

**MURDER, TRIAL AND
EXECUTION IN THE
PILBARA**

The death of James Coppin

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**Reports from
The Nor'-West Times
1891-1892**

**with
foreword by
Lloyd Davies O.A.M. LL.B
1922-2004**

2004

Lloyd Davies, O.A.M. LL.B., is a writer and a retired barrister. Born in 1922, he enrolled in the Faculty of Law at the University of Western Australia in 1940. The following year he joined the army where he first learned first-hand of the oppression of Aboriginal Australians. On resuming his studies in 1946 he helped form the Committee For Defence of Native Rights to support the Pilbara people in their struggle for justice and decent living conditions. During this campaign he travelled to Port Hedland to confer with the leaders of the illegal station workers' strike. This episode was the subject of his article Protecting Natives (Papers in Labor History, No 1 [1988], Department of Industrial Relations, University of Western Australia). During his fifty years as a practising barrister he served for ten years as in-house counsel for the Aboriginal Legal Service of Western Australia. In this capacity he represented the relatives of the deceased at the inquest into the death the late John Pat who died in custody in Roebourne lock-up in 1983. In 1992 he was awarded the Medal of the Order of Australia for services to the Aboriginal People. His published works include a novel, two collections of short stories, two biographical works and many articles on legal and historical subjects. Lloyd died peacefully on August 10, 2004.

In Memory of Lloyd Davies

FOREWORD

by Lloyd Davies

The dispossession and depopulation of Australia's indigenous people entailed a guerrilla war which lasted for over a century. This war took many forms: officially sponsored expeditions of extermination as in the 1834 Battle of Pinjarra; vigilante slaughter hunts as in the Myall Creek massacre; occasional heroic but doomed insurrections as in the Tunnel Creek uprising and, perhaps most frequent of all, individual killings of the white invader and their collaborators.

These individual killings invoked police action and retributory executions in which some deference was usually made to the procedures and formalities of the justice system. Officially the accused in such cases had to be given 'a fair trial'. The death of James Coppin and the subsequent trial and execution of Cooperabiddy (alias Billy), at Roebourne in the Pilbara, comprise one such incident.

As elsewhere in Australia the white occupation of the Pilbara involved displacement of indigenous animals by sheep and cattle, leaving the native population with no option but to slaughter livestock in order to survive. The pastoralists employed herders, often themselves Aboriginal, to protect

their sheep and cattle and relied upon the police to arrest and punish the aboriginal offenders. Punishment included flogging - which penalty the *Nor'-West Times* of 4 June 1892 described as being 'so wisely provided by the last Aboriginal Offenders' Act' - and transportation to Rottnest Island to serve long prison sentences. Imprisonment on Wajimup, to give Rottnest its Aboriginal name, was an exceptionally heartless measure. It was, literally, a living death because by Aboriginal myth and legend Wajimup was the Aboriginal Hades in which the spirits of the dead resided. In winter, with little protection from the frequent Indian Ocean gales it must also have been physically a most benighted place for prisoners who had spent a lifetime in the tropics. Recent archeological research has unearthed a great number of the graves of Aboriginal prisoners who never returned to their proper country.

On 12 August 1891 a herdsman, James Coppin, himself a part Aborigine, tried to prevent a group of Aborigines from spearing cattle. Cooperabiddy (alias Cudderabiddy, alias Toola, alias Billy) with three companions named Parody, Cuggerabung (alias 'Georgie') and Nudderakin armed with sticks helped by several others including one, Mackamurra who is described as 'a boy' armed with a spear attacked and killed him.

The killing took place in the presence of Coppin's de facto wife, an Aboriginal woman named Oroma alias Wananburry alias Maggie who, according to her statement, was also Parody's daughter and who, in due course, became the principal witness for the Crown. Only Cooperabiddy, Parody, Cuggerabung Nudderabin and one Chulba (alias Mick) were brought to trial. The scanty and confusing press reports of the time do not say what happened to Mackamurra. This is puzzling because all accounts of the action describe him as inflicting the fatal wound by spearing Coppin in the neck. We cannot suppose that he was dealt with separately in the Childrens' Court because that was not established until 1908. Prior to that date accused children were tried in adult courts and hanged as high as the rest of them if found guilty of murder. It is a sorry fact of history that the first murderer to be hanged in W.A. was a boy of fourteen.

The press seems to have lost all interest in Mackamurra by the time of the trials of his accomplices, his fate is therefore lost to history. The newspaper reports describe the committal proceedings involving Cooperabiddy and Cuggerabung; the joint trial of Cuggerabung, Chulba, Cooperabiddy and Nudderakin (at which Chulba was acquitted through doubt as to identity) and the separate trial of Parody. There is also a report in gruesome detail of the execution by hanging of Cooperabiddy.

There is no report of the committal proceedings involving Parody. Presumably these took place earlier than those against Cooperabiddy and Cuggerabung which were held in January 1892. Their Criminal Court trial was held nine months after Parody's. Parody's trial, before Mr Commissioner Roe and an all-white jury took place on 12 March 1892 at the Roebourne Court House. It is remarkable for its brevity. Lasting in all two and a half hours, it began at 10 am, the jury retired at 12.30 pm and returned with a guilty verdict at 12.35.

The trial was apparently not deemed of sufficient importance to allocate a Supreme Court judge to officiate. A magistrate named Roe was granted a special commission to preside at the trial. Whilst - even as late as the 1950s - country magistrates were frequently commissioned to hear criminal trials, it is surprising that this was done for a capital offence. One would hope that a judge would have made a better job of summing up the law and applying it to the facts than Commissioner Roe. The accused did at least have the somewhat dubious benefit of his own counsel, a Mr Lacey. The note of Lacey's brief address indicates that even he did little justice to Parody's potential defence.

The principle witness for the Crown was Coppin's de facto wife Oroma, or Maggie. Her evidence was that 'Billy' (Cooperabiddy) said he was going to kill Coppin, caught him by the hands and placed them behind his back. Makamura speared him in the neck, Coppin fell down and appeared to be dead. It was not until after he fell to the ground that Parody hit him on the head. It was therefore at least arguable that to hit a man after he was dead could not constitute murder.

The prosecution case was that all four accused had engaged in a joint enterprise to kill Coppin and it therefore did not matter who struck the fatal blow. In all such cases, however, the jury has to be satisfied beyond reasonable doubt that each individual accused had an intention to kill the accused and acted with that intention in mind. The case of each individual accused has to be considered separately. It is essential that the Crown establish the existence of that common intent in each individual to the appropriate standard of proof.

