

‘To infuse an universal terror’: a reappraisal of the Coniston killings¹

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Australian history has of late entered a new phase of self-reflection, fuelled in part by Keith Windschuttle’s questioning the number of Aboriginal deaths as the result of frontier conflict.² This revisionist view of frontier conflict has led to a re-examination of many events previously accepted as ‘truths’. One of these events, the Coniston killings of 1928 near Alice Springs, has almost universally been accepted as a massacre. Even Keith Windschuttle acknowledges that ‘Coniston deserves the label “massacre”’.³ This year marks the 75th since the tragic events at and around Coniston Station. In September 2003 a plaque was unveiled near Coniston, in honour of those who lost their lives during what is locally referred to as the ‘killing times’.

As this paper demonstrates, the complete story of Coniston remains, however, arcane and the death toll is probably far greater than that given in the commonly accepted account. We present new information derived from actual perpetrators that the total Aboriginal death toll was at least twice the official figure. Coniston was the subject of official reports, three court hearings, a Board of Enquiry, domestic and international press reports, a book, a thesis and journal articles. Despite this prominence and wealth of documentation, much remains imprecise and ambiguous in our historical understanding of the events leading to, during, and after the killings. To date the story has been oversimplified and many inconsistencies have remained unexplored. It is over 40 years since the last detailed academic examination was made of Coniston, when Hartwig⁴ prepared an Honours thesis on the subject. Peter and Jay Read’s *Long time, olden time*⁵ remains the pre-eminent published Aboriginal account of the Coniston Massacre, using as it does material from eye-witnesses to the events. However, much of the historical investigation over the past 20 years has been centred upon Cribbin’s book, *The killing times*.⁶ While the relative prominence of Coniston is owed to this work, the

1. ‘To infuse an universal terror’ [sic] – according to Tench, Governor Arthur Phillip thus described to him the purpose of Australia’s first official punitive expedition in December 1790 (Tench 1789: 168).

2. Windschuttle 2000a: 9.

3. Windschuttle 2000a: 9.

4. Hartwig 1960.

5. Read and Read 1991.

6. Cribbin 1984.

book has virtually no footnotes and the sources are therefore not verifiable; yet Windschuttle – who considers that the ‘role of the footnote is to make historians publicly accountable’⁷ – among others, considers the work an authority.⁸ Cribbin’s story, however, contains errors of fact, is replete with incidents unmentioned in other sources, and misconstrues the sequence and nature of events (when compared with official testimony and records). It is the narrative interpretation of a journalist who did not apply even the most rudimentary archival research skills of the academic historian. Many of the inconsistencies in Cribbin’s account have been inherited by subsequent writers, notably Bruce Elder⁹ and the supposedly circumspect Keith Windschuttle.¹⁰ They also make their own mistakes. For example, Elder’s incorrect placement of Brooks Soak some 20km south of Coniston Station (it was west) has survived seven reprints and one revised edition of *Blood on the Wattle*.¹¹ Windschuttle incorrectly places Coniston Station itself on the Lander River (it was on the Warburton).¹²

This work sets out the events as they are now understood, while acknowledging that many inconsistencies have yet to be explored and that a definitive account of the atrocities at Coniston remains to be written. In particular, we expand upon the public knowledge of a leading figure in the events, Mounted Constable William George Murray, and draw on the unpublished diaries of TGH Strehlow.

Before the killings

In 1928, Central Australia was one of the last frontiers in the European conquest of Australia; Coniston was its western outpost. The Coniston lease, situated on the Warburton River some 250km north-west of Alice Springs, was granted to Randall Stafford of Adelaide in 1917 and the station stocked four years later.¹³ The Tanami desert lay to the west of Coniston, the Lander River country to the north. European contact with the region’s traditional owners, the Warlpiri, had been minimal, with pastoral stations and the Tanami goldfield the only permanent European presence.¹⁴

Three significant issues which are significant during the lead up to the Coniston killings are often disputed in interpretations of the events: conflict over land use, the effects of drought, and the events which led to the demise of Frederick Brooks.

In the non-Indigenous community, from police and pastoralists to politicians, there was a consensus that the competing interests of traditional Aboriginal owners of land and pastoralists could not mutually prosper. The *South Australian Register* summed it by stating ‘the blacks have taken charge and it will be an impossibility to develop the country until there is more police protection’.¹⁵ Police Sergeant Charles

7. Windschuttle 2002: 132.

8. Much of the material for Cribbin’s work was sourced from oral histories collected by Peter Read in 1976 and 1977 for the later publication Read and Read 1991. Journalistic flavour and some embellishment were added.

9. Elder 1988.

10. Windschuttle 2000a.

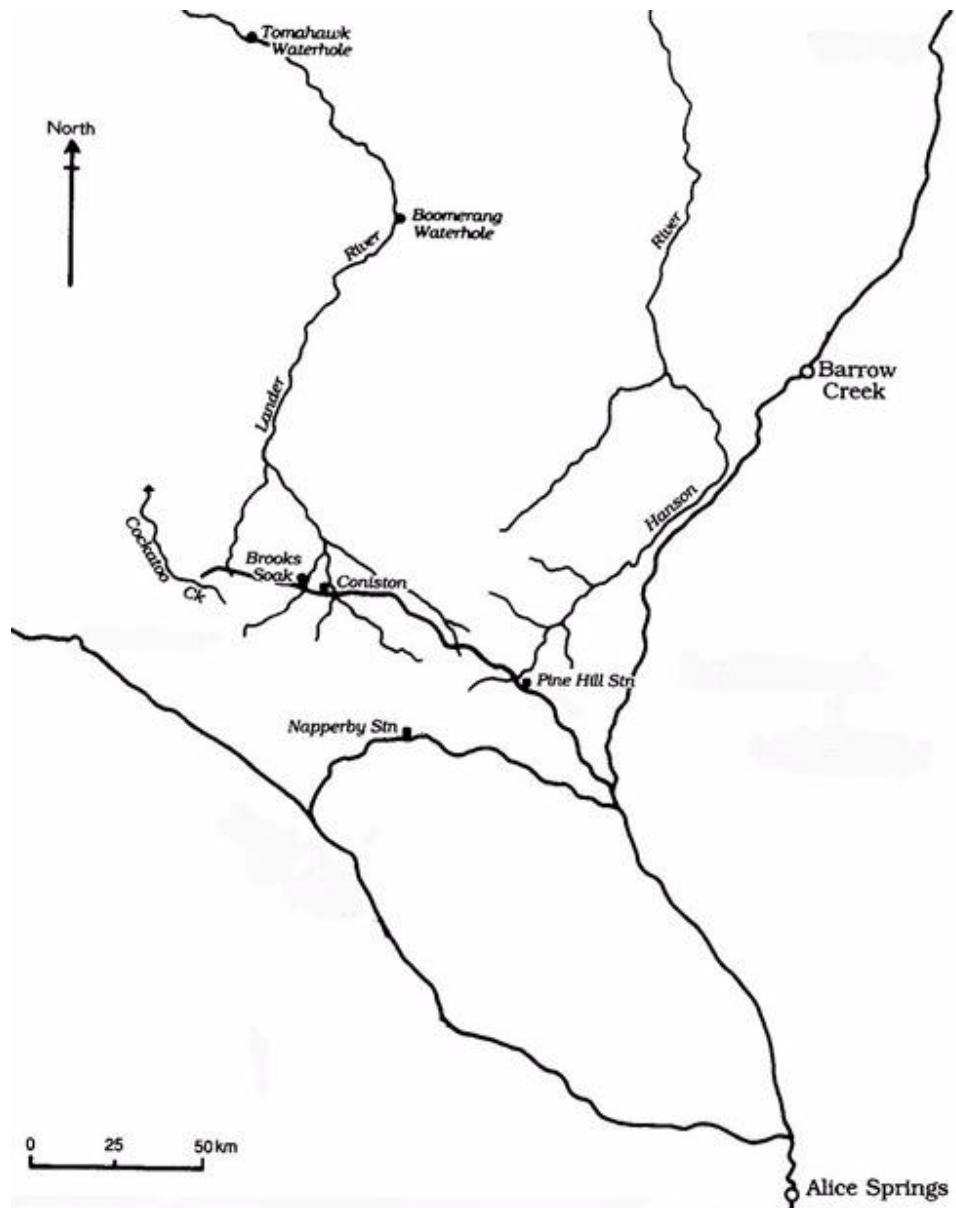
11. Elder 1988: 177.

