

**THE CROWN VS  
HIMIBUNG:  
THE 1934 CASE OF  
A PILBARA MAN  
WHO WAS  
SPEARED TO SAVE  
HIS LIFE.**

reprinted from  
**The West Australian**  
With a letter to the  
Chief Protector of Aborigines from  
Ronald Parker, owner of Warrie Station.

Transcribed by Dr William B Day

2011



**Gordon Yuline, son of Himibung.**



**Richard Yuline, son of Himibung.**

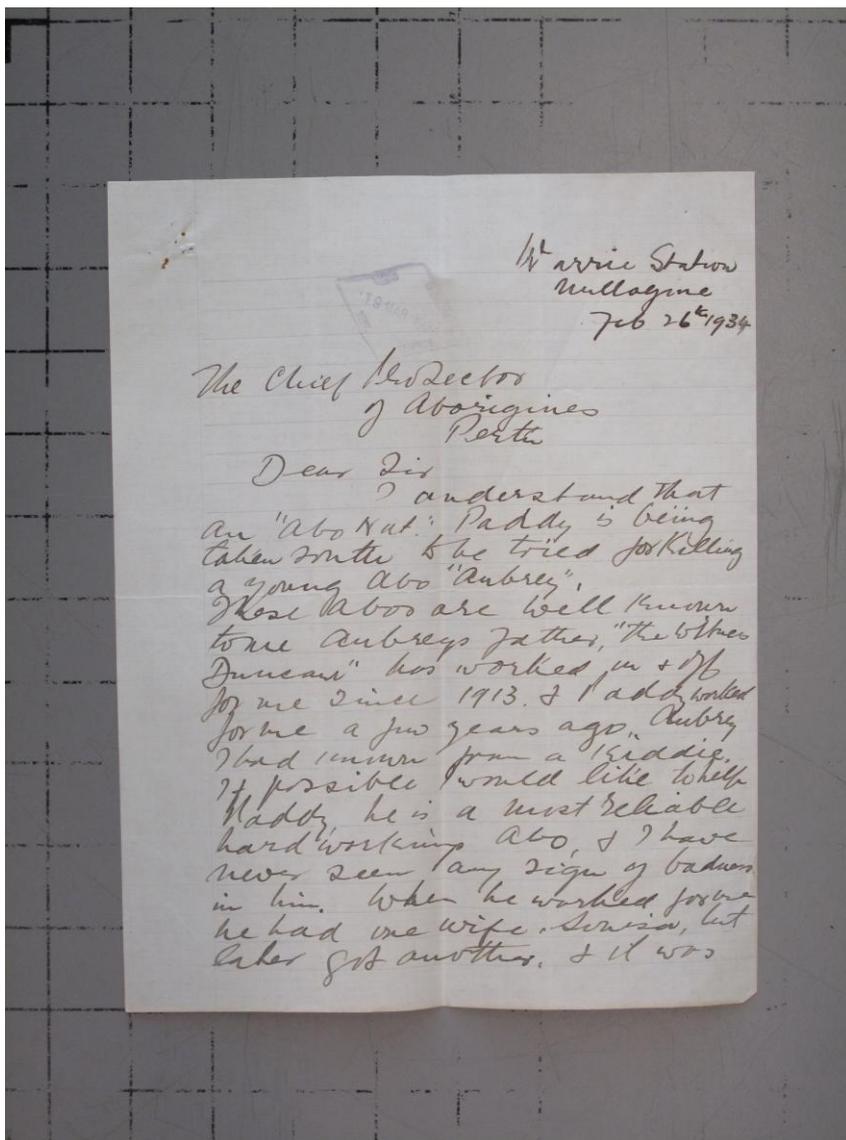


**Susie Yuline, daughter of Himibung.**



**Daisy Yuline (dec), the second wife of Paddy Himibung. and mother of Gordon, Richard and Susie.. Photo by Bill Day.**

**BELOW: a letter from Ronald W. Parker the owner of Warrie Station  
Station, defending the accused Paddy Himibung**



PART ABO. 24  
34

over this second wife that  
he speared another. It is their  
tribal custom to have two  
wives & their tribal custom  
to spear any man who  
tries to steal one of them.  
and Daddy was speared  
six times in the leg after  
spearing & killing a boy to hide  
is also the tribal punishment.  
and he is to be tried by White  
mans law for killing. Why  
not also for Bigamy. & what  
what law is a man punished  
twice for the same act under  
our system.