Mr Lacey does not appear to have cross-examined the witness Oroma, perhaps this was wise because her evidence did little to establish a common intent on Parody's part. In cross-examination of a peripheral white witness, however, he brought out the fact that the spear wound to the neck (inflicted by Makamura who was never brought to trial) was

the probable cause of death - an important point for Parody's defence.

To present an adequate defence it would have been essential to concentrate upon the failure of the Crown to indicate by words or actions on Parody's part that he had an intent to cause Coppin's death. The report of Lacey's address to the jury indicates that he did not have much to say other than to point out that Coppin had already been killed by the spear wound inflicted by Mackamurra and that all Parody was doing was inflicting token punishment upon a dead man according to native custom. This was a logical enough argument but it was not very relevant. The point was what occurred before death. What were Parody's actions at that stage? What, if anything, had the Crown established against Parody at that time? The report of Lacey's address nowhere indicates that he told the jury that they must be satisfied beyond reasonable doubt about Parody's intent. His final words to the jury were paraphrased by the reporter thus:

The prisoner, unfortunately was guiltless, but he (Lacey) regretted that no separate count had been brought against him that he might be punished for the part he had taken in the crime (presumably striking a dead body! LD). It was such crimes as these that prevented

the settlement of the country and cast such a gloom over its prospects.

What Lacey meant by this odd observation was that it was a pity that the jury had not been given the opportunity of finding Parody guilty of a lesser offence. It was not only irrelevant as a defence but it was highly prejudicial to his client. It would be hard to imagine any all-white jury favouring a lesser verdict with Lacey's final words about indigenous crime preventing settlement of the country ringing in their ears.

Mr Commissioner Roe said nothing in his charge to the jury to make up for the inadequacies of counsel's address. Indeed he said he thought Parody should be grateful to Mr Lacey for his services. He briefly explained the concept of guilt in committing a crime with a common purpose but said nothing about the need to be satisfied that each individual accused had an intention which was common with the others. He said nothing about the need for the jury to be satisfied beyond reasonable doubt nor the fact that the burden was on the Crown to prove that intent along with all other ingredients of the offence.

Given so little to consider it is small wonder that the jury took only five minutes to bring in a verdict of guilty - particularly

as the local press had been running an emotional campaign against murderous natives for the three months prior to the trial. A subsequent press report, dated 4 June 1892, indicates that Parody's execution was directed to take place near the Hamersley Range as a lesson to the local inhabitants. In the event Parody died in custody (presumably of natural causes) before it could be carried out.

The trial of Cooperabiddy, Cuggerabung, Nudderakin and Chulba was held at Roebourne on December 8, 1892. There is no report of when Nudderakin and Chulba were committed for trial and no explanation is available as to why Parody was tried separately from the others. The December trial was again held before a commissioner. The defendants on this occasion were not given the benefit of counsel to represent them. Judging by Mr Lacey's performance in Parody's case this may have been to their advantage, at least in Chulba's case because he was acquitted, there being some doubt about whether he was actually present when Coppin was killed.

This doubt became apparent when Cooperadiddy and Chulba both cross-examined the Crown's principal witness Oroma (Maggie) as to whether Chulba was present at the killing. When Oroma insisted that he was present, the Commissioner took the unusual step of questioning each accused on the matter. He explained that he did so in the interests of justice

because of the absence of counsel. All four accused denied that Chulba was there.

When he charged the jury the Commissioner directed them that the only evidence of the commission of the crime was given by Oroma which had been given 'in a straight-forward manner'. She had only been challenged on the issue of whether Chulba was present at the killing, on which question it was a matter of the word of the four accused against hers. He gave no explanation of what was required in a trial alleging a joint enterprise nor any direction as to the need to consider the case of each accused separately nor the need to be satisfied beyond reasonable doubt of the intent of each accused. After retirement of two and a half hours the jury acquitted Chulba, obviously because of doubt as to his identity and convicted the other three of wilful murder.

For some reason the sentences of Cuggerabung and Nudderakin were commuted to life imprisonment. Cooperabiddy was hanged in Roebourne prison on 25 March 1893. *The Nor'-West Times* of 25 March 1893 contains sickeningly gruesome account of his execution. Whilst it was held within the gaol, all the prisoners were lined up to witness the hanging. A number of local citizens, who were apparently free to do so, also attended the spectacle

‘although every precaution had been taken to keep it as secret as possible from the outside public.’

Public executions in Western Australia were abolished in 1871. The public hanging of Aborigines was reinstated in 1875 as a deliberate policy decision by the criminal justice authorities to cower the Aboriginal population. This was the reason for the compulsory attendance of Aboriginal prisoners at Cooperabiddy’s hanging and the reason Parody had been ordered to be transported to the Hamersley Ranges to be hanged in the presence of the local Aboriginal population.¹

The flogging and hanging of Aboriginal people differed only in degree of cruelty from their imprisonment. Incarceration of nomadic people was wholly soul-destroying - as Parody’s early death in custody testifies.

Lloyd Davies
Cottesloe
2002

¹ A telegram from Roebourne on 24 March 1892 [2139/92] states:

To Commr Police Perth. Re Harrowdy for murder of Coppin am informed it is contemplated hanging this offender at scene of murder Hamersley Ranges[.] Police tell me there are very few natives there and do not believe any could be collected to witness execution[.] somewhere near in presence of prisoners and have interpreters to explain this would have more beneficial effect[.] have explained to Acting Govt Resident who says he will recommend adoption of suggestion[.]

J Beresford Sergt Police

Reports from
The Nor'-West Times
1891-1892

**The death of
James Coppin**

September 19, 1891

COLD-BLOODED MURDER BY BLACKS

Mutilation of the body

Increasing depredations.