12. Windschuttle 2000a: 19.

13. Hartwig 1960: 3–4.

14. Meggitt 1962: 16–24.

15. *Register*, 8 September 1928.



Location map based on a diagram in Elder 1988, p 178.

Herbert Noblet of Alice Springs expressed a similar (albeit bleaker) sentiment in correspondence to Central Australian Government Resident and Police Commissioner JC Cawood after the Coniston killings:

My experience in nineteen years of out back life is that the settlers are very fair to the natives but stock and natives do not and will not thrive together and it can be seen at a glance by the restlessness and tucked-up look of the cattle when they are together. If this country is to be settled with a healthy white population, we must give the pioneers every protection both for themselves and their stock otherwise the country must be left to the natives who have not the slightest idea of development in any shape or form.¹⁶

Whether or not the belief that the carnage of Coniston was inevitable actually played a hand in its manifestation remains a matter of historical conjecture. It may not, however, be entirely irrelevant that just weeks before the killings Cawood ominously remarked to a missionary at Hermannsburg that it was time the blacks were taught a lesson.¹⁷ The increased cattle killings and threats to several white men in the area may have been the catalyst for Cawood's views.¹⁸

From 1924, Central Australia suffered a four-year-long drought, the worst recorded.¹⁹ The consequent starvation of Aboriginal people was noted in reports by Cawood²⁰ and two pastoralists in the area.²¹ The drought exacerbated Aboriginal reliance on traditionally dependable water resources – the permanent soaks of Central Australia's river systems – bringing Warlpiri and other Aboriginal people into a closer proximity to the more settled districts. Soon after the events at Coniston were made public the Commonwealth Government,²² however, sought to establish that drought was either non-existent or negligible in its impact – certainly in no way responsible for Aboriginal violence.²³ This denial is critical, as the subsequent Board of Enquiry also refuted the claims of a drought being the basis of the violence.

The death of Frederick Brooks

Nowhere is the oversimplification of the 'Coniston story' more evident than in accounts of the death of the dingo trapper Frederick Brooks, who was murdered on the morning of 7 August 1928. Brooks was a lifelong friend of Randall Stafford; the two originally met in the country around Lake Eyre.²⁴ In July, Brooks, aged 61,²⁵ asked Stafford (for

16. Noblet to Cawood, 8 December 1928, NAA A431 1950/2768 Part 1.

17. Rev. FW Albrecht in correspondence to Hartwig, in Hartwig 1960: 13.

18. Read and Read 1991: 33.

19. For example, in 1928 just 3.29 inches of rain fell at Barrow Creek, the lowest reading since records began in 1899 (Wilson 1996: 97–98).

20. Report of the Government Resident for Central Australia for the period 1 March 1927 to 30 June 1927: 5. In his 1928 Government Resident Report Cawood noted 'continual drought conditions'.

21. Strehlow 1959.

22. Central Australia was then a separate territory under the direct jurisdiction of the Commonwealth.

23. Department of Home & Territories, 'Central Australia – Shooting of Aboriginals', 23 November 1928, NAA A431 1950/2768 Part 1.

24. Strehlow 1959: 312–319.

25. Death certificate by Coroner HB Walkington, NAA A431 1950/2768 Part 1.

whom he had worked in the past) if he could try his hand dingo scalping on Coniston. Stafford warned Brooks that he and the Aboriginal woman he lived with (Alice) had received threats from 'myall'²⁶ Aboriginal people and that it would be unsafe to go out any further than a soak some 22km west of the station. On 2 August, Brooks left for the soak, taking with him rations, two camels, and two Aboriginal assistants, Skipper and Dodger, to help him in his work.²⁷ On the morning of 7 August, Skipper and Dodger found Brooks' corpse half-buried in a dug-out rabbit burrow and his camp ransacked.

It is commonly accepted that Brooks was murdered by Aboriginal people, but the reason remains a matter of speculation. Most Aboriginal accounts point to Brooks being involved in a sexual relationship with one or two Warlpiri women and that this was either inappropriate or 'an arrangement' not honoured by Brooks.²⁸ European accounts at the time invariably stated Brooks was killed 'so as to get possession of his flour and tobacco'²⁹ or because he encountered a warring party of 'myalls' making for Coniston, intent on removing the white man from Aboriginal land. Contemporary European accounts were concerned with portraying the murder as an unjustified 'outrage'; Aboriginal accounts treat the killing as a form of justified retribution or tribal justice. Warlpiri men Blind Alec Jupurrula and Jack Japaljarri told Read and Read (1991) that Brooks had asked a local Aboriginal man, Japanangka (also known as Bullfrog), for his wife Marungarli, to do his washing for him and that he would give Japanangka food and tobacco in exchange. Japanangka expected Marungarli to return but when she did not, and Brooks did not supply any food or tobacco, he attacked him at dawn. According to this account Brooks had said:

