the manufacture of shovel-nosed spears.

1908. Rev. GRIBBLE: Shovel-nosed spears are the favourite weapons for spearing kangaroos?—The shovel-nosed spear, to my knowledge, is always used for big game and the blacks always strike for the kidneys.

ALBERT JAMES DONEGAN, Police Constable, stationed at Wyndham, sworn and examined:

1909. To the COMMISSIONER: The police force at Wyndham consists of Sergt. Buckland, Constable St. Jack and myself. In October last I was instructed to make a search for Overheu's boy named Tommy. I started on the 7th October, taking tracker Joe with me. I ascertained that Overheu had camped in the vicinity of the 6-mile on the edge of the marsh. I remember questioning a gin named Jinny, who said that a native named King told her he had seen Overheu riding along the road. She could not say which road or where he was going. King said Overheu was riding and was leading or driving a saddled horse. King said he was coming home from the 6 or the 7-mile towards the 9-mile when he met Overheu. I went to the 8-mile and with Tracker Joe made a thorough search for the tracks. I tracked all round the 8-mile and the 8-mile creek from the edge on the marsh to the foot of the hills. Owing to the number of loose horses, donkeys and mules running about the 8-mile I could not find any distinctive tracks. The native said he would know and could identify the tracks of Overheu's horses, but he could not find them. I went on to the 9-mile and saw Mrs. Nicholson, who stated that she had not seen Overheu or Tommy. She referred me to her blacks. I questioned King there but he could not tell me anything. He did not even refer to Overheu by name; he spoke of a man with a horse. I also saw Nipper there, but I do not think he knew anything. I left my inquiries at that and returned to Wyndham. I met Overheu on the 11th October. He had the natives Jacky and Lyddie with him.

1910. By the COMMISSIONER: You questioned Jacky as to when he had last seen Tommy. What did he say?—He said Tommy had returned to Overheu and wanted to work for him. That was at the 6-mile camp.

He said Overheu was going to give Tommy a job and wanted a horse for him to ride. The pair left the camp to look for the horses.

1911. That was the last occasion on which Jacky saw Tommy?—Yes, when leaving the 6-mile camp with Overheu, both were mounted. They went towards the 7-mile, having set out at about 9 a.m. Jacky was not at the camp when Overheu returned, but he understood that Overheu returned at sundown.

1912. So Overheu was away from 9 a.m. until about sundown?—Yes.

1913. When you went to look for the tracks, what distance did you go from the 6-mile?—I worked within a radius of about three miles.

1914. The greatest distance you went from the 6-mile would be about three miles?—Yes.

1915. Overheu had been away from 9 a.m. till sundown and could have gone a much greater distance than three miles in that time if he was travelling all the time?—Yes.

1916. You made no search outside the 3-mile radius?—I devoted most of my attention to that area because (Gribble reported that Tommy had last been seen at the 8-mile.

1917. You did not search beyond a radius of three miles?—That is so.

1918. Overheu was away from 9 a.m. to sundown and could have travelled a good deal farther than three miles out and three miles back in that time?—Yes. I did not know till afterwards that Overheu had returned at sundown.

1919. Jacky said that after Overheu returned, he went to Overheu's camp?—Yes, and he said he did not see Tommy there.

1920. Did he say what had become of Tommy?—He thought Tommy had run away.

1921. You asked him whether he saw any blood on any saddles at the camp?—Yes, and he replied, "No."

1922. Did Jacky say something about seeing Nipper at the 6-mile?—Yes.

1923. Did Jacky give you any idea as to where he thought Tommy had gone?—He said Tommy might be at Sing's Garden, Mugg's Lagoon, or at the 10-mile.

1924. Did you go to Mugg's Lagoon or the 10-Mile to see if there was anything in Jacky's suggestion?—I have been out since, but have found no trace of Tommy.

1925. You spoke also to Lyddie and she told you much the same thing as Jacky?—Practically the same.

1926. Lyddie used to be Tommy's gin and had then taken up with Jacky?—Yes.

1927. She also said that she did not see any blood on the saddle?—That is right.

1928. She told you she thought Tommy would be at the 10-Mile Spring or at Sing's garden?—Yes.

1929. When you spoke to Overheu what did he say?—He said that Tommy returned and wanted to work for him again in order to be with his gin. Overheu agreed to employ him again. When he did so, he did not have enough horses to take Tommy about, and so he took Tommy to the 10-Mile to muster horses. On reaching the 9-Mile, he sent Tommy to the foot of the hills, where the horses usually ran while he himself kept out on the flats. They were to meet again at the 10-Mile. Overheu said he went along the flats and reached the 10-Mile, but Tommy was not there. He waited some time for Tommy and as Tommy did not come, he went back to look for him. He found Tommy's horse with saddle and bridle back from the Ten-Mile Spring, but not Tommy. Thinking Tommy had run away, he took the horses back to the 6-Mile Camp.

1930. Did Overheu say what he did at the 7-Mile?—He left Tommy's saddle with Bennison to be repaired. Bennison said Overheu left the saddle there at that time, but he did not see any bloodstains on it. He did not say what repairs the saddle required. From there, I returned to the 6-Mile.

1931. Was that all you could find out about Tommy?—Yes. The file was handed to Det. Sergt. Manning, who made other inquiries.

1932. Have you since made any inquiries about Tommy?—Whenever I have been out and have met natives, I have asked them whether they have seen Tommy, but no one has seen him. I also looked for evidence around the 10-Mile, where any one might have killed a native, but could not find indications of a fire or anything of the kind.

1933. Have you heard it rumoured in town that Tommy was shot by Overheu?—No.

1934. You were with Sergt. Buckland's party, who made an inspection at Dala on the 20th January?—Yes.

1935. Did you see any indications of there having been a camp fire?—No.

1936. Did not you see a pool and a few yards from it a spot where a fire had been burning?—No; I saw where there had been a fire on the rocks in the creek.

1937. Did not you see where a fire had been made about 20 yards from the creek?—No.

1938. Did you go in that direction at all?—We were all round there.

1939. I should have thought anyone could see it unless it has been put there since. Were you shown the place where the four natives were supposed to have been chained to a tree?—Yes.

1940. Did you see any mark on it?—There seemed to be a bruise on the back of the tree.

1941. In your opinion, would that bruise have been made by a chain?—No.

1942. What would have caused a bruise like that?—I cannot say. If you jabbed the tree with a stick, it would make a similar mark.

1943. Might the mark have been caused by a chain?—No.

1944. Why not?—I should expect a chain to make a different mark.

1945. Different in what way?—If a chain was around the tree, it would make a mark around the tree and not in one particular spot.

1946. In what spot was that mark?—On the back of the tree.

1947. Did not the mark extend around the trunk of the tree?—No.

1948. I do not mean completely around, but there seemed to be a mark in the bark, as though something had been passed around that portion of the tree. Did it not strike you like that?—No.

1949. Then, tell me how it did strike you?—It was more like a small bruise.

1950. And to you it did not seem to be a mark that a chain would make?—No.

1951. Did you see the mark in the bough of the tree, a little to the left and beyond?—Yes.

1952. How do you think that mark was made?—It was suggested to us that it was a bullet mark.

1953. There was no bullet in the hole. The bullet had marked the limb and passed on?—Yes.

1954. That mark was about 5ft. 10in. from the ground?—I thought it was higher than that.

1955. Did you see another tree about 21 yards further back and almost in line?—Yes. It contained a mark that was said to be a bullet mark, about 9in. from the ground.

1956. Did you see Quartpot take anything out of the hole?—Yes, a piece of lead.

1957. What became of it?—He handed it to me and I showed it to Sergt. Buckland. I brought it in. I think it is at the police station now.

1958. I want you to search for it and find it. Suppose a murder had been committed in Wyndham and a bullet had been found embedded in a piece of furniture near the murdered person, you would take very great care of the bullet?—Yes.

1959. I cannot understand your taking such little care of such an important exhibit. I hope you will do your best to ascertain where the bullet is and let me have it as soon as possible. When you camp out the first consideration is to get near water?—Yes.

1960. Where do you generally make your camp fire, in the bed of a creek?—That depends on the season of the year.

1961. Say you were camping out in the dry season?—I would make the fire somewhere in the creek so that the fire would not run through the grass.

1962. Would you make a camp fire in the creek and not on the bank?—I would make it in the creek in preference to clearing a patch for it.

1963. By Mr. NAIRN: We were informed that Tommy was said to have killed two persons, a man at Umbilijie and another a woman. Is he supposed also to have speared a brother of Jacky?—I have not heard of that.

1964. Do you know that Tommy on a previous occasion disappeared for over 12 months?—No.

LEOPOLD R. OVERHEU, further examined:

1965. By Mr. NAIRN: We have been informed that Tommy killed two persons. Do you know of another instance of killing that is attributed to him?—Yes, he killed Jacky's brother Frank in February or March, 1925.

1966. Can you vouch for that?—Yes; I think I can get the bones of they are required.

1967. Where did that occur?—Above Mother Hickey's camp on the tide line between Sing's Garden and the Pumping Station. Sing's garden is about 11 miles from Wyndham.

1968. The Rev. Gribble, in one of his reports, said that Jacky was crying over the death of Tommy. Do you know what Jacky's attitude to Tommy would be?—Yes, if Jacky could have got Tommy in the bush he would have speared him because of Tommy's having speared Jacky's brother.

1969. By Rev. GRIBBLE: Was Tommy in your employ after March, 1925?—Yes.

1970. At the time of the Dunnet case?—Yes.

1971. In that case you produced him as a check interpreter to Mrs. Noble?—No, I believe that Nipper, who was working at the post office at the time, was interpreter. When that case was on Tommy was serving six months in Broome or Koebourne gaol for having been on a prohibited area. He went for a holiday and I warned him to keep outside the prohibited area, but he camped about Sing's Garden or the pool, and the police caught him with some others that were wanted. At that time the police were trying to keep the blacks out of the prohibited area, and Tommy got a sentence similar to that of the others.

1972. By the COMMISSIONER: Where is the prohibited area?—From a point on the Ord River across Goose Hill to Mugg's Lagoon and the Pumping Station, through the gap in the Cockburn Ranges to the Pentecost River, and following the salt water to the "Gut."

1973. By Rev. GRIBBLE: There were police court and Supreme Court proceedings in the Dunnet case and considerable time elapsed between the two. Was Tommy in gaol when the police court case was heard?—No, and neither was he in Wyndham.

The Commission adjourned.

THURSDAY, 14th APRIL, 1927.

1974. The COMMISSIONER: I have received a communication from the Rev. Gribble that I propose to annex to the evidence. Unfortunately the Rev. Gribble is not present to-day. The communication reads—

Wyndham, 23rd March, 1927. Sir,—I wish to make the following statement regarding the examination of Overheu on the 22nd March, 1927:—  
(a) with reference to the charge that the mission shields native criminals, as head of the mission, I have handed over to the police eight or nine natives on a charge of cattle killing. They received sentences up to two years and even more. I personally apprehended those natives, handed them over to the police and conveyed them to Wyndham at no cost to the Government, thus assisting the course of justice; (b) when Hay was murdered I, without any notification from any authority, at once made inquiry and secured the name of the criminal and particulars of his whereabouts and gave the information to the police on their arrival at the mission. Further, I furnished the police with guides when they went out to effect the capture of Lumbia, and also conveyed the police, witnesses and prisoner to Wyndham in the mission launch, thus assisting the course of justice. At no time in the history of the mission have the police interviewed me or acquainted me with the names of any natives wanted for the killing of cattle on Nulla Nulla station or elsewhere. Nor has Overheu or his late partner Hay complained to me or given me names of natives concerned in cattle killing or dates of the offences. It seems strange that Overheu should have the names of so many natives, together with the dates on which



they killed cattle, and yet should have had no natives brought to trial in Wyndham on those charges; (c) Overheu distinctly states that he knew the missing native Tommy, whilst in his employ, to have been guilty of murder and knew also the place where the murder had been committed. Although he knew all this, yet he continued to employ Tommy and took no steps to bring him to justice, thus shielding a native criminal. I would also point out that if any native had been brought to trial for killing cattle at Nulla Nulla or elsewhere, I as Protector would have been notified. I have never received any such notification as regards Nulla Nulla. I appeared as a matter of course in the case of the natives from the reserve and asked for light sentence on those who had practically given themselves up and had caused no trouble or expense, but I asked for a heavier sentence on the ringleaders, one of whom had been a town boy for years and had also worked at the police station for a time. (Sgd.) Ernest R. B. Gribble, J.P., Protector.

JOHN WRIEDE BULMER GRIBBLE, further  
examined:

1975. By the COMMISSIONER: At the hearing on the 22nd March Overheu, in the course of evidence stated, "When I was at the Forrest River Mission Station in January, 1924, I saw Mr. Jack Gribble assisting natives to make shovel-nosed spears. When I told him it was not a fair thing as the natives were using them for spearing cattle he replied that they were used over there only for killing kangaroos." Would you like to make a statement in reply to that?—I deny all that. I have not seen natives make shovel-nosed spears.

1976. The natives have not been taught to make such spears there at all?—No, and I would go so far as to say that such spears are prohibited on the mission.

1977. Then there is no truth in the statement that Overheu told you it was not a fair thing as the natives were using those spears to kill cattle?—That is so; I deny that statement.

1978. Is there anything further you would like to say on the subject matter of this inquiry?—No.

1979. By Mr. NAIRN: Did Overheu speak to you on the subject of shovel-nosed spears?—I remember his being at the mission but I do not remember his mentioning shovel-nosed spears.

1980. There have been shovel-nosed spears on the mission for a long time?—Yes, as there have been everywhere else.

1981. When Overheu was at the mission he probably saw them, as any visitor might see them?—Yes.

1982. What did you mean when you said they are prohibited on the mission?—The making of shovel-nosed spears is prohibited on the mission and, if we see any native on the mission with shovel-nosed spears, we take them from him. If they have such spears they do not bring them into the mission; they leave them outside.

1983. From your remarks I take it they are pretty common at the mission?—In the bush I have seen natives with them.

1984. When the Commission visited the mission did you see any shovel-nosed spears there?—Not on the mission.

1985. But with the natives who were out tracking?—Yes, with one of the natives, who was a bush man. Shovel-nosed spears are made here in Wyndham.

1986. The bush natives are on your visiting list and go into the mission for a week or two to earn a bit of tobacco and then go bush again?—Yes.

1987. Have you any reason to doubt that bush natives have been killing cattle?—They have killed mission cattle but I do not say that they have gone out in large numbers and killed cattle.

1988. We were told there were cattle killers at the mission then?—Those were natives who had just returned after doing time at Roebourne.

1989. So you were harbouring criminals, too?—We were not.

1990. A native who kills cattle you do not regard as a criminal?—Two or three natives returned by the "Koolinda" after having completed terms of imprisonment at Roebourne. Whether you call them criminals after they have served their time, I do not know. They are the only cattle killers that to my knowledge were on the mission during your visit there.

1991. When the bush natives go abroad you do not know what they do?—That is so.

1992. It is quite possible that the mission is a jumping-off place from which those natives make their depredations on the stations? The cattle killers have quite a circuit: Nulla Nulla, Speewa, etc.?—Before Nulla Nulla was taken up as a station it was a favourite meeting place for the natives.

1993. Does that justify the bush native in killing cattle there?—I do not know about that.

1994. One of the complaints against the mission is that you encourage the blacks to indulge in cattle killing by suggesting that they are justified in doing it?—They are not justified in killing cattle and we have told them that they are not to kill cattle.

1995. I asked you whether you thought they were justified in killing cattle and you hesitated before answering?—The natives have not been told to kill cattle at Nulla Nulla or anywhere else. I have been on the mission station for six years and I can tell you that the natives have been told over and over again that they are not to kill cattle.

1996. Is it a fact that the mission authorities for some time were trying to get Nulla Nulla for the purpose of adding it to the mission reserve?—I have not heard of that.

1997. Are you prepared to deny it?—I have not heard of it. The only thing I heard was that Nulla Nulla would be too close to Wyndham for mission station purposes.

1998. By INSPECTOR MITCHELL: Regarding the so-called criminals, which term you challenged, do not you think it would be rather hard if those natives were driven off the mission because they had committed a crime?—Undoubtedly it would be hard, especially as they have served their sentences.

1999. Those natives must have some place to go to and someone must help them?—Quite true.

2000. Any cattle killers who remained on the mission would be there simply in order that they might be tided over and helped?—That is so.

2001. Is not the opinion frequently expressed on the mission that the great difficulty regarding the mission work is that the station is so near to Wyndham?—Yes, it is too close to Wyndham.

2002. Therefore Nulla Nulla, being closer still to Wyndham, would be of no advantage to the mission?—That is so; it would be worse than the present mission.

2003. Mr. NAIRN: A mission anywhere near civilisation is a curse.

2004. By INSPECTOR MITCHELL: Have you ever before heard it suggested that the people on the mission encourage, directly or indirectly, the killing of their neighbours' cattle?—No, this is the first time I have heard of it. The natives have been told again and again that they must not kill cattle.

2005. If the natives were killing your neighbours' cattle, it would be only one step from killing your own cattle?—Quite so.

2006. By INSPECTOR DOUGLAS: Have there been any instances of cattle killing on the mission where the natives were known and were not prosecuted?—About six years ago, when the mission herd was increased, there was some cattle killing. It happened while the Rev. Gribble was absent on furlough. It was reported to me by Sherwin, who got the culprits and punished them on the mission. We have heard rumours since, but who were responsible I do not know.

2007. By the COMMISSIONER: Have any cattle been killed on the station since then?—Yes.

2008. But you have not had the names of the culprits or the opportunity to bring them to justice?—That is so. There is a regular track between the mission and Carlton Station, but who is responsible for it I do not know.

2009. By INSPECTOR DOUGLAS: Do you know whether your father's hand was forced in the matter of the latest prosecution for cattle killing?—I cannot say.

POLICE INSPECTOR DOUGLAS, further examined:

2010. By the COMMISSIONER: When you were at Mowerie you recovered some hairs?—Yes. On the 31st August the Rev. Gribble had a stone in his hand and on that stone when he handed it to me were three black hairs. I detached the hairs. I was unable to say whether they were human or animal hairs. I produce them now. (Exhibit H.)

2011. By Mr. NAIRN: The stone shows evident signs of having been subjected to great heat?—There is what I take to be a fire mark on one corner.

2012. The fact that the stone broke in two so easily suggests that it had been subjected to great heat?—It was in one piece when I saw it. The Rev. Gribble found it and tied it in a handkerchief. When I next saw it, it was in two pieces. He explained that he had let it fall on some rocks and that it had thus been broken in two.

2013. You were informed that the stone had been found right alongside the scene of the fire at Mowerie?—Yes.

2014. The inference is that it had been in the fire, and that is confirmed by the appearance of the stone?—No, the spot indicated as that at which the stone had been found was not actually in the fire. It was probably 2 feet away.

2015. It must have been near the fire to show indications of flames?—I take the mark on one corner of the stone to be a fire mark. I do not know whether the other mark is iron rust or what it is.

2016. By the COMMISSIONER: To what part of the stone were the hairs attached?—I do not remember. When the Rev. Gribble found the stone I was probably 150 yards distant circling around the locality.

2017. By Mr. NAIRN: Does it not seem extraordinary that if the stone had been in the fire and subjected to great heat, any hairs attached to it should be in the condition of the hairs produced?—Yes, unless the hairs happened to be on the underneath side between the stone and the ground.

2018. But the stone produced would be a conductor of heat?—Yes, if it was sufficiently close to the fire.

2019. Mr. NAIRN: Has it not been close enough to the fire to cause it to be marked and to crack?

2020. The COMMISSIONER: The cracking occurred through the stone being allowed to fall to the ground.

2021. By Mr. NAIRN: Do not the facts suggest that the hairs came on to the stone after the heating?—That I cannot say.

2022. Do not you think it remarkable that if the stone had been subjected to considerable heat, the hairs should be in the condition of those produced to-day?—At the distance from the fire, I would expect the hairs to be singed or burnt up.

2023. I should think so, too. When you went to Mowerie on the 31st August, two prior visits had been made to the place?—No, one previous visit by the Rev. Gribble and Inspector Mitchell.

2024. By the COMMISSIONER: On that visit I think you were accompanied by Tracker Sulieman?—No, by the Rev. Gribble.

2025. Were not Constable Donegan and Tracker Sulieman with you?—No, that was a subsequent visit. The Rev. Gribble was with me on the first occasion. I went out to the mission on Gribble's launch and he, Thomson and I and two mission natives, went to Gotegote-merrie and Mowerie. On the second occasion I was accompanied by Sulieman.

2026. Was it after that trip that Sulieman made his statement to you?—My second visit was made in September and Sulieman made his statement at Hall's Creek, in October.

2027. Is Sulieman a native of Hall's Creek district?—Somewhere between that and the Territory. He goes backwards and forwards; sometimes he is in the Territory and sometimes in East Kimberley.

2028. Has any further effort been made to secure his attendance before the Commission?—I have had Constable Nicholls, of Turkey Creek, and the police at Hall's Creek out and I, myself, have made inquiries and have had inquiries made among the natives, but I have not found any trace of either Sulieman or Frank.

2029. What about Tracker Windie, *alias* Joe?—I have heard of him on the other side of the Keep R'ver, which is about 200 miles from Wyndham.

2030. The COMMISSIONER: Apparently, it is hopeless and there will be no chance of getting him here before the Commission closes.

CONSTABLE DONEGAN, further examined:

2031. By the COMMISSIONER: Have you made further search for the bullet found in the tree at Dala?—Yes, I produce it. (Exhibit J.)

2032. You are certain that that is the bullet you received from Quartpot at Dala?—Yes.

2033. Can you say what calibre it was?—No.

2034. It evidently spread on striking the tree. Do you think it is all there or do you think portion of it is missing?—I think it is all there.

2035. With what class of ammunition are the police here armed?—There are three or four kinds of revolver ammunition, Mauser, Webley 442, Colt 38 and Winchester Rifle 44.

2036. By Mr. NAIRN: Such ammunition is not used exclusively by the police, but is quite a popular type?—That is so.

2037. Anybody might use bullets of that type?—Yes.

2038. By the COMMISSIONER: Are there many armed white people travelling about that part of the country?—I cannot say; I believe there have been people who have travelled through there.

2039. Where would they be going?—Father Cubero is supposed to have gone through there.

2040. There are no stations in that direction. Where does the track lead?—To the Drysdale Mission.

2041. That is to the north-west, whereas Dala lies to the north of the Forrest River Mission?—I believe that is the way they go to the Drysdale Mission.

2042. Then that road would be a mission road leading to Drysdale?—Yes.

2043. That is the only place out there?—Yes.

2044. Mr. NAIRN: I know a white man in Wyndham who has been through to the Drysdale Mission and you know him, too.

2045. The COMMISSIONER: Yes. (To witness): There is no cattle station or other settlement to the north of the Forrest River Mission?—Not that I know of.

2046. The COMMISSIONER: How far is the Drysdale River Mission from the Forrest River Mission?

2047. Mr. JOHN GRIBBLE: About 120 miles.

2048-9. By INSPECTOR MITCHELL: When you went to Dala was there any defined track showing a regular route through that country?—No.

2050. You went through guided by someone else?—Yes, by Gribble.

JOHN WRIEDE BULMER GRIBBLE, further examined:

2051. By the COMMISSIONER: Do you know whether the direct road to the Drysdale Mission lies through Dala?—To reach the Drysdale Mission one would go in that direction, but I cannot say whether he would go through Dala or not.

2052. How often during the last two or three years have you known of people going to the Drysdale Mission?—Father Cubero went through in June or July last. That is the only time anyone has gone through in the last six years. Whether Father Cubero was armed I do not know; I was away from the mission at the time.

ARTHUR REGINALD ADAMS, District Medical Officer and Resident Magistrate, Wyndham, affirmed and examined:

2053. By the COMMISSIONER: How long have you been in the service?—I shall have been in the service 20 years next August, and 17 years of it has been passed on the north-west coast. In October next I shall have been 10 years in Wyndham. During that time I have been away only once, namely from the end of November, 1922, to the middle of April, 1923.

2054. Your duties bring you into contact to a great extent with the black races here?—Yes, I am a protector of aborigines for the district. In carrying out my official duties I always waive my protectorship in favour of the local protector so that there shall be no suggestion of bias.

2055. There have been rumours of the killing and burning of natives in this part of the State?—I have heard so.

2056. On one occasion I believe you received a parcel of what appeared to be charred remains?—That is so. I received it at 8 a.m. on the 20th August, 1926, from the Rev. Gribble. It is done up in bush fashion, viz., in paperbark. I produce it in the same condition as I received it. (Exhibit K.)

2057. Did you examine the contents?—Yes, on the same day. These fragments of bones are my private property and I should like them to be returned to me. You will observe that they are sadly broken up and undoubtedly calcined. To the best of my belief they are probably human remains. The majority appear to be portions of ribs or of the long bone from the foot or the hand. Bones in the process of calcination lose many of their characteristics.

2058. Do you think anything would be gained if I took those remains to Perth and had them examined by the Government Bacteriologist?—No, for the simple reason that I do not think there would be any bacteria on them. An expert of vast experience in osteology and with the aid of a microscope might be able to come to a definite conclusion, but I do not know whether there is such an expert in this State.

2059. It is no part of my duties to inquire into the relationship between the blacks of this State and a certain portion of the community, but it is a part of my commission to ascertain whether certain outrages have been committed. To ascertain that a motive may possibly be of use. I, therefore, think I am justified in questioning you as to a possible motive for such treatment of the blacks as has been alleged. For instance, you have heard of a considerable amount of cattle killing?—Yes, that has been common enough during the last 20 years.

2060. Do you think it is very rife in this part of the State?—Certainly. I can judge from the records in the court here. Outside of them I know nothing.

2061. I presume that a person who suffers from depredations by blacks would not feel too kindly towards the blacks?—From a very early period we can date the want of sympathy between the present white occupiers of the land and the dispossessed aborigine natives. The 26th January, 1788, is commemorated as the foundation of Australia. On the back of a one-pound note is portrayed what I assume to be the landing of Captain Cook. You also observe there depicted the first incident of shooting natives in Australia. To me it seems rather unfortunate that that should have been portrayed on our currency. If the designers of the note had cut out the marine and two sailors, who apparently are represented as taking potshots at natives in the distance, and had they contented themselves by dealing simply with the landing of Captain Cook, the result, in my opinion, would have been very much happier. Obviously the natives in the distance are being shot. In no part of the world has the native population been more evilly treated than in Australia. I speak especially of Western Australia and from 27 years experience. The majority of the rightful owners of the soil, who are not the whites, are at present vagrants on the face of the earth, and are in the same state as they were 140 years ago with the exception that they now exist in vastly diminished numbers. I calculate that in the north during the last 50 years something like 10,000 natives have disappeared by devious means, not necessarily old age. Their natural game has been either exterminated or frightened away. Wherever a white man sets foot or uses firearms he frightens away the game. The native game being in diminished numbers their place is taken by the flocks and herds of their white oppressors. If the natives, in desperation to satisfy hunger or what not, do kill cattle, do not forget that the native has an idea of sport, just the same as has the white man. All the severity of the feudal law is inflicted upon the blacks. For this there is only one remedy and that is to make the whole native question—the native is a national asset more or less doubtful—a Federal matter, with a provision that each State provide a permanent reserve into which all the natives of the State concerned would be drafted.

2062. In short, segregation?—Absolute segregation. From the reserve the natives should be allowed to pass out only after having qualified in the 6th standard of the education test of the respective State,

and they should then receive their freedom and franchise and should take their place as an equal of the white.

2063. Do you believe that the natives intellectually are capable of such an attainment?—If during the last 50 years the natives, when small and fit, had been taken from their savage surroundings, had been civilised and instructed by the best teachers that the Education Department could give them—to which they are entitled—starting with the kindergarten and montessori systems from the tender age of two to six years, and later instructed in efficient schools conducted by qualified teachers and not by the amateurs of the present time, there would be fully as many aboriginal undergraduates in the University of Western Australia as there are whites.

2064. You think that would be the result?—It has never been tried. Considering what the natives have been dispossessed of by the whites, if a substantial sum of money had been allocated to the education and civilisation of the blacks, much good would have been achieved. Some 40 years ago the Rev. John Gribble created considerable stir by his publications regarding the evil treatment of the blacks in the Gascoyne region, but nothing was done to rectify matters. Twenty years later Dr. Roth conducted a Royal Commission similar to the present Commission, and fully substantiated what the Rev. John Gribble had stated 20 years before. Beyond a few amendments to the Aborigines Act, nothing has since been done for the amelioration of this vagabond race. That concludes my statement.

2065. Mr. NAIRN: You said, Doctor, that you calculate—

2066. WITNESS: Pray, who are you!

2067. The COMMISSIONER: Mr. Nairn is representing parties who are interested.

2068. WITNESS: I quite admit it. This may be a court of record but it is not a court of trial, and I object to being examined by any person but yourself, Mr. Commissioner.

2069. The COMMISSIONER: I have a right to allow counsel to attend as a matter of convenience, and it is the usual practice to allow counsel to question witnesses, though strictly speaking all questions should be asked through me.

2070. WITNESS: I admit that, but I am here as a Crown witness. Where is the Crown solicitor of criminal law experience to support me and other Crown witnesses? In equity if a Crown witness is to be heckled by any member of the legal fraternity, then he should be protected by a Crown solicitor.

2071. The COMMISSIONER: If I notice anything in the shape of heckling I shall certainly interfere and do my best to protect you.

2072. WITNESS: I hope you will make a note of my objection. In equity it is an erroneous practice. If a question is to be asked by anyone in the body of the court it should be asked through the Commissioner, and through nobody else.

2073. The COMMISSIONER: I agree with you.

2074. WITNESS: It is of no use urging precedent when it is an ill precedent.

2075. The COMMISSIONER: Mr. Nairn, do you think you could put your questions through me?

2076. Mr. NAIRN: It is a most awkward way to proceed.

2077. The COMMISSIONER: It is.

2078. WITNESS: There are a lot of things that are unusual.

2079. Mr. NAIRN: Dr. Adams regards me with alarm. I assure him there is no occasion for it.

2080. WITNESS: I am not alarmed at Mr. Nairn. It is a matter of precedent. In equity if there is a lawyer on one side there should be a lawyer on the other side.

2081. The COMMISSIONER: If you insist, Mr. Nairn must put his questions through me.

2082. WITNESS: I shall answer any question through you, but if you overrule my objection—

2083. The COMMISSIONER: I do not intend to do that. It is only by grace that a solicitor appears.

2084. WITNESS: I have not been subpoenaed. I received a notification from you asking me to appear and I recognised it as my duty to appear.

2085. Mr. NAIRN: You have done more than you were asked to do in that you have volunteered a lot of nonsense.

2086. The COMMISSIONER: Mr. Nairn, you must put your questions through me.

2087. WITNESS: Now you can see the stand taken by Solicitor Nairn.

2088. Mr. NAIRN: We generally have to have a third party when dealing with Chinamen and other foreigners, but not when dealing with gentlemen. Would you ask the witness in what period of time he calculates that 10,000 natives have been done away with by devious means?

2089. The Commissioner put the question.

2090. WITNESS: In the last 50 years.

2091. Mr. NAIRN: Upon what experience does he make that statement?

2092. The Commissioner put the question.

2093. WITNESS: A census of the natives of Western Australia has never been taken. For what reason, I do not know, but there has never been a desire to take it. When I was at other stations along this coast such natives as died in my hospital were duly registered by the Registrar General through his office. Since I have been in Wyndham I believe the practice has been discontinued. Therefore the authorities know nothing of the natives born, living or dead.