James Coppin a southern half-caste, has been murdered by natives on Messrs. Stevenson and Pollett's station near the Hamersley Ranges. Coppin was travelling in company with a native woman. The first intimation Police Constable Finucane, who is out on duty in that part of the district, received of the crime, was from a native arrested for cattle stealing, who was a possession of Coppin's sheath knife. On arriving at the scene of the murder, the victim's body was found hidden under some spinifex on a hill. His legs had been cut off and head much battered. The murdered man's pack saddles were also buried under a heap of spinifex. His horses being hobbled out, all the rest of his property was stolen. No motive can be discovered for the crime. The ringleader of the murderers is a native named Billy, who is said to have served a term of imprisonment at Rottnest. This man has got Coppin's breach loading gun and some

cartridges and has stated his intention of making his way across to the Ashburton for the purpose of shooting Mr Bresnahan, against whom he has an old grudge. Police Constable Finucane has started in pursuit of the murderers. He and Mr J Pollett have been out now for some time after cattle stealers who are daily growing more daring. No less than fifty head of cattle have been speared on Messrs Stevenson and Pollett's station alone, and remains are found at every camp. The police have had several stiff tussles with the depredators and Mr Pollett has had to shoot one native, his own life being in serious jeopardy. The blacks are also robbing Mr Thomson's and Mr Robinson's shepherds.

Another account of the murder confirms most of the foregoing and further states that some of the perpetrators have been arrested, one having Coppin's woman, Maggie with him, who has supplied Police Constable Finucane with all the details of the murder. Coppin has always had an idea that the natives would kill him.

Sunday October 3 1891

Police Patrols

Sir, Kindly allow me space in your columns to ventilate what I consider a very pressing matter, in the interests of this portion of the Colony, namely the protection of life and property against the frequent murder and depredations carried on by the natives in this district. We have to hand news of two murders within the space of one month, being those of the poor unfortunate half-caste Coppin, who was most cruelly murdered and afterwards barbarically mutilated by the Hamersley Range blacks. Ten days later news reaches us of another murder, that of James Fairhead in the employ of Mr Fred. Wells, of the Millstream Station. This last named outrage was committed by a Chinaman, and within a hundred miles of the former. Our chief complaint is the inadequacy of the police force for the protection of the outlying country, and I would strongly urge upon the Government the advisability of establishing a Police Station at some central spot on the Tableland (where there is already one J.P.) with at least two constables

and a care-taker, the same as is established on the Lyons, Gascoyne and Murchison Rivers. This will give both the settlers and police an opportunity of dealing with the culprits on the spot; thus saving all parties a lot of trouble and inconvenience, and the Government the expense incurred in bringing them to Roebourne. We in this district have been patient and long suffering; but “the last straw breaks the camel’s back”, and, if this sort of thing is to last much longer, there will be nothing left for the settlers but to turn out themselves and protect their employees and property against the ravages of the natives. Considering the distance between Carnarvon and Derby, which is, say a thousand miles, is it not simply ridiculous to think there is only one intermediate police station, that being Roebourne and I will ask any person of common sense, and the Government, if it is reasonable to expect a small body of police such as we have at present in Roebourne to supervise such a large extent of country. We also consider that the establishment of police stations both at the rising [?] ports of Onslow and Broome most essential, as the pearlers and settlers of those localities are without any immediate protection, beyond that of the periodical visits of the Roebourne Police, which are naturally very few

and far between. Trusting that a more able pen will take up this matter and that you will lend your valuable assistance in thoroughly ventilating this disgraceful state of affairs.

I am etc.

Fred Wells

District News

Tableland

From a correspondent

Police Constable Finucane, arrived at Coolawinich (Messrs. McRae and Co's station) on the 22nd Nov. with ten native prisoners and three Witnesses from the Hamersley Ranges. He has one of the murderers of the half-caste Coppin. The rest of the prisoners are charged with cattle and sheep stealing, and judging from their appearance the Hamersley Ranges must be a grand place for living as they are rolling in fat.

January 9, 1892

[On Wednesday, January 6] Parody, was charged with murdering James Coppin, about August 20, at the Hamersley Range.

Worambung, alias Maggie, affirmed, said that she knew Coppin. She was living with him. About six months ago she went to Coongalgarra with Coppin and they stopped there for dinner. There were no blacks there then, but some came afterwards, the prisoner, five other men, and a boy. They came to kill cattle, but denied it when asked by Coppin. One native (Billy) then said "come on we will catch Coppin". They then seized him and held his hands behind his back and threw him down. Billy putting his hand in his mouth to prevent him shouting. The prisoner hit him on the head with a stick, the boy spearing him in the neck. They took Coppin's sheath knife from his belt and cut his throat. It was after this that the prisoner hit him on the head and finished him. They then stripped the body and took it to the hills. They killed him because he was looking after the cattle. They took his rations and gun he had with him. Billy threatened to kill witness, but the prisoner interfered, as

she was his child. Witness identified the ring produced as Coppin's property.

By the Bench; Coppin always treated the natives well.

P.c. Finucane deposed that the half-caste Coppin was in the employ of Stevenson and Pollett in August last. Witness went to the station and was told that Coppin was away after cattle but might be back any minute. As he did not come for a week, witness and Pollett went out to look after him, they did not find him where they expected. A native that they tried to arrest had Coppin's knife in his hand and was threatening Pollett with it. Witness returned to the station and finding Coppin had not come back went out again in search of him or his body, as a native boy had told witness that some blacks down the river had killed him. The boy took them down to the spot and the marks of a scuffle were apparent. They followed the tracks and saw blood and the places where the body had been put down several times, and at last found the body on a spinifex hill about a quarter mile from the water-hole, covered over with spinifex and stones. Witness recognised the wounds spoken of by the previous witness, the feet had been cut off just above the

ankle. The body appeared to have been dead 9 or 10 days. Witness buried the body – taking the ring (produced) off the finger – Coppin’s throat had not been cut. Coppin was if anything too easy with natives. The boy Jimmy, recognised the tracks of Maggie with the other natives going down the creek and witness followed them and arrested the prisoner and also got the witness, Maggie, their horses knocking up preventing his arresting the other natives said to be implicated in the murder.

The prisoner was committed for trial.

THE HEARING

January 30, 1892

[Before Mr Cowan, G.R]

Toola alias Billy and Cudjerbung alias Georgie were charged with murder of James Coppin in the Hamersley Range on August 12, 1891.