Let that woman go washing clothes for me, and [I'll] let her go after washing clothes. I'll give you tucker.' And so old man let her go, that old lady. That Freddie took him away, washing clothes, but he [Brooks] never comin' back. He never comin' back with the tucker. He keepem there ...³⁰

For his part, Randall Stafford had yet another view of the motive:

Whatever those myalls might have had against the rest of us, old Fred was entirely innocent. And they murdered him at one of my soaks, on my own land. Even Alice agreed that that party had really come to murder her and me. Only Fred was unlucky enough to cross their tracks. So they killed him instead, because it was easier.³¹

Considerable doubt also surrounds the finding of Brooks' body and how his death was reported. Until 1984 it was commonly accepted that the first person (apart from the murderers and Skipper and Dodger) to see Brooks' corpse was the prospector Bruce Chapman. This was based on a note to Stafford (then at Ti-Tree Well) supposedly writ-

26. 'Myall' is a now derogatory term denoting a traditional living Aboriginal person. Its origin, according to the Oxford English Dictionary, is *mayal*, which the Dharuk-speakers of NSW used to denote a 'person of another tribe'.

27. Strehlow 1959: 312-319.

28. Wilson 1996: 84.

29. Deposition by Murray to Special Magistrate Allchurch, 7 September 1928, NAA A431 1950 Part 1.

30. Read and Read 1991: 35-37. See also, Tim Japangardi Langdon, 'Coniston Story', in *Yurrkuru-Kurlu*, Yuendumu School, 1978: 18-20, in Headon 1991: 98.

31. Strehlow 1959: 312-319.

ten by Chapman and a statement by Stafford which had been taken down by Robert Purvis at Ti-Tree Well³² and telephoned through to Alice Springs police on 11 August.³³ According to this version of events put forward by Hartwig,³⁴ Skipper and Dodger arrived at Brooks' camp on the morning of 7 August to find him dead and a group of Aboriginal people rummaging through his gear. After being threatened by this group and told to 'tellem him [Brooks] been fall down self' the two rode their camels to Coniston and as there was no white person at the station, Chapman, camped 32km down the Lander, was sent for. Chapman went to Coniston and then to the soak, where he discovered and reburied Brooks' body and returned to the station from where he wrote the note to Stafford.³⁵

However, in Read and Read³⁶ and Cribbin³⁷ and subsequent works sourced from Cribbin and interviews with Alex Wilson, it was Wilson who first found Brooks' body while travelling to Coniston.³⁸ Wilson, a part-Aboriginal man, was headed for Coniston with news of the illness of the legendary bushman Joe Brown. Cribbin's version of events, which drew heavily on Wilson's recollections, differs from the official (Board of Enquiry) account in many respects.³⁹ Another account by Dick Kimber has it that the Aboriginal bush worker Paddy Tucker found the body a day prior to Wilson's arrival at the soak, later warning all Aboriginal people he met to clear the area as trouble was afoot.⁴⁰ An eye-witness account in *Long time, olden time* also has Aboriginal people being warned that the shooting had occurred, but in this instance unnamed Aboriginal men 'run across the country' telling of a shooting at Brooks' Soak saying it was 'an accident'.⁴¹

Significant uncertainty surrounds the movements of Bruce Chapman, especially in light of his undated note to Stafford with the first news of the murder. In that note (presumably written on or after 7 August) Chapman stated he was at Coniston and that Alex Wilson had arrived 'yesterday' from The Granites goldfield where Joe Brown was in a 'very bad' way and that he and Wilson were going out to help him.⁴² In later years Wilson claimed he returned to Joe Brown just in time to see him die, but made no mention of Chapman.⁴³ Wilson was, however, at Coniston by the time Murray arrived on 12 August but Chapman was not mentioned in any documentation, until the Administra-

32. 'Statement from Randle [sic] Stafford taken down by Robert Purvis at Tea Tree Well', undated typed copy, NAA A431 1950/2768 Part 1.

33. Alice Springs Police Day Journal 23/6/27 to 31/10/29, NTAS, NTRS F255, entry 11 August 1928.

34. Hartwig 1960.

35. Murray to Commissioner of Police, 2 September 1928, NAA A431 1950 Part 1.

36. Read and Read 1991.

37. Cribbin 1984.

38. Read and Read 1991: 38.

39. For example, Cribbin states Stafford first heard the news of the murder on his return to Coniston. There is no mention whatsoever of any note from Chapman or message from Ti-Tree Well. In Cribbin, Chapman simply arrived at Coniston, evidently of his own accord.

40. Interview with Dick Kimber, 25 March 2002 and Carment, Maynard and Powell 1992: 215.

41. Read and Read 1991: 38.

42. Letter received by Randle Stafford from Bruce Chapman, undated typed copy, NAA A431 1950/2768 Part 1.

43. Kimber 1986: 104.

tor, Cawood, informed Canberra of Chapman's death on 12 November 1928.⁴⁴ To compound the confusion, it appears that Wilson told Cribbin that he was travelling to Coniston with news of Brown's death, not his illness.⁴⁵

The movements of Mounted Constable Murray, who was at this time away from his usual location at Barrow Creek, remain similarly uncertain. The Barrow Creek Police Day Journal records that from August 7 to October 21 Murray was 'absent from station on duty in Alice Springs district'.⁴⁶ Exactly why Murray left the Barrow Creek district for Alice Springs is unclear. In Cribbin's work it is said that Murray had taken two sheep stealers to be detained at Alice Springs.⁴⁷ Such events are not recorded in the Alice Springs Police Station Day Journal. What is clear, according to the Day Journal, is that on 11 August it was 'Reported over phone from Tee Tree (sic) by Mr Stafford that Mr Brooks prospector had been killed by natives out west from Stafford's Station'.⁴⁸ By a twist of fate Cawood had that very morning dispatched Murray and 'native' (later 'Tracker') Paddy from Alice Springs to investigate persistent complaints of cattle killing at Coniston and Pine Hill stations. Murray was fortuitously met on the road and informed of Brooks' murder.⁴⁹ He then returned to Ryan's Well where Cawood instructed him by telephone to proceed to the murder scene and arrest the culprits and also to bring in the ailing Joe Brown. Cawood later wrote that he instructed Murray to ascertain Brown's condition and if serious take him to Ryan's Well where he (Cawood) and a nurse would pick Brown up and take him to Alice Springs.⁵⁰

Murray, however, made absolutely no mention of Brown in any of his reports or evidence and his single reference to Chapman is that he was the first European to receive news of the murder, and that he saw and reburied the body and reported the matter to police.⁵¹ There is no record of Murray ever interviewing, or even meeting, Chapman. On 22 November, Cawood informed the Department of Home and Territories that 'Chapman unfortunately died in the Alice Springs Hostel of Cerebro Meningitis three days after his arrival here'.⁵² The answers as to whether Chapman was indeed the first to see Brooks' body, how Stafford and the police were informed of the murder, the exact movements of Alex Wilson, and the circumstances surrounding Joe Brown's fate all went to the grave with Chapman.