2094. Mr. NAIRN: May we take it his answer is that he bases his calculations on the fact that no census is taken?

2095. The COMMISSIONER: Have you any other authority?

2096. WITNESS: The only other authority is that with the progress of years where natives swarmed in large numbers they have disappeared and ceased to exist.

2097. By the COMMISSIONER: It is an estimate on your part, based on your observations of native life?—Yes; where there were thousands of natives, there are now only scores or solitary individuals.

2098. Mr. NAIRN: The Doctor referred to the natives as the rightful owners of the land. Does he suggest that the whites are usurpers and should not be here?

2099. By the COMMISSIONER: In what sense did you imply that the whites were usurpers?—They are not the rightful owners of the land, because they took possession of it from the black people.

2100. You mean to say that a person has no right to ownership by conquest?—I do not know that the whites obtained the land even by conquest.

2101. Mr. NAIRN: I hope the Doctor will not evade the question. Does he consider that the whites are here properly or improperly?

2102. The COMMISSIONER put the question.

2103. WITNESS: The native has never had a fair deal, owing to the usurpation of the whites. When I came here 27 years ago, I believe there was allocated during Sir John Forrest's administration, a land tax of one penny per acre which, for some reason or other, was removed. Whether it was prior to self-Government or not, I cannot say, but that allocation was made as a kind of return for the land that had been taken from the natives.

2104. By the COMMISSIONER: That does not answer the question exactly, though I cannot see that the question has any bearing on the inquiry. The question is whether you consider the whites have any right to be here?—What constituted "right" in this world? I admit the white has an equal right in this land, but he has not a right to total exclusion of the native. The native should have a certain right also.

2105. Mr. NAIRN: Apparently, the Doctor's complaint is that the whites do not treat the natives fairly.

2106. The COMMISSIONER: That seems to be the general suggestion.

2107. Mr. NAIRN: The Doctor is not prepared to answer my question whether the whites have a right to be here.

2108. WITNESS: Have not I answered that question, Mr. Commissioner?

2109. The COMMISSIONER: Quite sufficiently for this Commission.

2110. WITNESS: The whites have a right to be here, but not to the exclusion of the native right.

2111. Mr. NAIRN: The Doctor stated that the natives of Australia and especially Western Australia were treated worse than are the natives of any other part of the world. What experience has he had to justify that statement?

2112. By the COMMISSIONER: From what information or experience did you make that statement?—Personal. I am fairly conversant with the history of the

other States, especially northern Queensland. The natives must be evilly treated, if at present they are in the same uncivilised state and are vagrants on the face of the earth, as they were 140 years ago.

2113. Mr. NAIRN: The Doctor is an Englishman. Has he ever been in any other part of the world where there was a large native population?

2114. By the COMMISSIONER: Have you had experience of other countries?—Only limited. I was for a short period in Canada and the United States.

2115. Mr. NAIRN: There is no native question there; it has been solved long ago.

2116. WITNESS: I know it has.

2117. Mr. NAIRN: Is your only experience of Australian natives confined to Western Australia?

2118. The COMMISSIONER put the question.

2119. WITNESS: In my official position of 20 years.

2120. Mr. NAIRN: Upon that the Doctor makes a very wide statement that the blacks here are treated worse than are those in any other part of the world. Perhaps that might have some bearing on his opinion, which is the only matter that does touch the evidence, that the bones produced here to-day are human bones. I should like to know what experience the Doctor has had of human bones that have been subjected to fire.

2121. By the COMMISSIONER: Have you had any such experience?—A limited experience. I have stated that the remains are calcined bones, probably human. I have already indicated that I am not an expert.

2122. Can you give us any instances of having examined charred human bones?—On several occasions such bones have passed through my hands, but I have never given a report on them or stated my opinion, because they have been handed on to an expert.

2123. Mr. NAIRN: That is the extent of his experience that on several occasions charred bones have passed through his hands.

2124. By the COMMISSIONER: Is there any remark you would like to make or any other information you can give?—No.

The Commission adjourned.

At DERBY.

MONDAY, 25th APRIL, 1927.

2125. The COMMISSIONER: I am sorry that Mr. Nairn should have considered it necessary to endeavour to frustrate my intention of having the witness, Daniel Murnane, appear as a fresh and unbiassed witness before the Commission. I quite recognise that a solicitor has a right to consult his client, but my sole desire is to get at the truth, and I do not think it should be necessary to direct a person in what he shall say in order to speak the truth of what he knows. I have nothing further to add except that this will have a considerable bearing in my mind when I am considering the evidence that this witness is going to give.

2126. Mr. NAIRN: I do not think anything is likely to have much bearing on your mind. You seem to have adopted the attitude of prosecutor.

2127. The COMMISSIONER: I do not care what you think I am; it is what I know I am. I am here to endeavour to arrive at the truth.

2128. Mr. NAIRN: I have had cause before to complain of the conduct of the inquiry.

2129. The COMMISSIONER: And it has been a most unfair complaint and unjustified. Call the witness.

DANIEL MURNANE, Commonwealth Government  
Veterinary Surgeon, sworn and examined:

2130. By the COMMISSIONER: I believe that in June last you were in Wyndham and joined the expeditionary force to arrest the murderer of Frederick William Hay?—That is so.

2131. What was your business in Wyndham at the time?—The investigation of certain cattle diseases and pests particularly in the north-west of Australia.

2132. What induced you to join a police expeditionary force to arrest an alleged murderer?—Purely and simply my own free will. The man who had been killed by the natives was the first white man whom I met in Wyndham who made me thoroughly welcome, took me to his station for a period of four weeks, placed his motor launch at the disposal of my department, as well as plant, horses and everything on the station, and I considered it would be only a very small return if, when he met his death, I endeavoured to catch the man who had killed him.

2133. Were you aware at the time whether more than one native was implicated in the murder?—When we set out I did not know whether there were one or a hundred and one.

2134. Had you any reason to suppose there were more than one?—I had no reason to suppose anything.

2135. The expeditionary force included over 40 horses?—There was a considerable number but I cannot say how many.

2136. If you were told that it consisted of 42 horses and mules would you dispute the statement?—No.

2137. How many white men were there?—Six, namely, Regan, St. Jack, Jolly, O'Leary, Overheu, and myself. In addition there were six or seven black-trackers and a gin.

2138. Did that strike you as being a very large force to send against a black murderer?—No.

2139. Are you sure there was nothing in your mind beyond the arresting of the native?—I do not quite follow what you suggest.

2140. I shall put it plainly; was not this a punitive expedition?—Not by any means so far as I know.

2141. Did not it strike you that such a large body of police, trackers and horses was something more than merely a force sent out to effect the arrest of a murderer?—No.

2142. Then it was purely out of your personal regard for the murdered man that you joined the expeditionary force?—Yes.

2143. You joined the force at Wyndham. Where did you go?—We left Wyndham about the 1st June and went to Nulla Nulla via King River, the Pool pumping station, and the Durack River. We camped at Nulla Nulla one night and next day caught up with the other portion of the party which included St. Jack and Overheu.

2144. The whole party then started on the way to Youngada?—I do not know of a place named Youngada.

2145. What did you do on the day after you caught up with St. Jack and Overheu?—It was about the evening of the 5th when we joined forces. I did not keep a diary. We camped that night at Jowa.

2146. Did you see any natives there?—None whatever.

2147. On the next day what took place?—We moved on 12 or 15 miles and camped at a billabong which was called No. 2 camp.

2148. Do you remember whether the trackers Jim, Joe, Frank, Charlie, and Sulieman went out by themselves that day in search of natives?—So far as I know they did not go out by themselves.

2149. On that or any other day did they go out by themselves?—Not to my knowledge.

2150. Did not they return to the camp with five old women and four men?—No.

2151. Will you swear that?—Yes.

2152. Do you know that Sulieman says that in his statement to the police?—I do not know what he says.

2153. Do you know why he should make such a statement if it was not true?—I do not.

2154. Sulieman was a police boy?—One of the trackers who went with us.

2155. You cannot suggest why he should make that statement to the police?—I cannot suggest why natives make a lot of the statements they do.

2156. Never mind a lot of statements. I am speaking of this statement?—I can suggest nothing.

2157. Do you know whether Joe found another male native very sick with cold near a big river?—No, I know nothing about it.

2158. Will you swear that he never found a native and took him into the camp?—I will swear that he did not take him into the camp.

2159. Will you swear that he did not take the old women and men into the camp?—I know nothing of his having done so.

2160. Will you swear that he did not take them into the camp?—Certainly.

2161. Do you remember Tommy's telling the police that amongst the natives that were brought in they had the right man?—I know nothing about any natives having been brought in or about Tommy's making any suggestion.

2162. Do you say that he did not do so?—I have no knowledge of anything of the sort having been done.

2163. Mr. NAIRN: You are speaking of a totally different occasion.

2164. The COMMISSIONER: I am speaking of the expedition. He says he does not remember anything of the kind at any time, (To witness): Do not you remember his picking out two natives, one as the murderer of Hay?—I have no knowledge of Tommy's picking out any natives whatever.

2165. Or that those two natives were put on a chain by themselves?—I have no knowledge of it.

2166. Tell me what took place after leaving Jowa?—We reached No. 2 police camp on the following night.

2167. Do you know the name of it?—I do not know the native name of any place we visited.

2168. Was it Youngada?—I have never heard the name before.

2169. Was it Wodgil?—I know the name "Wodgil." That is the camp I refer to. We camped there the night after camping at Jowa.

2170. What took place at Wodgil?—We remained there that night and left on the following morning.

2171. I do not want you to get away from Wodgil quite so quickly. A mark was made on a tree there, together with the letters "O.L." and a date. Do you remember that?—I remember O'Leary's carving "Wodgil" on the tree, but I cannot tell you whether he put his name or the date.

2172. You remember his putting "Wodgil" on the tree. Up to that time had there been any shooting?—To my knowledge none whatever.

2173. You never heard a shot fired?—No.

2174. Can you account for no fewer than six or seven labels of Winchester cartridge boxes, four nailed on the tree and three lying on the ground?—Possibly I can account for them.

2175. The seven boxes represent 350 cartridges. How do you account for 350 cartridges being taken out of their boxes and the box labels being nailed on the tree or strewn about?—After carrying the cartridges in flimsy cardboard boxes in packs with other gear, it is only natural to suppose that they would not last long and that the boxes would be burst. Is it not possible then that they would be thrown out of the pack bags?

2176. Do you think that ammunition would be carried in such a way that it would burst the boxes?—It is only reasonable to suppose that after carrying stuff on a pack mule the boxes would not last long.

2177. In any case 350 rounds would seem a pretty heavy stock of ammunition to carry on an expedition like that, would it not?—I do not think it would. I myself have carried more than that.

2178. It was ball ammunition, you know. At Wodgil camp did you see any natives?—No.

2179. Did you hear any shots fired?—No.

2180. Neither there nor on the march to Wodgil camp?—No.

2181. What did you do after you left Wodgil?—We camped that night. On the following morning I went on in company with Regan and Overheu, while St. Jack, Jolly and O'Leary went in a different direction.

2182. St. Jack, O'Leary, Joe and Sulieman left you, did they not?—I cannot remember the names of the natives.

2183. Did not they leave two male native prisoners in the camp?—No.

2184. And did not they take three men and three women away with them?—No.

2185. If Sulieman says that, you say it is a lie?—Yes.

2186. Can you give any reason why Sulieman should make such a statement?—No.

2187. Sulieman says, "Constable St. Jack, Barney O'Leary, and Tracker Joe and myself left two of the male native prisoners in the camp and took three men and three women away with us to the river and we camped there for the night. Constable St. Jack sent Joe and myself away next morning to the camp where we caught the natives to have a look around. St. Jack and O'Leary went up the river. They had the six natives on the chain with them." Do you know anything about that?—No.
2188. You were with Regan's party?—Yes.
2189. After the party split up, where did you go?—In a westerly direction from Wodgil camp. The others went more to the north.
2190. Do you know where Gote-gote-merrie and Mow-erie are?—No, I do not know the native names at all.
2191. Look at this map?—As far as I know we went westerly and did not touch those two places.
2192. The other party went more northerly?—Yes.
2193. Do you know what took place with the northerly party?—No.
2194. How far did you go that day?—A fair day's travel for rough country, perhaps 10 or 15 miles, and then camped.
2195. Did you see any natives there?—No.
2196. Or during the journey there?—None whatever.
2197. So you had travelled right from Wyndham to that place without having seen a native?—With the exception of a few at the pumping station we saw none.
2198. What did you do the next day?—We scoured the country bearing more to the north, covering another 14 or 15 miles. Those distances are approximate. The country was very rough.
2199. Did you see any natives that day?—No.
2200. What happened the next day?—We made a further detour and travelled in, roughly, the same direction. I cannot say from memory in what direction we went or whether it was west, south-west, or south.
2201. Did you see any natives that day?—None at all.
2202. What happened after that?—I think it was on the following day we joined up with the other portion of the party on the Forrest River, a stony stream.
2203. I suppose you saw no natives that day, either? No. We camped for a good part of that day.
2204. What happened then?—I do not know whether we stayed there the whole of the next day. If it was not that day when we left, it was the next day. The whole party then moved in a more southerly direction.
2205. Did anything happen that day?—No.
2206. Did you see any natives?—No.
2207. What did you do after that?—We travelled for approximately two or three days and the trackers reported smoke and fires in the distance. We camped that night.
2208. Were you then making back in the direction of Nulla Nulla?—No, we were going roughly in a southerly direction.
2209. What happened on the next day?—The next morning some of the party made a raid on a camp of natives whose fires our trackers had seen the day before. Some 20 or 30 natives were brought back to our camp and we chained them up for the night.
2210. What happened to them then?—Information was sought from them regarding the murderer of Hay. Nothing very definite was obtained; no native was able to give any definite information as to who had committed the murder. The natives were interrogated singly at several different times and they disclaimed any knowledge of the affair. In fact most of them did not seem to know that Hay had been murdered. Others evidently told falsehoods which later they denied. Anyhow, we got nothing from them, and they were allowed to go on the following afternoon.
2211. When those natives were rounded up, were any shots fired?—I did not hear any; I was some distance away.
2212. Did not you go with the raiding party?—No, I was camp guard. I remained in the police camp with one or two natives. I do not know which natives remained.
2213. You would not say that no shots were fired?—I could not, because I was not there.
2214. You would not have to be there to hear them? I would not have much chance of hearing a shot five miles away.
2215. Were they five miles away?—Approximately.
- 2216-17. There may have been shots fired without your knowing it?—There may have been, but I heard of none.
2218. After you let the natives go, what did you do?—We moved off in a southerly or south-easterly direction towards Nulla Nulla for a day or two days. Approximately two days later supplies were running out and it was decided that the party should split, one half returning for provisions from Nulla Nulla and Wyndham and the other half taking what rations were left and continuing the hunt for the murderer, beating back again in a northerly direction. I was one of the party—the others being St. Jack and Overheu—who returned to Nulla Nulla station. Two or three niggers accompanied us.
2219. Joe, Jacob, Tommy and his gin?—I think Tommy and his gin were among them, but I do not know who the others were. On the way to Nulla Nulla we saw no natives. We had a good deal of difficulty in getting to the station on account of the rough nature of the country. We reached the station three days or so after leaving the main party. St. Jack and Overheu remained at the station to kill and salt a bullock and pick up vegetables. I returned to Wyndham in a dinghy from the mouth of the Durack River, some 25 miles, to order groceries to be sent to the Forrest River mission station by the Government launch. The arrangement was that the party were to meet again at the mission.
2220. Why did not you return with the party?—For the simple reason that I was instructed by my head office to proceed to Darwin by the next boat.
2221. When did you get those instructions?—On the 23rd June, when I got back to Wyndham. I was expecting instructions and that was my reason for asking to be included in the party that returned for rations.
2222. Before you went out you did not say anything about expecting instructions?—When I went out I had an idea that probably the native would be caught in a week or a fortnight. When we had been out for a fortnight or three weeks the chance of catching him seemed hopeless. The two constables said it might be a matter of three or six months, and I was not prepared to stay out that long. I produce wires from my head office, Melbourne, dated 23rd June and 26th June, containing my instructions.
2223. The reason for severing your connection with the expedition was that of business?—Yes, entirely.
2224. Did you have any conversation with persons in Wyndham about the expedition?—The matter was discussed fairly freely.
2225. Do you know Mr. Banks, of Wyndham?—Yes, I know most of the people connected with the meat-works.
2226. Did you discuss the expedition with Mr. Banks?—I cannot quite remember having done so with him more than with anyone else. Naturally I discussed it; he knew that I had been out for a fortnight.
2227. Did you make such a remark as this, "It was worse than the war"?—Certainly not.
2228. Do you swear that you never said it?—Most emphatically. Further, if such a statement has been made it is a wicked and downright lie. I very much resent that in my absence it should be suggested I made statements of that nature. I deny them and defy anyone in Wyndham or outside it to come forward and prove such a statement.
2229. We hear of such statements and must investigate them?—Let those who make them come out in the open and say those things in my presence.
2230. You say you were not in the raid when the police collected a number of natives?—I was in the police camp.
2231. Was Special Constable Jolly incorrect when he said you went with the raiding party when they surrounded the native camp?—Jolly is mistaken.
2232. The COMMISSIONER: Apparently there are a lot of mistakes amongst the statements made.
2233. By Mr. NAIRN: It has been suggested that the police party was a very large one. Would you have trusted yourself out with a small or ill-equipped party? No, and I do not think anyone else would have done so, either.
2234. By the COMMISSIONER: They would have been terrified of the natives, I suppose?—One would not get a very comfortable night's sleep if there were only two or three in the party.
2235. By Mr. NAIRN: Do you think it would have been safe to go out with a smaller party?—Certainly not; not that there was any cowardice attached to it, most of the party being returned soldiers. O'Leary, Overheu and I are returned soldiers and so also was Hay.
2236. By Rev. GRIBBLE: Were you with the police when they made a raid on the camp of natives on the

way to Nulla Nulla?—No. I left Wyndham with Regan's party, not with St. Jack's party.

2237. You spoke of No. 2 camp at Wodgil and also mentioned the first camp at Jowa. How many camps were there?—The general police camps where we were all camped numbered five, though there might have been more. We camped at different spots practically every night.

2238. When Regan's party arrived at Nulla Nulla were St. Jack and Overheu at the homestead?—No, they had gone on towards Jowa, and we caught them at Jowa, about 12 miles off.

2239. How long had they been away from the homestead?—They had left that morning.

2240. From the time you left Nulla Nulla until you got back there, how many days were you operating with the police?—We left Nulla Nulla about the 5th June and returned about the 20th, 21st, or 22nd June.

2241. That would be 16 or 17 days, and in that time you had five or six camps?—That is, general camps where we were all together. There may have been more. I could not name them now.

2242. Would you deny that you stayed longer than one or two nights at any one particular camp?—Yes, I do not know of any camp where we stayed more than a day and a night or two nights. Our longest stay at any one camp was I think at No. 3.

2243. Approximately how far was No. 3 camp from No. 2?—It was new country to me, rocky and rather zigzag going. The distance might be 20 miles.

2244. Were members of the party at any time separated?—With the exception of the splitting up the day after leaving Wodgil, we did not camp apart. We may have been apart for a few hours in the course of travelling.

2245. From which camp did you set out with St. Jack and Overheu for Nulla Nulla?—I do not know that the camp had any particular name. The date was about the 17th June.

2246. Was that camp any considerable distance from No. 2 camp?—I should say it was.

2247. Did you pass No. 2 camp on the way back?—No, not by a long way.

2248. After parting, how many days did it take to reach Nulla Nulla?—About three days.

2249. Seeing that St. Jack and Overheu rejoined Regan at the mission only a day after the main party arrived, it meant that the main party had several days to continue operating out there?—Certainly not.

2250. You took three days to get to Nulla Nulla?—Approximately.

2251. And Regan's party arrived at the mission only one day before St. Jack and Overheu?—If my date, the 17th, is correct it would be about four days.

2252. Bear in mind that from Wodgil to the mission is less than one day's travelling?—Not by the route by which we travelled.

2253. Where were the main body between the 17th when you left them and the 21st when they arrived at the mission?—Looking for niggers.

2254. When you left them were they still searching for natives?—We left early in the morning and they were still sitting in camp.

2255. Do you know what their plans were?—To scout around towards the head of the Forrest River and meet the other party at the mission four or five days later.

2256. By the COMMISSIONER: So that they had four or five days operating?—Assuming that my date, the 17th, is correct. Can you tell me the date? St. Jack had it in his diary.

2257. According to St. Jack's evidence it was the 17th?—That is correct. Regan's party reached the mission in the morning so that they had less than three days and probably they did not move out of camp the day we left.

2258. Rev. GRIBBLE: It is a very short distance from Wodgil to the mission.

2259. Mr. NAIRN: This party did not move from Wodgil.

2260. Rev. GRIBBLE: That is the centre of the district.

2261. WITNESS: It is a different matter when you are out in that country.

2262. Rev. GRIBBLE: I know that country better than does any white man. You spoke of 30 prisoners being released. Were they released at the police camp?—Yes.

2263. Was there any dissension amongst the party? None at all.

2264. You travelled from Nulla Nulla alone in the dinghy to Wyndham. Are you used to boat work?—Yes, and I think you know it.

2265. I understood that when the party divided each section went on its way to its destination. You say you left the other section in camp. Is that definite?—Yes.

2266. Did you say to Dr. Adams of Wyndham that you had had enough of it, referring to the expedition?—I have spoken to Dr. Adams twice in my life. I did not discuss the matter of the expedition with him. There seems to be a lot of this, "Did I discuss it with different ones." It is a fabrication.

2267. I merely ask you whether you said that?—It is a lie. Those statements have been made in Wyndham during my absence in Victoria.

2268. By INSPECTOR MITCHELL: You remember No. 2 police camp because you saw O'Leary carving on the tree. Are you sure that the party camped only one night there?—Certain.

2269. Have you anything in mind that leads you to say you are certain?—Yes; except No. 3 camp, we stayed at no camp more than one night. At No. 3 we possibly stayed longer.

2270. Have you any knowledge of the next river or watercourse you came to?—We came to a fairly large watercourse which, so far as I know, was the Forrest River. That would have been the first or second day out from Wodgil. I cannot say definitely.

2271. What direction did your section take from Wodgil?—Roughly westerly.

2272. When you reached the Forrest River did you follow the course of the river?—Yes, we joined the other section about the 10th, considerably up the river from where we struck it first.

2273. Was there much water in the river at that time?—It was flowing.

2274. Did you cross the tracks of any natives there?—I do not know of our having done so.

2275. Did you ever hear a report of any tracks having been discovered?—No.

2276. By Rev. GRIBBLE: You rejoined the party up the river. How long had you been apart?—We left Wodgil on the 7th, and about three days later we joined St. Jack's section.

2277. Therefore you were separated some nights?—Two nights on that occasion.

2278. You denied that a while ago?—I did not. I said plainly that the party split into two and later rejoined. With the exception of those two or three nights we were not separated any night.

2279. By Mr. NAIRN: When one section went to Nulla Nulla for meat, was there any occasion for the other section to hurry to the Forrest River mission?—No. Regan had to give the other section time to reach Nulla Nulla, which we considered would take three days, a day for me to go to Wyndham, purchase stores and arrange for the launch and another day to get to the mission. There was no need for Regan to hurry.

2280. If they had got there early they might have exhausted the mission supplies?—Possibly.

2281. Mr. NAIRN intimated that he desired to call evidence of the circumstances attending the death of Hay. A serious aspersion had been cast on a dead man that was painful to his relatives, and so far as could be ascertained it was absolutely without foundation.

2282. The COMMISSIONER repeated his previous ruling that a competent tribunal had inquired into the circumstances of Hay's death and had found that cattle-killing was the cause of the dispute between Hay and Lumbia, thus supporting the view that Mr. Nairn was advancing. Further, the matter of Hay's death had been specially excluded from the scope of the Commission and therefore he had no option but to exclude such evidence. Mr. Nairn objected and the Commissioner offered to have the objection noted.

POLICE INSPECTOR DOUGLAS, further examined:

2283. By the COMMISSIONER: You had an opportunity to examine the bullet found in the tree at Dala. Can you give any idea what sort of a bullet it is?—It looks like a .44 bullet, but it is several grains lighter than the ordinary .44.

2284. With what ammunition were the police armed on that occasion?—I cannot say definitely. We have .44 rifles.

2285. Are they used at Wyndham?—Yes, at all stations.

2286. Is it the general class of ammunition used at all stations?—Yes, throughout the Kimberleys and by most persons. The Winchester bullet runs from 200 to 202 grains and the Webley is about 204 grains. The bullet taken from the tree weighed 187 grains.

2287. Have you known O'Leary long?—It is about 10 years since I first saw him, but I have seen very little of him during that time.

2288. Is he living under an assumed name?—I have not heard that suggested.

2289. Have you heard of his having been implicated on any other occasion with natives or has he been through your hands?—No, we certainly have no report.

2290. By Mr. NAIRN: Have you known him by any other name than O'Leary?—No.

2291. Do you know that he was one of the earliest Anzacs?—I know that he is a returned soldier, but I do not know when he went to the war or when he returned.

2292. Have you any idea where this rumour emanated?—I have not heard it before.

2293. The bullet taken from the tree at Dala is substantially lighter than a .44?—From 13 to 15 grains.

2294. The .44 is common ammunition throughout the Kimberleys?—Yes.

2295. You are not prepared to swear that it is a .44?—I saw it looks like a .44.

2296. It is all pounded up, is it not?—It has been flattened.

2297. It does not look much like a .44 now?—I judged it by the general appearance—the butt and the size.

2298. Mr. NAIRN: The weight does not agree.

2299. By the COMMISSIONER: A bullet fired into a hard substance would lose part of its weight, would it not?—It might lose a little in the rifling of the barrel if the rifling was good, but if fired from an old rifle it would lose practically nothing.

2300. Would it not lose any of its weight or bulk by contact with the object it struck if the object was of iron or stone?—It would naturally splash.

2301. Would it not lose weight or substance by striking wood?—In the green bark and trunk in which this bullet is supposed to have been found I do not consider that it would lose any weight.

2302. The butt of the bullet seems to correspond with a .44?—Yes, that is why I say it looks like a .44.

2303. The COMMISSIONER: It is flattened all around the butt.

2304. By Mr. NAIRN: It was said to have been found in a green bloodwood tree. Is that soft wood?—It is not particularly soft wood.

2305. By the COMMISSIONER: If it had been soft it would not have stopped the bullet?—The bloodwood when dry is pretty hard.

2306. The tree from which it was taken was green and the bullet had not gone far into the tree?—I understand it was picked out with a knife.

2307. By Rev. GRIBBLE: You accompanied Thomson and me to Gote-gote-merrie, Youngada, and Mowerie. Did you visit those places on your rounds afterwards?—Yes.

2308. You were accompanied by Constable Donegan and Tracker Sulieman?—Yes.

2309. In my journal I have it that Kangooloo reported on the 6th July to Thomson that certain natives had been shot by police boys at Ungulgie. You followed right around the police journeyings with Constable Donegan?—I followed up beyond Mowerie.

2310. Did you find any other place with indications similar to those found at Gote-gote-merrie and Mowerie?—I found a fire some miles beyond Mowerie with some bones and seashell burnt.

2311. By the COMMISSIONER: Burnt bones?—Yes.

2312. How far were they from Mowerie?—Possibly 20 miles west to south-west from Mowerie.

2313. Were there any signs of a fire near them?—Yes, there had been a fire there.

2314. By Rev. GRIBBLE: Were you present when the three trackers, Sulieman, Frank and Joe, made their statements to Det.-Sergt. Manning?—I myself took the statements.

2315. Do you remember that when the stone found at Mowerie was brought to me by Thomson the three of us sat down behind the tree where it had been found?—I was some distance away when it was found.

2316. But you came up to us?—Yes.

2317. The big tree was between the stone and the fire?—I do not know where it was found.

2318. It was found just where we were seated. Do you remember Thomson taking the hairs off the stone?—I took the hairs off the stone. I do not know where you found the stone.

2319. Did Sulieman point out in the course of your journeyings any other place where natives had been destroyed?—No.

2320. Not on the Durack River?—No.

2321. Do you remember having stated after I returned from the mission that this was a most unpleasant business, that the Commissioner of Police would not stand for this sort of thing, and that naturally at your time of life a man liked to dodge the unpleasant but you felt you would have to go through with it?—No, certainly not.

2322. Did not you say those things to me at the end of the jetty?—I did not make a statement in those words.

2323. You said it was very unpleasant and at your time of life a man naturally liked to dodge the unpleasant?—I made no such statement.

2324. You also said that the Commissioner of Police did not stand for this sort of thing?—I certainly said that, though I think I said "our department" and not "the Commissioner."

2325. And you felt you would have to go through with it?—I did not make use of that expression.

2326. Did not you use words to that effect?—I said that I intended to obtain all the evidence available.

2327. You came up to me and volunteered the statement?—What I said was not said voluntarily.

2328. The COMMISSIONER: When was that?

2329. Rev. GRIBBLE: Before the Inspector made his investigations.

2330. WITNESS: We were discussing the matter. I said, "If this is true it is certainly a very unpleasant business, but I am here to obtain all the evidence and go into the matter as our department would not stand for anything of this nature." I am not sure whether I said the department or the Commissioner.

2331. The COMMISSIONER: I do not see that that has any bearing on the case.

2332. By Mr. NAIRN: Did you have any further conversation with Mr. Gribble and did he make any statement to you that he intended to publish the case?—Yes, I think it was at the same time.

2333. Rev. GRIBBLE: It was at a different time.

2334. The COMMISSIONER: What does that matter?

2335. WITNESS: I am answering the question; please do not interrupt. Gribble at the time was obsessed with the matter and he told me he was going to publish it from pulpit and platform. I made some remark to the effect, "That will not do you much good," and he said, "It will be a good advertisement for the mission."

2336. By Rev. GRIBBLE: Did not you say to me, "Is it worth while going on with the thing at all?"?—I did not.

2337. Did not you say something similar to me on board the "Koolinda" and my reply was, "What about justice and humanity?" Do you remember that?—No, I do not. We discussed the question whether there was sufficient evidence to permit of a charge of murder against anyone. That is what I was after.



Rev. E. R. B. GRIBBLE, further examined:

2338. By the COMMISSIONER: When you were at Wodgil you observed the covers of several cartridge boxes?—Two boys were sent to the police camp and they brought back a piece of police chain and two cartridge box covers. When Inspector Mitchell and I went to the camp we found other lids, four of them nailed to the tree. I produce three of them. (Exhibit L.) I was showing them to Inspector Mitchell on the jetty when one of them fell overboard and was lost.

2339. How many lids were there?—Three were lying about and four were tacked with horseshoe nails above the word "Wodgil."

2340. Did the fact of four lids being tacked to the tree convey anything to your mind?—It seemed strange that men should tack up cards in that way above the word "Wodgil."

2341. Did it suggest anything to you?—I must confess it set me thinking. The natives told me that four men and three women prisoners had been taken to Gotegote-merrie and it seemed strange that four lids should be tacked to the tree above the police mark.