John Pollett, sworn, stated that he was a partner in the firm of Stevenson and Pollett and was managing their Mount Bruce station near the Hamersley Range. James Coppin was in their employ in August 1891, as a stockman. About the beginning of that month he was sent to bring some cattle to a water hole, called Kanglegarra. Witness left the station for Roebourne just before deceased. On returning to the station rather more than a week afterwards, he expected to meet Coppin, but he was not there. Three days afterwards, witness was uneasy and started out in search of Coppin, meeting P.C Finucane on the way, and they proceeded together towards Kanglegarra, where they saw some

fresh tracks. They followed these for 16 miles to Toorarie [Turee] Creek. There were some natives there. Some native woman there told them that Coppin had been killed. They returned to the station, but went out again accompanied by a native, when they found Coppin's remains, his horse and his women. The body was lying amongst some rocks to the south-west of the water-hole and was covered over with spinifex and a few stones. The deceased appeared to have been dead about 14 days and the body was much decomposed. The hair was clotted on the head with blood, and the skin had been cut. There was a hole right through the neck. The feet had been taken off above the ankles. In witness' opinion the body had been carried to the spot where it was found. There were four native's tracks leading from the water-hole, where Coppin had evidently been camped, to the body. They found some of the deceased's effects buried in spinifex. Witness was certain the body was that of Coppin. The ring produced was exactly similar to the one p.c. Finucane took from the deceased's finger.

Maggie, affirmed, stated that she had been living with Coppin, and had gone with him last winter to Kangelgarra water-hole. They were looking for cattle on

horseback and had one pack-horse. Some natives came up shortly afterwards; the two prisoners, whom she identified, were amongst them. Four other natives and a boy were also present. Coppin called to them to go to him and accused them of killing cattle, but they denied it. Coppin was standing up; he had no gun in his hand. The prisoner Billy said in a low tone to the other natives, "Come on, we'll kill him now," and he went up behind him and pinioned his arms. Georgie also caught hold of Coppin, and all the other natives came up, knocked him down, beat him with sticks, and speared him in the neck. The boy speared him by Billy's order. Coppin had the knife (produced) on his belt at the time. One of the natives took it from him and stabbed him the neck with it. Billy hammered him on the back of the head with a stone, and Parody with a stick. He died almost at once. The body was stripped and carried away into the rocks. Witness followed, and saw the body lying there. The natives made her go with them, and Billy threatened to kill her if she attempted to run away. She was with the natives for several months, until p.c. Finucane took her into Roebourne. The ring produced was on Coppin's right hand when he was killed. His legs were all right when she last saw the body. The two prisoners assisted

to carry the body up to the rocks. The natives took the flour and left the saddles and bags hidden under some spinifex. P.c. Finucane stated that in August 1891, he went to Mount Bruce station and in consequence of a report made by Pollett he went with him in search of Coppin. Witness then proceeded to corroborate Pollett's evidence, adding that he saw where the impression of the body appeared on the ground, as if the bearers had laid it down, and where there were also stains as of blood. There was a ring of the third finger on the right hand. Witness buried the body.

The prisoners made no defence, and they were both committed for trial at the next criminal sitting of the Supreme Court.

THE VERDICTS

Roebourne March 2, 1892

SUPREME COURT, MARCH 12 1892

Criminal Sittings

(Before Commissioner Roe)

His Honour took his seat at 10 am.

The first indictment was that against Parody, an aboriginal, for the murder of James Coppin, a half-caste, at the Hamersley Range on Aug 12 last.

Mr Lacey consented to conduct the case for the prisoner, who pleaded not guilty.

The following jury were sworn: F. Smadpage (foreman), R. Atkinson, J. H. Church, T.R. Lowe, C. Paterson, T.J. D'Alton, D. Gawthorne, F. Pearce, A. Hill, A. Thomas, D. Melster [?] and J.T. Shephard.

John Pollett, of the firm of Stevenson and Pollett Mt Bruce Station Hamersley Range, had up to Aug 12 last, in his employ as stock-drover, a half-caste named James Coppin whom he instructed to go out on a Sunday afternoon early in August to bring in some cattle from a pool where they had been stationed. He was accompanied by a native girl named Maggie. Coppin was to have returned and met witness at the home station at the latter end of August, but he did not turn up. Witness and p.c. Finucane started out in search for Coppin, but could not find him. Whilst out, they came across a freshly killed bullock at Millindilla waterhole, and saw natives on the hills close by, some who p.c. Finucane arrested two days afterwards. P.c. Finucane picked up a knife which witness recognised as Coppin's. Two of the native arrested were taken with them back to the station, when they and a native boy named Jimmy informed them that Coppin had been murdered by natives. Witness and the constable again went out in search of Coppin. Jimmy pointed out a water-hole called Cundagulla as the place near where Coppin had been murdered. They found the body 300 yards distant in a reclining position on the right side with the hands clasped between the knees. A hole was visible thought

the neck, just behind the jaw and below the ear, about the size of a shilling piece. It appeared like a spear wound. The head was very mutilated, the skull was smashed in and the hair was clotted with blood. The feet had been hacked off as with some blunt instrument. The remains were covered over with bark, stones and spinifex. The ring (produced) was taken off the third finger of the deceased man's right hand by p.c.. Finucane. Coppin was very kind to natives and never interfered with their women; he had a woman of his own.

[Note: a statement hand written for Pollett states: {Coppin} left the Home Station sometime in the beginning of August 91 to visit a water-hole called Congulagarren to see if the cattle were alright as it was reported the natives were killing cattle...

We proceeded to a water-hole called Milly-Millina on the same creek as Cangulagurren water-hole. At Milly- Millina I found a freshly killed beast and fresh native tracks. We then ran the tracks down the creek to Cangulagurren water hole. We found no natives there but followed the tracks into a Gorge in the hills. It was night time when we got to the Gorge and we camped there that night, 19th August 1891.

The next morning two natives, Jimmy and Windawindanadie came to our camp ... Pc Finucane arrested the natives Jimmy and Windawindanadie for cattle stealing on the 21st August but it was not until the 22nd that they told us Coppin had been murdered...]

Cross-examined: In his opinion the hole in the neck was sufficient of cause death.

Maggie alias Oroma, stated she was deceased's wife. She went with him to Cundagulla on horseback to hunt up some cattle. They camped there about dinner time. Among other natives, Georgie, Parody, Chillingoo, Mackamurra, Mickie and Billy came to their camp. Coppin spoke to the natives, and asked them if they had been killing bullocks, to which they replied in the negative. Billy said he was going to kill Coppin, who understood the native language and heard the remark. All natives present, including the prisoner, seized hold of Coppin. Billy caught him by the hands and placed them behind his back. Witness saw Parody strike him on the head with a stick, and Makamurra speared him the neck. The last act done first. Coppin was lying on the ground when the prisoner hit him. He did not move after he was speared; he appeared to be dead. Blood exuded

from one ear when Parody struck him. The body was subsequently carried away by the natives into the hills. Witness then went away north with Georgie and Parody. Billy said if she told the white-fellows they would kill her. She was living with Parody, who was her father, and who protected her from Billy. She recognised the knife and ring (produced) as Coppin's.