Yours truly  
R. W. Parker

Exhibit  
Number 1



Ronald Parker's letter to the Chief Protector of Aborigines  
(ABOVE) states as follows (SEE NEXT PAGE):

Warrie Station  
Nullagine  
Feb 26<sup>th</sup> 1934

The Chief Protector of Aborigines

Perth

Dear Sir

I understand that an “Abo[riginal] Nat[ive] Paddy is being taken south to be tried for killing a young Abo[rigine] “Aubrey”.

These Abos are well known to me. Aubreys father, “the witness Duncan” has worked on and off for me since 1913 and Paddy worked for me a few years ago. Aubrey I had known from a kiddie.

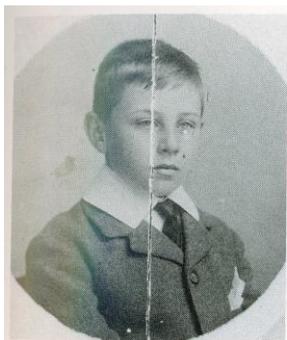
If possible I would like to help Paddy, he is a most reliable hard working Abo, and I have never seen any sign of badness in him. When he worked for me he had one wife, Louisa, but later got another, and it was over this second wife that he speared Aubrey.

It is their tribal custom to have two wives and their tribal custom to spear any young boy who tries to steal one of them and Paddy was speared six times in the leg after spearing and killing Aubrey which is also a tribal punishment.

Now he is to be tried by white mans law for killing.  
Why not also for Bigamy, and under what law is a man  
punished twice for the same act under out system.

Yours truly

*R. W. Parker*



*Ronald Parker*



*"Warrie Station" homestead, circa 1950*

**The West Australian,  
Wednesday March 14, 1934**

# **ABORIGINAL SPEARED**

## **MURDER CHARGE FAILS**

### **Verdict of manslaughter**

The story of the rivalry of a young and an old aboriginal for the love of a young half-caste girl; a Christmas corroboree 45 miles east of Marble Bar; a clash between the two aborigines, and the fatal spearing of the younger man, was told before Mr. Justice Dwyer and a jury in the Criminal Court yesterday. Himibung, also known as Paddy (50), a full-blooded aboriginal, was charged with having wilfully murdered another aboriginal, Mararra, also known as Aubrey (20) at Ram Creek on December 23.

The Crown case was presented by the Crown Prosecutor (Mr. C. B. Gibson) and Mr. K. H. Olney (instructed by the Crown) appeared for the defence. Mr. C. F. Taylor watched the case in the capacity of a Protector of Aborigines.

Paddy was a tall, thick-set aboriginal, good looking as aborigines go, with a well-trimmed moustache. He wore blue drill trousers and a short sleeved shirt, but was without footwear of any description. Paddy is a North-West station worker.

An elderly grey-haired aboriginal named Yancooriamurra, who is also known as Duncan, was the first witness called. "He can speak pidgin English," Mr Gibson said. Duncan appeared to be slightly deaf and throughout his evidence he kept on saying "Eh!" Duncan told the court that he had known Aubrey, the victim of the spearing, since he was a boy. Just before Christmas, he said, there were a lot of blackfellers camped at Ram Creek for a corroboree.

Mr Gibson: What happened to Aubrey longa that way while you camp there?

Duncan: Paddy come in early morning from his camp. Everybody asleep. Paddy he called Aubrey. I hear row outside. I chuck blanket away and get up, but I am too late. Young feller Aubrey get a spear. It belonga Paddy. Spear in young feller's side and he fall over. Young feller had a shield. I get a spear and shove him in Paddy's leg and knock him down. Young feller finish.

Mr Gibson: You bury young feller then?

Duncan: I take out spear. Young feller finish. We bury him. Young feller go to Paddy's camp every night and try to take Daisy, Paddy's woman. Young feller finish.

You know that he go to Paddy's camp?

Yes; he try to take Daisy.

Mr. Olney: You say young feller's fault because he try to take Daisy?

Duncan: Yes.

Not Paddy's fault? – No.

If native take another's woman, what can other one do? – Fight.

Why you spear Paddy's leg? – I see him young feller dead and I spear Paddy.

Is that blackfeller law? – Yes.

Can Paddy go back to blackfeller? – Yes.

Daisy is Paddy's woman. – Belongs to Paddy.

Not his wife? – No; she belong to Paddy. Given to him by her mother.

Aubrey hang around Paddy's camp plenty? – Yes; every night.

Why did Aubrey go there? – Take'm woman.

Aubrey had boomerang and shield when he get killed? – Shield and boomerang.