44. Cawood to Secretary Home & Territories Department, 22 November 1928, NAA A431 1950/2768 Part 1.

45. 'Appears' because Cribbin does not source this information, although it is very likely that Wilson was the source.

46. Barrow Creek Police Day Journal 27/2/26 to 31/8/32, Northern Territory Archives, F258, entry 21 October 1928.

47. Cribbin 1984: 36.

48. Alice Springs Police Day Journal 23/6/27 to 31/10/29, Northern Territory Archives, F255, entry 11 August 1928. Hartwig has a telegram not telephone call inform police of the murder.

49. Hartwig 1960: 20–22 suggests it was Stafford who met Murray on the road.

50. Cawood to Secretary Home & Territories Department, 30 August 1928, NAA A431 1950/2768 Part 1.

51. Murray to Commissioner of Police, 2 September 1928, NAA A431 1950 Part 1.

52. Cawood to Secretary Home & Territories Department, 22 November 1928, NAA A431 1950/2768 Part 1. Cawood did not give the date of Chapman's arrival, thus his date of death is unclear.

On 13 August, just two days after police heard of the murder, all the particulars contained in Stafford's statement from Ti-Tree Well were in the Adelaide newspapers. The next day the *Sydney Herald* ran the story under the headline 'Killed By Blacks: In Central Australia: Body in Rabbit Burrow'. This article was the first the Secretary of the Department of Home and Territories in Canberra, JA Carrodus, had heard of the killing.⁵³ One can only presume that either those at Ti-Tree Well or the Alice Springs Police informed the press.

Mounted Constable William George Murray

It is necessary at this point to pause and examine the character of Mounted Constable William George Murray. Very little has so far been brought into the public arena regarding the character and attributes of Murray and yet one cannot fully understand the events at Coniston without having an insight into this complex character.

Murray was a military man, a Light Horse veteran of World War I who had also served over seven years in the Victorian Mounted Rifles militia prior to 1914. Murray, like most Northern and Central Australian Territory police officers at that time, received no formal police training on enlistment into the Police Force; he was expected to learn on the job. It seems likely, therefore, that when confronted in Warlpiri country Murray went into 'military mode', simply falling back on his war experience and acting as if he was in a war, a state with which he had much experience.

Murray enlisted in the 4th Light Horse in 1914, just 16 days after the Empire had declared war on Germany.⁵⁴ Murray proceeded to join the Mediterranean Expeditionary Force with B Squadron of the 4th Light Horse on 20 May 1915 and landed at Gallipoli on 24 May.⁵⁵ He subsequently served on the Western Front, was wounded, and took part in the successful attack on Messines Ridge on 7 June 1917, which commenced when 19 landmine blasts began to shatter the German line, merging to a single explosion which was felt in London.⁵⁶ B Squadron went into this action mounted and rode, sometimes at a gallop, over ground that British bombardment had left with a shell crater every nine square yards. In 1918 Murray was granted 1914 Special Leave and returned to Australia. He was discharged on 23 March 1919.⁵⁷

On 4 April 1919, Murray applied for a position as Police Stock Inspector in the Northern Territory. The Territory Administrator granted him the position, with an annual wage of £240.⁵⁸ On 10 July, aged 35 years, he was sworn in at Rankine River, pledging that he would 'cause His Majesty's peace to be kept and preserved'.⁵⁹ Murray was later posted to various stations, including Rankine River, Lake Nash, and Arltunga, taking charge of Barrow Creek in 1926. By this time he had already earned a reputation among Territorians as a tough and effective constable.⁶⁰

53. *Sydney Herald*, 14 August 1928.

54. Australian War Memorial, WWI Personnel Dossier WG Murray 308.

55. Smith 1993: 23.

56. Coulthard-Clark 2002: 129.

57. Australian War Memorial, WWI Personnel Dossier WG Murray 308.

58. Northern Territory Administrator to WG Murray, 6 May 1919, in NTAS, NTRS F596 Staff files, 'P', 1924-1959, William George Murray.

59. NTAS, NTRS F596 Staff files, 'P', 1924-1959, William George Murray.

60. Carment, Maynard, and Powell 1992: 219 and McLaren 1982.

Murray was not universally liked. Randall Stafford for example, meeting with Strehlow at Coniston in September 1932, made what Strehlow described as 'a few pungent remarks on Murray's personal character':

As for that chap Murray's yarns about his heroic single-handed encounters with the Lander blacks, no one up here's going to swallow any of the silly bragging yarns he brought up before the Board ... Those silly Wild West yarns may take in the city mugs down South, but I know Murray far too well for that. He may be a killer, but he'd never rush into any real danger all on his own: the man's far too cunning for that.⁶¹

Strehlow's own view at that time was that Murray seemed a 'placid, almost easy-going and kindly man'.⁶²

Like all figures on the Australian frontier, George (as he was known) Murray was not a 'cardboard cut-out', rather he was very much a whole human being. While his actions at Coniston were brutal, he must be understood in context and 'the system' which permitted him to police in remote areas without adequate training be implicated in his actions.

The Coniston killings

Murray arrived at Coniston on 12 August and ordered that any Aboriginal people coming into to the station be arrested and questioned. On 15 August two Aboriginal men, Padygar and Woolingar, arrived at the Aboriginal camp near the homestead on their own business. During their arrest by Murray's 'trackers', Paddy and Major, they attempted to escape. On hearing the scuffle, Murray rushed to the scene and was attacked by Woolingar, whom he shot above the eye. Padygar and Woolingar were later chained to a tree overnight.⁶³ According to his police report, Murray ascertained at Coniston the names of 20 Aboriginal people implicated in Brooks' murder and promptly formed a party to locate the killers. None of the legislative requirements to swear members of this party in as special constables were complied with, so the non-police members were nothing more than vigilantes. This was not, of course, the first time that vigilantes had been so engaged in the Northern Territory. For example, in 1884 vigilantes commanded by a lone police officer also undertook a massacre of Aboriginal people following the murder of several miners near the Daly River.⁶⁴

On 16 August, Murray departed Coniston with Alex (also variously spelt Alick or Alec) Wilson, Stafford, the prospector John Saxby, itinerant worker Billy Briscoe, 'trackers' Paddy and Major,⁶⁵ Dodger, and the two prisoners who had 'volunteered' to show Murray the whereabouts of an Aboriginal camp near the murder scene. Later that day the group came across a party of some 23 Aboriginal people and at Murray's order

^{61.} Strehlow 1959: 312-319.