2342. It seems rather queer that they should have been tacked up. Were they intended to be seen by the natives?—I think so.

2343. If the natives saw them tacked up what effect would that have on the native mind?—I cannot say. What struck me was the coincidence that four men prisoners were supposed to have been there.

2344. Do you think they were tacked up as a sort of warning to the natives?—I cannot say.

2345. By Mr. NAIRN: You do not suggest that they were tacked up to warn the natives?—No.

2346. What suspicious circumstances did the labels convey to your mind? What deduction did you draw?—I thought it curious that they should be tacked up.

2347. What deduction did you draw?—The coincidence was that four men were reported to have been prisoners and four labels were tacked to the tree.

2348. You said you found seven labels?—Yes, four of which were tacked to the tree.

2349. That shows the state of your mind. About 350 cartridges had been emptied out of their boxes at that camp?—Yes.

2350. Do you think that anything like that number of shots would be required to kill four men?—Ask me sense. I told the inspector I inferred that the boxes had been broken and the pack bags cleared out.

2351. That is the inference we suggest?—But four of them were not merely thrown out; they were tacked to the tree.

2352. Did you see any evidence of shooting at No. 2 camp (Wodgil)?—No.

2353. You had a magnifying glass looking for anything you could find?—Yes.

The Commission adjourned.

At PERTH.

THURSDAY, 5th MAY, 1927.

HENRY JOHN MANNING, Detective-Sergeant, sworn and examined:

2354. By the COMMISSIONER: You are stationed in Perth?—Yes.

2355. In October last you were sent to Wyndham on special business to investigate charges of alleged outrages against aborigines?—Yes.

2356. When did you arrive at Wyndham?—Unfortunately, I cannot say offhand. I was to have left last night for Kaigoorlie and the book I had with me in Kimberley is at the bottom of the bag now at the railway station.

2357. Very well. Do you think you will require your book for any other purpose, to refresh your memory?—I do not think so. My mission up there was to assist Inspector Douglas and I really saw nothing of the outside work, such as the fires, etc. All that we did was to interview witnesses and take statements.

2358. You were the officer who took the statements from the witnesses?—Really, Inspector Douglas did the typewriting, but we both questioned the witnesses, and all the later questions were put by me.

2359. You interrogated the native witnesses, Sulie-man, Windie *alias* Joe, and Comboroo, otherwise Frank?—Yes.

2360. These three natives were trackers in the service of the Police Department on that expedition?—Yes.

2361. Was any inducement offered to them to make the statements?—No, they were simply brought into the office before Inspector Douglas and me, and we asked them to give us the full facts of everything that happened from the time they left Wyndham till they returned.

2362. Did they show any hesitancy in giving their statement?—No, they seemed rather frank about the whole thing.

2363. They did not require any prompting?—The only thing was we had to question them. There were some discrepancies in their statements and I questioned them to find out which was right.

2364. Are you satisfied that so far as you were able you got the truth from these natives?—Yes, we were satisfied that what they told us was practically what they knew; although, as I have said, there were some discrepancies.

2365. Please be good enough to read the statement you got from police tracker Windie *alias* Joe. Unfortunately, we have been unable to get those witnesses before the Commission and so we shall have to rely upon the statements you took from them and put them in as evidence?—Very well. The statement made by Tracker Windie, *alias* Joe, reads as follows:—

Statement by Tracker Windie, *alias* Joe.

Windie, aboriginal native, otherwise known as Joe, states:—

I am a police tracker at Wyndham. I remember the time Hay being killed by natives at Nulla Nulla. Just before he was killed, I went out with Constable St. Jack and tracker Jacob and met Leo Overheu at the Pentecost River. We were after natives who had been killing Nulla Nulla cattle. We went on to Durragee where there was a big camp of natives. Early in the morning, we went to Durragee camp. We left Jacob and a gin belonging to Tommy, who was with Overheu, when we met them. They were to look after the camp while we raided Durragee. We got around the camp at Durragee. The natives broke away in all directions and we could not catch any. I had a shotgun and I fired a shot to frighten the natives and make them stop, but they did not stop. No one else fired any shots. After we broke up the camp, we went back to our own camp and started for Nulla Nulla Station, which we reached on the following afternoon. When we got to the station there was no one there. We camped for the night. Billy Hay, who belonged to Nulla Nulla, did not come that night, so next morning I went with Tommy down the flat to look for Hay and we found his horse with saddle and bridle on. There was blood on the saddle-cloth. I took the horse back to the station and showed it to Overheu and St. Jack. I then went with Constable St. Jack and picked up Hay's tracks where he had gone out from the station and followed them down to the boat landing and part of the way back again. I saw where Hay's horse had been galloping near a small tree. I saw the tracks of one native and two gins here. The tracks of where Hay's horse had been jumping about were visible, and the tracks also showed the native had been running about. A broken whip handle was lying on the ground. From here the tracks of the horse went towards the station at a gallop and the tracks of blood were along the ground. About 100 yards further on we found Hay dead. There was no track of Hay getting off his horse until he fell off, where we found him. Next morning I left Nulla Nulla with a letter for Sergt. Buckland, and returned to Nulla Nulla on the launch. After we buried Hay, we stayed at Nulla Nulla, waiting for Constable Regan to come out from Wyndham. When he came out, we all started to look for the native who killed Billy Hay. The first day we camped at Alligator Hole and the next day we went on to the Forrest River. We did not see any bush natives. The next day we went on to Forrest River Mission. We camped three days at the mission, then O'Leary, Overheu, Jolly, and another white man—I do not know his name—went back to Nulla Nulla Station, taking with them Charlie and Tommy and his gin. I

did not see them after they left the mission. We heard at the mission that Lumbia was the man who killed Hay, and that he was out the other side of the mission.

2366. I notice that the statement jumps from the time when they go to Nulla Nulla Station until they go to the Mission. Was not this witness questioned as to what took place? These are the critical times?—I think so. This native did not seem to have a grasp of the days or as to what they did each day. He was rather a hard native to get anything out of. We did question him in connection with what they did on the first day and on the second day, but he did not seem to know the difference between one day and another.

2367. He jumps over all the important days in between?—He says that on the next day he went out to the mission. Towards the end I questioned him further. His statement continues—

I went out with Constables Regan and St. Jack and trackers Sulieman, Mulga Jim and Frank, and two mission boys. The first day we went out and camped at a spring. In the morning I saw five natives. We asked them about Lumbia and we took them along with us to the next camp at a spring. We got six more natives here and put them on the chain. We left Constables Regan and St. Jack at this camp with the natives, and we six trackers went out to look for Lumbia. We camped in a creek and next day we caught some natives who told us where Lumbia was. We took them along with us to show us the camp, and three days after leaving the camp we came to where Lumbia was with a mob of other natives. We brought them all back to the camp where Regan and St. Jack were, and from there we took them into the mission. The police were still holding the natives they had when we left, and we took them all along to the mission.

Constable Regan brought Lumbia and another boy and two gins into Wyndham in the launch, and we let all the other natives go at the mission. None of the boys killed any natives while we were out looking for Lumbia. I never see anyone kill any natives while we were out. I never see anybody burn up any blackfellow. I never see any fires where anyone been burn up any natives. I never hear anything about any natives having been killed or burned in the bush.

His  
Windie × Joe  
mark

Witness:

W. Douglas, Insp.  
H. J. Manning, D/S.  
21/10/26.

2368. He says that when going to catch Lumbia they left two policemen in the camp, and the natives themselves went out to catch Lumbia?—That is what they meant.

2369. There was no doubt in your mind about that?—That was this boy's version of it.

2370. Will you read the statement by Tracker Sulieman?—

Statement by Tracker Sulieman.

I am an aboriginal native employed as a tracker at Wyndham. I belong to Hall's Creek district. I was down at Wyndham with cattle when William Hay was killed. I was on the way back with James McDonald when Constable Regan caught up to us a few miles from Wyndham and told me that Hay had been killed by natives, and wanted us to go out with him in search of the offenders. I went back with Constable Regan to Wyndham and a few days afterwards a party started out to go to Nulla Nulla, where Hay had been killed. The party consisted of Constable Regan, Barney O'Leary, Dick Jolly and another white man, I do not know his name (Murnane), and also trackers Charlie, Frank, Jim McDonald and myself.

We got to Nulla Nulla station in four days. There was no one at the station. We all went down to see the place where Hay was killed and came back to the station. From Nulla Nulla station we all went out, and the same day we came to a camp and found Constable St. Jack, Leo Overheu, and trackers Joe, Jacob and Tommy

and his gin. Tommy and his gin were working for Leo Overheu. We all camped together that night. Constable St. Jack and Jim went out and had a look for camp fires and came back to camp. Next morning we all went on to the next camp. I do not know the names of any of the camps. The country is new to me; I had never been over it before. We stayed two days in this camp. Some of the trackers, Jim, Joe, Frank, Charlie and myself, went out to search for natives. We found a camp with five old women and four men. We brought them down to the camp. Joe found another male native down near a big river. This man was very sick with cold and can't walk so we leave him there. We had all the other natives on a chain. We got back to camp with them early in the morning. Some of the police had a talk with the natives. Tracker Tommy said that we had the right man there. He picked out two of them who were thought to be connected with the murder of Hay. I do not know their names. They were put on a chain by themselves.

Constable St. Jack, Barney O'Leary and trackers Joe and myself left two of the male native prisoners in the camp and took three men and three women away with us to the river, and we camped there for the night. Constable St. Jack sent Joe and myself away next morning to the camp where we caught the natives to have a look around. We done so. St. Jack and O'Leary went up the river. They had the six natives on the chain with them. They told us to cut their tracks and catch up to them.

After looking around the native camp, we found no other blacks about there. We went across to the river again and were looking for tracks of the pack horses when we saw a fire. I thought it was the camp and we went down and saw St. Jack and O'Leary near a big fire. Their two horses and a mule were close by. I did not see anything in the fire. They had no natives prisoners there. I did not see the chain which was on the prisoners. I did not go close up to the fire.

We all went away from this place together and cut the tracks of the remainder of the party who had shifted camp the same day, and followed their tracks away further up the river to the next camp. All the party were in this camp. They had brought the two male natives which had been left at the main camp with them. The party stayed three days at this camp. St. Jack and O'Leary did not tell us what they had done with the prisoners they had when we left them.

While at this camp the trackers went out looking for natives and found four men and four women in a gorge. We brought them into the camp. The police had a talk to them and in the afternoon Constable Regan, Barney O'Leary and another white man, I do not know his name (Murnane), together with Frank and Charlie, went away from the camp taking all the prisoners with them. About dark that night Charlie and Frank came back to the camp, bringing all the horses that they had taken away with them. Regan, O'Leary and Murnane did not return to the camp that night. The following morning we packed up and started off for the next camp. Frank went ahead and picked up Regan, O'Leary and Murnane. They had no natives with them when they came up with us.

We went on for several days but saw no natives. St. Jack, Leo Overheu, Murnane, with trackers Joe, Jacob, Tommy and his gin went to Nulla Nulla for food supplies and the rest of us went on to the mission to wait for them there. We only saw one old woman between here and the mission; she was very sick with cold. A lot of blacks were sick at this time with cold. We got to the mission and St. Jack and Overheu came back two days after and brought meat with them. Tommy and his gin and Joe came back with them. Murnane and Jacob did not come back with them. From the mission Jolly went back to Wyndham on the launch and Barney O'Leary and Overheu with Tommy and his gin

and Charlie went back overland with their horses and did not come back again.

The rest of the party, with two mission trackers, went out after Lumbia. They told us at the mission that he was the native who killed Hay. The first day we went to a spring and camped. Next day we went on to the next camp and went out searching for natives. We found two men and two women and brought them into the camp. They were very sick with colds, nearly dying. One of these natives told us where to find Lumbia and Regan and St. Jack stayed at the camp while we went out to find Lumbia's camp. We did not find it. We got back to camp next day. The four natives had gone away in the meantime. We shifted camp further on and the trackers went out in search of Lumbia. We started out at dinner time and next morning we found him and brought him back to camp with a lot of other natives.

The next day we started out and reached the mission with Lumbia and the other natives that we found in his camp. While we were out I did not see the police kill any native. I did not see them burn any dead blackfellow. I do not know what they had in the big fire. I never see that blackfellow after that they had on the chain. I never heard anything at the mission about any natives being killed or burned.

I did not see any trackers shoot any natives or burn them while we were out. I never heard any of them talk about having done so; the first I heard of it was when I came back to Wyndham, when I heard it from the blackfellows there. I do not know where they heard it.

16th October, 1926.

His  
× Sulieman.  
mark.

Witness:

W. Douglas, Insp.

H. J. Manning, D/S.

16/10/26.

2371. Sulieman signed that statement in your presence and in the presence of Inspector Douglas?—Yes. These statements were read over to the men slowly and carefully, and they were told if there was any mistake in them they must let us know immediately. The next statement is made by Frank—

Statement of Tracker Comboroo, otherwise Frank.

Comboroo, otherwise known as Frank, states:— I am an aboriginal native employed as a police tracker at Turkey Creek. I was at Wyndham with Constable Regan when William Hay was killed at Nulla Nulla. I went out from Wyndham with Constables Regan, Barney O'Leary, Dick Jolly, and Dan Murnane and trackers Sulieman, Jim, Charlie. We went out to Nulla Nulla Station, which took us four days. There was no person at the station when we got there. From Nulla Nulla I went out with a letter to Leo. Overheu and found his camp; gave him the letter and came back to Nulla Nulla.

The next morning we all started out and got to Overheu's camp about dinner time. Constable St. Jack, Leo. Overheu, and trackers Jacob, Joe, and Tommy and his gin were at the camp. We camped for the night at this camp and next morning we went on to the next camp. We stayed two days in this camp. While here some of the party went out looking for natives. I was at the camp looking after the horses. No natives were brought into this camp. From this camp we all went on together to the Forrest River. We camped there for two days. I was out with Jim and Sulieman looking for natives while at this camp. We saw tracks but did not see any natives. I did not see any natives brought into this camp by anyone. From there we all went on to the head of Durack River and camped. The trackers went out and came back and said they had found a camp. Constables Regan and St. Jack and all the others except Jacob went out and we caught a big mob of blacks at this camp and put them on the chain and brought them into our camp. They were all men and women, no children.

Leo's boy Tommy had a talk to them in their language. I could not understand their talk. The natives wanted were not among this lot. We let them all go. After that St. Jack, Overheu, Murnane, and trackers Jacob, Joe, and Tommy and his gin went away to the station for food and the rest of us went to Forrest River to wait for them there. We did not see any natives on the way in except one old gin who was sick. Constable Regan gave her some food and left her where we camped for dinner.

We were two days camped at the mission when Constable St. Jack and Overheu came back with some beef and tucker and we all camped there for three days when Sergeant Buckland came to mission in a launch and Dick Jolly go back with him. That same day Barney O'Leary and his native Charlie, Leo Overheu with Tommy and his gin all go away with their horses back home again, and I did not see them again.

We hear at the mission that a native named Lumbia had killed Hay and that some of the mission natives knew where he was, so the next day we pack up and with two natives from the mission we all go bush to look for Lumbia. There were Constables Regan and St. Jack, Trackers Joe, Mulga Jim, Sulieman, myself and two mission natives in the party.

We travel for two days and then we leave camp. Regan and St. Jack remain at this camp and all us natives go out to look for Lumbia. We camp bush one night and next day we catch Lumbia who was camped with a lot of other natives. We put them all on the chain and bring them back to Regan's camp, where we had left Regan and St. Jack.

We then come back to the mission bringing Lumbia and all the other natives with us, and same day Regan took Lumbia and some of the natives to Wyndham in the mission launch, and let the rest of the natives go at the mission. St. Jack and tracker Joe and myself then bring the horses back to Wyndham. Sulieman and Mulga Jim went in launch with Regan. All the time I was out with party looking for blackfellows I did not see any blackfellows killed or burned by any of the white fellows in the party; neither did I see any of the trackers kill or burn any natives.

When at the mission I was talking to the mission natives but I did not hear them say that any blackfellows had been killed and burned by white fellows. All the time we were out we only got the one lot of natives and we let them all go because we found out they were not the natives who had killed Hay. I did not go away from any camp at any time with Constables Regan, Barney O'Leary, Murnane, and Tracker Charlie with any natives on a chain. I did not see O'Leary or any of the white men go away from any of the camps with any native prisoners on a chain, nor did I see any of the white men of the party light any big fires in the bush.

His  
Comboroo × Frank.  
mark

Witness: W. Douglas, Insp.  
H. J. Manning, D/S.

18/10/26.

2372. Do you remember a native woman named Lyddie who was with the expeditionary party?—Yes. I took a statement from her.

2373. I had this witness before me at Wyndham, and she went almost entirely opposite to everything she had said, on any material point, to what she had said in that statement. How did she give her statement to you—with any degree of hesitancy?—She did not give the statement as I would have liked her to give it, because she had with her a boy from whom she seemed very anxious to get away. The boy is called Jacky, I think. I believe she and this man came in from another station to Carlton, where I interviewed them. The two were together. She mentioned that she did not like this fellow Jacky. I said to her, "Is he your man?" She answered, "No." I then said, "If he is not, why stay with him?" I explained to her that I wanted her to tell me the true fellow. I said, "Tell me true fellow everything you see while you are out with the police boys. All the police boys tell us their story. Now I

want you to give me yours. I want you to tell the truth, because we are going to find out whether or not you tell the truth, and it will be all the worse for you if you do not speak true." She said she would tell the truth, and I took her statement. She seemed rather an intelligent gin, and could speak English fairly well, but she seemed to consider a very long time before she would answer any questions. It took me a terribly long time to get her statement from her. I was there for a couple of hours getting what I did get.

2374. There was no inducement held out to her, and there were no threats made, to get her to make a statement?—No. I only told her I wanted the truth. All the statements I took were taken just as they were given to us by the natives. Really the only questions the natives were asked were about the burning of the natives.

2375. You asked those questions formally of all the trackers?—Yes. The rumours were to that effect, and the natives did not mention the matter, and we therefore had to question them. This is Lyddie's statement:—

*Statement by Goolara, alias Lyddie.*

I am an aboriginal native and I have been employed by Leo Overheu of Nulla Nulla Station, near Wyndham, for a long time. My man Dewad, alias Tommy, also work for Leo Overheu for long time. Me and Tommy all time ride about with Leo when he get cattle and brand them at the station. I remember when Billy Hay was killed by blackfellows and just before that Leo Overheu, Tommy and I all meet policeman Jack at Pentecost River and we all camp there two days. While at Pentecost camp early one morning Leo Overheu, policeman Jack and Trackers Tommy and Joe all go to Duragee to try and catch big mob of blackfellows that were camped at Duragee (me and Tracker Jacob stay at our camp), but they did not catch any blackfellows as they all run away and Leo and Jack nothing bring any blackfellow back to Pentecost camp on the chain and I did not hear that any blackfellows were shot at or killed at Duragee camp. After we leave Duragee we all go to Nulla Nulla Station and when we get to the station there was no one at the station. Billy Hay and all the blackfellows had gone. It was late at night when we get to station and Billy Hay did not come home that night.

Next morning Tommy go out look for Billy Hay and find his horse with saddle and bridle on and all saddle cloth blood-stained, and Leo Overheu, Policeman Jack, with Trackers Tommy and Joe, go out and find Billy Hay dead. Blackfellow been spear him. Then some days later another policeman Denny Regan come up with three white fellows. Their names were Barney O'Leary, Dick and Dan, also Trackers Sulieman, Charlie, Old Jimmy and Frank. Leo Overheu, Policeman Jack, Joe, Tommy, Jacob and I all left Nulla Nulla Station before Regan and his party came up. We were camped on Forrest River when they came to us.

We did not see any blackfellows from the time we left Duragee until Regan came to us, and no blackfellows were killed by our party prior to this. When Regan and his party came up we all camped one night and next day shift to another camp, and trackers all go out and find some bush blackfellow and women and bring them to our camp on the chain.

The trackers bring all the bush blackfellows in on chain early in the afternoon. They had five men and five women on the chain, and about sundown Policeman Regan and Jack and white fellows Barney O'Leary, Dick and Dan, with Trackers Joe, Sulieman and Frank, and they all take the blackfellows on chain away from our camp. After some time they all come back without any blackfellows on chain. Whitefellow all about say they let the bush blackfellows go but the trackers tell me that policeman and white fellows shoot all that bush blackfellow. I was at our camp with Leo Overheu, Tommy and Jacob and I did not see what they did with the blackfellows they took away. I did not hear them do any shooting while they were away, neither did I see any big smokes go up.

We then leave that camp and go further into bush look out for blackfellows, and one night we camp on a small river and the trackers go out and get a little lot of bush blackfellow and women and bring them

in on the chain, and Regan have them on the chain in his camp when Policeman Jack, Leo Overheu, white fellow Dan and Trackers Tommy, Joe, Jacob and I all leave them and go back to Nulla Nulla Station, and Regan and his party were to go alonga mission, and after we get some meat at Nulla Nulla Leo and Jack and all us natives were to go to mission also. When we get to Nulla Nulla Dan he go back to Wyndham in a boat and we get some meat and then all go alonga mission, and when we get to mission Regan nothing got any blackfellows on the chain and the trackers tell me that policeman and whitefellows all shoot that blackfellow while on the way to the mission. Leo Overheu all the time tell policeman and whitefellow, you nothing take that bush blackfellow alonga gaol; you shoot them, as he did not want them.

I did not see the policeman or whitefellow shoot any blackfellows or burn them. I was always left at the camp when they went after blackfellows. I do not know the names of any of the blackfellows that were caught while we were in the bush. They were all strangers to me. I have since often heard the blackfellows talk about policeman and whitefellows shooting blackfellows in the bush while we were out looking for the murderer of Billy Hay, but none of them saw any blackfellows being shot or burnt. They only hear it from other blackfellows from the mission. I have also been talking to some of the blacks from the mission and they tell me they nothing see policeman kill or burn any blackfellow. They all about hear it from old Gribble, the boss alonga mission.

After Leo Overheu and St. Jack and us natives leave Regan's camp to go Nulla Nulla for meat we nothing see any more blackfellows before we get back to the mission. I think we camp mission two nights and then Leo Overheu, Barney O'Leary, Tommy, Charlie and I all leave policeman at mission, and we all go back to Nulla Nulla Station and nothing more chase blackfellow.

After we get back alonga Nulla Nulla Leo all day growl at Tommy and he kick Tommy and Tommy get Nulla Nulla and he going to fight Leo and Leo run away to the house to get his revolver, and me and Tommy run away because we think might be Leo shoot Tommy. Tommy and I run away to Muggs Lagoon and we sit down that way long time and one day Leo come alonga Muggs Lagoon and he take me to the 6-mile. I was then living with another blackfellow named Tommy Pearce. He been take me from my Tommy.

When Leo take me from Muggs Lagoon to the 6-mile, that same night my man Tommy come up to Leo's camp looking for me. Another native named Jacky was with Tommy when they came to the camp at 6-mile. Leo growl at Tommy and say what for you track Liddy to my camp. Tommy say I no track Liddy, I want to come back and work for you. Leo then say all right, you two fellows (me and Tommy) go and sleep under the house at the 6-mile. Next morning Leo ask Tommy if he see any buffalo about and Tommy say no. Leo then say there are plenty of buffalo about and he ask Tommy to come out and get buffalo alonga 9-mile hills.

Leo and Tommy then get two horses. Leo ride a chestnut and Tommy ride a bay horse. Leo have two revolvers on his belt when they went away. They nothing take any tucker, water bag or blankets with them, and they went out to the left into the bush from the 6-mile. I think they go get buffalo all right and I nothing watch which way they go, but I know they did not go alonga road to the 9-mile. They struck into the bush from the 6-mile.

About sundown that same day Leo came back without Tommy and he was leading Tommy's horse. I ask Leo where he leave Tommy and he say Tommy run away. I ask Leo if he been shoot Tommy and he say I can't shoot Tommy, he run away and I can't find him. I also saw the saddles Leo brought back but there was no blood on them.

I after asked all the blackfellows about the 6 and 9-mile camps, Muggs Lagoon and rumping stations, but they have not seen or heard of Tommy in the bush. Some blackfellows say might be Leo shoot Tommy alonga the hills, but they cannot find him.

All the time I was in the bush with the Regan and St. Jack police party after the murder of Billy Hay. I did not see any blackfellows shot or burnt

by any members of the party. I saw them with two lots of bush blackfellows on the chain and saw them take one lot into the bush and come back without them, and after they came back Tommy tell me that they were shot and then burnt up by the police and whitefellows.

Her  
GOOLARA X LYDDIE  
mark

Witness:

H. J. Manning, D/S.  
1/11/26.

2376. Did she have any difficulty in speaking?—No.

2377. She told us, when giving evidence in Wyndham, that she had a cold at the time and could not speak?—There was nothing wrong with her when I took the statement from her, except that she seemed to be very much up against Jackie and Overheu. She seemed to think that Overheu had taken Tommy away and had killed him.

2378. She wound up by telling us that she made no statement at all. Is there any doubt about the statement having been made by her?—No. This is her statement and her mark is attached to it.

2379. I propose to examine the Commissioner of Police to-morrow in order to go into the question of police methods. We will also have the Chief Protector of Aborigines before the Commission as well. As some of the correspondence between Inspector Douglas and the Commissioner touches upon the alleged atrocities, I propose to put the correspondence in now through you. There is a letter dated the 1st September, 1926, from Inspector Douglas, who was at Wyndham, to the Commissioner of Police. Will you read that communication?—The inspector's communication reads as follows:—

I beg to advise you that I arrived at Wyndham on the 28th August from Broome and left on the 29th for Forrest River Mission by the launch which was going out. On arrival at the mission I interviewed the Rev. James Noble (abo. native), whose statement is attached. On the 30th I left mission with Rev. E. R. B. Gribble and two mission natives. We went to a pool known at Gotegote-merrie where I saw the remains of a large fire on the rocks. Some 30 yards distant I saw charcoal cinders in the water. This is the spot where pieces of bone are said to have been found by James Noble. From there I proceeded to a spot about five miles west known as Mowerie. There I saw where a large fire had been burning. This is the spot where 21 teeth were found by Inspector Mitchell, also some small pieces of bone. There does not seem any doubt that some human remains were burned at each fire, but the tracking as described by Noble is imaginary. I have since learned that he was told by a native Juberoo where to find the two fires and that four male aborigines were burned in one and three women in the other. This was told to Juberoo by a native named Tommy, who was in the employ of Leopold Overheu at Nulla Nulla station. I have not yet been able to see this native Tommy. I am informed that he has run away from Overheu. I shall probably locate him in a few days. On the report of the Rev. Gribble my inquiries must cover a large area where the police party were operating over very rough mountainous country. The party is split in various directions. O'Leary is some 80 miles from Turkey Creek, S.W. He has one of the native trackers with him. Another tracker is 20 miles from Hall's Creek. Ex S.P.C. Jolly is 80 miles from here on the Ord River, and two other trackers are out in the bush, so it is going to be an extremely difficult matter to definitely prove anything with everyone in the district, except the Rev. Gribble, up against me. He is so cordially hated that most men here will go to any measures to thwart his object. I am forwarding by Det.-Sergt. Doyle a parcel of pieces of bones and teeth found by Inspector Mitchell. If on examination these are said to be human remains I take it that a report of the circumstances will be made to the local corner. On this I shall await your instructions. There is no doubt but that the whole of the party who were in search of the native who killed Hay were operating within a few miles of the scene of these fires and some horse and mule tracks are in the immediate vicinity. Up to the time of writing I have not been able to go into the question of which members were there. Constable St. Jack has been

absent on patrol and his statement will probably make that clear. I shall keep you advised as early as possible of any further developments. W. Douglas, Insp., Wyndham, 1/9/26.

2380. On page 21 of the file there appears the translation of a telegram received by the Commissioner of Police from Inspector Douglas, of Broome, under date 21st September, 1926?—Yes, the translation reads as follows:—

Returned from Forrest locality. My investigations satisfy me that sixteen natives were burned in three lots; one, six and nine; only fragments bone not larger than one inch remain. Am endeavouring locate certain police natives who can possibly give particulars. Some are three hundred miles away. Suggest you send two experienced detectives by first boat to Broome. Arrange with Aborigines Department that they meet Inspector Mitchell there and come by his car Hall's Creek; I meet there and we work three directions simultaneously to secure three witnesses. Have no suitable police this end to assist me. Will await your instructions here. Mitchell now at Beagle Bay.

2381. There is also a report from Inspector Douglas to the Commissioner of Police under date 23rd September, 1926. The report was sent from Wyndham?—That report reads as follows:—

I beg to advise you that I have made further investigations in connection with the alleged killing of natives by a police party in the Forrest River locality. Aboriginal Reserve 13873. I obtained statements from Constable St. Jack and Leopold Rupert Overheu and started over the country traversed by the party. I left Wyndham on the 5th inst. and it took four days to reach Nulla Nulla Station, which was the starting point. According to St. Jack and Overheu, the whole party started together from this point, but I find that this was not so, as the party joined up some 16 miles further north, at Jowa, and St. Jack and Overheu had been out for some days previously. This was apparently called Camp. No. 1.

I made a search in this locality, but failed to find anything to enable me to say that the party had any natives here. From there I followed on the tracks of the whole party to No. 2 Camp, native name Youngada, but the marking on a tree at this camp, done by some member of the party, shows that they called it Wodgil, and marked a tree with a  $\uparrow$ 2 and the date 8/6/26. Both Overheu and St. Jack deny any knowledge of this camp, but my native, Sulieman, assures me that the whole party were there for two days, and the trackers were out scouting and brought in five male natives and four females, who were all chained up. Sulieman states that Constable St. Jack, Bernard O'Leary, Tracker Windie, *alias* Joe, and himself started from this camp in the afternoon with seven natives, three males and four females, leaving two male native prisoners in the camp. They travelled north to Gotegote-merrie, some three miles distant, and native Joe shot one of the male natives here and the body was burned. They remained here for the night. This is the spot where Gribble and Mitchell found the remains of a fire and some small pieces of bone in a pool of water, a few yards away.

I was unable to find any tracks leading direct from No. 2 camp to this spot, as some 40 horses and mules had been grazing around this camp for two days, but I found tracks about half a mile distant, leading in a direct line from this camp to Gotegote-merrie, horse and mule tracks only, no trace of any footprints. The ground generally was too hard to leave any impression of a bare foot and where it was in any way soft, it was fine dust or loose sand, where all traces were quickly obliterated by the wind.

On the following morning, Sulieman informs me that he and tracker Joe were sent out further north to destroy the camp where the natives were caught. They left six natives with St. Jack and O'Leary and were to join them further up the river. After burning the camp, they went three miles along the river, where they found Constable St. Jack and O'Leary at a large fire. They had no natives on the chain. They did not see any of the natives killed, but knew that the bodies were in the fire. This is the

place called Mowerie, where Gribble and Mitchell found a number of teeth and some quantity of small pieces of bone. In the meantime, the remainder of the party went north-west to No. 3 camp, about six miles away.