### **Six Spears through Leg.**

Constable A. E. Beard, stationed at Marble Bar, said that following upon information received by him about January 4 he went to Ram Creek, about 45 miles east of "the Bar." Paddy, the accused, was lying on the ground at the camp. He had six spear wounds in his right leg. Witness asked him how he got

the wounds, and he said he got them because he speared Aubrey. Witness went to a grave near the camp and exhumed the body of a young native. He had a spear wound in his left side. He was told that this was Aubrey. Witness reburied the body. On the grave was a long hunting spear, about 20 feet long, which Paddy said was his. The spear was produced in court by witness. Paddy said he had speared Aubrey because he had been hanging around his camp. Paddy said that he was frightened that Aubrey would take his young half-caste gin, Daisy. Further questioned, Paddy said that on the night of December 22, the tribe had a bucks' corroboree and after it was over he told Aubrey to keep away from Daisy. They met near the camp before the tribe awoke on the following morning and Paddy threw his spear and hit Aubrey in the side. Aubrey fell down and died. Duncan and Hector then came on the scene and they speared Paddy in the leg. Other members of the tribe also speared him. When witness saw Paddy, his leg was in pretty bad condition, and witness had to act as a "medico."

Mr Gibson: You operated?

Witness: Yes

Mr Olney: Did Paddy make any mention about receiving a blow from Aubrey?

Witness: No.

Didn't he show you where he had some teeth missing? – No.

Native's teeth are their pride? – They usually are.

### **Accused's version**

Accused spoke fairly good English. He told the Court that his English name was Paddy and said that he had been working on stations all his life. He had two women, one named Daisy and the other named Louisa. He was married to Daisy, her mother having given her to him. She had told everybody that she had given Daisy to him.

Mr Olney: are you married to Louisa?

Paddy: Only half married to her.

How old is Daisy? – About 20 or 21.

Before Christmas, at Googlegong station, you saw Aubrey in your camp? – Yes; he and Daisy were lying down together.

Did you do anything? – I told him that if he came to my camp again, we might have a row.

Continuing, accused said that they natives went to Ram Creek for a corroboree, just before Christmas. After the corroboree, he came to his camp and found Aubrey and Daisy lying down. He said: “What are you doing here?” and Aubrey jumped up and punched him. Witness said that he would see Aubrey on the next day. The punch knocked one tooth out and loosened others.

Mr Olney: What were you going to do?

Paddy: Fight.

“Next morning,” Paddy continued, “I got up just after sunrise and took my spear, my woomera, and my shield. We meet one another near Duncan’s camp ... Aubrey came straight up at me and he threw a boomerang. He had two boomerangs and a shield.

Mr Olney: Boomerang not hit you?

Paddy: No.

He was ready to fight? – Yes.

What did you do? – I threw my spear and got him in the side.

Did you mean to hit him there? – No; I meant to hit him in the leg.

Continuing, Paddy said that after he had speared Aubrey, the aborigines, Duncan and Hector, appeared. “Duncan then threw a spear and hit me in the left leg,” he said. “Hector came then and he put two in me. Chinaman and Maggie, the two other aborigines each put one in and another native speared me, too. I fell down and they hit me on the head.”

Mr Olney: What did they spear you for?

Paddy: They save me. When they spear me, Aubrey’s tribe won’t kill me. Aubrey belong to another tribe near Marble Bar.

When you speared Aubrey did you intend to kill him? – No.

Did anyone see you throw the spear? – No, they just saw Aubrey running around with a spear in him.

Addressing the jury, Mr. Olney said that accused, Paddy, was a member of the Nullagine tribe and that Aubrey, the dead man, was a member of the Marble Bar tribe. The killing was really a tribal affair. Daisy was Paddy's property and Aubrey was coming after her. Aubrey knew full well what would happen if he persisted in chasing Daisy. On the morning of the spearing, Paddy and Aubrey were both armed for battle. After Paddy had speared Aubrey, Paddy's tribe speared Paddy in the leg to save him from the vengeance of Aubrey's tribe. "They were acting under blackman's law," Mr. Olney concluded. "Now Paddy is here under the white man's law the purport of which he does not understand."

Mr Gibson did not address the Court.

Summing up, His Honour said that it appeared that the accused and the victim were in conflict because of a woman. If the jury had a clear conception of the evidence, he did not think they would be able to return a verdict of not guilty. Nor did he think that the jury could find the accused guilty of murder or manslaughter. However, it was for the jury to decide upon the verdict.

After a retirement of less than 15 minutes, the jury found Paddy guilty of manslaughter and added a strong recommendation to mercy on account of tribal laws.

His Honour: I quite agree with the verdict of the jury and the recommendation.

Accused was remanded for sentence.