By His Honour: The stick used was about 3.5 inches in diameter and 4ft.6in.long. Parody struck many blows.

Cross-examined: The head swelled after being struck.

To a juror: I was standing about 3 yards from Coppin when he was speared. A large quantity of blood flowed from the wound.

P.c. Finucane proved the fruitless search for Coppin and the arrest of the two natives by him, and corroborated Pollett's evidence as to finding the body on the second search. He removed the debris from off the body. He saw wounds described by Pollett; took the ring from the finger and buried the remains. He followed up the track seen round the corpse and arrested the two natives and Maggie on the third day. Maggie said to witness in

prisoner's presence that he (Parody) was one of the murders, and that the others had gone away. On account of the horse's knocking-up, he was unable to arrest them. She also described the manner in which Coppin had been murdered. The prisoner appeared to understand portions of what passed between them.

To His Honour: The prisoner when arrested denied that his name was Parody.

There were no witnesses for the defence.

Mr Lacey presumed that the theory of the prosecution was that James Coppin had met his death at the hands of the prisoner at the bar by his beating him on the head. His theory, which was borne out by the evidence, was the James Coppin met his death from the spear wound inflicted by the native boy Mackamurra, and that the prisoner at the bar (which appears to be a general habit amongst these native which they are on brutality bent) clubbed the dead body of the man Coppin. The prisoner, unfortunately, was guiltless, but he regretted that no second count had been brought against him, that he might be punished for the part he had taken in

the crime. It was such crimes as these that prevented the settlement of the country and cast such a gloom over its prospects.

His Honour, in charging the jury, said that this was the first time since he had been sitting on the bench of the Supreme Court, that prisoners at the bar had the advantage of the counsel, and he thought they should be thankful to Mr Lacey for his services. When a number of persons consort together to commit any crime, they were all equality guilty of the committing of such crime. If the jury though that the prisoner had taken any active participation in the crime, he was equally guilty with the man who delivered the death blow. But if they only considered the prisoner had taken a minor part in the murder, and then they could convict him of manslaughter.

The jury retired at 12.35 returning five minutes later with a verdict against the prisoner of guilty of the murder of James Coppin.

The death sentence was then passed.

June 4, 1892

The native Parody, who was sentenced to death for the murder of James Coppin last year and who was to have been hanged near the Hamersley Range, has cheated the hangman, despite all the care taken of him. He died within 100 miles of his final destination. We understand that the Acting Government Resident will delay a day or two on his return journey to supervise a few floggings of native felons, so wisely provided by the last Aboriginal Offenders Act.

DISTRICT NEWS

ASHBURTON

[FROM OUR CORRESPONDENT]

Onslow, July 20, 1892

Since my last letter we have had some nice light but soaking rains, which have been pretty general throughout the Ashburton district, and from reports to hand on rivers, it can be safely said there has been an average fall of 2 in[ches].

Several stations start shearing towards the end of the month. On most stations they are busy mustering; so shearing will be in full swing next month...

An encounter took place on Messrs. Throssell and Bresnahan's station between the blacks and D. Bresnahan and party in which three natives were killed and two wounded. Mr. Bresnahan was badly injured, as were two others of the party, but not seriously. It appears that the natives had killed several head of cattle and taken a mob into the ranges. When Bresnahan and party went to remonstrate with them and rescue them, they would not surrender them but showed fight, throwing spears, kylies, and dowarks. Consequently the

party of whites fired on them, and it was not until they had killed three and wounded two others that they would give up the cattle. The whites also brought in nine natives as prisoners, amongst them some notorious offenders, including Codgebung who is wanted for being concerned in the murder of Coppin a short time back.

Saturday, December 10, 1892

SUPREME COURT

Special Sessions

Thursday, December 8

[Before the Commissioner]

Cuggerabung alias Georgie, Nudderabin Chulba alias Mick and Cooperabiddy alias Billy, were charged with the murder of James Coppin on Aug.12, 1891, at the Hamersley.

The following constituted the jury: - W. McLeod (foreman), T. J. D'Alton, D. Molster, F.E. Pend, T.O'Neill, H. Gillam, C. Clifton, D. Gawthorne, W. Carmichael, A.S. Thompson, A. J. Allen, and J. C. Scott.

Maggie, an aborigine, in the service of Mr J Pollett, said she was stopping at Toobana with Jas. Coppin about Aug. 12, 1891. Witness and Coppin went to Cundlagerran; and after they had been there a day the four prisoners in the dock and two other natives came up to where they were camped at the request of Coppin,

who asked them if they had been killing bullocks. They said no, and Billy said to the other natives, come on and let us kill him, and seized Coppin's arms and pulled them behind him. The other natives then caught hold of him and threw him down, Billy filling up his mouth with dirt to prevent him from shouting. Mick hit him on the neck, and Billy on the back of the head, Nudderabin held him by the feet, and Georgie struck him under the throat with a stick. Billy also hit him with a big stone on the back of the head. The knife produced was Coppin's from whose belt the witness saw Billy take it; but he did not use it on Coppin. The natives beat Coppin for some time and after killing him, Billy took the clothes off the body and put them on himself. They carried the body to some rocks a good distance away, and covered it over with spinifex. Coppin was killed in the morning and witness stayed beside the body till noon, and then left. After covering Coppin's body with spinifex, the prisoners took the pack-saddle backs and removed their contents covering the bags over with spinifex afterwards. The prisoners killed Coppin because he took care of the cattle. Coppin had never beaten any of the prisoners, but accused them the morning they killed him of killing cattle. Nudderabin alias Bullocky took witness away.

She wanted to go and report the murder to Pollett, her master, but the prisoners would not let her go and Billy threatened to kill her if she went. There was a gun on the saddle when Coppin was killed. Billy took it.

By the Commissioner: Witness was with the prisoners about six months. She knew the natives before the murder was committed.

By the Jury: Coppin knew the prisoners had killed and eaten cattle before, and that was why they killed him. Prisoners were cross with her for being Coppin's woman.

By Billy: Mick was with the other natives when the murder was committed.