^{62.} Strehlow 1959: 387.

^{63.} Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

^{64.} Wilson 1996: 28-31.

^{65.} It appears neither Paddy nor Major were officially police trackers. The Alice Springs Police Day Journal entry of 11 August stated Murray left Alice Springs with 'native Paddy', in later references he is referred to as a 'Tracker'. Major, an uncle to Dodger, was already at Coniston and even less a 'Tracker' than Paddy. Hartwig, however, states Murray left Alice Springs on 10 August with both Paddy and Major.

formed an extended line – in the tradition of the Light Horse – with Murray in the centre.⁶⁶ According to Murray's reports and evidence to the Board of Enquiry, Murray ordered the Aboriginal party to disarm and when they failed to do so a fight ensued, during which shots were fired. After the melee it was discovered that four Warlpiri were killed outright, including one woman, and another woman was wounded and died within an hour, bringing the total number killed to five.⁶⁷ 'Tracker' Major conveniently identified the dead as Brooks' killers.⁶⁸

During the evening after this encounter three young Aboriginal boys (including one known as 'Lala') were captured; two were released the following day. Contrary to Cribbin (and Elder) these boys did not mutilate their feet so that they could not direct Murray to Aboriginal camps. This story comes from a self-mutilation that actually took place during the Morton expedition after a completely different group of Aboriginal boys had been captured.⁶⁹

An Aboriginal account of this first encounter may provide a clue as to why Stafford soon left the party:

there were Aborigines scattered in all directions at one stage, he [Stafford] pursued the person, calling on them to stop and when they didn't and it was like a young man or person at least running away, he fired and the person fell down either shot through the heart, through the back or mortally wounded instantly and Stafford rode up and I think the person who had been shot had fallen and rolled over and it was a young woman. He was actually appalled that he'd shot a woman and he stopped and withdrew from the patrol and would have nothing else to do with it anymore.⁷⁰

According to Murray the party returned to Coniston on 18 August and departed on the morning of 19 August, leaving behind Stafford, the two prisoners, and Lala.⁷¹ Stafford, however, stated he left the party after the first encounter, returning to Coniston via White Stone – at least two days later than Murray had him leaving.⁷² In any case, on 19 August on the Lander north of Coniston the remaining party met six Aboriginal people, who ignored warnings to disarm and threw boomerangs. Murray claimed that, after dismounting, he 'received several blows from boomerangs and yamsticks and was compelled to use my revolver'.⁷³ Three were killed and three wounded; all the wounded later died, leaving six dead. Murray declared that the three wounded were identified as murderers of Brooks, without stating by whom they had been identified.⁷⁴

66. The dates of the encounters are from McLaren 1982, whose account offers the clearest chronology.

67. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

68. Stafford evidence to Board of Enquiry, 13 January 1929, NAA A431 1950/2768 Part 2.

69. *Sunday Sun and Guardian*, 5 February 1933, confirmed by Murray in an interview with Hartwig in 1960, see Hartwig 1960: 28–29.

70. Interview with Dick Kimber by Justin O'Brien, 25 March 2002.

71. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2. Cribbin, however, has Stafford leave the party alone.

72. Stafford evidence to Board of Enquiry, 13 January 1929, NAA A431 1950/2768 Part 2.

73. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

74. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

On 22 August, west of Coniston, another two Warlpiri were killed, this time attempting to escape from Murray and 'Tracker' Paddy. Their killing was clearly not in self-defence, as Paddy revealed to the Board of Enquiry that he shot and killed a boy running away from him, having chased him over two hills.⁷⁵ Another three Walpiri men were killed (one dying of wounds) 60km west of the third encounter, once again after Murray had dismounted.⁷⁶ This was probably the encounter at Mission Creek which eye-witness Jimmy Jungarrayi suggests was the westernmost point of Murray's expedition.⁷⁷

It was during the encounter of 22 August that Murray arrested Akirkra, whom he alleged was implicated in the murder.⁷⁸ During this time William Briscoe heard 'the reports of one or two shots' in the hills near the Western Australia border. He did not know who fired the shots and he never discussed the matter with anyone else.⁷⁹ On 30 August the party returned to Coniston and on the following day Woolingar died of the head wound given him by Murray on 12 August.⁸⁰ This brought the official total number of Aboriginal people killed thus far to seventeen.

On 1 September Murray and Paddy returned to Alice Springs with the young Aboriginal witness Lala and prisoners Padygar and Akirkra, who had been charged with Brooks' murder. On 2 September Murray prepared a report on the Brooks expedition, detailing how the 17 had been killed. On the following day, Cawood telegraphed Canberra noting that police had returned with two prisoners and that 'others concerned in outrage died from wounds in fight with police and civilians while resisting capture'.⁸¹ In reply to the department's question as to how many were killed, Cawood gave the number of 17 and (somewhat misleadingly) stated the 'settler near scene *last murder asking protection*'⁸² (emphasis added).

Another incident occurred while Murray was in Alice Springs, leading him back to the Coniston area and further conflict with the Walpiri. On 28 August, the co-owner of Broadmeadows Station, William John ('Nugget') Morton, had been attacked by a group of 15 Warlpiri.⁸³ A Warlpiri oral history suggests that Morton was attacked because of his abuse of Aboriginal women. Jimmy Jungarrayi told Read and Read (1991): 'Well, that, all the people bin talkin', "What we killem that man, because that man come up and robbem with the woman all the time?"'.⁸⁴

75. Paddy evidence to Board of Enquiry, 31 December 1928, NAA A431 1950/2768 Part 2
Hartwig places this encounter on 23 August.

76. Hartwig places this encounter on 27 August.

77. Read and Read, 1991: 40.

78. Murray deposition to SM Allchurch, 7 September 1928, NAA, A431 1950/2768 Part 1.

79. Briscoe evidence to Board of Enquiry, 13 January 1929, NAA A431 1950/2768 Part 2
[Attachment].

80. The date of the party's return to Coniston and the death of Woolingar vary in accounts. What is clear from the Alice Springs Day Journal is that Murray returned from patrol during the evening of 1 September.