After the fire had burned out, St. Jack, O'Leary, and the two trackers followed on the tracks of the party and came up with them about dark. I visited No. 3 camp, marked on a tree  $\uparrow$  3 10/6/26. Here I found indications that some natives had been chained up to a tree. The native (Sulieinan), informed me that the party camped here for two days and had gone out in search of natives, and that he and other trackers had caught seven in a gorge and had brought them in to the camp and chained them up with the two who had been brought along from the previous camp, making a total of nine. Sulieinan states that in the afternoon, Constables Regan, O'Leary and Murnane left the camp with the nine natives accompanied by native trackers Charlie and Frank, and that they took the natives back to the camp where they had been caught in a ravine some six miles away. On arrival there, they sent Charlie and Frank back to the camp with the horses, but the three white men did not return to the camp that night. On the following morning, they were picked up by the other members of the party on the top of this ravine.

I visited this spot and found the horse tracks leading in and out of the ravine, where there had been a native camp. About 50 yards from the camp, I found the remains of a large fire and some thousands of fragments of bone in the ashes, and timber had been dragged from all around to the fire. No footprints were visible, the ground was sandy and rocky and all footprints were obliterated by the wind and loose sand.

By the size of the fire and quantity of bone fragments, I have no doubt but that the nine were cremated here. Sulieinan assures me that no other natives were found after leaving this place until they reached the mission.

In view of the serious aspect of the case, and the difficulties to be contended with in securing any definite evidence, I wired you suggesting that the assistance of detectives be sent. The native trackers who were out with the party are scattered in various directions. Three of them are in the Hall's Creek district, one is about Turkey Creek, two others are in the ranges somewhere within 50 miles of Wyndham, and friends of the party are making it their business to prevent some of them from being found.

The whole matter is going to be extremely difficult. So far there is no proof that any particular native has been killed, or anything left to identify any particular person. Certain natives are missing, about 30, but some of them may turn up later.

As far as I can gather, no act of killing has been witnessed by any other than the principals, and I have not secured any evidence of the identity of any of the natives, other than the alleged identification of the tracks by mission natives, which is useless and only a fabrication.

I know that the natives can, in some cases, identify each other's tracks, but in this case, any they may have seen would be about nine weeks old and only a blur. My own tracks made on the occasion of my first visit to this locality, with strong boots on, were completely obliterated by the wind when I visited the place again a few days later.

(Signed.) W. DOUGLAS,  
Inspector.

Wyndham, 23/9/26.

2382. That letter was signed by Inspector Douglas. Do you know his signature?—Yes, that is his signature.

2383. By Mr. NAIRN: You say the woman Lyddie seemed to have a grievance against Overheu?—Yes, she was very bitter against him. She seemed to think he had killed her boy Tommy.

2384. You have had a lot of experience amongst blacks?—Yes.

2385. Are they trustworthy or untrustworthy?—They are very peculiar, especially when you are getting a statement from them. If you lead them to think they can please you by saying something they will build on it and say only what they think will please you.

2386. Inspector MITCHELL: That is absolutely true.

2387. WITNESS: You must keep a serious face and not let a native think that you want anything special from him.

2388. By Mr. NAIRN: I am not suggesting that the police tried to influence these natives, particularly Sulieinan, who might have thought you were there trying to get evidence against the police?—That I cannot say. We told Sulieinan the same as we told the other natives, namely, that we wanted him to tell us exactly what was done by the police and the natives with them from the time they left Wyndham till they returned.

2389. Is it your experience that if a native thought it would please you to implicate the police, he probably would give his statement accordingly?—When I was working natives I never let my trackers out of my sight. All I used them for was tracking purposes, and being quite a good tracker myself, I could say whether or not they were telling the truth. Moreover, I have the advantage of being able to speak the language fluently. I was for long stationed in the North-West among the natives and I always found that in taking a statement from a native one had to be very guarded, and not let the native think that he would please one by saying certain things.

2390. Therefore you would not place much reliance on the statements of mission natives?—Not on the statements of any natives whatever.

2391. We were told that in the dry bed of the Forrest River and along its banks the tracks could be observed of three women being taken up the river. We were told that the only track the natives were able to point out so as to be observable to a white man was one track occurring here and there. The natives said there were three tracks and that they were able to define them as the tracks of women and even to fix the identity of those women. Do you, as a tracker, think it possible if the tracks were not observable to a white man even when pointed out?—If a native was reared up amongst a mob of natives and if the tracks were quite fresh he could tell the name of every man, woman and child by the tracks. But the tracks must be very fresh. They are something like finger prints.

2392. The tracks referred to were 2½ months old and in the dry bed of the Forrest River?—Then the natives would be drawing on their imagination to give any names; especially with the tracks in the dry bed of a river where generally there is loose rubble and sand.

2393. You visited the Forrest River Mission Station?—Yes.

2394. And no doubt had interviews with Mr. Gribble?—Yes.

2395. Do you remember his telling you that some discoveries had been made at Dala and in the direction in which Lumbia had been caught?—Yes, mention was made of one place and two boys were sent out.

2396. Did Mr. Gribble tell you they had been out before?—That somebody had been out there and that some rumours had come in.

2397. Did he also tell you they had not discovered anything?—I think at the time some of the police party were supposed to have been left there with some natives, and when Mr. Gribble's two boys came back it was stated they were not allowed to go near this camp. Then the boys were sent out to this camp to see if they could see anything there. They brought back some bones.

2398. Did Mr. Gribble produce any bones to you?—No, but some bones were sent in to Inspector Douglas.

2399. There were no bones in your time?—No, except after we got back to Wyndham.

2400. But the leading boy, Herbert, stated that he had found those bones about a month before the police arrived, and had given that to Mr. Gribble?—I never heard that.

2401. The COMMISSIONER: I do not recollect that.

2402. Rev. GRIBBLE: That is not in the evidence at all.

2403. Mr. NAIRN: I will produce it from the notes.

2404. The COMMISSIONER: The notes are now being printed, and we will have them here at a later stage.

2405. WITNESS: The boy did not say he had the bones. I think the boys dealing with this matter went out to have a look at the camp and brought in some bones.

2406. By Mr. NAIRN: But they had not been brought in when you were there?—No, there was no certainty about anything at all being there at that time. The two boys went out and brought in some bones, wrapped in paper bark, to the mission.

2407. You were watching for first-hand evidence from anyone who could speak concerning this from his own knowledge? You made inquiries from every source from which you could make them, but you could not find anyone, even amongst the natives, who could give any evidence of natives having been shot?—It was all a question of rumour, and of what others had to say.

2408. They told you that the rumours had come from Mr. Gribble?—Yes. You will see by one statement that they say this is where they originated.

2409. You could not find any man who could give you any information at first hand?—No.

2410. Naturally Mr. Gribble had no first-hand evidence?—None of the mission natives could give us any evidence of having seen anything at all.

2411. Or of having met any bush or other natives who had seen anything?—I suppose one of the cleverest people at the mission is the wife of the Rev. James Noble; she speaks the language, and is a good English linguist. I questioned her. She talks to the different tribes and understands what they say. I asked her if throughout all her inquiries she had heard of any natives who had seen anything, or were in a position to give first-hand evidence. She replied in the negative. She said she did not know of any natives who had seen anything actually happen.

2412. She did not tell you anything about Kangooloo?—No. I questioned her closely, but she could not give me any name. She could not mention any one native with whom she had come into contact who was in a position to give any direct evidence as to what had happened.

2413. We were told at the mission that two months before the police came there Kangooloo had reported that he was in the camp when the police raided it, and that they had killed his father and shot his sister through the thigh. There was a partial entry to that effect in the mission books. Were you told about that?—I did not hear anything about that. I could not hear of one native who was in a position to say he had seen anything.

2414. That report was alleged to have been made to Mr. Thompson, who was temporarily in charge of the mission?—I think Mr. Thompson was there in my time.

2415. Nothing was said to you at the time about this?—No, not even by Mrs. Noble. She had not come into contact with anyone who was in a position to give her any first-hand information.

2416. By Rev. GRIBBLE: I was in exactly the same position as Mrs. Noble, who could only tell you what the boys had told her?—All you could tell us was what you had heard from the other natives.

2417. All I could tell you came from the two boys who said that these natives were missing. No one knew, not even the two boys themselves?—So far as we could gather, they had no idea they would find anything there. If there had been any chance of anything having happened there, someone would have gone out.

2418. With reference to the statement made by the boy Frank: Inspector Douglas toured right round the whole route of the police. He came fresh from the route. Where were the other two natives after they returned to Wyndham?—They were at the police station with the police.

2419. They were in the service of the police at the time you got their statements?—Yes.

2420. They would have been in the company of the police all the time?—Yes. There was a scare amongst the natives. They reckoned you had a sketch of a policeman and a black tracker in full uniform hanging from a gallows. They thought you had told them that this was what was going to happen to all police trackers. I told the boys they did not need to be frightened. It does not matter how long you have natives. If there are any wild rumours of this sort about, they are likely to leave you at a moment's notice.

2421. Rev. GRIBBLE: Needless to say, that statement was only a myth.

2422. By INSPECTOR MITCHELL: You had never visited Gotegote-merrie?—No.

2423. Therefore, in speaking of tracks two months old, you are speaking only generally?—Yes.

2424. If I told you I saw tracks on the higher banks of the river, which in my opinion had not been subjected to wind, and there were no other tracks in the vicinity, and my tracker told me there were three female tracks there, you could understand me if I said I could not swear to there being three female tracks there, but that I could swear to seeing one track?—You could say that some native had gone along there if the impression of the foot was still visible, but you would not believe it, and I would not believe it, if the tracker told you the name of the person who had made that track after that length of time. There are classes of country where there is clay. A native may put his foot into clay and the track may be there for 12 months, but in sandy country, which is subject to wind influence, it is no use anyone saying he could tell what the track was after a considerable length of time.

2425. I am referring to the 25th August. The ground was not wind-swept then. Say these were the tracks of Polly, Mary and Jenny. If the tracker knew these tracks well, he could say which was which?—Provided the tracks were well defined.

2426. The wind was not blowing in the district then and the tracks were not filled in?—If a tracker knew that a certain man or woman had walked along there six months before, and he saw marks, he would at once say, "That Jimmy's track." He would only be going by what he knew, namely that Jimmy had passed along there some time before, but from the track itself he would not be able to say anything.

2427. I refer to the three female tracks. A native tracker can recognise female tracks?—Yes. If a man knew anything about tracking, and he saw the tracks of natives, he would be a poor old thing if he could not tell the difference between male and female tracks.

2428. You would not contradict me if I said I saw a track?—No, if you had any experience.

2429. You would not be surprised if I said I could swear to having seen one native track! I recognised the female track?—If the track was in clay country, it might remain for 12 months, but in soft sand, where the breezes blow, the tracks would soon disappear. One would have to draw upon one's imagination to say what that track was.

2430. I am referring to the banks of the river where the ground is interspersed with rocks. Natives follow along in single file. One native might put his foot on a soft place, and the others might step on to the rocks. A man would have to be an expert to be able to swear that he could identify these tracks as belonging to three females?—If the tracks were sufficiently defined, a man could say they were three definite tracks. If you showed me three native tracks, and these tracks were clear, I could tell you whether one native or three natives had made them. I could do the same in the case of the footmarks of white men. If the tracks were not new and not sufficiently defined, no one could say that they were similar tracks.

2431. If you were out tracking a native you trusted and who was a good tracker, and you came upon tracks you considered you could see clearly, and he told you that they were made by four or five natives, and if you followed the tracks to the end and you found the tracks of only four natives instead of five, you would go back and look for the fifth track?—Yes, if you were following five tracks.

2432. If you were following five natives, walking in single file, could you count the number of native tracks and identify them?—A white man could not do it, but the boy would point them out to you.

2433. By Mr. NAIRN: You are rather in the dark as to the facts. Inspector Mitchell tells us that on the side of the river bank the natives had told him they could follow the tracks of three women. He was able to see the track of one woman recurring at intervals. He said the natives tried to identify other marks which they said were the tracks of two other women. He says he could not see them, but he relied on the natives being correct with regard to the number. Would you place any such reliance on the statement after so much time had elapsed?—I would not dream of doing so.

2434. By INSPECTOR MITCHELL: Suppose at the end of the tracking you found three different sets of teeth around the stump of a tree. Would you come to the conclusion that they were the teeth of three

adults?—I would only deal with the facts as I found them. They may have come in from some other direction.

2435. But these tracks tracked to that spot?—If a person is accustomed to tracking, and there are three tracks, and the tracks are defined, he can say they are native tracks. If, however, these tracks are not clear impressions, no one could say by whom they were made. A man could not say it was a native track if he could not see that it was so.

2436. A native tracker can distinguish between a male and a female track?—If a native is reared amongst a tribe of natives, and you take him to a mob of tracks that are fresh, he can tell you the name of every man, woman and child who has made the tracks, and you can rely upon the information being correct. Once tracks have been subjected to the wind, and they have been blown over, and the tracks are not visible, I do not see how any trackers could say that they were tracks made by natives.

2437. INSPECTOR MITCHELL: I have sworn that one track was clearly visible to me.

2438. Rev. GRIBBLE: With reference to the picture of a native hanging from a tree, though it is a gross exaggeration, there is a foundation for it, strange to say; and I have had nothing whatever to do with that.

2439. Mr. NAIRN: You said it was a myth.

2440. Rev. GRIBBLE: It is not quite a myth; there is a foundation for it. The sister in charge of the school allows the children on a certain afternoon in the week to do sketching, and they are supposed to sketch anything they like. At the time De Lancourt passed through, little sketches were placed on my table showing De Lancourt leaving the station with his donkeys and the whole cavalcade. After the visit of the police the little boys were very much taken with special Constable Jolly, owing to his broad-brimmed cowboy hat, his long-necked spurs and so on; and he figured one week in most of the sketches. Some time afterwards, when certain rumours came to the station with reference to the disappearance of these well-known natives, Jolly again figured in the sketches—this time Jolly hanging to a tree and a black boy shooting him, with a string of bullets going through the air at him, and underneath were the words "Got him." I infer that that little sketch has either been talked of or shown by some member of the staff to friends in Wyndham, and hence the story given here this morning that I was showing round to natives a picture of a native hanging from a tree, which was, of course, a gross exaggeration of the facts.

2441. WITNESS: It was said that there was a policeman in full uniform with his cap and all on. That was what I heard at Wyndham.

2442. Mr. NAIRN: It shows what was the prevailing idea at the mission.

2443. Rev. GRIBBLE: It goes to show the atmosphere at Wyndham.

2444. By the COMMISSIONER: You remarked that you had had considerable experience with natives in the North-West and elsewhere in the State, arresting them, I presume, and so on?—Yes. I was stationed six years on the Nullagine, from 1898 to 1903, and we used to be most of the time out after natives. In fact, I went out and brought in the Braeside murderers. In 1917 I had to go up to Kimberley over the disappearance of Bowers, partner in a station with Saddler. At first it was rumoured that the natives had killed Bowers. I had to chase up hundreds of natives before I proved beyond a shadow of doubt that the natives had nothing to do with it.

2445. Did you find it necessary to have a force of say, six or seven whites and about seven trackers, together with horses, to accompany you on these expeditions for arresting natives?—I had four whites. If you want to make a successful raid on a camp, you require to have a big crowd with you. Natives are cunning. If you are following up the tracks of natives, and those natives come to a rock hole, then, if they know that warrants are out for them, one lot will camp in one spot and another lot will camp three or four miles away. The result is that when you raid a camp you get all the old quiet natives, whilst the fellows you want will have gone for their lives.

2446. Would you take any considerable amount of ammunition on an expedition of that description?—My word, yes! And not only for the purpose of arresting

natives. You want ammunition to procure food. The time we were out after the Braeside murderers, we had to shoot our meat during the last three weeks. You have to depend on your rifle for meat.

2447. How much ammunition would you take on a fortnight's expedition, say?—When you go out on a stunt like that you do not know whether it is going to last a fortnight, or five weeks, or three months. We generally used to take about 500 or 600 rounds. It all depends on how long one is likely to be. On the trips I had out after natives, I generally had authority to shoot what meat I wanted when in cattle country; but when you are beyond cattle country you have to depend on your rifle. With a lot of natives on a chain, you have to get a lot of food in order to be fair to them.

2448. Would you employ native trackers to assist you in those expeditions?—Yes.

2449. Would you have those native trackers armed?—Yes. My natives always had the same as I had, a rifle and a revolver. Otherwise you would not get the natives to go out into strange country, and you could not blame them either.

2450. What description of rifles?—The .44 Winchester, being the department's issue, and a Webley revolver. I always had my own .32 rifle.

2451. Would the natives armed with these weapons be allowed to go ahead of the party for any distance so as to be out of the control of the officers?—No. When we raided a camp, one white would always have a tracker with him. We used to go out at daylight, and be always together. In my experience of natives we always rounded them up that way. I believe that in some parts of the Kimberleys it is impossible for a white man to get where the natives go—up in the hills and rocks.

2452. Please look at these bullets (produced). Have you any idea what class of bullets these are?—They are out of a Webley revolver. Of course they have been dumped.

2453. No; they have just been pulled out of the cartridges?—I should say this one (produced) would be out of a Webley revolver. The other one is a larger size. It would be hard to say whether the flattened bullet which is produced was a Winchester or a Webley, but I am of opinion that it is a .44.

2454. Do I understand that in your experience of employing armed trackers to assist you in your duties as a police officer in arresting criminals, the trackers were never allowed to get out of the control of the white officers?—I would not say that. When you have a tracker out with you, your tracker is often away out of your control. In the morning you are generally out of camp at daylight, and your horses have wandered all over the place during the night, and your trackers are out before daylight after the horses.

2455. They would have to be armed during that time?—Certainly.

2456. It is not always practicable, then, for the trackers to be under the control of their officers whilst they are out?—No. I do not see how it could possibly be done. You have to trust to your tracker to a certain extent all the time, since he could get up any hour of the night and clean the camp up if he wished to. All the trackers are well armed. I may say that I never talked to my trackers or spoilt them by treating them as equals. That is the sort of treatment that spoils a good boy. I never had any trouble with my trackers. Natives, however, are peculiar. A boy might be away out in the bush with you and might want to go to some special function that is on at a station. You shift the next day, and that night, when you get into camp, the boy might be missing. If there was something special on demanding his attention at a station, he might drift away to it.

2457. From your experience you do not think there is any substantial objection to arming trackers when out on an expedition?—It would practically do away with the usefulness of the tracker if he were unarmed. He would not move from your side if he were unarmed. Suppose you are going over bad tracking country and are on certain tracks here, then you might send a boy on ahead 200 or 300 yards, or perhaps a quarter of a mile, where it is hard tracking, and so jump a space. In that way you get over the country much more quickly.

2458. By Mr. NAIRN: In the Kimberleys the .44 is the common class of ammunition amongst civilians as



well as the police?—Yes. The .44 and .32 Winchesters are the general rifles throughout the place. Some of the people have other rifles.

ERNEST CHARLES MITCHELL, Inspector of Aborigines operating throughout Western Australia, further examined:

2459. By the COMMISSIONER: I understand you wish to produce two sticks, which were mentioned in the evidence, found near the fire at Gotegote-merrie?—Yes, I produce the sticks (Exhibit M). They were found in the water near the fire at Gotegote-merrie. They were found to the left of where the charcoal and other calcined bones were discovered. Waybram picked them up. They were in the water with a big stone on top of them.

2460. They were sunk in the water?—Yes. We noticed the fire marks on the sticks, but they have been brought down in the car and the marks have been somewhat rubbed off. They have been in the possession of the department. They look as though they had been used as pokers for disturbing fires.

2461. By Mr. NAIRN: Can you show any trace of charring at all on the sticks?—Yes.

2462. I think a magnifying glass would be required to discover any?—I do not think so.

2463. The COMMISSIONER: There is a trace of a fire mark on one of the sticks at any rate. For my own information, Mr. Nairn, can you tell me whether you propose to call any evidence?

2464. Mr. NAIRN: I do not know at this stage whether I shall call any evidence. I would prefer not to be definite on the matter at present. If I call any evidence, the witnesses will be brief.

The Commission adjourned.

FRIDAY, 6th MAY, 1926.

DONALD STEWART MACKENZIE, sworn and examined:

2465. By Mr. NAIRN: You are a duly qualified medical practitioner, and were formerly Chief Resident Medical Officer at the Perth Hospital?—Yes.

2466. Have your medical authorities ascertained by actual experiment the amount of fuel required to consume a human body?—Yes.

2467. Will you inform the Commissioner of the result of those experiments?—A classic experiment was conducted in 1906 by a Dr. Golden, in Wisconsin, America, in relation to a murder charge. In that experiment, an adult body, 160lbs. in weight, and of a height of 5ft. 8in., was consumed in 4½ hours in the open air. The wood used was two-thirds of a cord of green maple, while the human residue was about sufficient to fill a cigar box.

2468. You know something about North Australian woods?—Yes, Queensland woods.

2469. How does maple compare as a fuel with our north Australian woods?—It would be something like box, a heavy dense wood. It would be a better burning wood than bloodwood, or any of those other woods.

2470. Does a thin body or a fat body burn the more readily?—Usually, the fatter body burns the more readily; it is more combustible.

2471. By Mr. NEVILLE (representing the Aborigines Department): What were the climatic conditions of that experiment?—It was carried out in the open air at Wisconsin. I do not remember whether it was in the summer or in the winter.

2472. At all events, fire there would not burn so freely as it would in the north of this State?—I do not think it makes very much difference in the open air, unless the weather is moist.

2473. By the COMMISSIONER: If there is any residue of a human body after treatment by fire, what would you expect to be the portions least consumed?—There are always two portions that one would almost certainly find in quite identifiable amounts, namely, the teeth, and parts of the temporal bone. The limb bones are not nearly so likely to be left identifiable. Teeth

sometimes will resist even cremation, which is carried out at about 1760 degrees centigrade.

2474. About what weight would two-thirds of a cord of wood be?—The weight would depend upon the nature of the wood. I think, generally speaking, about 1½ tons represents a cord.

AUBER OCTAVIUS NEVILLE, Chief Protector of Aborigines, sworn and examined:

2475. By the COMMISSIONER: You are the Officer-in-Charge of the Aborigines Department?—Yes.

2476. Principally I want to examine you about police methods in the employment of black trackers. I think there has been some correspondence. Will you be kind enough to let me know what has taken place in this regard?—The files of the department contain numerous references to tracking, to the methods in vogue, and the protests I have personally made from time to time against the system. I have no quarrel whatever with the police or the Police Department. The police, as a body, render my department magnificent assistance right through the State. The individual constables are very often protectors of aborigines themselves, and they have rendered yeoman service; but there are exceptions to every rule. It is the system I object to, not the officers operating it. I have held my present position for 12 years, and have closely studied this matter from the beginning, as I felt it was not satisfactory in some respects. Beyond speaking to various inspectors of police in different districts, I did not raise much written protest until I had occupied the position for some years, because I wanted to be sure of my ground. In 1924 I wrote to the Minister controlling the department, and said I was not satisfied in respect to the matter of shooting natives generally by the police. In this particular case the boy's arrest and trial might have revealed the true motive for the deed, which no one saw him commit. There are quite a number of similar instances, and one or two similar protests on my part.

2477. Was that protest against the shooting of natives by trackers?—By the police, I said, in that instance. In that case, it was alleged that a police party shot the native. Whether it was so, I do not know, but the native was shot. I raised a more vigorous protest than that. In 1922 I wrote another minute to the Minister on the same subject, and said "I should like to enter another protest against the arming of black trackers in any circumstances. It would be better to send out a sufficient number of white men to effect the arrests than send a number of natives, probably emanating from different tribes, into a camp where they would in the ordinary course of things, be regarded as enemies, armed with rifles, anxious to show their superiority, and probably quite unable to restrain their natural impulse to shoot, if not to kill." I mentioned these matters to the Commissioner of Police personally on more than one occasion, but, if I remember rightly, he told me that the trackers were not armed. I have kept these instances and others to show that the Commissioner has been misinformed. He must have been misinformed, because the records clearly show that the trackers have been armed, and armed in numbers. The tracking system seems to have developed from the employment of a single tracker, who is a very useful person and indispensable, to the engagement of mobs of blacks to accompany the police, round up camps, and as has been done on some occasions, promiscuously shoot. To that I object. In my position, I must naturally look at this matter from the point of view of the native, but the police look at it from the other side. It has often been said that the Constitutions of the Australian States founded the belief that equal justice would be given to black and white, because our laws apply to both. That is all right, so far as it goes. Unfortunately, when we arrest a black, we do not treat him as we would a white in the same circumstances. No enlargement on that point is needed. The employment of trackers, generally, is a necessary evil, that is, as regards the individual tracker. The taking of trackers from prison, the making of a man who has murdered someone into a tracker to track his own kind, is, in my view, wrong, more especially if the man comes from the same part of the country in which he is going to track. Lately, I have found it necessary to refrain from returning to their own country, some ex-prisoners, who have

been employed as trackers, in order to ensure the safety of their lives. If a tracker has to be employed, it is better he should be drawn from another part of the State. The tracker is then just as much a foreigner to these people as we are, and if he is used for tracking only, well and good. It has often been alleged, and I have been told, that trackers do not work alone. That is not so, for I can prove it in more ways than one. I have, myself, met trackers in the bush with an arrested man and woman in their custody, miles away from any police station. In the papers of the department, it is shown that trackers have been sent alone for some distance to round up different camps. The papers are full of instances in which trackers have been sent away alone for hours at a time.

2478. Have you any specific instance to which you can refer?—The first instance I allude to was connected with the arrest of a woman near the Fitzroy Crossing in 1924. Then there is an instance in the police records showing that a body of natives was sent away alone to do work of this nature—see Police File 7871/21. I think you will find that the constable in charge sent the natives off alone.

2479. Were they armed?—Yes. In the instances to which I refer the natives were armed, with the exception of the natives I met myself. I cannot say whether the latter were armed or not, for I did not ask them, but they were well equipped. When a tracker goes amongst his own kind he becomes a hero. The highest ambition of an aboriginal is to become a police tracker, so that he can use his power over the other blacks. Imagine a native taken from a wild tribe, say, near the Drysdale River, sentenced to some considerable term of imprisonment, released, and put on to tracking for two or three years, and then sent back to his own country, where he becomes a king amongst his people. He intimidates and does what he likes with them, because of what he has learned from the whites. That is the type of man I cannot send back to his country. I admit that the police have a particularly difficult job to carry out when it comes to arresting native offenders. In my view, the police naturally seek to protect themselves as far as possible, and they use the native tracker in a manner in which it was never intended he should be used. Probably financial considerations have a good deal to do with it; it costs money to employ white police whereas blacks can do the work. But, from the aspect of equal justice, if we went out to catch a white man, we would not do it in that way. You do not want my views on how it should be done; that is beside the present question altogether. The arming of these native trackers is an undoubted fact. It depends on the individual policeman whether they are well armed or badly armed, whether they have much ammunition or a little ammunition. Some policemen are very cautious, and only give them a round or so; others give them a good deal more, and there is nothing a native likes better than to shoot off a gun. I have been told on more than one occasion that native trackers were not armed. I think this is about all I want to say on the subject.

2480. Certain suggestions have been put before the Commission, and I would like to get your opinion on them. One suggestion is that all expeditions for the arrest of native criminals should be accompanied by a protector if possible, and a responsible police officer. Do you agree with that?—Both the suggestions are good.

2481. Another suggestion is that if a native from a reserve is wanted by the police, the police must work with the co-operation of the superintendent of the reserve?—I think any reasonable policeman would do that to start with. It is the course which naturally suggests itself. I think the adoption of the suggestion would help considerably.

2482. That trackers be not allowed to carry fire-arms, but that the police protect their trackers, who, after all, are merely servants of the police?—I agree that trackers should not be armed in any circumstances.

2483. That the custom of sending trackers armed to effect the capture of natives be discontinued, and that the police do their own work of arrest. I think your remarks bear that out pretty well?—On that point I would go further. The arrest of a native for a native offence should be in the hands of the Aborigines Department, not the Police Department. In that respect we are quite out of date in Western Australia.

2484. Do you know of such a system being in force in any other State?—Not in Australia. You have to go outside Australia to find that. You have to go to Africa, for instance. I could allude to Kenya and other States where the Administration relies upon the natives themselves, through their head men, to bring in the offender; and the system apparently works admirably.

2485. Do you think that system would be practicable under the conditions obtaining in the North-West?—Not at present. It would take some considerable working out, and it would also take some time to get rid of the present position, which has been created by the tracker system.

2486. That trackers be engaged over a term of years and trained for their own particular work, and be taught not to shoot but to help in seeing justice done to their own people?—That is my idea too. There should be a native constabulary for the purpose of arresting native offenders, but I am not at all sure that it should be a police constabulary; I think it should be run by the Aborigines Department.

2487. That trackers should not be employed by the police in their own districts?—That has its evils, certainly; but sometimes it is very difficult to avoid it.

2488. That trackers must be married men as far as possible?—I agree with that.

2489. The COMMISSIONER: These suggestions have been put forward by Mr. Gribble, who has had a very large experience amongst natives in this and other States. Another suggestion of Mr. Gribble's is that as things are at present, no native tracker's evidence be taken against his own countrymen. I do not see how that could be worked very well. If a native tracker's evidence is reliable, it should be taken against anybody. What do you mean by "As things are at present," Mr. Gribble?

2490. Rev. GRIBBLE: At the present time most of the convictions secured against cattle-killers are obtained on the evidence of native trackers alone. In any case, that is native evidence taken against their own countrymen. On the other hand, evidence of natives is not taken as reliable in other cases. We cannot have it both ways. If native evidence is unreliable when a white is involved, it should not be admissible against the native's own countrymen.

2491. The WITNESS: A native in giving evidence is just as likely to be influenced against, as for, by the tribe.

2492. The COMMISSIONER: Mr. Gribble is rather confusing the point, I think. A native's evidence, of course, is acceptable against a white person; but whether it is recognised by the whites as reliable is another matter.

2493. Rev. GRIBBLE: "As things are at present" refers to the present system.

2494. INSPECTOR MITCHELL: Natives are more venomous against strangers than against their own tribe.

2495. By the COMMISSIONER: Another suggestion is that native witnesses should not be incarcerated in the same cell and on the same chain as the prisoner in whose case they are witnesses?—I thoroughly agree with that.

2496. It seems to recommend itself?—Unfortunately it cannot very well be avoided in some of the small lock-ups and gaols we have.

2497. INSPECTOR MITCHELL: I am assured that in Wyndham it cannot be avoided under present conditions. There is an opening at the top where the natives get out.

2498. Rev. GRIBBLE: I am an official visitor to that gaol, and I say it can be done. There are two other cells.

2499. The WITNESS: Why should the witnesses be chained? There is no right to chain a witness.

2500. Rev. GRIBBLE: They are always chained.

2501. The WITNESS: I know they are.

2502. INSPECTOR MITCHELL: When Lumbia and other witnesses were chained together, a hole in the roof was pointed out through which natives had escaped. It had cost considerable money to get them back again.

2503. Rev. GRIBBLE: That has been repaired since.

2504. The WITNESS: They certainly should not be together in any case.

2505. The COMMISSIONER: Another suggestion is that there should be better treatment of native witnesses and prisoners. I have had no instances brought before me in evidence of ill-treatment of witnesses.

2506. REV. GRIBBLE: That recommendation simply has to do with the previous suggestion as to chaining of witnesses.

2507. The COMMISSIONER: Another suggestion is as follows:—"A native witness's evidence in a court of law (there is an abundance of unreliable evidence from whites in every court of justice at the present time) to have the same weight as any other evidence." I do not think we need go into that.