By Mick: I know you: you were there and helped to kill Coppin.

John Pollet, partner in the firm of Stevenson and Pollett, Mt. Bruce station, stated that the half-caste, James Coppin was in his employ as stock-hunter in Aug 1891. Witness sent him and his native woman Maggie down to Cundlagerran water-hole to look after the cattle, as

Coppin had informed him that the natives had been killing them. They had not returned three weeks later, and witness and constable Finucane set out in search of them. While they were camped at the gorge near the water-hole two natives came up and constable Finucane arrested them. They stated, on the road to the home-station, that Coppin had been murdered by natives. The knife (produced) witness identified as Coppin's and it was in the possession of one of the two natives then in custody. It was lying in the camp and he picked it up and constable Finucane took possession of it. It was on the way to the station that the two natives revealed the murder of Coppin. They then found Coppin's naked body covered with spinifex and stones. Both the feet were missing and the body was much decomposed. Witness noticed a small round hole right through the neck just under the ears, and the skull appeared to be fractured on the top. On further search they discovered the pack-saddles and bags and Coppin's boots about 100 to 150 yds from the water-hole in a narrow deep gully. The rations tomahawk and shoeing gear were missing from the pack-bags. Coppin was always well-behaved and friendly towards the natives. Witness had heard that the native intended to kill Coppin for being

instrumental in the arrest of a native named Suggary for killing cattle. Maggie had been with Coppin about sixteen months. Witness knew Billy and Georgie, and the other two prisoners by sight only.

By the Jury: The prisoners belong to the tribe adjoining that of the women Maggie. He had not seen any of the prisoners since the January before the murder. The old tribal customs in respect to marriage were not now adhered to.

PC Finucane was at Mount Bruce station in August 1891, in search of natives, and in consequence of what Mr. Pollett told him he went in search of Coppin, in company with Messers. Pollett and Thompson, a police boy and a native boy named Jimmy. He corroborated the main evidence of the previous witness. He removed the silver ring (produced) from the finger of the dead man. There were impressions on the ground as if caused by the body of a man, and spots which witness took to be blood. Witness knew Coppin well and was quite sure the remains were his.

His Honour stated that that in order that the ends of justice might be met, he intended to depart from the usual custom, as the natives were now represented by counsel and it was important that every tittle [?] of evidence that could be adduced should be brought before them. He would ask the prisoners questions as to the whereabouts of Chulba, alias Mick.

Billy stated that Mick, in the dock, was not at Cundlagerran Pool when Coppin was there, he was at Cooleran, at Canning's station, at the time of the murder. Mick that assisted in the murder was a short little fellow. The other three prisoners corroborated this statement.

Sergeant Carroll said that accompanied by an interpreter, he took the native woman to identify another native when on seeing the five prisoners in the cell Maggie pointed out the prisoner Mick as one of Coppin's murderers. Mick denied having been present when Coppin was killed.

The prisoners' statements in the support of the alibi set up by Mick were then put in as evidence.

His Honour then charged the jury. There was only the woman's evidence of the actual commission of the crime, and it had been given in a straightforward manner. It was tried to be shaken in respect to her identification of the prisoner Mick, but she was very persistent in her statement that he was there and assisted in the murder. It was in the interests of justice that he had adopted the unusual course of asking the fellow prisoners of the native Mick if he was concerned in the murder or was there at the time it took place. The whole case hinged on the evidence of Maggie, but there were the statements of the four prisoners that Mick was not at the scene of the murder when it took place, and it was for them to say what weight they attached to these statements.

The jury retired at 3.15 and returned shortly afterwards for direction on evidence relation to the prisoner Chulba alias Mick; returning again at 5.52 with a verdict of guilty of against Nudderabin, Cuggerabung alias Georgie, and Cooperabiddy alias Billy. Chulba alias Mick was acquitted, the jury adding that they wished to have recorded their disapprobation that the authorities had not taken some measures to ascertain whether Chulba

was at Canning at the time of murder, thereby corroborating the native woman's evidence and falsifying the statements of the four prisoners.

His Honour then passed the death sentence on the three convicted prisoners.

[Below is a copy of a letter (92/2139) to The Commissioner of Police, Perth, from Roebourne Police Station:

I forward the attached reports for your information and have to state that on the 8th Instant at Roebourne criminal sitting there were 4 natives charged with the murder of James Coppin, halfcaste, on or about the 12th August 1891. Viz. Cuggrabing alias Georgie, Cooperabiddy alias Billy, Nudderabin, and 'Chulba alias Mick'.

I attach a clipping from the *Nor'West Times* which contains the whole case. The Commissioner will see that the jury added a rider to their verdict in bringing in 'Chulba alias Mick' not guilty. I also wish to point out that after the case was over, 3 of the jury men informed me that through the unusual course taken by allowing the 3 prisoners to give evidence for 'Culba alias Mick',

who was charged with the same crime they brought in a verdict of not guilty against him as it corroborated 'Chulba alias Mick's' evidence. As for getting evidence as to whether Chulba was or was not at Cannings Station at the time of the murder there was not sufficient time from the 14th November to the 8th December '92 as the Prisoner 'Chulba alias Mick' would have to be identified by some person at Cannings that could swear that 'Chulba alias Mick' was there on the day Coppin was murdered. I consider that would be almost impossible as there is no fixed date that Coppin was murdered.

I may also state that the distance from Cannings to where the murder took place is about 50 miles and would be no distance for Chulba alias Mick to travel after assisting in committing the murder.

After Chulbo was discharged, the 5 prisoners admitted that Chulba alias Mick was at the murder and that they had been put up by other natives to say he was not there.

C Lawrence
Insp. of Police 13.12.92]

January 21, 1893

Cudderabiddy alias Billy, one of three convicted murderers of James Coppin, is to be hanged in Roebourne gaol at a date to be hereafter fixed. The other two, Cuggerabung alias Georgie and Nudderabin have been committed to Rottnest under a life sentence to penal servitude.