81. Telegram, Cawood to Secretary Home & Territories Department, 3 September 1928, NAA A431 1950/2768 Part 1.

82. Telegram, Cawood to Secretary Home & Territories Department, 4 September 1928, NAA A431 1950/2768 Part 1.

83. Letter dictated by W Morton to BS Sandford at Tea Tree Well, 30 August 1928, NAA A431 1950/2768 Part 1.

In notifying police of the event, Morton claimed three Aboriginal men approached him asking for tobacco and meat and that when he passed meat to one he was thrown to the ground and soon found 15 men attacking him. He stated he fought his way to his revolver, receiving 'several heavy blows to the head', and 'after firing several shots I noticed the blacks raced away'.⁸⁵ The Aboriginal version of events is that several Aboriginal people attacked Morton with sticks and boomerangs and tried to kill him, however Morton, resisting fiercely, was able to fire his revolver and kill two of his attackers.⁸⁶

In his initial statement Morton neglected to mention that he had killed any of his assailants with his revolver.⁸⁷ He made his way, after joining his companion Sandford, to Ti-Tree Well where he dictated a letter to the police, being unable to write himself due to injury. On 7 September Alice Springs police received written word that Morton had been attacked.⁸⁸ Murray was despatched to investigate.

Strehlow's diaries corroborate the Aboriginal oral accounts of Morton's cruelty to Aboriginal people, especially young women. In 1937, as a Department of Aboriginal Affairs Patrol Officer, Strehlow and Sergeant Koop of Alice Springs conducted an investigation into Morton's suspected breaches of Aboriginal protectionist legislation. In detailing the allegations against Morton, Strehlow provided a useful insight into his character:

'Nugget' Morton was keeping a Western Australian lubra there for his stockwork: she had tried to run away ... but Morton had got her back (and the other two) each time and inflicted a severe hiding as a deterrent against further attempts to run away. [He] also employed one or two other little native girls, 9 or 10 years of age, whom he had raped.⁸⁹

Arriving at Broadmeadows on 24 September, Murray formed another party comprising himself, Morton, Alex Wilson and 'a small Aboriginal boy'.⁹⁰ The party soon captured three young Aboriginal boys who, after some persuasion from Murray,⁹¹ eventually led them to an Aboriginal camp at Tomahawk Waterhole on the Lander. Here four were killed, three dying from wounds. Morton identified the four dead as some of his attackers.⁹²

The following day at Circle Well, north-east of Tomahawk Waterhole, another two Warlpiri were killed – one shot, the other killed by Murray with a tomahawk. Sev-

84. Read and Read 1991: 42.

85. Letter dictated by W Morton to BS Sandford at Tea Tree Well, 30 August 1928, NAA A431 1950/2768 Part 1.

86. Read and Read 1991: 42.

87. Cribbin states Morton killed two Aboriginal men during the attack upon him, without citing any source but this was probably Read and Read 1991.

88. Alice Springs Police Day Journal 23/6/27 to 31/10/29, NT Archives, F255, entry 7 September 1928.

89. Strehlow, Diary begun April 1st 1937, SRC, Alice Springs, entry 28 April 1928. Strehlow also recorded that Skipper and Dodger were working for Morton at his Tin Field mine.

90. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

91. *Sunday Sun and Guardian*, 5 February 1933. These are the three boys who mutilated their feet, contrary to Cribbin and Elder's accounts.

92. Deposition by Morton to Board of Enquiry, 19 January 1929, NAA A431 1950 Part 2.

eral days later on the lower Hanson River the party came upon a group of some 40 Aboriginal people; Murray again dismounted and a fight ensued, this time eight were killed.⁹³

Aboriginal accounts differ in the names of the places where attacks occurred but they do confirm attacks on camps where people were sleeping and the rounding up of whole camps 'just like cattle'.⁹⁴ In many cases towards the end of the police action the people who were attacked and killed had not even heard of the troubles at Coniston and Broadmeadows but were instead going about their usual business, in one case taking part in a ceremony at Wajinpulungk.⁹⁵ Oral history also suggests the Aboriginal men at Wajinpulungk were tied to trees and later shot.⁹⁶ It may well be that the official police reports of the incident were falsified.

Murray returned to Alice Springs on 18 October⁹⁷ and on 19 October wrote a one page report on the Morton patrol, neglecting to give the number of Warlpiri killed. He later told the Board of Enquiry his report was somewhat less than ideal because, 'I did it in a very great hurry as I had to go out about some other matters'.⁹⁸ These 'other matters' included the trial of Padygar and Akirkra, for which Murray travelled to Darwin along with his prisoners and sole witness Lala. They were acquitted after two trials due to inconsistencies in Lala's evidence and the inadmissibility of the defendants' earlier confessions of guilt at Alice Springs; the first trial was aborted due to its jury being discharged.⁹⁹ The trial was successful, however, in attracting the attention of the missionary community to the killing of at least 17 Warlpiri.

A Commonwealth Board of Enquiry

The Department of Home and Territories in Canberra had requested that Cawood provide his comments on the police reports, details of the coronial inquest into Brooks' death, and statements from the civilians on Murray's patrols.¹⁰⁰ In a letter of 9 November Cawood was chastised for his non-action and told:

This Department is at a loss to understand the sudden change in the attitude of the aboriginals of Central Australia towards white men. Unusual circumstances appear to be attached to the cases of the attacks on Brookes, Morton and Tilmouth, in that they have all been reported by Constable Murray, and have occurred recently and within a comparatively short time, while nothing of a similar nature had previously been reported for some years.¹⁰¹

⁹³. Murray and Morton evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

⁹⁴. Read and Read 1991: 45.

⁹⁵. Read and Read 1991: 49.

⁹⁶. Read and Read 1991: 50.

⁹⁷. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

⁹⁸. Murray evidence to Board of Enquiry, 16 January 1929, NAA A431 1950/2768 Part 2.

⁹⁹. *Northern Territory Times and Gazette*, 13 November 1928.

¹⁰⁰. See, for example, Telegram, Secretary, Department of Home & Territories to Cawood, 20 August 1928, NAA A431 1950/2768 Part 1 and Secretary, Department of Home & Territories to Cawood, 28 September 1928, NAA A431 1950/2768 Part 1.

¹⁰¹. Secretary, Department of Home & Territories to Cawood, 9 November 1928, NAA A431 1950/2768 Part 1.

On 27 November 1928, following much adverse press coverage and sustained lobbying from missionary and other humanitarian societies, the recently-returned Bruce-Page Government decided to appoint a Board of Enquiry into the killings in all three cases.¹⁰²

The independence and integrity of the Board of Enquiry, officially appointed by the Governor General on 13 December, was compromised from the outset. The Board comprised Queensland Police Magistrate AH O'Kelly (chairman), South Australian Police Inspector PA Giles (who had served in the north of South Australia) and Cawood (Murray's superior), who rightly should have been a witness. The Reverend Morley of the Association for the Protection of Native Races, already angered that his Association's request for missionary representation on the Board had been denied, led the public outcry against the composition of the Board. By way of concession, the Government decided the Alice Springs lay missionary Ernest Kramer could be present throughout the enquiry and cross-examine witnesses;¹⁰³ it also extended the same privilege to Mounted Constable Murray.