2508. Mr. NAIRN: I would like to hear Mr. Neville's opinion on that point.

2509. The WITNESS: If we carry out the precepts of the founders of the Constitution, we are supposed to give natives the same consideration.

2510. By the COMMISSIONER: I know of no distinction that is made?—In point of fact, it is impossible sometimes to do what is suggested. You find natives prevaricating in court, influenced by various means. You have had instances of that in this inquiry; you have had different statements from the same natives.

2511. Another suggestion is that night raids on native encampments by police be prohibited, as in these encampments are always many women, children, and old and helpless folk?—That is part of the whole system to which I have raised these objections.

2512. The COMMISSIONER: That the travelling of native prisoners and witnesses be seen to and reforms made. Perhaps Mr. Gribble may give us a little information as to that suggestion.

2513. REV. GRIBBLE: I make that suggestion relative to the case of Billyjoe, who was travelled by police in the heat of the day over hot sand, and arrived in Wyndham in such a condition that in the course of a few days the soles of his feet came off in one piece from the toe to the heel. He was in the hospital for some months. I have here an extract from the Wyndham hospital records in Dr. Adam's handwriting (Exhibit N):—

Billyjoe in gaol from 8/11/24 to 22/1/25. Exfoliation of skin on soles of feet. Highly septic. Abrasions both knees. In hospital from 22/1/25 to 18/3/25 for granulated wounds both feet secondary to exfoliation of skin from highly septic burns contracted by forced marching as a prisoner. Aged about 22. Discharged from hospital convalescent. Contracted toes, unable to bear pressure on soles of feet, and probably more or less crippled for life. First reported Controller General 1/4/25 and every quarter since.

There are two other cases mentioned in this extract, but they do not deal with that aspect. There may have been other instances similar to that, but I should say that was an extreme case. I have always drawn the attention of the Commissioner of Police to such instances when I have known of them, and to my knowledge he has always issued instructions with the object of preventing such occurrences. In my opinion, the instance quoted was purely accidental and, as I indicated before, much depends upon the individual police officer.

2514. By the COMMISSIONER: The last suggestion is that the police be prohibited from disposing to their own profit of weapons and curios taken from the natives. Also that the police be prohibited from disposing, to their own profit, of the scalps of dogs shot at native camps?—I have heard a good deal of that sort of thing being done in different parts of the State. There should be a definite rule that the police be not permitted to trade in any shape or form with aborigines or half-castes.

2515. Have you reason to believe that such trafficking has gone on?—Yes. I do not desire to give instances, but I have grounds for what I am saying. I mean actual trading for money.

2516. Reverting to the case of Billyjoe, you said that in your opinion that instance was "purely accidental." In what way could it be stated that the travelling of a native in such circumstances could be regarded as purely accidental?—I intended to say that that was an isolated instance.

2517. One could hardly understand such an instance being accidental?—No, not in that sense; it was accidental in the sense that it was isolated.

2518. By Mr. NAIRN: I think you said that Dr. Adams was quoted as being solicitous concerning the natives. Did you ever hear of an operation conducted

by Dr. Adams on a police native named Quartpot, during the course of which he removed the testicles and penis?—Yes, I personally examined the native to find out.

2519. The statement proved correct?—Yes.

2520. Did you get any other medical opinion to ascertain whether the operation was necessary?—Yes. Dr. Atkinson gave his views. I think he said, in effect, that if what Dr. Adams had stated in his report was correct, that doctor had probably taken the only action that was possible. Of course, this evidence is merely second-hand information, but it appears on the files.

2521. Dr. Atkinson did not examine the police boy?—No.

2522. By the COMMISSIONER: He went on Dr. Adam's report?—Yes, purely on the medical report.

2523. By Mr. NAIRN: You told the Commissioner that you considered police trackers should not be armed, and you gave an instance of a tracker who, without being armed, arrested a man and a woman. Where was that?—That was about ten miles or so from Fitzroy Crossing.

2524. Did the tracker have to go far into the bush?—I think the natives were a day ahead of the tracker.

2525. Was the arrest of those natives effected in the tracker's own country?—I think so, I really do not know exactly where he came from.

2526. In his own country he might enjoy immunity, but do you not know that when a black goes into the country of another tribe he is liable to be speared?—It depends upon the relations existing between the tribes. In some instances, where the tribes inhabit bordering districts, they are most friendly. In other instances, there may be a hostile tribe operating over country occupied by friendly tribes. Thus it all depends upon the relations existing between tribes.

2527. The police say that no native trackers will go into the bush unless they are armed. They say the natives would not do any tracking in such circumstances, as they would be afraid for their lives. Do you dispute that statement?—Under the present system, probably the trackers would not do so. I refer to the system as it has grown up to-day.

2528. What would be the use of native trackers who would not go out to track because they were unarmed?—I do not mean to say that the trackers would not go out with the police. They would accompany the police, although unarmed. They would not go out alone.

2529. You consider that the native trackers should always be within eyesight of the police?—Exactly, under the immediate direction of the police.

2530. Have you ever been with a party following natives?—Not with the police.

2531. You merely regard this problem from the standpoint of the native?—No.

2532. You have no idea of what pace could be attained under the method of tracking you suggest? Under such a method, would the police seldom get up with the native offender?—It would all depend upon how much native cunning the policeman had; he might be able to circumvent them in some way.

2533. You do not consider the apprehension of the native as the most important part of the duty involved; you look at it from the point of view of the aborigine?—Not at all. I suggest a different method.

2534. You suggest establishing your own police force?—Not exactly. For instance, Lumbia could have been arrested without the assistance of the police at all except, perhaps, for one or two men.

2535. You do not suggest that all native prisoners could be arrested in that manner?—My suggested system has not been tried.

2536. Do you really think that, generally speaking, the police could have native offenders handed over voluntarily by the natives themselves?—Not under the existing police system.

2537. Would you take the arresting of natives out of the hands of the police altogether?—Is that matter in question at all? I am not prepared to go into the details of my suggested scheme at present.

2538. The COMMISSIONER: I asked a question regarding the employment of trackers.

2539. By Mr. NAIRN: And the witness suggested that the arresting of natives should be in the hands of the Aborigines Department?—No; I said that in cases

of native offences—that is, offences against natives by natives—it would be much better for such matters to be dealt with by the Aborigines Department. The natives are afraid of the police, but not of the Aborigines Department.

2540. But that would not touch the principal offences in the North, such as cattle spearing, and so on. Do you say it would be possible to deal with such cases through your department, and not through the police?—I am not prepared to reply to that question. In cases of murder and so on, naturally the police must take a hand, in conjunction, I suggest, with the Aborigines Department.

2541. What assistance would your proposal be to the police in bringing offenders to book?—I am not prepared to answer your question.

2542. When it comes to practical matters, you are not prepared to answer questions?—Not at present.

2543. By the COMMISSIONER: Did you not suggest that a protector of aborigines should accompany the police when seeking to effect the arrest of a native?—Yes, I agree with that. In some cases the constable would be a protector for the natives.

2544. That is the extent to which you are prepared to go at present?—Yes.

2545. By Mr. NAIRN: You say that the police only should effect arrests which should not be carried out by native trackers?—Yes, the white police should effect the arrests.

2546. Have you heard of the case of Pigeon, who eluded arrest for many months?—That is a very old case, and occurred before my time.

2547. Do you consider that in such an instance your proposal could be followed?—Yes. The police would have to bide their time. If a white offender gets away, the police have to bide their time.

2548. Do you think that methods adopted in effecting the arrest of whites are applicable to the arrest of natives in the Kimberleys?—If a white man eludes justice in the Kimberleys, the police have to bide their time until they can arrest him.

2549. But do you think that system is applicable to natives?—I realise that the police must employ native trackers, but not for the purpose of arrests.

2550. Then you suggest that if a native tracker finds the offender, instead of catching him at once, so as to prevent him from getting away again, the tracker must go back and report his discovery to the police officer?—If the suggestion I made were carried out, the tracker would have with him a policeman.

2551. To you, then, it does not matter if the arrest takes some months?—It would all depend upon the circumstances.

2552. At any rate, time is no matter to you?—I have known of a native suspected of having committed a crime, being shot by the police although the native had never been seen committing the crime, nor yet had it been proved that he had committed the crime.

2553. That would be an instance of excess by an individual police officer?—That is why I make the suggestion.

2554. You suggest that the police should be instructed that natives are to deal with tribal cases, and not the police themselves?—That might be so.

2555. You have never lived among the natives in the Kimberleys?—I have been in the North a good deal, but have not actually lived among them.

2556. You have never been in the rough country where the police party had to go?—Yes. I know some such country, although not the country the party actually traversed.

2557. You have never had personal experience amongst the natives?—Yes.

2558. I suggest that you are a city man forming your opinions in your office in Perth, and that you do not know much about the North?—I have spent about 12 months in the North. I have come into direct contact with the natives in their camps and at the missions and stations. I have dealt personally with scores of natives, and do not consider myself altogether a city man.

2559. You object to night raids on the camps of natives?—Yes, I object to that as part of the present system.

2560. What is your real objection to raids at night?—Because of the shooting.

2561. But the shooting might be done in day time

just as at night?—I do not think so. The police say that the early morning is the best time for raiding camps.

2562. When do you suggest the police should make their raids?—I am not prepared to say.

2563. You object to raids at night or in the early morning, yet you cannot say when the raids should be carried out?—Because I object to the raids.

2564. You object to them altogether?—Yes.

2565. Do you object altogether to natives being brought to justice?—Not at all.

2566. How can the police arrest some natives without raiding camps?—The tracker will be able to inform the police as to the presence of the wanted native in the camp. I realise that the police must employ trackers.

2567. Your idea is that the tracker shall always be alongside the police. How can the tracker know whether the offender is in the camp until the camp is raided?—They have various means of knowing.

2568. By the COMMISSIONER: I assume you refer to the tracks that may be in or around a camp?—That is partly it. Then the natives have an extraordinary sense, second sight, or something, beyond us entirely. They can say who is talking in a camp of 50 voices, merely by listening outside. In that respect they can do all sorts of wonderful things that we cannot do. They will say that such and such a native is in that camp, and it is so.

8569. By Mr. NAIRN: Are you speaking from your own experience?—Yes.

2570. By the COMMISSIONER: In an address to the Perth Women's Service Guild recently, you purported to give the exact number of natives in Western Australia. You said there were 24,642 aborigines. How did you arrive at those figures, since there is no register of the natives?—We have the most complete record of native statistics in Australia and have supplied to the Commonwealth authorities information that has given them the groundwork for their statistics. In today's "West Australian," or yesterday's, Mr. Gribble said there were no reliable statistics. That is incorrect. There are reliable statistics, but with this exception, that the outside natives, residing in country not inhabited by white men, are, roughly, assessed at 10,000, and that figure is added to our actual statistics.

2571. We were told that at the Forrest River Mission they have a roll of all natives who visit the Mission and stay a little while and depart; that the roll shows the dates of their arrival and departure, together with the names of the natives. Is that a reliable roll?—It is a very useful roll.

2572. Have you had occasion to inspect it?—I do not think such rolls are very reliable, for very often two or more natives bear the same names. Thus you may get half-a-dozen Lumbias.

2573. We are told that, according to this roll, 30 natives are missing and have not been seen since the alleged atrocities were committed. Can the Commission place any reliance on the fact that the names of those 30 natives have not recently appeared on the roll?—I think the roll is reliable only in respect of those names of natives who can be definitely identified; I do not think it can be accepted generally. The missing natives may have gone on a journey.

2574. You do not keep a record of the births and deaths of natives?—Not of the births, but we record all deaths.

2575. By Mr. NAIRN: This roll shows us that many bush natives came in perhaps once or twice a year, stayed a few days or more and departed. Can the fact that out of something like 600 natives, 30 have not appeared at the mission since the alleged shooting, be accepted as reliable evidence that those natives have been destroyed; might they not have gone on a journey or died from natural causes, such as influenza, which is said to have been raging in the district?—I think if they had gone on a journey or died a natural death, their own people would know of it, and would enlighten the mission authorities.

2576. You seriously think their own people would come into the mission and report that some of their numbers had gone on a journey?—It is customary for natives to come into various stations and say so-and-so is sick or dead. We then send out help if necessary. It is the custom of the country.

2577. But where out of 600 natives a few go on a journey, you do not suggest it is customary for someone

to come into the mission and report it?—Some of those names may have been perfectly reliable, whilst others perhaps were not. If Mr. Gribble knew those missing natives personally, and could pick them out, he would be entitled to say that such and such a man was missing.

2578. No, only that he had not been back to the mission. We have it that many of them do not return to the mission for 12 months or more?—But a native who was merely staying away would be able to establish through his friends some reason for not returning to the mission.

2579. The COMMISSIONER: Perhaps Mr. Gribble, who is the keeper of this roll, could give us a little explanation.

2580. Rev. GRIBBLE: The natives on the Forrest River are divided into three classes, namely, (a) the permanent residents, (b) their relations and others within the immediate vicinity of the station, up to a radius of, say, 16 miles, and (c) the great army of natives from far afield who come in only once or twice a year. Of the natives missing, every adult was intimately known to us and has been known for the past 14 years. Their habitat is within a radius of 16 miles of the homestead.

2581. Mr. NAIRN: Then, if that is so, of course they have not been killed at the places where the police had their camps, for those camps lie at a distance of far more than 16 miles from the mission.

2582. INSPECTOR MITCHELL: No, certainly not.

2583. The COMMISSIONER: The plan shows that all those camps, even the No. 3 camp, the last spoken of, are within 16½ miles of the mission.

2584. Mr. NAIRN: What plan is that, is it a survey? Who prepared it?

2585. The COMMISSIONER: It is the original map issued by the Lands Department.

2586. Mr. NAIRN: But the map I saw was very vague. It gave the direction of the Forrest River only approximately and it did not indicate where any of these camps were.

2587. Rev. GRIBBLE: It distinctly gives the course of the Drysdale River.

2588. Mr. NAIRN: But there was no alleged killing on the Drysdale River.

2589. The COMMISSIONER: It gives the locality of these camps.

2590. Mr. NAIRN: But not as determined by any competent surveyor.

2591. The COMMISSIONER: No, that is so, but the distances are taken from the evidence of persons who have travelled those distances and can speak of them. That is the way I have located these places as nearly as possible, and I find they are all within 16½ miles of the mission.

2592. By the COMMISSIONER OF POLICE: You said the police shot a native in 1924. Which case were you referring to?—The shooting of Willie, over the border of the Northern Territory. Willie was suspected of having—

2593. Suspected of having committed a murder?—No, the victim recovered, but it was attempted murder. The victim was a half-caste.

2594. You are not referring to the shooting of two white men at Billiluna by a native?—No.

2595. You mentioned a mob of natives having been sent out. Did you draw attention to that?—What I meant was that instead of taking one or two trackers, the police take more, and so it becomes an armed mob of natives.

2596. Did you draw attention to that particular case?—It has been done in several instances. In the case of Willie there was a little army of them. Willie was supposed to have murdered a man, and the police went out to arrest him. He was not even charged with the crime but he was shot by a police party. Nobody saw it done; it was done in the middle of the night.

2597. There was strong evidence that he had committed the offence?—That is so.

2598. He resisted his arrest and was shot?—He raised his spear. I do not deny that.

2599. And in the Billiluna case also the native shot at the police party and they were compelled to shoot him?—One very good reason why he was shot down was because he had a better rifle than the police had.

2600. You admit that he committed two murders?—I do not deny it. I have not instanced that case.

2601. You say you object to murderers being used as trackers. You refer, of course, to tribal murderers?—Yes.

2602. Do you think it practicable for a tracker born down south to be used in the Kimberleys?—He would not be of very much use there.

2603. Is it not a fact that North-West natives are afraid of Kimberley natives?—They should be under the protection of the white police. All hostile natives are afraid of each other.

2604. The police cannot be at their elbow all day and all night?—No. The Hall's Creek native is afraid of the Derby native.

2605. Are you aware of the regulations in force in the Police Department with regard to the chaining of natives? I would refer you to page 6 of the police regulations?—I have not referred to the chaining of native prisoners, but to the chaining of native witnesses.

2606. Is it likely that native witnesses will remain in Wyndham or Derby if they are not kept under close supervision?—They should be kept under lock and key until they are required.

2607. Would they not be better off in the open air?—I cannot answer that. It depends on the circumstances.

2608. You know of the regulation with regard to relief to be afforded to natives who are in need of special attention?—Yes. The police are most humane in their attendance upon the wants of natives.

2609. You know of another regulation which says that natives must not be sent out to capture other natives?—That is honoured more in the breach than in the observance.

2610. Can you quote a definite case that you know of yourself of aborigines being sent out armed?—I have a number of instances. There are the reports of your own officers.

2611. Do you allege that the police were not with them?—I allege that they were not with them always.

2612. Can you prove that? It is all very well to make a general statement, but these men are entitled to justice?—Would you believe the reports of your own officers?

2613. Yes?—I must quote them. I have quoted one file and given you the number. On this you will find a report of Constable Archibald or Constable Cooney in which it is stated that natives were sent out in a certain direction to see if they could effect the arrest of a wanted man.

2614. But you admit that this is the regulation?—Yes. I have other instances. The police keep journals. Some of these have come before me at different times. With regard to the arrest of the native Willy, the journals state that the natives were sent out alone. Constable Flinders was the officer in charge on that occasion. There was an independent investigation made by Inspector Douglas, but nothing could be proved.

2615. You would not suggest that a constable should be at the elbow of the natives all the time, otherwise it would be impossible for an arrest to be effected?—I do not suggest that.

2616. Reference has been made to Dr. Adams operating on the boy Quartpot. Was there not a Commonwealth medical officer up there at the time?—I do not think he was there when the operation took place.

2617. Did he say that the operation was absolutely unnecessary?—I think he said afterwards, when he examined the boy, that it was not necessary.

2618. By Rev. GRIBBLE: You have mentioned night raids. Is it safer for the police to raid a camp at night than in the daytime?—The reason why the police approach a camp at daylight is that they get the natives at their slackest period. Natives corroborree most of the night, and go to sleep in the early hours of the morning. They are dead asleep at that time.

2619. It is the safest time for the police to approach a camp?—Yes. I raise no objection on that score.

2620. Would you deny that the Commonwealth statistics relative to natives are unreliable?—I think they are fairly reliable up to a certain point.

2621. Only so far as they deal with the natives we know and are in touch with?—So far as the Northern Territory goes the statistics are probably more unreliable, but they are fairly reliable in regard to Queensland,

and they are more so than with regard to Western Australia.

2622. Do you remember an occurrence similar to the one which was responsible for this inquiry, having been reported to you some years ago?—Unfortunately I do. It was on the 23rd July, 1922, that you wrote to me saying that you had heard from natives who had been coming this way in large numbers that the native trackers had penetrated into the country near the Durack River, and after making themselves friendly to a large camp of natives had suddenly shot them all in a ravine that it was difficult to escape from; that they further stated that no white police were there, only the police boys; and that they also said the country “all stink from the dead fellow.” That was the case of the murder of a half-caste named Harry Annear. Police parties were sent out to effect the arrest of the culprits. That letter was sent to the Commissioner of Police for inquiry, and careful reports were obtained from all persons concerned, including the trackers. In a minute to the Minister I said: “No doubt the police did their duty according to the time-honoured methods instilled into the force from the earliest days of the State’s history, but I am nevertheless bound to express the opinion that these methods are wrong, and not in keeping with the time. They can only force them to regard us as their enemies, and postpone our chance of making them law-abiding and useful people for many years to come.” I summed up in this way: “The police spend many weeks in seeking the so-called murderers. They round up some 20 different native camps with the aid of native trackers. The trackers are armed and admit firing over 20 shots. Natives are seen to fall. Others, male and female, are rounded up and secured, including the two men sought for. Some of the camps are described as hostile. Can it be wondered that they should prove so in the circumstances? The outcome of it all is that the prisoners are not punished because we would regard it as unjust to do so.” A nolle prosequi was entered in that case because the half-caste had stolen two of the women.

2623. By the COMMISSIONER: Was that the case concerning which Inspector Spedding Smith went out?—He investigated it.

2624. Did not Bishop Trower go out to investigate it?—Not then. That was out Durack River way. He was at the Forrest River Mission at the time.

2625. I think the Bishop reported that there was nothing in the allegations?—The investigations showed that no native had actually been shot, but we had to make the inquiry, and it proved that shooting had taken place.

2626. Mr. NAIRN: Mr. Gribble reported what is really a massacre of a whole camp in a gorge.

2627. Rev. GRIBBLE: I reported that there were rumours of it.

2628. By Mr. NAIRN: The result of the investigation showed that there was nothing in it?—The Commissioner of Police summed up the situation by saying that the police acted in self-defence while endeavouring to effect the arrest of the murderer.

2629. You found no justification for Mr. Gribble’s report?—No. We found that natives had not been killed.

2630. By Rev. GRIBBLE: The reporting of the rumour led to the investigation and to this result?—The individual reports of the police might be read in various ways, but it is no use raising that point at this stage.

2631. By the COMMISSIONER: You suggest discrimination between native and white evidence as set out in the Constitution. What is your reference to that?—I am referring to the foundation of Australia. I think Governor Davey in a proclamation referred to the white man and the black man as being entitled to equal justice, and in our own State Governor Stirling issued a proclamation to the same effect.

ROBERT CONNELL, Commissioner of Police, sworn and examined:

2632. By the COMMISSIONER: You have heard what has been said about the police methods in this inquiry, and I would like you to tell me shortly what is your opinion as to the employment of trackers in connection with police work in the North-West?—I say at once that I have not been out in Kimberley and have not done police duty there. Therefore, I have not the intimate knowledge of that country which, for instance, Inspector Douglas possesses. I maintain that a person must live in a district for some considerable time before he can get anything like an intimate knowledge of the conditions there; anything he says apart from that is hearsay. We have regulations dealing with the treatment of aborigines, and if you desire it I will read them:—

The police generally are required to render all the aid in their power to ameliorate the condition of the aborigines, and to enforce the law against persons committing breaches of the Aborigines Act, 1905, as amended by No. 42 of 1911 and regulations.

No member of the force must witness any agreement under the provisions of 5 Edward VII., No. 14, until he has satisfied himself that the aborigine is acting in a perfectly free and voluntary manner in the matter, and is not under any sort of fear, coercion, or restraint, and that he thoroughly understands the agreement he is entering into.

In cases where the constable himself is unable to understand the aborigine, he is not to endorse any such agreement without obtaining the assistance of an independent and trustworthy interpreter.

Should a justice of the peace be readily available, no member of the force shall undertake to endorse any such agreement without previous reference to him.

The police are not to arrest aborigines for cattle stealing, except where direct evidence is available; and when aborigines are found with beef in their possession and are arrested for being in the unlawful possession thereof, only the ringleaders or, if necessary, those who are found with the alleged stolen property in their possession shall be arrested, and they shall be taken before the nearest justice of the peace.

In connection with that, I say that during my time the cost of maintaining unsentenced prisoners has fallen from about £3,000 a year to about £400, notwithstanding that the cost of living has almost doubled.

The police should caution persons travelling in the Kimberley and Roebourne districts not to place too much confidence in the natives with whom they may come into contact.

It shall be the duty of members of the police force, whenever it shall come to their knowledge that aboriginal natives are employed, to ascertain whether such natives are employed under a contract, in writing, duly witnessed by a justice of the peace, a protector of aborigines, or a person duly appointed to witness contracts in accordance with the provisions of the Aborigines Act, 1905, as amended by No. 42 of 1911, Sections 17 to 24, and regulations.

If, on demand by a member of the police force, production of the permit or permit and agreement is refused, it shall be his duty to immediately advise the district inspector, who will communicate with the Chief Protector of Aborigines in the matter.

Whenever it shall come to the knowledge of any member of the police force that an aboriginal is in any service or employment, except under permit or permit and agreement in accordance with the provisions of the Aborigines Act, 1905, as amended by No. 42 of 1911, and regulations, he shall warn the employer that he must immediately comply with the provisions of the Act and regulations, and, failing the employer doing so within a reasonable time, must forward full particulars to the Chief Protector of Aborigines, through the proper channel.

Members of the police force are prohibited from rendering assistance in compelling the return of aboriginal natives to any employers when such natives are not employed in accordance with the Aborigines Act, 1905, as amended by No. 42 of 1911, and regulations.

It shall be the duty of the police, so far as is in their power, to prevent the landing of Asiatics from

pearling boats, except in prescribed areas or creeks, and the frequenting by aborigines of such areas, or creeks.

It shall be the duty of the police, so far as in their power, to prevent aboriginal women and girls from going on board any ship or boat used in the pearling industry.

The police shall use the utmost vigilance in the detection and prosecution of offences against morality committed on aboriginal children.

When engaged in pursuing offending aborigines, members of the force must not, under any circumstances, send out the native assistants alone to capture or disperse them while the police remain in camp.

In escorting native prisoners, the practice of chaining them by the neck must not be resorted to except in cases where the prisoners are of a desperate character, or have been arrested at a considerable distance in the bush; or, when travelling by sea, they are near the land to which they belong, and it is necessary to adopt special measures to secure them. Even then the practice must not be adopted if it can be avoided. When the escort has to camp out for the night, or to halt in the bush for any length of time, the prisoners should be chained by the leg.

Native prisoners are not to be conveyed by sea without having a constable in charge of them.

Whenever a native prisoner shows signs of fatigue, arising from excessive heat or want of water, or exhibits symptoms of sunstroke, an immediate halt is to be made, and every available means of relief must be afforded to the sufferer.

Whenever practicable, arrangements should be made for the safe conduct back to their own country of discharged native prisoners, and of native witnesses. The engagement of such natives for service beyond the limits of their own country should not be encouraged.

The prisoners are to be allowed, when practicable, to rest during the heat of the day.

The police are to carry as much water as the means at their disposal will allow, for the use of the native prisoners. The prisoners are to be halted en route as frequently as circumstances will allow. They are to be given water as often as they want it and it can be obtained.

In the general treatment of aborigines members of the force must exercise the utmost patience and humanity, combined with firmness and decision. Any violent or improper treatment of an aborigine on the part of any constable will be visited with dismissal from the service, or heavy punishment.

No more witnesses than are necessary to prove the charge shall be brought in, and in no case shall female witnesses be brought in when the offence can be proved by male witnesses.

2633. Is there no provision in the regulations about the arming of trackers and the employment of trackers?—No. It is understood that a native assistant will not go out even horse-hunting unless he can carry a revolver. I have a file here bearing on the subject.

2634. We have been told by various police officers that it is impracticable to utilise the trackers unless they are armed?—I understand that is so.

2635. On account of the difficulties which they have, and on account of the situations in which they might find themselves with regard to hostile natives?—I understand that to be the fact, though I cannot speak of my own knowledge. I have here on file 4002/11 a memo. addressed on the 3rd February, 1905, by Sergt. Buckland, Derby, to Constable Wilson, reading as follows:—

The Commissioner of Police instructs that under no condition, unless absolutely necessary, should firearms be issued to native trackers. You will see that these instructions are carried out.

There is a reply to that from Constable B. J. Forbes, of Isdell Station, dated the 25th May, 1905, and reading—

I respectfully beg to report *re* your file 700/04 and C.O. supplying fire-arms to native trackers. I consider it necessary at all times to allow the trackers fire-arms at Isdell Station when horse-hunting. Since Constable Sullivan's tracker was speared on the Barker River while horse-hunting, trackers at Isdell have refused to go horse-hunting unless they

had a revolver. I have sent them out on several occasions and they have returned and said, "Horses long way and I can't go unless I have a revolver."

2636. What is your idea as to the supervision over armed trackers while in a police expeditionary party?—I think that if the regulations are carried out, the present system is all right—if the regulations are complied with.

2637. That the tracker should not himself be employed to arrest the offender?—Not unless the police are present. Of course, that regulation must be read reasonably. The police would never effect an arrest if they were right alongside the tracker all the time.

2638. You think that the present system is the only practicable system?—Yes.

2639. By the CHIEF PROTECTOR OF ABORIGINES: You claim that the cost of maintaining unsentenced prisoners has been very much reduced of recent years. Is not that largely due to the fact that the Government have established native cattle stations?—No. It is largely due to the fact that we bring in only ringleaders. I have no doubt that the establishment of a native station for supplying the natives with beef has helped.

2640. Is it not a fact that cattle-killing has almost ceased in the districts in which the cattle stations are situated?—No. On the contrary, I have had complaints twice on the subject from the general manager of the Wyndham Meat Works and Mr. Haley. They have seen me, and have written complaining, about the way in which the cattle are hunted down. Mr. McGhie goes so far as to say that if something is not done to minimise the evil, the Wyndham Meat Works will have to be closed down.

2641. People forget that Kimberley is a large country divided into numerous tribal districts?—The meat works are at Wyndham.

2642. I have a record of every native arrested for cattle-killing, and the records show beyond question that the native stations have almost eliminated cattle-killing in those actual districts. Outside and beyond, we are not responsible for it. Moreover, there are certain individual station owners who will never get rid of the native cattle-killing business because of their own practices?—I place a lot of reliance on Mr. Haley, who has been up there for many years, and who has always been, so far as my knowledge goes, regarded as a friend of the natives.

2643. I have documents in my office, signed by the managers of the various stations within a reasonable native radius of Moola Bulla, telling us definitely that the cattle-killing has ceased on their stations. There is no question about it?—If it has ceased in that particular locality, it has started somewhere else. But there is no doubt that the order that only ringleaders should be arrested has led to a reduction in the cost of maintenance.

2644. And also the order that the white man must be there to charge?—Yes.

2645. The regulations which you have read are no doubt admirable if they are always carried out. Who sees that those regulations are carried out?—It is the duty of the district officer to see to that as far as he can. You must remember that the Kimberleys are a huge area. It is the duty also of the non-commissioned officer and the duty of the constable himself. The constable has a knowledge of the regulations. The two men whose names have been brought into the inquiry. St. Jack and Regan, have that knowledge. I looked up their personal files this morning, and those files show that the men passed their examination in the native regulations and therefore know what is required of them.

2646. Your inspector for the Kimberleys is located in Broome, some 600 miles away from Turkey Creek, for instance. How can you assure that the constable at Turkey Creek carries out the regulations?—We have to rely upon him doing so. We put him there as a reliable man. If an inspector ascertains that the constable is not carrying out the regulations, it is his duty to report the matter.

2647. Did you not say that there is a regulation that sets out that trackers must not be despatched to make arrests?—Yes.

2648. I think I have proved that trackers have been sent out to arrest?—I do not think you have

proved a specific arrest. Hearsay is all right; we want facts.

2649. I was not speaking from hearsay. I understand that you said the natives would not go out if they were unarmed?—That is the report that has been made to us.

2650. How is it that others find the position quite different?—I do not know.

2651. I have camped in the Kimberleys and sent natives out from time to time for horses and so on, and they have gone into the bush without fear?—I take it that the native tracker is disliked by the other natives. Like most policemen, he is not in favour with wrongdoers.

2652. That is the point I make—you make policemen of the native trackers?—What use would the men be if we did not make them policemen, so to speak? You cannot catch natives without making use of trackers.

2653. You quoted from a 1905 file dealing with the Isdell Station. That station was closed long ago?—Yes.

2654. It was located in a very dangerous part of the Kimberleys?—Yes, at that time.

2655. The southern and eastern portions of the Kimberleys represent practically settled country now?—I cannot say that.

2656. Natives in those parts of the Kimberleys are perfectly safe wherever they go?—That may be your opinion.

2657. By Mr. NAIRN: Native offenders do not flee into the settled parts but into the unsettled areas?—That is so.

2658. By Mr. NEVILLE: I am not speaking of offenders. Why should trackers operating in settled portions of the Kimberleys require to carry firearms?—If they are working in fear of other natives, they should be allowed to carry firearms.