THE EXECUTION

Saturday, March 25 1893

THE HAMERSLEY MURDER

The Execution

The first execution that has taken place in this district was conducted at the Roebourne Gaol on Monday morning, the victim being Cooperabiddy alias Billy, the condemned native of the three convicted murderers of the half-caste James Coppin on the Hamersley Range. The idea of having the execution carried out in the district in which the crime was committed was to warn other natives, more especially those of the condemned man's tribe, against crime and exemplify to them the penalties following upon the committal of heinous acts. With this view the native prisoners were at an early hour marched into the enclosure of the gallows and seated against the inside of the canvas screen, to witness the

enforcement of capital punishment. The gallows are of rather a primitive construction and the design would lead one to imagine that it was the first improvement on the rude contrivance used in the days of the Trial gang. The trap-door is fastened by a shot-bolt, and instead of being worked by a lever the mallet is applied. The noose, or loop as it might more properly be called, consisted of a stout rope eyespliced at the one end in which was fixed an eyelet through with the other end of the rope was rove, forming the loop. This other end was tied securely to the stout support overhead, there being seven feet of slack rope to afford the regulation drop. At 7.30 the death toll sounded and the white and coloured prisoners were marched into the gallows enclosure. The black flag being hoisted. Inside the prison cells the acting Gaoler. The senior warder, was supervising the removal of the fetters from Billy's feet and the chain from his neck. His arms were then bound behind his back, the handcuffs applied and the black-cap placed loosely on his head. At 7.30 the condemned man was handed over to the Deputy-Sheriff, the Gaoler, who placed him under the charge of the hangman who at 7.48 led him into the gallows enclosure. Billy showed no signs of fear or distress; he mounted the ladder leading

to the scaffold with little assistance and when, at seven minutes to 8 o'clock the hangman placed the instrument which was to do the deed round his neck he was to all appearances unmoved. Dr. Hicks, Resident Medical Officer was in attendance and kept a keen vigilance on every act connected with the affair. A number of the townspeople had found their way to the scene of the execution, although every precaution had been taken to keep it as secret as possible from the outside public. The black-cap was drawn over the unfortunate man's eyes and the hangman took up his position on the ladder below to be in readiness to respond to the commands of the Deputy Sheriff. At three minutes to eight silence prevailed amongst the assemblage, and the death knoll seemed to penetrate their more secret thoughts. It was only now that emotions from the murderer were noticeable. The muscles of his face twitched, his body swayed (probable due to his breathing being retarded by the black-cap), and while balancing himself on his heels the muscles of his toes contracted. He remained in this position for over a minute when he appeared to resume his composure, but it did not last long. A minute before the appointed time a tremor set in all over his frame, continuing till the Deputy Sheriff commanded the

executioner to draw the bolt. At the first stroke of the mallet the trap-door only shook, and the condemned man realising that his end was near at hand shown great emotion and trembled from head to toe. At the second stroke, which followed quickly on the first, the trap door gave way and he was dropped below. He hung motionless for a minute and a half, during which the hangman tightened the loop, the eyesplice, which served as the knot being too close to the ear. The body convulsed twice and then lapsed into apparent tranquility the head slightly towards the right side. After two and a half minutes had elapsed convulsions again set in followed by vivid trembling, his legs drawing up and the hands clenching tightly, but quickly relaxing. After these had ceased the doctor felt the man's pulse but life had not departed, and it was not till he had hung for more than six minutes that death was pronounced. The body was left hanging till 8.15 while the spectators withdrew and the prisoners were being marched back to their cells. It was then cut down, laid out on a blanket and examined by the doctor. Most of the evidence of hanging was apparent – the swollen tongue gripped tightly between the teeth, saliva trickling from the mouth and the dilated pupils of the eyes.

Thus terminated the gruesome proceedings in connection with the first execution in the district.

At the inquest held at 10.30am before the acting coroner and a jury consisting of Messrs. F. W. Teesdale (foreman), P. Corbett and K. Stanton the verdict usually recorded of hanging, in due course of the law, was returned.

There was not a hitch in the whole proceedings to add to the horror of the spectacle, and the only act which appeared to be inhumane was the keeping on the man on the scaffold in an awful suspense lasting seven minutes, which, to a white man, would be more terrible than the hanging itself. This however is merely the result of the law being carried out in its integrity and not caused by any fault of the local officials.

The execution did not have the expected humiliating effect of the native prisoners. Before the bolt was drawn there was a look of interested expectation, half terrified, half curious; but when the drop came they looked on the dying murderer with complaisance, and as they left the

precincts of the scene broad grins passed over many of their faces. The town blacks were more affected by the sight, their civilized training having supplanted their allegiance to their barbarous tribal habits and customs by an imbuelement of human sympathy.

Since the execution the native prisoners have been moody and much quieter than usual.

John Sydney Hicks sworn saith I am Resident Medical Officer stationed at Roebourne – I was present at the execution of the condemned prisoner Cooperabiddy alias Billy for the wilful murder of one James Coppin at 8 o'clock this morning.

Aboriginal native Cooperabiddy alias Billy died from the effects of hanging – The direct cause of death was suffocation – deceased died under seven minutes.

The execution was carried out in an efficient manner.

Dr John Hicks

30th day of March 1993. [Roebourne 93/597]

A report written in 1892 states that there were many Aboriginal people still living in the Hamersley Ranges. The report reads in part:

Within and about the Hamersley Range there are a large number of bush natives who refuse to work for any master. When Mr Thompson first bought the Hamersley Station he tried to induce some of these bushmen to come in and settle with him. On two or three occasions a number of them came in and were fed and supplied with clothes and sent out with other civilised natives to be taught to shepherd. They would remain a week and get fat and then without any cause what ever except their disinclination for work, they would clear out. ...

Out of the whole tribe of hill natives here Mr Thompson has only succeeded in civilising one native and his woman. This native has now been shepherding for some five years having a holiday when he decides one. ...

This tribe of natives are not stationary in the Range but travel to and fro between that part and the Upper Ashburton and belong to the same people who sometime ago murdered the half-caste Coppin¹.

¹ Acc 495, File 726/92, Straker, C. Report on Ashburton Downs Station, November 1892, SROWA. Cited in Green 2007, 141. Charles Straker was a travelling inspector of Aborigines (Green 2007, 67). He eventually came to own Hamersley and Coolawanyah Stations (Battye 1915, 219).