The Board of Enquiry terms of reference were to inquire into whether the shootings in the Brooks and Morton cases were justified and whether any provocation had been given by the settlers to account for the 'depredations' by the Warlpiri.¹⁰⁴ The Board spent 18 days hearing evidence from 30 witnesses and one day in preparing its findings.¹⁰⁵ Significantly, the list of witnesses did not include either 'Tracker' Major or Alex Wilson.

It appears that Murray was so concerned that Stafford would incriminate him to the Board that he perverted the course of justice: he later told a fellow police officer that he was anxious to tell Stafford what to say when giving evidence to the Board, 'so he arranged with the senior official driving the magistrate to pretend to get his vehicle stuck in the sandy creek approaching the station. Apparently unaware of this the constable [Murray] drove on to the station and contacted Stafford'.¹⁰⁶

The findings of the Board, made public on 30 January 1929, were that in all cases the shootings were justified as self-defence and that settlers or police had given no provocation. The blame lay squarely with the 'Walmulla'¹⁰⁷ tribe which was allegedly advancing into the Coniston country 'to wipe out the settlers'. There was not a 'scintilla of evidence' that the police party was a punitive expedition. In addition, the Board offered their own explanations for the Aboriginal people's action, including, 'unattached Missionaries wandering from place to place, having no previous knowledge of the blacks and their customs and preaching the doctrine of the equality of man'. In its

¹⁰² Telegram, Prime Minister Bruce to Queensland Premier William McCormack, 27 November 1928, NAA A431 1950/2768 Part 1.

¹⁰³ Cawood had earlier suggested to the Department that if missionaries were to be represented on the Board the position should go to Kramer, based on his experience in Central Australia. Telegram, Cawood to Department of Home & Territories, 29 November 1928, NAA A431 1950/2768 Part 1.

¹⁰⁴ Board of Enquiry Ordinance, 13 December 1928, NAA A431 1950/2768 Part 2.

¹⁰⁵ Wilson 1996: 94.

¹⁰⁶ Oral history Gordon Birt, NTAS, NTRS 226, TS 13, P 4.

¹⁰⁷ 'Walmulla' and 'Warramulla' are corruptions of the Warlpiri word Walmalla, denoting the western subgroup of the Warlpiri community.

conclusion, the Board also stated that there was no evidence of any starvation of Aboriginal people in Central Australia.¹⁰⁸ In doing so the Board ignored the ample evidence, including Cawood's own Annual Reports, of a widespread and severe drought and the consequent starvation of Warlpiri people.

The work of the Board was by no means exhaustive. There were further killings reported later that were not included. For example, Warlpiri people, Alex Wilson and John Saxby each reported that Murray and party visited other sites not mentioned in Murray's reports or evidence to the Board, including Tippingba (Patirlirri), 24km west of Broadmeadows, where at least six more Warlpiri were killed.¹⁰⁹

Obvious discrepancies between Murray's evidence to the Board, his official report of 2 September, and his evidence to Special Magistrate Ernest Allchurch on 7 September (which at least the chairman O'Kelly had read) were not considered by the Board. Murray stated in his police report that 'From enquiries I ascertained the names of twenty adult male aboriginals whom it is alleged were implicated in the murder [of Brooks]'.¹¹⁰ It never occurred to the Board to ask why Murray had not written down the names of the 20 natives implicated in the murder of Brooks, which is strange given the level of detail in other information Murray provided. Nowhere did Murray state how he received these 20 names, nor was he asked how by the Board. It is also noteworthy that in evidence at the Darwin trial, Lala said 'about ten altogether' participated in the murder.¹¹¹

Murray stated to an Alice Springs Police Court that, having ascertained at Coniston the names of 20 natives camped at the soak, he 'then proceeded to the locality and arrested Prisoner Padygar'.¹¹² Yet in his police report five days earlier he had stated that Padygar was arrested at the native camp at Coniston following the melee in which Woolingar was shot – on 15 August, a day prior to his departure.¹¹³ Murray returned to his first version of this arrest in his evidence to the Board in January 1929.

Another glaring inadequacy not considered by the Board was that there was no clear evidence presented to verify that those killed by the party during the first expedition had indeed participated in Brooks' killing. According to Murray, those killed in the first encounter 'were recognised by the native boy Dodger ... as being the natives who were camped in the vicinity of Brooks' camp'.¹¹⁴ Dodger was not called to give evidence to the Board. Earlier, in correspondence to Canberra explaining how Padygar

¹⁰⁸. Finding of Board of Enquiry, 18 January 1929, NAA A431 1950/2768 Part 2. The reference to unattached missionaries was to the lay missionary Annie Lock, who was then camped at Harding Soak.

¹⁰⁹. Read and Read 1991: 44.

¹¹⁰. Murray to Commissioner of Police, 2 September 1928, NAA A431 1950 Part 1. Murray repeated this claim in his deposition to Special Magistrate Allchurch.

¹¹¹. *Northern Territory Times*, 9 November 1928. Cribbin (1984) states that Padygar provided these 20 names to Murray, although no source is provided.

¹¹². Murray deposition to SM Allchurch, 7 September 1928, NAA, A431 1950/2768 Part 1.

¹¹³. Murray to Commissioner of Police, 2 September 1928, NAA A431 1950 Part 1.

¹¹⁴. WG Murray deposition to Coroner V.G. Carrington, 19 January 1929, NAA, A431 1950/2768 Part 2. According to Stafford's evidence to the Board, however, the killers were identified by Major.

and Akirkra had been acquitted and why Skipper and Dodger had not given evidence, Cawood noted that:

they were very young – even younger than the eye-witness [Lala]. They did not witness the murder nor did they see the body of Brooks which had been buried before they got back to the scene of the murder with the camels.¹¹⁵

It is somewhat incongruous, therefore, that the Board evidently accepted that Dodger had correctly identified some of the killers after the first encounter. Randall Stafford stated to the Board that Skipper 'was present when Brooks was killed', that he was 'a brother to Major', and that he had 'told Major about the gin holding Brooks' hands'.¹¹⁶

After the first encounter the guilt of those killed was, according to Murray, determined by Warlpiri people who had survived the shootings. None of these Warlpiri gave any evidence to the Board, nor were they asked to. To compound confusion the Board found that 'the pursued natives ... had been identified by Tracker Major as being implicated in the murder of Brooks',¹¹⁷ even though Major was not present at the scene of the murder and his evidence was not presented before either the Darwin trial or the Board itself.