2659. Mr. NAIRN: There is no evidence that they carried firearms in settled parts of the Kimberleys.

2660. By the COMMISSIONER: You spoke of complaints regarding cattle spearing that had been lodged by various people. Were any complaints of that description made by a man named Overheu?—I cannot say offhand. Mr. McGhie and Mr. Haley, of the Wyndham Meat Works, have complained to me about cattle spearing.

2661. By Mr. NEVILLE: Is not Mr. Haley a station owner?—I cannot say; I have never been in the Kimberley district. I understood Mr. Haley was employed in connection with the Wyndham Meat Works.

2662. That is so, but he also owns a station in conjunction with a man named, I think, Weber?—I do not know. I have always heard Mr. Haley spoken of as a friend of the natives.

2663. By Rev. GRIBBLE: You said that Bishop Trower made investigations?—He went up with Inspector Spedding-Smith and was satisfied that the report was not correct.

2664. Rev. GRIBBLE: Bishop Trower went up on his usual visit and apart altogether from that matter. He was accompanied by Inspector Spedding-Smith, and both of them were at the Forrest River Mission station for a day. Then both of them returned to Wyndham. From there the bishop returned to Broome and the inspector set out for Hall's Creek or Turkey Creek to begin his investigation. The Bishop had no part in the investigation.

2665. WITNESS: May I say that this Commission was appointed really on my recommendation as Commissioner of Police. It is the desire of the department to have the matter cleared up, if possible. Certain very serious allegations have been made against the police, and I thought it would not be right to accept the police reports; I thought an independent body should inquire into the whole of the circumstances.

2666. Mr. NEVILLE: I have worked with the Commissioner of Police for many years and have always found him most sympathetic and helpful, but I cannot help thinking that there are certain things going on of which he has no personal knowledge. They are things that I have to bring forward, because it is my duty to protect the natives. If the Commissioner of Police had read all the reports I have received, he would realise that the things I speak of have happened.

2667. WITNESS: I can deal only with facts, not hearsay.

2668. Mr. NEVILLE: We are all dealing with facts. (The Commission adjourned.)

MONDAY, 9th MAY, 1927.

2669. The COMMISSIONER: I have here, Exhibit O, being a request to the Government Bacteriologist to examine certain exhibits. It reads as follows:—

Parliament House,  
Perth, 4th May, 1927.

The Government Bacteriologist, Perth,  
Dear Sir,

Herewith I hand you exhibits which I desire you to examine with a view to ascertaining—

- (1) Whether any of the bone fragments can be distinguished as human remains.
- (2) Whether the stones bear stains that can be distinguished as blood stains.
- (3) To what degree of heat the stones have been submitted, i.e., whether slight or intense.

The exhibits are—

- A. White handkerchief wrapper; fragments from Dala.
- B. Khaki handkerchief wrapper; two tins from Dala.
- G. Stone from Mowerie.
- H. Hairs from Mowerie.
- K. Bone fragments from Mowerie.
- X. Stone from Dala.

I shall be glad to have your report at the earliest opportunity.

(Sgd.) G. T. Wood,  
Royal Commissioner.

I have also the report of the Government Bacteriologist (Dr. W. S. McGillivray), in answer to that request. It reads as follows:—

- K. Bone fragments in bark—There are no fragments characteristic of the human skeleton.
- B. Small tin—The teeth are very suggestive of human teeth, but as there is no complete tooth present, I cannot be certain. The portions are mostly roots of teeth.
- Large Tin—One piece seems to be from the hip joint, but in size is rather small for a human bone. The portion of the upper jaw, showing tooth sockets, I do not think is human. The other portions are not characteristic of the human skeleton; they might be either human or animal.
- X. Stone from Dala—The stone looks as if it had been in a fire.
- A. White handkerchief—Nothing characteristic found.
- G. Stone from Mowerie—I cannot be certain if this stone had been in a fire.
- H. Hairs from Mowerie—I do not think they are human.

(Sgd.) W. S. MCGILLIVRAY,  
Government Bacteriologist.

I intend to put in further evidence of tracking by the tracker employed by Inspector Mitchell, of the Aborigines Department at Mowerie, and Gote-gote-merrie.

2670. Mr. NAIRN: I think that report by Dr. McGillivray covers all the bones that have been produced in connection with the inquiry, except those the subject of a previous report by Dr. McGillivray, which I think was of the same tenor, namely, that he could not identify any of the remains except the teeth, as being human remains.

2671. The COMMISSIONER: Yes, it is practically the same. Then, there is the report dealing with fragments supplied by Inspector Douglas.

FRANK WALLACE, aboriginal native, examined:

2672. By the COMMISSIONER: You tell me true all you know about this business at Mowerie and Gote-gote-merrie when you were there with Inspector Mitchell. You tell me all true?—Yes.

2673. How long you been working for Inspector Mitchell?—Long time.



2674. Did you go with Inspector Mitchell to Kimberley and Wyndham last year?—Yes.
2675. You know the Forrest River Mission?—Yes.
2676. You know the boss of that mission?—Yes.
2677. You see him here?—Yes.
2678. You remember going up there with Inspector Mitchell and Mr. Gribble?—Yes.
2679. Looking for tracks?—Yes.
2680. You came to a place where they pick up bones, the first time?—Yes.
2681. You look for native tracks there?—Yes.
2682. See any going from there anywhere else?—No; no tracks up there.
2683. That place where they pick up bones first time?—No tracks there.
2684. What did you see?—We come to a tree.
2685. What did you find there?—Big fire. We walk round and see no track, and go back to where there was a fire. I see no track all the time. I went up the river and saw three women's tracks. They were leading straight up the river. They cross the river where there was a little bit of fire. They stop there. Where the tracks stop, I saw big fire. I find some teeth in the fire all round it. I pick up five or six teeth. I see the tracks of one horse and one mule to the same place as the fire. The horse and mule were with the three women. The horse was at the side of the women. The horse and mule tracks led to the big fire. I see one big tree, green on one side and dry on the other. There was also a dry stump of tree alongside the green tree. It was made dry by fire. I find the teeth close to the stump. No women's tracks led from the fire.
2686. By Mr. NAIRN: You are a Moore River tracker?—Yes.
2687. Who showed you the first place where you find the fire?—Mr. Gribble.
2688. Did he tell you that four men had been burnt there?—Yes. we saw that.
2689. Did he tell you that three women had been taken up the river?—Yes. We were looking for the tracks of three women. We find the women's tracks a long distance from the first fire. We saw the horse and mule tracks near the first fire and followed them up. The tracks were quite plain. We could see that the women had been walking one after the other. Mr. Mitchell could see the horse tracks because I showed them to him.
2690. Did he say he could see them?—Yes. I showed him the three women's tracks, all quite plain. He said he could see them.
2691. How many times did the women cross the river?—Only once. The tracks had been made a good while.
2692. Were the tracks clear enough for you to be able to tell the names of the natives who had made them, if you had known the natives?—Yes, if I had known who the women were.
2693. How old were the tracks?—They must have been a week old. If they had been two moons old, you could not see the tracks in the ground.
2694. By Rev. GRIBBLE: Are you Mr. Mitchell's boy?—Yes.
2695. Did I talk to you going along?—No.
2696. Did I tell you to look for tracks of three women?—No.
2697. By INSPECTOR MITCHELL: When we go along tracking that place do you remember?—Yes.
2698. Did I tell you track for me?—Yes.
2699. And you show me?—Yes.
2700. You show white fellow three woman track can white fellow tell which one Polly, which one Jinny, which one Mary?—No.
2701. Can he tell only woman track?—Yes.
2702. You know that woman track?—Yes.
2703. Do you know name woman track?—No.
2704. You only know woman track?—Yes.
2705. You track yourself?—Yes.
2706. You see your own eyes?—Yes.
2707. And you show me what you see your own eyes, you point it out to me?—Yes.
2708. And you find track yourself?—Yes.
2709. You say we go across river and then you say which way track going?—Yes; right across river.
2710. Where to?—On the bank.
2711. When you cross over bank, where to then?—Where he made little bit of fire.
2713. Where to after that, how far?—Straight across side of hill.
2713. What did you see there?—He stop there, and a big fire.
2714. What in that big fire?—We find teeth and bone, and all pieces bones.
2715. Any trees there?—Big tree there, and one green tree burnt right down alongside the green tree.
2716. Is that the place we find bones?—Yes.
2717. We find them all round?—All round fire. We find one teeth first.
2718. Find any ashes?—Yes, and then we find another teeth and pieces bone.
2719. You find the teeth round the stump of tree?—Yes.
2720. What did you find then?—I scratched in there.
2721. Whom did you give the teeth and the bones to?—To you.
2722. Then you look all round see if any tracks go away?—We look all round and no woman track go away from there—nothing.
2723. Then we go home?—Then we went home.
2724. You know you see that horse track go alongside the woman track?—Yes.
2725. Do you remember seeing track another one camp, another place, another range, where mark on a tree, horse track all round that camp where we go first time?—Yes. I see lot of horses there.
2726. Do you remember the name of that place?—No.
2727. You remember that place?—Yes. I cannot remember name.
2728. Do you know the name Wodgil?—No.
2729. Do you know the name Youngada?—Yes.
2730. Where is Youngada? What do you know about it?—That place where the big camp.
2731. Something else too? Any mark that you can remember it by?—On the tree.
2732. You saw tracks all round the camp?—Yes.
2733. Which way you think tracks made first time, tracks round Wodgil, or tracks you see on the river?—Wodgil first.
2734. How much difference?—More horses there.
2735. You tell how many days' difference track made at Wodgil and track made going to Mowerie?—About a week, I think.
2736. Mr. NAIRN: We have the fact that the Wodgil tracks were about two months old.
2737. By Rev. GRIBBLE: When you see teeth and bone near the fire where the big tree and the stump, what did you think those bones were, what you think they belong to?—Women.
2738. You ever seen blackfellow bones burnt before?—Yes.
2739. Many time?—No.
2740. By Mr. NAIRN: Where did you see the blackfellows' bones burnt?—In that big fire.
2741. Yes, but before that?—I never see them burnt.
2742. You just told Mr. Gribble that you had seen blackfellows' bones burnt before. Where?—First place we came to.
2743. Mr. Gribble asked you ever before have you seen blackfellows' bones burnt, and you say "Yes, not very often, sometimes." Where did you see them burnt before? Sometimes they put blackfellows' bodies up in trees and they get burnt?—That is first time I see bones.
2744. Before you went to Forrest River you never see blackfellows' bones burnt?—No. That is first time.
2745. You have never been in Kimberleys before?—No.
2746. Where were you born?—Alice Springs.
2747. By Mr. NEVILLE: Do you know how long a week is, how many days?—Six.
2748. Much difference between a moon and a week?—Must be more.
2749. The COMMISSIONER: I have a number of telegrams which I intend to put in. Though they have not a very distinct bearing, they have some bearing on the question of complicity in connection with this matter. Here is a telegram sent by Overheu to Lappin on the 17th January:—
- Referring to your telegrams of the 7th, 11th and 15th public meeting Wyndham 7th meetings also held centres to Derby are asking Premier extend scope Commission include general natives question

Kimberleys opinion should strengthen our position and ensure support of all station owners stop Parties have you represent us will you accept stop Everyone considers it necessary for you to remain here completion Commission stop Will it be possible you arrive by "Koolinda" and return on special aeroplane connecting boat south advise estimated cost of this arrangement Bentley's complete phrase code reply care Barker. Overheu.

I may explain that these telegrams were sent in code and have been de-coded. There is another telegram from Overheu to Mr. Lappin dated the 24th January, 1927, as follows:—

Lappin care Wanaka Perth.

Referring to my telegram of the 21st owing to difficulty in guaranteeing aeroplane landing ground also being able obtain counsel remain here till April boat being more desirable parties are engaging Nairn and McDonald stop Glad if you can give them any assistance many thanks your help. Overheu.

2750. Mr. NAIRN: How is it that these private telegrams come to be made public?

2751. The COMMISSIONER: They are being made public in pursuance of the powers vested in me by the Royal Commission, which enable me to obtain correspondence that may be in the hands of Government officials.

2752. Mr. NAIRN: But you are making public private matters.

2753. The COMMISSIONER: In so far as they touch on matters in question, I shall refer to them. I do not think that matters relating purely to monetary considerations should appear in the Press because they have no bearing on the question. I am producing these telegrams to show that one member of the police party interested himself considerably in getting the defence worked up in connection with the matters under investigation. Then there are the following telegrams:—

Telegram in code dated 29th January, 1927:

Siddins care Cygnis Perth.

Referring to my telegram of the 25th advise Nairn W. Flinders treasurer parties telegraphing . . . pounds or more next Tuesday expect Campbell return . . . pounds other centres have advised will obtain . . . pounds Regan . . . pounds to come stop Glad if you interview my father contribute up to . . . pounds and pay to Nairn myself contributing . . . pounds before the end of February stop After collection received parties are paying pro rata balance we are paying whatever possible pending receipt country collection stop If this is not sufficient to guarantee will obtain guarantor if possible. Overheu.

Telegram in code dated 1st February, 1927:

Siddins care Cygnis Perth.

Referring to my telegram of the 29th was wrongly informed reference amount being telegraphed stop . . . pounds deposit will comprise . . . pounds from my father . . . pounds being telegraphed from here . . . pounds being paid to Nairn by the Bank of New South Wales cause of delay . . . pounds Regan being away stop Ask Nairn telegraph Flinders if he is satisfied and coming by "Koolinda" regards. Overheu.

Telegram in code dated 4th February, 1927:

Siddins care Cygnis Perth.

Fitzroy telegraphing instalments of . . . pounds stop Halls Creek advise will get . . . pounds Griffiths . . . pounds with . . . pounds to come from Regan consider sure obtain total Flinders telegraphing Press. Overheu.

Then there is the following telegram from Constable Regan, who belonged to the party, to Mrs. Regan, dated 4th February, 1927:—

Mrs. E. Regan 30 Addis street Kalgoorlie.

Boat "Koolinda" arrived yesterday received your mail am in Wyndham hospital nothing very serious Royal Commission have gone Darwin to open will return here first prox and continue stop Prospects doubtful can only hope for best Don't worry at all. Best love. Den. (Signed—D. Regan, Wyndham.)

The next is a telegram dated 24th February, 1927, from St. Jack to Jolly, the witness at Darwin, reading as follows:—

Nairn leaves on "Koolinda." Meet him on arrival. St. Jack.

The next telegram is from Overheu, dated 26th February, 1927, to D. Murnane, care of the Bureau of Science and Industry, Melbourne, reading as follows:—

D. Murnane care Bureau Science Industry, Melbourne.

Bentley's Fifth Royal Commission arrived 23rd enquire into alleged murders natives. Parties have engaged Nairn and McDonald Perth total cost . . . pounds public subscribed . . . pounds parties are paying balance stop Commission hope to secure you as a witness stop Request you telegraph secretary parties' fund . . . pounds approximate amount your share stop Hearty congratulations happy event writing. Overheu.

I repeat that I do not wish any amounts referred to in the telegrams to be made public because I do not think they are of any interest to the public nor are they of any interest to the Commission. The mere fact that these telegrams have been sent from a member of the police party is the reason for my referring to them as having some bearing on whether that particular person was implicated at all. For that reason they are being put in as evidence. I had anticipated receiving some further evidence from Wyndham, but I do not think I should keep the inquiry open any longer. I shall arrange a date for the addresses by counsel and shall close the evidence. What day will suit you, Mr. Nairn?

2754. Mr. NAIRN: Thursday morning will be convenient.

2755. INSPECTOR MITCHELL: I wish to make a statement regarding the evidence tendered by the native Frank this morning. It is a most difficult matter to examine an aborigine under conditions such as those confronting Frank this morning. The man was evidently very nervous and I hope you will take his condition into consideration when reviewing his evidence.

2756. The COMMISSIONER: Very well.

The Commission adjourned.

THURSDAY, 12th MAY, 1927.

HEPBURN JOSEPH TINDALE, sworn and examined:

2757. By Mr. NAIRN: You are a captain in the West African Frontier Forces at present on leave in Western Australia?—Yes.

2758. You hold the degree of M.A. Oxon with a diploma in anthropology and are a Fellow of the Royal Geographical Society?—Yes.

2759-79. You are a native of Geraldton, Western Australia?—Yes.

2780. Before going to England had you any experience amongst natives in Western Australia?—Yes, for five years I was jackeroo and overseer of various stations from Carnarvon to Port Hedland.

2781. You have been to England and Africa and back to Australia. Did you lately overland from Adelaide to Port Darwin?—Yes.

2782. Last year you spent a period, where?—I spent six months in what I call the Victoria River area, and the East Kimberley area, between Wynham and Darwin, inland.

2783. You were collecting information for newspaper articles?—Yes, for the "Manchester Guardian," England.

2784. By the COMMISSIONER: On the native question?—On conditions in the North.

2785. In relation to natives?—Yes.

2786. By Mr. NAIRN: Did you while there collect statistics as to the number of murders committed by natives?—Yes.

2787. First explain the area that your statistics cover?—That area, from the Barkly Tableland, which includes the Victoria River area and the whole of the Eastern Kimberleys, including that portion to which I did not go, forming the buffer State between West and East Kimberleys, and Forrest River district. It includes the area to the border of Western Australia, in the East Kimberleys and to the commencement of the Barkly tableland, in the Northern Territory.

2788. Why did you fix upon that area?—Because from my observations I learnt, travelling through that area to Wyndham on five different occasions, that it was a native walkabout country; that natives inhabiting that portion of the Northern Territory up to the Barkly Tableland are in the habit of walking to Mugg's Lagoon, and occasionally to the Forrest River. The station of Auvergne was fired by natives, and those natives then continued their walkabout to a corroboree being held in the vicinity of Mugg's Lagoon. They also fired Rosewood and other stations. Natives that I saw at a place called the Depot, on the Forrest River, I also saw three months later at Mugg's Lagoon. So any consideration of murders by natives must include that portion of the Tableland.

2789. How many murders by natives have been committed in Western Australia since 1909?—I have taken the trouble to go to the Commissioner of Police, and I have this list that he has given me, together with my own information, which can be ratified on files. In 1909, after the establishment of Moola Bulla Station, a man named Hay was killed just off the Government reserve. When he was found the top of his scalp had been taken off, and portions of the skin had been stripped from his back. Whether or not that occurred before he was dead is not shown on the police files.

2790. In what year was that?—In 1909. No apprehension was made in that case. On the 22nd July, 1913, between Derby and Wyndham, on the coast, Mr. Eric McGuire, Mr. John McGuire, and Mr. Thomas Newton were all killed. No apprehensions were made by the police.

2791. The COMMISSIONER: What bearing has this upon the question?

2792. By Mr. NAIRN: It has to do with the arming of the police?—There were no apprehensions by the police in the last three cases. G. A. and A. R. Ulbrich were killed on the 28th August, 1920. The police made one apprehension, but there was no conviction. On the 15th November, 1922, Dr. Johns and Mr. W. G. Turner were badly wounded, and J. McLellan was killed, but no apprehensions were made by the police. On the 14th September, 1922, Joseph Condren and Timothy O'Sullivan were killed at Sturt's Creek, near Hall's Creek. It is alleged by the police in incomplete files that the offender was killed by the police in effecting an arrest. In this case, the men were overlanding 700 head of cattle. The herd, together with 22 camels and 60 horses in the convoy, were lost and never recovered by the owners. On the 7th June, 1913, Richard Pilchowski, a Swedish or Swiss scientist, was killed in open daylight between Argyle and Ivanhoe Stations, near Wyndham. There was one apprehension and conviction. About March, 1920, Frank Bass and J. R. Smith were killed in the Mission area, the Drysdale and Forrest River, between Derby and Wyndham. Their remains were not found for a long time. No apprehensions were made in that area. George Ackland was killed on the 12th December, 1915. On the 5th September, 1911, Thompson and G. Shoemith were killed, but there were no native apprehensions. S. W. Hay was killed in May, 1926.

2793. How many murders were there, and how many apprehensions?—Since 1909, 16 murders in Western Australia are recorded, and four persons were brought to justice. Many people were also injured by natives.

2794. What is the record in the Northern Territory?—I had several interviews with Major Dudley, Commissioner of Police in the Northern Territory. There are on the Federal files three applications by him for more police in what he terms the western district. This is a portion of the country not on the tableland of which I am speaking. In that country since 1912, 22 men have been murdered by blacks on the verdict of coroners' juries, or according to inquiry afterwards, must have disappeared through native agency. Of that number, the Commissioner managed to get a small number of convictions. It was the subject of his explanation to Darwin, also of three representations to increase the police in the area to effect these apprehensions.

2795. What is the population of that area?—I was convinced that all these murders had been committed outside the town. I endeavoured to obtain an estimate of the inland population over that area since 1912. I have been to the Government Statistician here, and to the police. I have also been to Major Dudley and to Mr. Playford. I gather that the estimated white population has never been greater than 200 in the areas in which these murders occurred.

2796. How long were you in Africa?—I spent five years there, on the gold coast of West Africa, French Togoland, and Nigeria.

2797. What measure of security do the whites enjoy there?—Part of my five years' service there was spent in districts which are considered to be the most difficult portions, except northern India, for an officer, but I never had to carry firearms. When I went up to the North of this State, I was instructed on all sides by men of experience and integrity, that it was essential to carry firearms as a protection against the natives. That sort of thing is discouraged by His Majesty's Government in Africa. No wandering European is allowed to go into that territory if he has any firearms, without reporting to the district commissioner. Sporting guns are allowed, but no revolvers. According to ordinances, district commissioners are instructed not to grant licenses to Europeans travelling in the country to carry revolvers. I was astounded to find here that this was the usual practice, and, indeed, was essential when travelling through the country. I am convinced that I could travel from Akra, on the Gold Coast, right through the Ivory Coast to Sierre Leone, through the Liberian Republic, with more safety than I could travel from the Catherine River to Averna, keeping off the main track.

2798. By Rev. GRIBBLE: You mentioned the case of Hay, in 1909. To what reserve did you refer?—The Government Reserve, near Moola Bulla.

2799. You say that the scope of your inquiries covered that portion of the country which practically formed a buffer state between East and West Kimberley?—Yes.

2800. Have you ever been to the Forrest River Mission, or through the country?—No.

2801. Are you aware that the largest portion of East Kimberley is that portion?—I think a much larger portion of what is termed East Kimberley district extends to the eastward of the Forrest River Mission.

2802. Are you aware that you have never been into a large proportion of the territory known as East Kimberley?—I am not aware of that.

2803. I refer to that which you speak of as a buffer state?—I do not think the term "East Kimberley district" has ever been certified to or surveyed as such. I refer to that land which is occupied by people who are pioneering in the country to the eastward of the Forrest River area. The country that is being pioneered in West Kimberley extends to the westward. The intermediate country, the buffer State, was opened to pioneers just after the war, but no one lives there. For all practical purposes, it is not the East Kimberley in my terminology.

2804. The COMMISSIONER: I think these are two separate magisterial districts.

2805. By Rev. GRIBBLE: You are ignorant of conditions as regards the natives in the territory to which you allude as the buffer State?—I am ignorant only in a certain degree, because so many of the natives in that area are met in the walk-about country throughout the territory, natives who, as you mentioned, come in occasionally for food and then go out again.

2806. Are you aware that in that area it has never been known for a Northern Territory native to enter?—I am aware just to the contrary.

2807. Would you be surprised if I mentioned that as a fact?—I should be extremely surprised. Moreover, I saw natives enter through Mugg's Lagoon to go to a corroboree in an area, and they came right through from this side of the tableland country and Victoria River station. I also remember that a certain manager whom I met, Mr. Martin, at present manager of Victoria Downs Station, recovered certain natives who belonged to Victoria Downs Station from that area across the river.

2808. I am not speaking of that area?—That is exactly what you have asked me. There were certain natives missing after a lot of spearing of cattle, and he recovered those natives on mission ground.

2809. What mission ground?—That buffer State. I do not know in what portion they were recovered.

2810. From Victoria Downs he recovered natives on a mission reserve?—Not from the mission reserve, but from that buffer state across the river. I presume the native does not know exactly where the mission reserve starts and where it ends in that buffer State.

2811. Do you know?—I do not know.

2812. Would you be surprised to learn that I, myself, in 14 years have never yet met in that area a Northern

Territory native further south than Wyndham or the King River?—I do not know your habits.

2813. But would you be surprised to learn it?—I do not know your habits, or whether you walk about all this area or not.

2814. From what you have gathered, would you be surprised to learn that I, myself, never met a native from the Northern Territory further south than Wyndham or the King River?—I should be extremely surprised.

2815. Have you at any time made inquiries from me regarding the condition of the natives, their numbers, and so on?—I have. I made inquiries from you in Wyndham one day about the number of natives you estimated, this being for a series of articles I submitted to the "West Australian" newspaper. I made inquiries from you about the number of natives existing over the river in the area I could not go into.

2816. Is that the sum total of your inquiries regarding that vast area of country?—No. I made inquiries from other men who travelled there. My main informants were men who have lived for several years longer than you have been in that country, men who more or less found it. I may mention Mr. M. P. Durack, Mr. Jones, who travelled throughout that country, Mr. Patsy Durack, who came to your mission just after its founding, I believe, with cattle for you.

2817. That was in 1924?—He brought cattle down to you when quite a small boy going to Christian Brothers' College.

2818. Are you aware that he delivered the cattle in June, 1924, and at no other time?—I am not aware of it. The people to whom I went for information in this matter were the men who had settled the country. The Duracks came up there many years ago. Jones has been there for 27 years. Then there are Swedes, who are relics of the old mining days. As they were getting a precarious living out of the country, they seemed to me to be the proper authorities on the native position. I went to them for authoritative information. I think I went to you, Mr. Gribble, for statistics, with which you were unable to supply me.

2819. When you referred to these people having settled the district, do you mean the district where the white settlements are to-day? The portion you refer to is unoccupied country. Do you allude to the settled districts?—Yes, and the effect which the present administration of the unsettled districts has upon the settled districts.

2820. Am I to infer that your investigations covered the settled districts of East Kimberley with a portion of the Northern Territory, and not the unoccupied portion of East Kimberley?—That is true as regards my personal investigations. I have heard, though of course it is merely hearsay, about the other side.

2821. You mentioned the case of a Swedish scientist named Pilechowski. Was he a scientist?—I understand so from the police records. It can be ascertained from the records if necessary.

2822. Mr. NAIRN: He was killed, whatever his occupation.

2823. By Mr. NEVILLE: Are you still in the employ of the British Government?—Yes.

2824. Does the British Government allow its officers to do private work when they are on leave?—I have 3½ years' leave owing to two cases of blackwater, and I am on half pay.

2825. That does not answer my question?—The British Government allows me to do this private work here, which is a matter of reports to papers.

2826. Have you permission?—I am doing no work in connection with this Commission, and therefore I rather resent the question. I am simply giving evidence of my own travels.

2827. The COMMISSIONER: I do not see, Mr. Neville, what can be the object of the questions which you are putting to the witness. They do not seem to have any bearing.

2828. Mr. NEVILLE: I have an object.

2829. The COMMISSIONER: I do not feel disposed to allow those questions.

2830. Mr. NEVILLE: The question has not been answered.

2831. WITNESS: Before this is continued, I should like to say that I am simply a Western Australian travelling at my own expense. This Commission came along, and I had made certain observations myself, and I came here at my own request to give

the results of those observations. I should like it to be recorded that I resent such a question as has been asked. I see no reason why Mr. Neville should have asked me whether my Government allows me, or not, to give evidence before one of His Majesty's Commissions concerning what I believe to be the truth.

2832. By Mr. NEVILLE: I did not ask that, and that was not what I wanted to know. What actually was your position in connection with native affairs in Africa?—District commissioner.

2833. Permanent district commissioner?—Yes.

2834. For how long?—Assistant district commissioner for two years, and district commissioner for three years. Cape Coast assistant district commissioner, Slaga district commissioner, Leone assistant district commissioner, Akkra district commissioner. The final position I held, after my blackwater, was private secretary and aide de camp to His Excellency Sir Gordon Guggisberg. After my blackwater I was seconded from the political service to the regiment, and seconded from the regiment as private secretary. I then acted as private secretary to Sir John Maxwell during the arrival of Prempeh from the Seychelles, and I was sent on afterwards. Is it necessary that all these particulars should be given?

2835. I merely asked you the terms of your positions. Is it not a fact that the methods employed by the British Government in other dependencies where there are natives are entirely different from those employed in Australia?—Yes.

2836. Quite different?—Quite.

2837. Through what part of the East Kimberleys or the Kimberleys generally, have you travelled?—I have already answered that question twice.

2838. But you have given no definite information as to where you have been?—I have travelled from Auvergne on the Katherine River, in the Northern Territory, proceeding from the head of the railway by motor car. I went through to the Victoria Downs station, through the Jasper Gorge to Auvergne and straight through to Argyle, Newry, and Ivanhoe, on to Wyndham. Thence I went down the Turkey Creek road to Hall's Creek and along the outer road through Argyle to Wyndham. I took the Honorary Minister, Hon. J. W. Hickey, and Mr. Trethowan to Argyle, where I left them and proceeded again to Auvergne. I returned to the Ivanhoe station and went through to the Ord River country and visited the four stations on the other side. I then started out on an expedition of my own during the course of which Mr. M. P. Durack met me outside the Bulla River. I traced that river through to its source in the Victoria River.

2839. In other words, you have followed the beaten tracks?—Do you say that the Bulla River district, that has not been visited since 1886, is along the beaten track?

2840. That river goes through to South Australia?—I approached the river through Western Australia.

2841. Through a very small portion of Western Australia?—Have you been there?

2842. No?—The Bulla River flows for some 62 miles through Western Australian territory! The 1886 maps are wrong and are being corrected.

2843. Then, apart from that, you have been on the beaten track?—Do you call Auvergne and Argyle on the beaten track?

2844. Most decidedly?—I went out with the policeman at Turkey Creek and also with the policeman from Hall's Creek to visit native camps, bush and otherwise. During that period I spent about three weeks in finding native camps and looking at them. We were not on the beaten track; we rode on horses, not in motor cars.

2845. You mentioned 16 murders of whites by natives during 18 years in this State. Have you ever taken the trouble to find out the number of blacks who lost their lives at the hands of whites?—I have investigated the police reports.

2846. By the COMMISSIONER: You did not extend your inquiries to deal with the blacks?—No.

2847. By Mr. NEVILLE: Have you ever investigated the reasons for those murders?—I read the files through in each instance.

2848. You mentioned the murders of Bass and Smith and said there had been no arrests. Are you aware that we have two natives at the Moore River settlement who were arrested in connection with that case?—I am aware that that is absolutely wrong, un-

less the police have not been correctly informed of the facts by your department.

2849. Mr. NEVILLE: I should know something about it.

2850. Mr. NAIRN: Were those men convicted?

2851. By Mr. NEVILLE: No one was convicted?—I submit there have been no convictions.

2852. Have you inquired as to the reason for no convictions having been obtained?—I have read the files, and I cannot speak on the reasons for no convictions being obtained.