From *The Nor'West Times* April 8, 1893

THE EXPOSED GIBBET

(to the Editor)

Sir, I would crave space in your paper to draw attention to the authorities and townsmen to the disgraceful and unnecessary sight which cannot fail to meet the eye of every inhabitant of Roebourne of all classes and of all ages. Why, I would ask does the gibbet, on which the unfortunate blackfellow was hanged some weeks ago, still remain standing an eyesore to all right minded and thinking men and a disgrace to the town? Years ago wiser heads than mine came to the conclusion that public executions has no deterrent influence on the criminal class; but on the contrary, the witnessing both of executions and gallows only tended to deprave and harden those to whom it was intended to terrify into virtue's paths. Surely this dire engine of death is not to remain until other victims are to be found? If not removed it must have a very pernicious effect on the youth of our town who have already become callous at the sight of it. I am etc, - Veritas

Post script

CUGERABIDDY 990, CUGERABURY [a] GEORGIE

1893 Roebourne. With Cooperabiddy @ Billy and Nudderakin Chulba @ Mick, arrested for murder of James Coppin PF 1892 – 2139. Sentenced at Roebourne Sessions 8 Dec 1892. Received 3 Feb 1893 sentenced to life. Died 19 Aug 1893 RICB.

(Far from home: Aboriginal prisoners of Rottnest Island 1838 – 1931. By Neville Green and Susan Moon. UWA Press, 1997, page 151).

Note: According to *The Register of native prisoners transferred from Rottnest for the purpose of completion of their sentences elsewhere*, Georgie was committed on January 18, 1893, received at Rottnest on February 3, 1893 and was transferred on May 5, 1895. He was due for discharge on January 4, 1900. That month the register notes that Georgie's '7 years expired on 18th Instant.'

James Coppin's journey from Rottneest to the Pilbara

In October 1879 Higham and Son wrote to the Colonial Secretary asking to employ James Coppin on Cowan and Higham's 250,000 acre station on the Ashburton River. Coppin had not completed his sentence, so the firm sought remission of the remainder in order that Coppin could sail on the *Ariel* leaving Fremantle on 15 October. The Governor agreed and sent a telegram to Rottneest for release of the offender, James Coppin. It is not known why Higham and Sons chose James Coppin. [CSO Files 251/1878, 251/1879, BL Acc. 244A]

From *A Most Industrious Tradeswoman: Mary Higham, Nineteenth Century Merchant of Fremantle* by Geoffrey Higham, 1994, page 78.

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WARRANT of COMMITMENT on CONVICTION where the PUNISHMENT is IMPRISONMENT.

To the Constable of *Bunbury* and to the Keeper
of the *Native Prison* at *Rottneist* in
the said Colony of Western Australia.

WHEREAS *Aborigine James Coppin* late of
Bunbury was this day duly convicted before the
undersigned *one* of Her Majesty's Justices of the Peace in and for the said
Colony of Western Australia, for that *on the morning of 11th*
March 1879 he the said *James Coppin* was
on the premises of J. H. Congrove at Berry
Hill near Bunbury for some unlawful
purpose

and it was thereby adjudged that the said *James Coppin* for his
said offence should be imprisoned in the *Prison* at
Rottneist in the said Colony *with hard labor*
for the space of *Six weeks*

These are therefore to command you the said Constable of *Bunbury*
to take the said *James Coppin* and him safely convey
to the *Prison* at *Rottneist* aforesaid,
and there deliver him to the said Keeper, together with this precept; and I hereby
command you the said Keeper of the said *Prison* to receive the said
James Coppin into your custody in the said
Prison there to imprison him *with hard labor*
for the space of *Six weeks* and for so doing
this shall be your sufficient warrant.

Given under my hand and seal, this *Thirteenth* day
of *March* in the year of Our Lord *1879*
at *Bunbury* in the Colony aforesaid.

W. Pearcey
Justice of the Peace

Warrant of Commitment for James Coppin 1879

The oral history: Lola's story as told at Wakathuni in 1991

I heard a lot from the old people about our father's father, George Cuttacross, or Thurlja. People all over tell stories about him, that he was like a Houdini, could escape from anything, and always came back to Rocklea Station which is his country. George was the eldest of three brothers, who were all born at Nyirrimba on the Turee Creek just east of Mount Maguire. My father's mother was the third of his four wives. He could have been born around the mid-1880s and was the top Lawman for Innawonga people, before our father, and was also a *marban* man.

The police were always looking for him. One time he had been caught and was chained up and had no water but there was a well close by. Old George just slipped out of those chains and went to the well and took a drink and got some water and gave it to the others who were chained up, then just slipped back into the chains again.

Another time he was with a mob of station workers at Gungallagarri, now known as Coppin Pool, in Innawonga country. They killed a bullock and old George was the ringleader. The half-caste overseer, called Coppin, said he was going to tell on them, so George killed Coppin. George got sent to Rottnest for that, but escaped, swam across the water and came back all the way to Rocklea. That is why they call him Cuttacroos because he cut across anywhere.

When he came back he worked as a yardman, but he would hide in the caves when the police were after him. Because he was a *marban* man he had special powers so the police couldn't catch him. George would know when the policeman was coming. He had like a camera in the well and he would look at this camera and see the face of the policeman who was coming. He also had another camera on his chest where he could look down and see that policeman coming. When he saw him coming, George would go and hide. Sometimes George was busy and didn't look at his camera when the policeman was coming. The police would have picture of George, but George could change his appearance because he was a *marban* man. The policeman would show George a

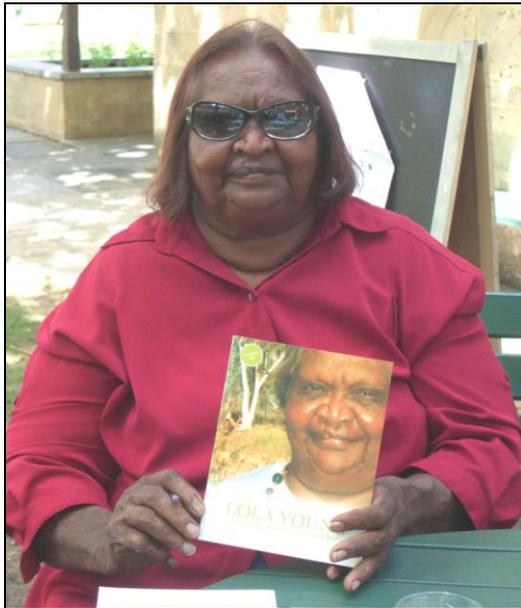
picture and say, 'You seen this man?' and George would answer, 'No.'

In the end, when George was an old man, the police let him go free because they knew they couldn't keep him.

Lola Young

Wakathuni WA

1991



Above: Lola Young holds her new book, 2007