The story was similar in the Morton case, with the only evidence linking those killed to Morton's attack being the testimony of the pastoralist himself. The evidence of Murray and Morton was that, of the 15 people who allegedly attacked Morton, 14 were located and killed in the three encounters. Appropriately, in each of the three acknowledged encounters – which were recounted as wild skirmishes – only the guilty were killed. This absurdly convenient coincidence either went unnoticed or was simply whitewashed by the Board.

The Department of Home and Territories had decided that those killed during both the Brooks and Morton patrols had indeed been the guilty parties four months before the Board's findings were released. A memorandum dated 18 September 1928 stated that, 'Definite evidence of the implication of the aborigines in the murder of Frederick Brooks was established *before* action for their arrest was taken by the police'¹¹⁸ (emphasis added). This statement, contradicted by later evidence, was made despite the fact that Murray made no particular reference as to how he knew who was implicated in the murder in either his deposition to Allchurch or his report to Cawood.

The Board also overlooked the dubious credibility of the claim that Paddy and Major were police trackers and the fact that no one in either of Murray's parties had been sworn in as a Special Constable and they were thus not protected by statute in any arrest or lawful killing. It was noted in a confidential report by Chairman O'Kelly that had regular police and not settlers been used in the patrols, 'it was more than probable that there would not have been the killing of blacks, at least not the same extent'.¹¹⁹

¹¹⁵ Cawood to Secretary Department of Home and Territories, 22 November 1928, NAA, A431 1950/2768 Part 1.

¹¹⁶ Stafford evidence to Board of Enquiry, 13 January 1929, NAA, A431 1950/2768 Part 2 Skipper and Major were mostly likely classificatory brothers.

¹¹⁷ Finding of Board of Enquiry, 18 January 1929, NAA A431 1950/2768 Part 2.

¹¹⁸ Department of Home and Territories memorandum, 'Murder of F. Brooks by aboriginals, Central Australia', 18 September 1928, NAA, A431 1950/2768 Part 1.

The killings at Coniston appear to have been more widespread and greater in number than the Board of Enquiry ever established. Aboriginal bushman Walter Smith told Alice Springs historian Dick Kimber that he believed over 200 people had been killed.¹²⁰ The lay missionary Annie Lock (whom the Board partly blamed for unsettling Aboriginal people by preaching the doctrine of the equality of man)¹²¹ stated her belief, in a letter a year after the killings, that some 70 Aboriginal people had been killed:

The natives tell me that they simply shot them down like dogs and that they got the little children and hit them on the back of the neck and killed them and in front of the eyes of those they left they knocked the dogs in the head and threw them in the fire ... This is the natives verdict and we have to be careful and prove it, but, I questioned them in different ways and when they least expected it, even to boy and girls and they all say the same thing and instead of 34 it was over 70.¹²²

Unfortunately, Lock never named her informants so it has not been possible to corroborate these statements. It is noteworthy that not only missionaries and Aboriginal people have made claims of a significantly higher Aboriginal death toll. Randall Stafford also believed that the number killed was at least twice the 'official' figure of 31. Strehlow met Stafford at Coniston in September 1932. His meticulous diary records a conversation with Stafford during which he offered an intriguing insight into the killings four years earlier:

Lots of blacks were shot for it. Mind you, I don't approve of all that the police party did afterwards. I only know of most of their doings by hearsay, of course, for I would not go out far with the police myself, though I did lead them to the place where Fred was killed. But I can tell you this: most of the things they did were hushed up afterwards at the official enquiry. I had enough of it when I saw Murray coming back to the party after shooting several blacks at the first encounter. But Murray, Nugget Morton, Police-tracker Paddy, and the rest went on with lots of rifles and loads of bullets; and I was told that they shot down myalls up and down the Lander River for many miles. At the enquiry they owned up, I believe, to shooting thirty-one blacks in all, and this figure included two gins as well. But some of the men who went out with Murray told me that the true figure was at least twice as high ... but to shoot down whole camps of blacks without leaving any live witnesses behind is not my idea of justice.¹²³

Conclusion

This paper, while placing on the record the currently understood accurate version of events, has established that many of the details remain to be unearthed regarding Coniston. This is despite, it should be noted, Coniston's status as arguably the best-documented and one of the bloodiest of all frontier conflicts in Australian history. At a minimum, the role of the 'dark horses' Cawood and the members of the Board of Enquiry, the Board chairman's 'confidential report' on the killings,¹²⁴ and the truth or

119. This portion of the confidential report, the only available, is quoted in Home and Territories Department Memorandum No. 28/10740 of 27 April 1929 by JA Carrodus, NAA A431 1950/2768 Part 2.

120. Kimber 1986: 109.

121. Finding of Board of Enquiry, 18 January 1929, NAA A431 1950/2768 Part 2.

122. Markus 1990: 163.

123. Strehlow 1959: 312-319.

otherwise of the existence of a warring party of Aboriginal people remain largely unknown. There are also the inconsistencies that pervade the accounts of Coniston. These must, if possible, be resolved so that a consistent and accurate account is on the public record.

The corruption of due process by the Board makes a mockery of claims by writers such as Keith Windschuttle that Australia's settlement was fairly guided by the British rule of law. Windschuttle regards Coniston as a 'genuine' massacre; but it is more than that. The Board of Enquiry corrupted the judicial system and favoured Murray and the other whites involved. Coniston gives the lie that the British rule of law, even where it applied, offered security and justice to Aboriginal people. Windschuttle has professed a curious faith that an ostensible rule of law ensured Australia's colonies and their frontiers were 'governed by both morality and laws that forbade the killing of the innocent', that Europeans could not kill 'blacks with impunity'.¹²⁵ The response to Coniston presents a clear case where this very rule of law – nothing short of a Commonwealth Board of Enquiry established by the Prime Minister and appointed by the Governor General – was used to whitewash what Windschuttle has himself described as 'mass murder'.¹²⁶

Coniston's legacy is, then, twofold. Its fallout served as 'break point' in north Australian race relations; it emptied the Warlpiri homeland, leading to the 'end of the hunter-gather life' for many people of the region,¹²⁷ and it made the official 'punitive expedition' an unacceptable anachronism in the Northern Territory.

Oddly enough, Coniston lives on today in the shape of the two-dollar coin. On the obverse is depicted 'One Pound Jimmy' or Gwoya Jungarai, a Warlpiri man who also featured on two Australian stamps in the 1950s. He is 'said to be a survivor of the 1928 Brooke's Soak affair'.¹²⁸

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¹²⁴ Home and Territories Department Memorandum No. 28/10740 of 27 April 1929 by JA Carrodus, NAA A431 1950/2768 Part 2.

¹²⁵ Windschuttle 2000b: 23.

¹²⁶ Windschuttle 2000a: 20.

¹²⁷ Read and Read 1991: 52.

¹²⁸ *The Australian*, 21 November 2001.

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