2853. Are you not aware that in many instances the Crown Law departmental officials will not proceed with cases and enter *nolle prosequies*?—I believe that is so.

2854. In their opinion not sufficient evidence was available to convict the natives?—Perhaps so.

2855. You imply in your evidence that there have been no convictions, but do not imply there have been no arrests?—My evidence was given in a straightforward way. I say that out of an inland population of between 150 and 200 people, there have been all these murders, and that people in those parts, living, as they do, isolated for year after year, and, when once the wet season settles in, cut off from the police and everyone else, become, through the inadequate Government protection available, frightfully prone to take their own protection upon themselves.

2856. You are aware that since 1909 the police have always been armed when they go out to arrest natives in connection with all such cases?—Evidence has been tendered to the Commissioner on that point already.

2857. Do you know that a number of police have been withdrawn from the Kimberleys, and that some police stations have been closed down?—Yes.

2858. What has enabled that to be done?—The supposed security established by Government reserves and missions. The fact remains that, since the missions and reserves were established, there have been more murders than there were before.

2859. By the COMMISSIONER: Have you particulars regarding the murders that took place before?—No, but I believe that 42 murders took place since the Duracks went up there. That extended over a period between 1886 and 1909. There have been 16 murders since then.

2860. On your figures, there were more than 20 in excess during the earlier period?—That was before the missions, or anyone else, went there.

2861. By Rev. GRIBBLE: The mission has been established for 14 years only. It was started in 1913?—Was there not another mission before that?

2862. Mr. NAIRN: A mission was established by Bishop Hale's son before that, but the party were knocked by the natives with clubs.

2863. Rev. GRIBBLE: Bishop Hale's son was wounded in the arm by a native tracker. That was an attempt to establish a mission station, but it did not last for six months. The mission station was only established in 1913.

2864. By Mr. NEVILLE: Are you aware that the natives work in districts?—I am aware of the form of civilisation existing among the natives. I know of their totemic or clan differences.

2865. Did you take the trouble to ascertain where the murders you have referred to took place?—That has been already ascertained and the information placed before you. I can only refer you to the police files.

2866. You contend that most of the murders have taken place since the establishment of Government stations and missions?—I have referred you to the files.

2867. You are aware that these stations and missions have a restricted sphere of influence?—The restricted sphere of influence is largely arbitrary, seeing that so many natives walk about in the country. When they reach the missions, they come under a certain influence—whether good or bad, I do not know—and when they walk out again, that influence is carried extensively throughout the area where these murders took place.

2868. Have you resided for any considerable time on a Government station in Western Australia?—The longest period I resided on a Government station was a week.

2869. When you refer to the West Kimberley district, are you aware that that part is entirely unsettled?—I mentioned that as being in the buffer State, where most of the mission stations are.

2870. They are not in a buffer State at all. The murders referred to took place in an area north of Derby, between that centre and the Drysdale River?—The Drysdale area has a mission station. There is no other European influence in those parts except the mission.

2871. Were not the people who were murdered really itinerant visitors to the district?—I would prefer to call them pioneers of the country. I am sure that if the spirits of Bass and Smith were present, they would resent being called itinerant visitors, especially when we consider the work they did in connection with the flora and fauna of the North.

2872. Bass and Smith and Ullbrich had no permanent residence in any part of the Kimberleys?—I do not know; I should not think that they had. How does that affect the question, however, which relates to the killing of natives? I suppose if I had been killed in those parts, I would be called an itinerant visitor, as I had no permanent residence there.

2873. You have demonstrated that a certain number of natives have killed whites. What has been your experience as to the cause of such murders?—I have had no experience of the sort.

2874. Generally speaking, what is the cause of such a murder?—The cause of such a murder, if I may detail at length, is simply that the Australian aborigines in the North, like seven other main divisions of natives, first of all the Fantecs, have the totemic form of civilisation. There is amongst them no sense of individual justice, in their natural laws. The hurt, or the injury that I might do to one A, a native, is a hurt not done primarily to him, but done to the clan or group or skin, as they call it, of which he is a member. His retaliation is to hurt that thing which he will call, in his own way, the white skin or clan or tribe. The man who, from his experience in the North, knows that he might get it in the neck from a native, is on his guard. The native then will go through that man's clan or tribe, and hurt another man whose influence perhaps has been entirely good, and who would be a friend of the native. Once that hurt is remedied as between the dark skin and the whiteskin, then I, who committed the original hurt, can be friends again with my victim. Half the murders that have occurred in the somewhat bloody history of Australia, have occurred through non-appreciation of that fact. Many innocent men have been killed by natives because the native has simply obeyed a fundamental principle of his totemic civilisation.

2875. Do you not think that in some instances white men bring retribution on themselves on account of their dealings with the natives?—I think so, in some instances.

2876. By Rev. GRIBBLE: Your investigations and study of the natives in East Kimberley have extended over a period of six months?—Yes.

2877. By the COMMISSIONER: Your suggestion of the danger to which white people are exposed in those regions come to me as a surprise, for we hear of many people making trips from the west to the east. We had several instances last year. Those people do not seem to have been molested. In one instance, a lady and her daughter went through, and did not seem to meet with very serious resistance or trouble. So, as I say, your remarks have come rather as a surprise to me. However, your information has been received principally from cattle station-owners, such as Mr. Durack and others. Have they manifested any strong feeling against the natives on account of their depredations in respect of cattle and so on?—No. The feeling they have manifested can best be described this way: when I returned from the North I felt that the native and the European, the missionary and the squatter, both wanted the same thing. By the courtesy of Mr. Braham of the "West Australian" we held a meeting in his office. The meeting was attended by Archbishop Riley, Archbishop Clune, Mr. Neville, Mr. Durack, as representative of Vestey's, and Mr. Haley, representing the Government Meat Works. The meeting was held in view of the fact that everyone felt that the native was suffering under the impact from the white man, that the present law and order up there was useless, and that the future of the squatter depended upon getting rid of the native, even though he represented cheap labour, and if only by segregation. Two meetings were held. Bishop Riley could not attend the first one, but

he sent Archdeacon Hudleston to represent him. The result of that meeting was an affirmation in which those representatives of the biggest area of country up there, together with two Archbishops, affirmed the principle of segregation.

2878. Mr. NEVILLE: I was not at the second meeting; I was not asked to attend it.

2879. WITNESS: You left the first rather hurriedly.

2880. By the COMMISSIONER: My question to you was only in consequence of your remarks as to the difference in security of persons travelling. I asked whether you saw any necessity to carry firearms. Personally we went through some rough country up there, and it did not occur to any one of us to be armed, even with a revolver?—

2881. Mr. NAIRN: I carried a revolver.

2882. WITNESS: When I left Darwin, it did not occur to me to carry a gun. Nor did I carry one in Africa. However, when I went up North and talked about going through that Bulla country, I was advised by such men as Major Dudley and Mr. Playford that it was absolutely essential. Also I noticed that it was the practice of men in the North to always go armed.

2883. The COMMISSIONER: That is quite contrary to our experience; and we went much further North than did you.

2884. Mr. NAIRN: But we were not out in any native country, and we had a whole mission party with us.

2885. By Mr. NEVILLE: Do you know why the men in the Kimberleys carried firearms?—For the same reason as I did, namely to protect themselves against attack.

2886. Are you aware that nearly every stockman up there carries a revolver, and why he does so?—To stop bulls that may rush him. If that is it, I may say that the killing of clean-skinned bulls is not a practice encouraged by station managers.

2887. The fact remains that the men carry revolvers not on account of natives?—I do not think so; indeed, I dispute that. If an ordinary employee carried a revolver with which to kill clean skinned bulls, he would not very long remain an employee of a station.

REV. E. R. B. GRIBBLE, further examined:

2888. By the COMMISSIONER: The Government Bacteriologist, reporting upon the three black hairs handed over to Police Inspector Douglas at the scene of the fire at Mowerie, said that, in his opinion, they were not human hairs. You have something further to say about it?—I handed over these hairs to Inspector Douglas. I remember that they had to be dealt with very carefully, being so fine. They were in a cluster of irregular length, and I particularly noticed that one was crinkled.

2889. Do you say you recognise those hairs as being the hairs you handed over to Inspector Douglas?—I would not swear that they are the same. Indeed, at the first glance, I should say these were not human hairs.

2890. They are not like the hairs you took from the stone?—No.

2891. By Mr. NEVILLE: How does their length compare?—These are very easily handled, whereas those I handed over required very careful handling.

2892. By the COMMISSIONER: You say these do not resemble the hairs you handed over?—I have my doubts as to whether they are the same.

2893. There is a peculiar bend in two of the hairs, almost a right-angle bend?—Yes.

2894. Is that what they were like when you handed them over?—No.

2895. By Mr. NEVILLE: Would treatment by the bacteriologist make any difference to them?—I do not know.

2896. You require to find out to what treatment they were subjected in the laboratory?—I would not swear they are not the same hairs as I handed over, but they appear to be not the same. There is no difficulty about handling these.

2897. The COMMISSIONER: I do not think it is a matter we need pursue any further.

2898. By Mr. NAIRN: You are aware that Inspector Douglas has sworn before the Commission that these are the identical hairs you gave him?—I was not at the Court at the time.

2899. That evidence has been given?—So I have been informed.

2900. Then do you wish to challenge the veracity of the Inspector?—You can draw your own inference.

2901. I do. In your typical style, you want to throw out a hint or a suggestion?—You can draw your own inference.

2902. My inference is that it is very dirty to make such a suggestion against an officer?—I have my own opinion, and I am entitled to it.

2903. But you do not give an opinion; you will not swear one way or the other?—I made the simple statement, and I would not swear that these are human hairs or that they are not.

2904. You said enough to raise a sort of smell?—That is your business, and not mine.

(This concluded the evidence.)

Mr. NAIRN: At the outset of the inquiry you announced that you did not propose to be confined by the rules of evidence, and that you would accept any information which you thought proper to accept. We had imported into the inquiry at the beginning a great deal of matter consisting of letters, entries in books, rumours and reports of rumours. That matter was published, and I am afraid was treated as matter of fact. When, however, we come to sift these reports and rumours we find that they are not backed by truth. Our rules of evidence may be technical but they are founded on good sense, and experience has taught us that the only safe way to come to a conclusion is by following the good and sure lines which are codified by our rules of evidence. Whatever rumours or reports you may have been prepared to consider when collecting information, I trust that none of them will affect you in your finding, but that your finding will be based only upon matters of which proof has been furnished. There is no evidence that anyone has been killed in connection with the police party. No one has come forward to say that he saw anyone shot or killed, or that he saw a dead body of any person, nor has anyone been able to give you any evidence which shows that anyone was killed. The only evidence is the finding of bones and some teeth in three different places. I will analyse this to show whether they would justify you in saying that any natives were killed by anyone. The first spot was Gote-gote-merrie. What is described as an improvised oven was found there as well as a number of bones. The Government Bacteriologist was not able to say that any of these were identifiable as human bones. It was reported that blood was found at the same spot. Mr. Gribble made a definite statement regarding congealed blood having been found there, and sent a sample of it to the Bacteriologist for examination. The result was negative. Human blood reacts readily to bacteriological tests. That which Mr. Gribble mentioned in his reports as being blood is not blood. The next place referred to is Mowerie, where bones are found. The Bacteriologist cannot identify these as human bones. A number of teeth were found there. He says he thinks these were human teeth, though he would not swear to it. Let us assume that they were human teeth; that is not justification for saying that they belonged to natives who had been killed by the police party. There are large numbers of natives in Mowerie and the surrounding districts. Just before the death of Hay the Durragle camp of 200 natives was raided. Natives die from natural causes as well as from fighting. In June last when the police party was operating, influenza was rampant, and it is common ground that a large number of natives died from that disorder. Natives do not bury their dead; they are left in the bush, and sometimes are placed in trees. The flesh decays and the bones bleach. Almost every year bush-fires sweep through the country. Bones must be lying not only at Mowerie, but in many other parts of the

district. Mr. Gribble had large numbers of trackers scouring the country, and this has been going on for some months. It would not be surprising if they found bones at many different places, because no doubt skeletons of natives lie out there in considerable numbers. No doubt too, many teeth are to be found. We do not know how old these teeth are, but there is no reason for saying that Mowerie was the place where natives were killed by the police. You could say it if you drew upon your imagination, as Mr. Gribble has done. When you consider it from the impartial point of view, as one who is looking for the truth, and is prepared to accept that which is established by reasonable evidence, there is nothing at Mowerie to identify it with the police party. A stone was found, and said to have human hairs upon it. Mr. Gribble reported that this is the stone with which the fiends finished their victims. After examination it has been found that these are not human hairs, but animal hairs. I brush aside the unworthy suggestion of Mr. Gribble that other hairs have been substituted. He will not swear to that, but put forward this unkind suggestion with a view to creating the impression that there is perhaps something wrong with the exhibit. I am sure you will rely upon the evidence of Inspector Douglas. The hairs were given to him, and he produced them. They are not human hairs. That rather suggests that the Mowerie site was not the site of the killing of human beings. It may have been the place for native corroborees years ago. It may have been the place where natives died from influenza or other causes. We can only conjecture how these bones and teeth were deposited there. There is no ground for identifying this with the police party unless you are prepared to rely upon your imagination. The third place found was Dala. Numbers of bones were discovered there. The Bacteriologist gives his report in the same tenor. He says that in the small tin the teeth are very suggestive of human teeth, but that there was no complete tooth present, so that he could not be certain. Another piece of bone seems to have come from a hip joint, but is rather small for a human bone. A portion of an upper jaw he does not think is human. The other portions are not characteristic of the human skeleton; they may be either animal or human. The jawbone was placed before you, very late, at Wyndham. It was apparently relied upon as a sheet anchor. You, yourself were impressed with the possibility of it being the jawbone of a human being. The Bacteriologist does not think that it was that of a human being. There is no evidence that anyone saw any dead person. The only evidence that could be brought forward of anyone having died is that of the Bacteriologist, but in no place is he able to say that any of the remains produced are those of human beings. If this were a judicial inquiry, I should ask that the case be withdrawn. The first thing you have to establish in a judicial inquiry is what is called the *corpus delicti*. You must prove that someone has been killed. That proof has not been forthcoming in the present case. Even if we had had evidence that those were human remains, we should not be very much further, because the police party have not been identified with those particular spots. Towards identification, the first thing we have is that Mr. Gribble and Inspector Mitchell went out and discovered this police camp, Wodgil. They had with them three native trackers, but the result of this first visit is summed up by Inspector Mitchell in his telegram of the 18th August to his department, "Found no evidence whatever to support report"—the report being that glaring report of Mr. Gribble on the strength of native rumours. At Derby, Mr. Gribble brought forward another matter from which he drew, as the thought, a very shrewd deduction. He found that at the police camp, at Wodgil, there were four cartridge case covers nailed on trees. Some of his natives had said that four men and three women had been taken from this locality to the Forrest River mission station. From that he makes the extraordinary deduction that because four cartridge covers nailed up were intended to be a warning to the natives that four persons had been killed.

The COMMISSIONER: The mark of a large sized bullet appears on these cases.

Mr. NAIRN: Yes, Sir. I do not know whether you are disposed to draw the same inference. If you are, it is quite hopeless for me to attempt to persuade you any

differently. With all respect, I submit that anyone who will draw that inference from the finding of four cartridge cases, is not approaching this question from a judicial aspect.

The COMMISSIONER: The difficulty is what inference to draw.

Mr. NAIRN: I do not know that you are obliged to draw any inference. If you approach the subject with the idea that these police killed these natives, and draw every possible inference from everything you observe, then, of course, you can make inferences.

The COMMISSIONER: I think you are going too far in that respect. One sees these things nailed up. Do they mean anything, or do they mean nothing? It is such an unusual thing to find four cartridge cases nailed up on a tree in the bush miles out. Is not one allowed to even think about the subject and see whether there is any possible connection?

Mr. NAIRN: There may or there may not be, but I say that no one is justified in saying that there is any connection.

The COMMISSIONER: All right; that is your opinion.

Mr. NAIRN: The allegation further is that seven persons were killed, not four.

The COMMISSIONER: Four men only.

Rev. GRIBBLE: I spoke of coincidence. I noticed the coincidence between the four men and the four cartridge cases.

Mr. NAIRN: There has been no suggestion at any time that anyone was killed at Wodgil Camp. The scenes that have been attempted to be identified are described by some witnesses as being four miles away, by others as being eight miles away. The natives say eight miles, and the inspector says four. At any rate, it is quite a substantial distance away. A very strong point has been made that you have what might be called the police brand on a tree, with the letters "O.L." That mark was put up by O'Leary, who carved his initials on the tree. I do not think it is fair to draw any inference of guilt from that. I do think, though, that this inference can fairly be drawn, that the police were not hiding their tracks. We are told it is very unusual for the police to mark out their movements.

The COMMISSIONER: Why should it be on this particular tree?

Mr. NAIRN: If the police had been doing anything wrong, the last thing they would have done would be to leave such definite tracks as to their movements. A murderer does not go out of his way to leave tracks as to where he has been—just the opposite.

The COMMISSIONER: I could understand the suggestion if the alleged shooting and burning had been at the camp. It was not within four miles of the camp.

Mr. NAIRN: I submit that the deduction which Mr. Gribble makes indicates the tenor of his mind. It shows that he is prepared to clutch at straws. Therefore, if Mr. Gribble had any evidence to give—he has not—you cannot place any reliance on the evidence of such a witness unless he brings actual facts to prove them. Nor can you place reliance on the statements of natives who are under the influence of such a man. Mr. Gribble is obsessed with this idea of the killing of natives. He is antagonistic to the police, and undoubtedly the atmosphere of Forrest River mission station is entirely influenced by Mr. Gribble. Therefore he proceeds to the question assuming the guilt which you really are to try. Some point has been made that O'Leary gave the wrong date; but if you, Sir, and I were out in the bush like the members of that party were, if we had been asked what day of the month it was, I venture to think we would probably have given the wrong date. O'Leary is a backwoods man living 300 miles, I understand, from Wyndham. Such a man loses all count of dates, and therefore his giving a wrong date is not surprising. Mr. Gribble and Inspector Mitchell found nothing, but on the 20th August Mr. Gribble sent out the Rev. Noble accompanied by a number of trackers. They discovered that spot at Gogegote-merrie. They say that when they were 50 yards away they smelt blood. One man said, "I smell blood." That led to the discovery. This shows gross exaggeration, and it also shows that the men's minds were in such a condition that no reliance can be placed upon their statements. From the bacteriologist's examination we find that that which they thought was blood was not blood at all. We know that the time they speak of, the 20th

August, is more than two months after the police could have been there. If bodies were destroyed there, they were so effectively cremated that even a bacteriologist could not identify any of the bones as being human bones. Then where was the blood? It was suggested that it might be the smell of the bodies. But, if the evidence be believed, the bodies were completely consumed, consumed beyond recognition, and there was nothing left to smell, particularly after the lapse of two months. This talk of blood is a case of the imagination being allowed to run wild. Mr. Gribble himself goes further than the natives. He puts in his report that he thinks the bodies were consumed by means of kerosene. It is a ridiculous suggestion that a police party would carry out there kerosene to consume the bodies of four men. You have had some evidence as to the large amount of fuel that is required to consume one human body—about two-thirds of a cord of wood. The idea of kerosene is ridiculous. Incidentally, that bears on all three spots. If large numbers of bodies had been burnt, as suggested, one would expect to see marks of large quantities of wood having been brought in. To burn four bodies would require more than a cord of wood. I am speaking of either this place or of Dala, which we visited. We saw no evidence of wood having been brought to the spot. In view of those facts, what reliance can be placed on the views of Mr. Gribble or on the statements of natives under his influence, knowing, as we do, that natives give way to their imaginations and are prepared to make any statements which they think will please their master for the moment? Now as to tracking. The only means of identifying the police at these spots is by tracking. Mr. Noble was the leader of the tracking party. For a start we find that the first report is wrong. The first report was supposed to have come from headquarters and to be to the effect that natives had been killed at Oombalie. Mr. Noble reported, "We went and inspected that place, and found nothing." So that first report was false. Then they went to the police camp at Wodgil. He says, "We picked up a horse track and two mules, and the tracks of four men and three women." He was asked by Inspector Douglas, "How do you know there were seven?" He said, "The boys knew how many." Previously he had said to me that the boys knew the names of the people who had made these tracks, but that he himself did not pretend to know the names. My observation on that is that Mr. Noble, when he spoke of tracking, was not speaking for himself. He was giving hearsay evidence, and accepted what was told to him by other trackers. He also said that nearly all the way down from Wodgil towards Gotegote-merrie there was matted grass. They could not see footprints, but followed horse tracks. Mr. Gribble and Inspector Mitchell had been over that part of the country some time prior to Noble's going there.

Rev. GRIBBLE: I think you are wrong.

Mr. NAIRN: Mr. Gribble and Inspector Mitchell went through on the 12th August; Noble and his party went through on the 20th August.

Rev. GRIBBLE: But they did not go to Wodgil.

Mr. NAIRN: That may be so. Seeing that Mr. Gribble and Inspector Mitchell went over this area with horses, the inference to be drawn is that the tracks spoken of by Noble were those made by Mr. Gribble and Inspector Mitchell. Inspector Douglas told us that there was heavy matted grass in that part of the country, and that although you could see where an animal had gone along leaving tracks in the grass, you could not say whether the tracks had been made by a horse or by an emu. Noble ultimately admitted that they were not able to see any footprints coming from the direction of Wodgil, and proceeding towards Gotegote-merrie. He told us further that at first they thought the tracks might have been caused by the police following other tracks, but what they saw at Gotegote-merrie caused him and his party to change their opinion. Is it not plain, therefore, that these men, when giving their evidence regarding the tracking, spoke not of what they saw, but of their opinions formed after their discoveries had been made at Gotegote-merrie? Noble cannot be relied upon as a tracker, seeing that he has to rely on his boys. Incidentally it may be pointed out that Noble, in his

statement to the police, said there were four women. It was pointed out to him that three had been written down in the statement, but he had corrected the number to four. When he came before you to give evidence, Mr. Commissioner, he said there were three, and stuck to that figure. It will be remembered that the general story placed before the Commissioner was that there were three women. In Noble's original statement, however, he was careful to say that there were four women. Dealing with the native boys, the first to give evidence was one Wunmurra. He said he saw the tracks of six blackfellows, not four. He named them as being Damunda, Delagai, Boondung (2), Juberoo, and Kangooloo. He also named three women, Yowan, Goorlay, and Marga. Later he added the names of two more men, Yunbanoo, and Jumbarie. That makes eight men. Then, he said that Kangooloo ran way. You will remember that Kangooloo was one of the men who had been reported as having been killed.

Rev. GRIBBLE: That is quite right. There were two men, father and son, having the same name.

Mr. NAIRN: Wunmurra told us that he was referring to Kangooloo, senior, and that he had not seen young Kangooloo.

The COMMISSIONER: The unfortunate part of it is that we were not able to get hold of young Kangooloo in order to ascertain where it was that his father had been killed.

Mr. NAIRN: In his evidence Wunmurra, referring to Kangooloo, said, "the one little bit old." Wunmurra told us that he saw the tracks of six horses. Noble said there were the tracks of one horse and two mules. We know that horses are shod, whereas mules are unshod. Inspector Mitchell's report set out that there were three shod animals, which means three horses. Now, take the next witness, a man named David. He was a very stupid fellow, and I do not think the Commissioner took much notice of him. David named seven men, Boondung, Boondung, Delagai, Damunda, Jiburunda, Kangooloo and Jumbarie. Waybram was the next witness. He was one of the men who went out in the first instance with Mr. Gribble. He gave the Commission the names of ten persons as having been taken from Wodgil to Gotegote-merrie. The names he gave were, Mungongood, Goorlay, Warrawalla, Jaymun, Marga, Boondung, Boondung, Damunda, Delagai and Juberoo. The next witness was Bargadenda. He claimed he could identify the tracks and named the following nine persons: Mungongood, Uninyia, Damunda, Delagai, Umbalajadin, Kangooloo, Werrie, Boondung, Boondung. Thus it will be seen that in each instance the native witnesses differed in their evidence. Further than that, I submit that the men made statements that were untrue. They told the Commissioner they could identify the persons who had made the tracks. The tracking was done by them about the 20th or 21st August. The police were there about ten weeks earlier. Inspector Douglas told you that in that country tracks became obliterated very soon. He gave his own experience when he said that he had gone over his tracks nine days later and no trace of them was observable. In other cases witnesses, including natives and experienced men like Detective Manning, told the Commission that unless you could come upon the tracks when they were fresh and distinct, and knew the persons who had made the tracks, it was not possible to identify specific individuals as having made the tracks. They pointed out that in order to give evidence of that description, the track must be new. These tracks were neither good nor new. Mr. Mitchell's native supported that. He said the track he saw was about a week or six days old. Being asked whether he could recognise or identify a track two moons old, he said, "No, not in that country, you could not see it." We know from the date that if these were police tracks, they were fully two moons old. That is so much for the alleged tracking from the direction of Wodgil to the direction of Gotegote-merrie. Both Inspectors Douglas and Mitchell are experienced bushmen, and they asked the natives to point out the tracking. They could not do it. Inspector Mitchell was the first independent investigator on the scene. One of the first things he did was to call up the natives and tell them he wanted proof: he asked them to show him the proof. They took him out to show him. The statement we have is that from Gotegote-merrie to Mowerie, three women were taken along the contour of the Forrest River. They were very strong on the fact that there were three women, because it was necessary to fit in with their story. But



Inspector Mitchell could not see tracks of three women. He says he could see here and there the track of one woman. His native tried to point out to him two other tracks, but Inspector Mitchell says he was unable to see them, although the natives pretended they were so plain that it was possible to identify the persons who had made them. Inspector Mitchell has had a lifelong experience in the bush, and we ourselves had an instance of his capacity as a tracker when we were returning from Dala. On stony country, we missed the track upon which we had gone out, and Inspector Mitchell got off his horse and picked up the track. In relation to the same matter, there was the incident where the natives made an error at the very same spot. You remember that one of our party got off the track and that natives were sent back to locate him. After having been back they returned and reported that they had found the track of the missing member, and they gave us some details as to how he had gone about, and so on. But, actually, they were on the tracks of Inspector Mitchell. Those natives, including Aldoa, were not able to recognise the foot-prints of the horse. So I say the natives are by no means infallible as trackers.

The COMMISSIONER: But they had not gone back far enough.

Mr. NAIRN: No, but they picked the wrong man.

The COMMISSIONER: They picked up Inspector Mitchell's tracks.

Mr. NAIRN: Which were not the tracks the natives were looking for. If they had been dependable they would have been able to see where Inspector Mitchell had got off his horse and got on again. The natives picked the wrong man and got the impression that that man was still in the bush, whereas of course he had come along with us. However, my point is not so much to belittle the native tracking as to show that Inspector Mitchell is an excellent tracker. If tracks in the sand are not observable to Inspector Mitchell when a native tries to point them out to him, this Commission would not be justified in saying that such tracks actually existed. This last man, Wallace, affirmed what Inspector Mitchell says. He reckoned he could see three tracks, but he could not point them out. Also he reckoned those tracks were about a week old. It is quite feasible that there was a track running up the Forrest River. Ten weeks had elapsed since the police party were out there, and it is not surprising that tracks should be found anywhere in the Forrest River, or in any of the streams up there. That is the tracking upon which you are asked to identify the police with those two spots, Gote-gote-merrie and Mowerie. I submit that no one could reasonably say there was any identification of the party with those spots. The third place we visited was Dala, the only place where there was anything in the nature of evidence against anyone. The two mission boys, Herbert and Aldoa, say they were with the police party when four natives were captured and chained to a tree, that all the blacks were sent out scouting and were out overnight, and that when they came back next day the four native prisoners were not there. The first observation I have to make about this is that if it is true it is extraordinary that the police should have done such a thing in view of the fact that they had mission natives there. They had with them Herbert and Aldoa. Herbert, I should say, is Mr. Gribble's first lieutenant.

Rev. GRIBBLE: No.

Mr. NAIRN: Well, he is a very smart boy, the smartest I saw at the mission, a boy with the habits of a waiter. The other fellow, Aldoa, also is a clever bush boy and has had the benefit of being in gaol in Wyndham, where he would learn a little, would get a liberal education. The police had those two boys in their party. The police know that Mr. Gribble is up against them and has made many reports before this, canards that have proved nothing at all. But the police know that he is dangerous.

Rev. GRIBBLE: Who knows that he is dangerous?

Mr. NAIRN: The police know that you are dangerous. They hate you like poison, and they believe the feeling is mutual. They must know that when he puts two of his natives with the party, if the party get up to any tricks those boys will report it to Mr. Gribble. Could you imagine men being such fools as to commit a bare-faced murder when they have two watchers for Mr. Gribble amongst the party? Herbert's story to the Commission is not quite the same as that he related to Mr. Gribble. In the first story he said it was the second day after they camped at this so-called Dala—it is not Dala Spring, which is three miles farther. In

evidence Herbert says these natives were brought in from the mission on the second day and that after they apparently had been got rid of, the whole party moved forward and made another camp, where Lumbia was brought in. Mr. Gribble's version of Herbert's story as related at Wyndham, before Herbert made his statement to the Commission, is a different one. Here is Herbert's story according to Mr. Gribble and reported on page 28 of the shorthand report: he says they caught four natives and put them on a chain, and that next day all the coloured boys were sent to arrest Lumbia, but Saint Jack and Regan were left with the prisoners. The boys next day returned with Lumbia and others. According to Herbert's evidence that place we visited, so-called Dala, was the camp of the second day. Herbert says they were brought in to that camp. But Lumbia was brought in to a camp that they made on the fifth day. There are many doubtful features about the statement of Herbert and Aldoa. They point out a tree where they said natives were chained. It was 50 yards from where they said the police fire had been. They say they were out all night and that when they came back they, with the other six police trackers, camped half-way between the fire and the tree where the natives had been chained; that is to say, within 25 yards of where the natives had been chained.

The COMMISSIONER: You mean the four natives brought in before Lumbia was arrested?

Mr. NAIRN: Yes. These boys came in for tucker during daylight. They stayed the night, and the next morning after going for the horses they moved camp. These men have keen observation and a keen sense of smell. If four people had been killed and burnt there within 25 yards of where the natives were camped, they would have detected it. Herbert says he did not believe the statement of the police that the natives had gone to the mission. He thought the police had killed them. If he had suspected them, would he not have made a personal investigation? It is said there was a bullet mark on the trees, and marks showing where bodies had been dragged to the fire, but these two boys did not observe anything. Why did they not report these things immediately on their return to the mission, if there was any truth in them? There is no entry in the mission book until very late regarding Dala.

Rev. GRIBBLE: At first Herbert said he believed the police, but in the morning he looked for the tracks of natives going towards the mission.

Mr. NAIRN: It was Aldoa who said, "Police good fellow." If Herbert had made any search he could have found signs of what he suspected. When Inspector Douglas went out with Inspector Manning there was some doubt as to whether any inquiry had been made. Herbert said he had made a report to Mr. Gribble, and Mr. Gribble said he had not done so.

The COMMISSIONER: Herbert was very confused. He said he did not believe St. Jack, and looked in vain for tracks of the natives. He also said that he told Mr. Gribble of his suspicion.

Rev. GRIBBLE: He did not report to me until after the police had gone.

The COMMISSIONER: When did he report?

Rev. GRIBBLE: I forget exactly when.

Mr. NAIRN: What is the value of evidence such as this? Would any jury accept it?

The COMMISSIONER: I do not think any jury would convict on the evidence brought forward.

Mr. NAIRN: These boys are under the influence of Mr. Gribble, who treats them as the equal of whites. He continually puffs up blacks and has been a source of great mischief in the Wyndham district. That is why he is so cordially hated by those amongst whom he has lived for 13 years. He sought to set up an atmosphere at the beginning of the hearing. He came in with the story that Hay had been speared because he had interfered with a black woman. His first entry, which was unworthy of a Christian gentleman was "His is paying for his sins." I wanted to take up the matter but you stated that the result of the judicial inquiry was sufficient to clear Hay of that charge. In addition, you may remember that when you went out on the mission station Mr. Gribble was careful to have under your nose the book of his late lamented father, "Dark Deeds in a Sunny Land." One of the first things that struck you at the mission chapel was "Sacred to the Memory of the Innocent Natives Killed by the Police," and there was some reference to the small remnant left.

Rev. GRIBBLE: That was put there before the appointment of the Commission.

Mr. NAIRN: All these things show the tendency of Mr. Gribble's mind, and the atmosphere which he has created among the mission natives. Along with that you get this fact, commonly admitted, that mission natives, if they know what you want, will go out of their way to comply with it. Is it too much to expect that those natives of his would be capable of putting a few bones in the creek? No reliance can be placed on natives. I have Mr. Gribble's unintentional authority for that statement. It was pointed out to him that some of the natives had made allegations against himself. His reply was, "Yes, you can get a native to say anything." Of course that was when he was dealing with his own case.

Rev. GRIBBLE: Was that in private conversation?  
Mr. NAIRN: No; at the Commission.

INSPECTOR MITCHELL: Mr. Gribble added, "When he is out after your scalp."

Mr. NAIRN: I shall not worry you any further with this matter, Mr. Commissioner. Speaking generally, I say that when you set aside rumour and report and have regard to facts which have been established by reasonable evidence, there is nothing to justify you in saying either that the police party have been connected with any murders or, in fact, that any murders have been committed.

The COMMISSIONER: Do you wish to refer to the disappearance of Tommy and to the police methods?

Mr. NAIRN: As regards police methods, I am not engaged on behalf of the Police Department and I do not propose to offer my opinion on their methods. As regards Tommy, there is no evidence that Tommy was killed by anyone. He had had a quarrel with his employer, and had left him. Afterwards Overheu was coming towards Wyndham with the gin Lyddie and Tommy Pearse, who had taken her from Tommy Tootra, the deceased man. The evidence is that Tommy the deceased man came into the camp. Overheu turned him out, and told him not to come after the gin. Tommy said he was not after the gin, but wanted a job. Overheu agreed to employ him. Apparently they were friendly then. Next morning Overheu and Tommy went out in the bush to look for horses. In one of Mr. Gribble's reports it is stated that Overheu said they were out to look for buffalo, but there is no evidence of that. Lyddie says "No" to that. She says that Overheu had asked Tommy if he had seen any buffaloes on those hills, and that Tommy had said no; that they went out to look for horses. Overheu states that after going some distance he sent Tommy off in the hills, and made an appointment that Tommy meet him on the plain at the 10-Mile tree. They had gone out from the 6-Mile or 7-Mile. Overheu says Tommy did not return. Overheu made search, and ultimately found the horse. Tommy has not returned. There is naturally a suspicion that Overheu has got rid of him, but it is pure conjecture. Your Worship may have observed that country at about the 10-Mile, and may have observed the hills. They are bare, rocky hills, without any cover at all. They are a long way from any water. There are lots of natives around there, right from the 7-Mile out to Mugg's Lagoon and King River. There is some evidence that the natives made search for Tommy. They were right on Overheu's heels. If he had made away with Tommy, do you think those natives would not have discovered it? That is comparatively easy country, as one can see—I refer to the lower Cockburn Hills. To an outsider it seems very difficult to conceive how a dead body could be disposed of in that country without the natives being able to find it, because the natives were active enough in the matter. There is no evidence at all that Tommy has been killed, or, if he has been killed, that Overheu had anything to do with it. Tommy was of peculiar character. He had been in gaol several times. On a previous occasion he had cleared out for 12 months. You remember he had this row with Overheu; and if, as has been said, he "went bush," he may have gone a long way. At any rate, there is no justification for casting even the slightest reflection on Mr. Overheu in regard to that matter.

INSPECTOR MITCHELL: There is only one point I wish to make. During the course of his address this

morning, Mr. Nairn said that my tracks might have interfered with the tracking of James Noble. My evidence reveals that I did not travel between Youngada (Wodgil) and Gotegote-merrie at any time, either before Noble's tracking or afterwards.

Rev. GRIBBLE: On the 4th May there appeared in the "West Australian" a statement to the effect that this Commission of inquiry was based on allegations made by me. This is only partly correct. As a matter of fact, this Royal Commission was based upon allegations made by three officials, upon those of myself as a protector of the aborigines, of Mr. Mitchell as Inspector of Aborigines, and of Inspector Douglas of the Police Department. The most serious of these three reports was that of Inspector Douglas. The Commissioner of Police stated in his evidence that from him had come the suggestion for the appointment of a Royal Commission. I gave evidence during this inquiry in my capacity as a protector of aborigines, but I have attended the sittings as the representative of the Australian Board of Missions. I fully appreciate the difficulties that you, as a commissioner, have had to encounter in the course of your inquiry. At Wyndham the atmosphere of intimidation and terrorism was plainly evident. Even so far back as the time when Inspector Douglas wrote his report to his chief, there is evidence to show that efforts were made to frustrate investigations. Inspector Douglas states in his report to the Commissioner of Police that it would be difficult to make investigations and secure evidence from the trackers employed by the party as, he says, "friends of the party have made it their business to prevent my doing so." That was before your appointment as a Royal Commissioner. White witnesses backed out of giving evidence, native witnesses absconded and were not produced. It is rather remarkable that the constable sent out to secure Trackers Sulieman, Windie (Joe), and Frank, after their disappearance from Wyndham, was one of the constables implicated in these allegations—Constable St. Jack. After an absence of a week or so, he returned without them, of course. Out of seven or eight trackers, only one was available. This is very significant. As regards myself, I have felt all along the great handicap that I, as a layman, laboured under in having to appear against a lawyer whose tactics were but a cheap imitation of those of a more eminent lawyer in a recent murder case. The Crown had no lawyer, hence Crown witnesses have had to endure what witnesses on the other side have not been subjected to. Before proceeding further with my prepared statement I will deal with one or two assertions by Mr. Nairn during the course of his address. He said that bones had been found in fires at three places. Bones were actually found at four places. Three of those places were seen by Inspector Mitchell and myself and four were seen by Inspector Douglas.

Inspector MITCHELL: Two by you and me.

Rev. GRIBBLE: That is correct. Two were seen by Inspector Mitchell and myself, three by myself and four by Inspector Douglas. With reference to statements regarding large fires: Travel where you may, you will not find aborigines making large fires whether in connection with corroborees, ceremonies or for the cooking of food. There has been a suggestion that the fires that have been referred to were made by natives. If that were so, how can one account for the traces of shod horses being found around the fires, and at one place, of a shod horse or horses having been tied to a tree a few yards away from the fire? Then again, there is a suggestion that the timber had been cut by natives at these centres. If cut by natives, it would be plainly evident because of the dullness of the axes the aborigines use. In the instances in question, the timber had been cut by a sharp axe. Mr. Nairn spoke of Youngada (Wodgil) and referred to the four lids of cartridge boxes nailed to a tree. There is no evidence or suggestion implying that murders took place there, but at Gotegote-merrie, four miles away. The evidence goes to show that Youngada was the centre to which the police returned several times. As to the evidence of the natives, Mr. Nairn pointed to the fact that certain native witnesses had given a large number of names. It must be borne in mind that these aborigines were only bush natives and could only remember one thing important to them. It was that all the men whose names they gave

had been murdered. In his report, Inspector Douglas stated that at three different centres he was sure 16 bodies had been burnt. Then there were Mr. Nairn's references to Dala. He suggested that the two boys, Herbert and Aldoa, must of necessity have found something at the four native camps if anything were there to be found. The evidence shows that they were too sharply looked after. Aldoa states that when he went to get water in the direction of the place where the bones were obtained from the water in the presence of yourself, Mr. Commissioner, Constable Regan instructed him to go to another part of a creek in almost an opposite direction. One wonders whether if those two boys had found anything in the creek, we would have had those boys to give evidence before the Royal Commission. Mr. Nairn stated that I elevated the aborigine to the level of the white race and added that I supped with Noble. I do. The Rev. James Noble and his family sit down to meals at the Mission table. That statement is quite correct. Mr. Nairn said that I was antagonistic to the police. It is remarkable that when the police came to the Mission station in the course of their search for the murderer of Hay, I, without any request from the Police Department, supplied them with information and with food supplies and provided them with two guides to assist in effecting the arrest of the culprit. In his report to the Commissioner of Police, Inspector Douglas, when urging that detectives should be sent to the North to carry out investigations, said that he had no police available for the work, yet he had five or six police constables in the district! They were antagonistic to the Police Department making investigations. Inspector Douglas said that the only person that would help the Police Department was the Rev. Gribble. It seems to me that both Mr. Nairn and Capt. Tindale have been imbued with the general atmosphere obtaining in East Kimberley in regard to the native question, and have considered it from only one point of view. Capt. Tindale's statements as to the natives having a general walkabout from the Barkly Tableland in the Northern Territory to the Forrest Mission is absolutely absurd. With reference to native witnesses, I ask you to compare the attitude of the natives Jim McDonald and the woman Lyddie with the demeanour of the native witnesses Herbert and Aldoa at the Mission. McDonald was evidently primed and his evidence contradicted his statement to the police. The woman denied having made any statement to the police. The fact that she was originally questioned by the police, and made her statement to the police, a statement very incriminating to the whole party, is very significant. It is unfortunate that the three natives Sulieman, Joe and Frank, were not available to give evidence, and it is most significant that the constable sent out to secure them was St. Jack, and he returned without them. It is no doubt difficult to get evidence from natives. The difficulty arises from the fact that unless a native has been educated in English, no matter how conversant he may be with English, he always does his thinking in his mother tongue. In other words, he hears the question in English and at once he begins, or tries to begin, a mental process of translation of the question into his mother tongue. And then, having ascertained the meaning of the question and found his answer, he translates again into English. This takes time, and when he is pushed for showing hesitancy he gets flurried and confused. This shows how absurd it is to try natives in our courts of law and not in special courts. Attempts have been made to belittle the Rev. James Noble's powers of tracking. I have listened to experts in this inquiry and have come to the conclusion that all those that gave evidence in respect of the tracking powers of natives have not had as much experience as I myself have had. My experience has been gained by close contact with natives for over 47 years, that is from the time I was 11 years of age, for as a boy my companions were the native children of an aboriginal mission station where my home was. Later on I had experience on the Gaseoyne, and later again was employed as a stockman in the south-west of Queensland, and worked with aboriginal stockmen, and then for 34 years as a missionary in the north of Australia. Dur-

ing that period I have made no fewer than three journeys from the east coast of Queensland to the Gulf of Carpentaria, once from Cooktown, with a native police patrol, and twice with my own party from Cairns to the Gulf of Carpentaria and travelling with compass and native guides for months at a time. I have known natives to follow tracks at a smart canter for miles. I have known and been with natives tracking on foot over hard and stony country. I have known time and again natives who could give even the names of horses that persons were riding, but I have never had to do with a tracker equal to the Rev. James Noble of the Forrest River Mission. He is recognised by all, whites and natives, as having no equal as a tracker. I have known natives in soft sandy country go down on hands and knees and blow off the tracks accumulated debris and dust and then tell the names of the persons who made those tracks. I have also many times seen tracks months old made during rains recognised as footprints of certain people. I have known also natives giving the names of persons wearing boots who have made certain tracks. It is very significant that Sulieman informed Inspector Douglas that four men and three women were taken from Wodgil to Gote-gote-merrie and that is exactly the number that Noble read from the tracks he saw, namely four men and three women. At the outset of this inquiry attempts were made to show that natives could not identify tracks with certainty. Yet Overheu, in his evidence on this point, states emphatically that the native is very reliable in that respect. With reference to the bacteriologist's report on the bones and teeth, let me say his findings only go to show what a good job was made of the burnings and what a determined effort was made to leave no traces. If these were not human bones, then what on earth were they, with the evidence before us? The quantity of wood required to burn a body has no bearing whatever in the present case, as there are tons of wood all over that country. Again, natives never make a large fire. Before dealing with the evidence, I should like to refer to Inspector Douglas. No man was ever placed in such a difficult position. I wish to show my deep sympathy with him. His position all through has been much harder than mine. This matter affected his department, his own district and his own men, and yet he set out determined to do his duty. Let me say that up to a certain point he absolutely did it. He went over the whole route of the police party, accompanied by one of the trackers who had been with the police. He got at each camp the whole story of the happenings there from the tracker Sulieman and the same at Gote-gote-merrie and Mowerie, and also at No. 3 camp, a place not seen by any other official. On his return the tracker Sulieman made a most damning statement to Detective-Sergt. Manning, and Inspector Douglas sent in to his chief the whole account of his discoveries. He is, I maintain, as straight a man as could be found. He, on his own showing in his report to the Commissioner of Police, stood alone. He had it in his power if he wished to have quite a different story of his own and from Sulieman, but strange to say, when giving evidence, he adopted a policy of silence as regards his discoveries beyond Mowerie, though he had been to Mowerie in my company. Why this silence? Was it because he had seen too much, or had suddenly realised what a serious thing it was for his department, and serious to him as inspector. I maintain that Inspector Douglas deserves our sympathy, even although he showed weakness in adopting a policy of silence as regards the most important allegations contained in his report to his chief. I wish to draw your attention to three points in his evidence. (1) Sulieman describes to him the marching of prisoners to Gote-gote-merrie and the shooting of one man there; (2) Sulieman told him that at a place, no doubt Mowerie, they saw O'Leary and St. Jack at a big fire and two horses and a mule. The Rev. James Noble in tracking to Mowerie read from the tracks that two horses and a mule had gone along with native prisoners to that spot; (3) Inspector Douglas describes a large fire a distance from No. 3 camp. After describing the scene and the fact that evidently large quantities of firewood had been cut and carried in, he said he saw thousands of fragments of bone, and said also, "I have no doubt that nine bodies were cremated here." He also states that at three distinct spots he described 16 natives had been killed. Could you, Sir, have more damning evidence to show that murder of a large num-

ber of natives had taken place, and that the inspector was in no doubt that these murders had been committed. All through this inquiry I have tried to make it clear that all the reports that came to me came from natives. Evidence has been given that Mr. Mitchell heard, miles away from Wyndham, similar reports from natives. Investigation made by me in the company of other officials goes to show that those reports were based on good foundations. All through the persons concerned have set out to deny everything. O'Leary directly states that he denied everything. Evidently they have been advised as to the course to pursue, as only native evidence could be brought against them. Mr. Nairn's clients, it must be remembered, are interested witnesses liable to punishment for any wrongdoing, whereas the native witnesses are disinterested. All through the inquiry those concerned have failed to account for the discoveries made all along the route of their operations in a district within a radius of 16 miles or so from the Mission. I refer you to the map. I now come to the evidence dealing with the operations of the police west of the Mission. Let me say first of all the evidence of the police and others is full of contradictions. Just after the murder of Hay, evidence goes to show that St. Jack, Overheu and others were operating in the search for natives before being joined by Regan's party. Douglas is of the same opinion. Although O'Leary, St. Jack, Overheu and Jolly all state that the two parties joined up at Nulla Nulla and started from there, Murnane and native witnesses state that they arrived at Nulla Nulla to find no one there, but that they joined the other party at Jowa on the 5th June, 1926. Jowa was thus the first police camp. This camp was visited by Inspector Douglas. I contend that this camp was occupied for more than one night and was the centre of the operations of the first party until joined by the party under Regan. Inspector Douglas in his report confirms this. They state in their evidence that on the 6th they moved camp to Wodgil, reaching there the same day. I know that country well. It is a very short distance and is good country to travel. They state they remained there but one night, the night of the 6th. On a tree carefully and well carved is the date 8/6/26. Statements of native witnesses go to show that they stayed there two days, this being contrary to the statements of the police. O'Leary states that he must have made a mistake. Surely the best evidence we can have of their having stayed there at least two days is that date with other carvings on the tree. Surely O'Leary did not make a mistake of two days when there were six whites in the party several of whom kept journals. Then the evidence of the other whites agreed that they finally split into two parties from the camp farthest west, No. 3 camp, on the 17th June. O'Leary states that the one party under St. Jack started for Nulla Nulla, having 40 miles to go, and that the party under Regan started for the Mission, having 60 or 70 miles to go. If that was the distance then they must have been westward of the Drysdale River, and there is no evidence to show that they were ever near the Drysdale River. Murnane states that it took three days or so for his party to reach Nulla Nulla. Others state that they left on the 17th, reached Nulla Nulla on the 18th, and Murnane started for Wyndham by boat on the 19th, arriving in Wyndham on the 3rd from No. 3 camp. The map shows that the operations of the police were within 16½ miles of the mission. On Overheu's statement his party took two days to go to Nulla Nulla. The other party, with only 16 miles to go, and not 60 or 70, as O'Leary states, took 4½ days. What were they doing? Overheu states that he left Nulla Nulla on the 21st, after seeing Murnane off by boat at the river, eight miles beyond Nulla Nulla, killed a bullock and started on the 21st for the Mission. They started on their journey to the Mission on the very day when Regan's party reached the Mission. In O'Leary's evidence, we have the remarkable fact that he left the Mission after the disbanding of the special police a day before Overheu, and camped on the Ernest River. Overheu caught up to him at noon the next day and they journeyed together to Nulla Nulla. O'Leary was accompanied by his boy, Charlie. Why was this division made? Gotegote-merrie is only three miles from the Ernest River. Thus O'Leary had the best part of three days to return to Gotegote-merrie and make a better clean-up. He now knew how close the place was to the mission. At Gotegote-merrie there was more evidence of a careful

clean-up than at any other place. O'Leary was accompanied by his one boy. That boy was never produced, although he was wanted as a witness. Overheu was accompanied by Tommy, who is still missing, and Tommy's wife and a native named Juberoo, who had formerly been in Overheu's employ, and had run away owing to the recent trouble, and being at the mission willingly went back with Overheu. Juberoo, a short time afterwards absconded with Tommy from Overheu. Tommy went South, and Juberoo brought the information to the Mission that Tommy had told him that natives had been shot and burnt in the vicinity of the Ernest River, but did not mention Gotegote-merrie. That information was given to the Rev. Mr. Noble, as he was starting out on his search. Sulieman's evidence distinctly bears out the evidence given by the Rev. James Noble with reference to what he saw from the tracks of natives taken from Wodgil to Gotegote-merrie. It is to be regretted that Sulieman was not forthcoming to give evidence. His is a most incriminating statement to make against a police party made, as it was, to members of the force. Then comes the question of ammunition. Murnane does not deny that a remarkably large quantity of ammunition was carried by the police. He considered that 350 rounds was not too large in view of the nature of the natives in that locality. I know that country well, and question whether any other white man knows it as well. I have on several occasions since 1919 passed through that country, both coming from and going to Wyndham and elsewhere, unaccompanied by any white, and carrying no firearms. On the 13th July, only three weeks after these tragedies, I passed through the same country with fat bullocks, accompanied by four young black lads, no whites and no firearms. I had not a moment's uneasiness, and four or five days travelled in slow stages in the Ernest River country, camping one night three miles from Gotegote-merrie and three nights in the vicinity of Jowa. In connection with the question of the hostile character of the natives, when your party journeyed from the Mission to Dala, the only member of that party carrying firearms was a person unconnected with the Mission staff or the police, and not officially connected with your party. We must do that person justice by remembering that he had a very different account of the character of the natives in the vicinity given by him by his clients, who naturally wished to show their hostility and treachery which is all a myth. I have for 40 years been working on the Forrest River as a missionary. During that time we have never called the police to our assistance, and have never had a police patrol there. There is no traffic through our part of the country. In 14 years there have been six people who have passed through the country. In one period in 1914 I was alone for eight days ill with dysentery, and cared for by two little children, one of whom was Herbert, a witness. For six years we had no more than two white men on the staff. The Rev. Mr. Noble and his family joined the Mission in 1914. So much for the treachery and hostility of the blacks around the Forrest River Mission. I will now turn to the circumstances surrounding Dala. Regan distinctly states in contradiction of my evidence that he did not get the information with reference to the murder of Hay and Lumbia's part in it from myself, but from one of the shepherds. He was, in fact, seen with his party to come on the reserve to a camp. He was seen by me and one of the staff to walk directly from the camp to where I was, and he got his information. St. Jack's journal goes to show he is not speaking the truth. Again, on his arrival he distinctly stated he had seen no natives, although in his evidence he clearly stated that he had done so. He admitted that he did tell me a lie, for a reason. What reliance can be placed on a man who admits that he has lied, and is also bowled out in another lie? On the information supplied by me, that is the story of Hay's death, Regan and St. Jack set out to the north, accompanied by two guides, to effect the arrest of Lumbia. This they did, and brought back to the Mission a large number of natives. Regan denied having made certain statements to me, but after interrogation of the natives between 9 and 10 in the morning until 5 in the evening he released all of them with the exception of those concerned in the story. He denies having made certain statements to me in Wyndham, statements in which he states his admiration for the Mission, and was grateful for the services rendered to him. Then

we have the evidence of the natives Herbert and Aldoa in connection with the tragedy at Dala. I would like you to remember the demeanour of the native witnesses Noble, Herbert and Aldoa at the mission, and the evidence of the native witnesses at Wyndham. The former gave evidence willingly and without fear. Both Regan and St. Jack distinctly state that they accompanied their native trackers and our two guides and captured Lumbia. All the native trackers and the two mission guides state that neither of the two white police accompanied them on that occasion. Herbert and Aldoa state that when they returned to the camp where they had left the two white police with the four prisoners, the prisoners were not there. They were told they had been given rations and sent to the mission. Later on their suspicions were aroused. One wonders why these boys did not search around the camp for these prisoners, but the evidence they give leads one to the conclusion that they were watched too sharply. Aldoa says that when he went to get water at the creek, in the direction where you saw the remains of a large fire, he was prevented from going in that direction, and sent to another part of the creek. What would have happened if both these boys had gone to the creek in that direction and found what no doubt was there? Should we have had their evidence at this inquiry? Sergeant Buckland visited Dala. He states that the remains of a fire big enough to boil a billy were pointed out to him by my son. You saw the spot. He did not see signs of a police camp, but you did. He saw what no one else saw; two beef bones. Is it not usual in cases such as this that any evidence that is available should be carefully kept. Yet we find with reference to the bullet, he did not even wait to see it extracted from the tree, and when it was handed to him he did not take steps to secure it, and did not know where it was. Constable Donegan also displayed very little care of such an important exhibit, and said he was not quite sure whether he could find it. He ultimately produced it. Sergeant Buckland admits that a native boy obtained from the water quantities of charred bones. He did not take possession of them, but left them where you saw them. This seems strange conduct on the part of a senior officer of the police. What would have been his attitude if whites instead of blacks had disappeared? Would he have been so neglectful and careless of such important pieces of evidence? Would any reasonable man, after seeing what you saw at Dala, come to any other conclusion than that a serious crime had been committed on that spot? Then there is the case of the missing boy, Tommy. It is remarkable that the story given by Overheu tallies so much with the story brought to me from 50 miles away by a native. Then there is the fact that although Tommy was an important witness for the Crown, and his disappearance is such a serious thing against Overheu, he has not been produced nor have efforts been made to get him. He is still missing and unaccounted for. Overheu states, "I have heard that he is at Spewar." On the question of cattle killing, Overheu states that the mission practically harbours criminals. Such is far from the case. Overheu claims he has known the names of cattle killers, the sexes of the cattle killed, and the places where they were killed, evidence that any cattle owner would like to have, and seldom gets. When cattle are killed, the natives are so numerous that the whole carcass is cut up and taken away. In the majority of cases it is impossible to learn the sex of the cattle killed. Overheu states that his stockboys have identified the tracks of the natives, and asserted that they are very reliable in recognising the tracks of other natives. In the list of names he gives as cattle killers it is remarkable that there does not appear the name of one of the missing natives. Neither has he, with the evidence he confesses he has, given information to the police. Had he done so, I would certainly have been notified by the police and have given every assistance to secure the offenders, for they were easily got. He mentioned frequently Lingula and Ungala, as the names of two men. These are man and wife, most law-abiding and peaceful folk, and are always to be found in the vicinity of the mission. The mission, without any expense to the State or trouble to the police, handed over some eight

or nine natives to the police and they received sentences for cattle-killing. This is not harbouring criminals. Overheu mentioned the case of murder which happened some two or three hundred miles away. For this, two natives were arrested by the Derby police, and sent south. Overheu, on his own showing, has harboured a criminal in his employ, the missing boy Tommy, and even stated he knew where Tommy had murdered a man. He did not report this to the police or hand him over. When the mission heard of the death of Overheu's partner I at once set to work to gain information in order to assist the course of justice. From the information obtained and the help given to the police, they succeeded in capturing Lumbia. The mission has distinctly assisted on every occasion that has arisen to further the cause of justice. With reference to cattle killing, I would point out that the mission, as the owner of cattle, runs far more risk of having them killed than any other cattle owners. Other cattle owners, for their own interests, have to keep the natives off their cattle runs and away from the waters used by the cattle. As the mission is for the benefit of the natives, it has to encourage them on the reserve and among the cattle, and allow them access to their own usual resorts on the lagoons. The wonder is not that we have cattle killed, but that so few have been killed. Our increase of cattle has been remarkable. Although the bush natives are constantly going to and fro amongst the cattle, they are uncommonly quiet. There are hundreds of natives in that country under the control of no one, frequently coming and going to or from the mission. It has been suggested during this inquiry that the mission has taught the natives not to kill mission cattle but those of other people. That is absolutely absurd, and could only have come from a man with bats in his belfry. We are there as missionaries to inculcate Christian ethics. They are taught not to murder, not to steal, and not to lie. With such teaching as has been suggested, we would be the very first to suffer in the killing of cattle. The mission staff consists of five Christian ladies, including Mrs. Noble, who is an aboriginal, and five gentlemen, including the Rev. James Noble, who is also an aboriginal. Surely such a body could be relied upon to teach nothing but what is right and proper. I have been all my life in the Australian bush, have worked on stations amongst stock and have heard all the stories of atrocities by and upon natives. I have travelled with native police patrols from the east coast of Queensland to the Gulf of Carpentaria. I have listened to the stories told me by police officers at that time. I have come to the conclusion that the black tracker has been taught to murder, not white people but his own countrymen. He is given a gun and taught to obey his white officer. He has been taught to conceal the truth and tell lies. From an experience of over 30 years in North Australia in missionary work amongst the natives, I would rather deal with bush natives than with a native who has had any connection with the police as a tracker. I feel sure that this inquiry will cause Australia to realise that the welfare of the natives is of far more importance than some of us have hitherto realised. At present the native is not the asset of the State; he is rather the asset of the individual who, shall I say, possesses him. This situation is not conducive to the best interests of the native. I need only remind Your Worship that it costs only 5s. to obtain a permit to employ an aboriginal, which in the North carries no wages with it, while on the other hand, it costs 7s. 6d. to register a dog, and the Government pays for the scalp of a dead dog the same amount that is paid for a permit to employ a native—5s. Without doubt, a large number of natives have met their deaths during the time that this police expedition was in the district. It is to be remembered that the police themselves have stated that it was impossible for any party to operate without their knowledge. If such a thing can occur when police, custodians of the law, go out to arrest natives, what can be expected of others? Moreover, these happenings took place on the native reserve, the natives' own sanctuary, on country granted them by the Government of the State for their own use. This affair shows that they are not safe even in their own territory. In the past 14 years we have heard rumours and reports of similar occurrences, but at long distances from us. This, however, happened, as it were, in our own home paddocks, and among the people intimately con-

needed with the Mission, although living as they have lived from time immemorial. If we as protectors of the natives had taken no notice of reports made to us by the natives, the work of the Mission would have been for all time crippled, we would have lost the confidence of the natives; in fact, I doubt whether it would have been safe for us to remain there, for these natives, knowing what had occurred, yet saw us, their protectors, showing hospitality and giving assistance to the police in the course of their duty of capturing the murderer of Hay. It is time that a mere handful of people in East Kimberley, numbering, I believe, under 200 permanent residents, learnt that the Government of the country is responsible for the welfare of the original owners of this land, and that protectors have a duty to perform. I would like to point out, too, that in the 14 years of the Mission's work, we have been entirely without police protection; police patrols have never come near us; we have never been in danger from the natives, and have travelled throughout the country unarmed. I would like to make it clear, as I close, that I have endeavoured simply to do my duty as protector and as head of the Mission, and have acted only through my respective authorities—no other. It has been suggested to me that I am anxious to have the rope put round the necks of certain people. That is not so. I have been anxious not so much for the punishment of an evildoer, which is not my business, as to show that such things are being done, to show this in the hope that steps may be taken to render such happenings impossible in the future, and to secure justice and better conditions for the remnants of the aboriginal race.

Mr. NEVILLE: On behalf of the department I wish to say that we did not think it necessary to engage an advocate, in the first place because we were not charged with anything and the inquiry was really at the instance of the Commissioner of Police; but when I say that, I do not mean that we would not have stressed the necessity for inquiry had he not taken action. My first advices were from Inspector Mitchell and Mr. Gribble. Mr. Gribble has been a protector of aborigines for a number of years; and, like all protectors, he is in the habit of periodically reporting to me, and especially when anything of an unusual nature

arose. He has reported to me on numerous occasions, and usually upon investigation of the reports I have found that there was something which called for attention. When I received Mr. Gribble's report I immediately communicated with Inspector Mitchell, and simultaneously the matter was placed in the hands of the police. I communicated with my Minister, and said that as Chief Protector of Aborigines, on the evidence submitted by my officers, I must press for the closest investigation of this matter. I went on to say that this was not the first time something of a similar nature had happened, and I again protested against the arming of police trackers, assuming of course that if anything had been done in this instance, the police trackers were responsible. The Commissioner of Police thought so seriously of the reports of his officers that he asked the Government for this Commission. Therefore it was not necessary for me to press the matter further from that point of view. My own officers—in this instance Inspector Mitchell and the honorary protector, Mr. Gribble—being with you all the time, were in a position to put forward their views and to assist you to the best of their ability in unravelling the mystery. Anyone following the matter carefully can only come to one conclusion, and that is that natives have lost their lives in some untimely way—how, Sir, it is for you to say, and not for us. I only hope, for the sake of the fair name of Western Australia in respect of its treatment of the natives, that the truth will come out. The inquiry should at least encourage the belief that improved methods of handling native matters in certain directions may be instituted, and I hope that my repeated representations in these respects may now bear fruit.

The COMMISSIONER: This inquiry will now close so far as the taking of evidence and the hearing of addresses are concerned. It will now be for me to consider my report. I have to thank those officers who have made it their business to assist me in this very complicated inquiry. Although I am very glad to see you gentlemen around the table, I shall not be sorry to see the last of you. I shall present my report as soon as possible after having had an opportunity of going into the evidence carefully.