



The 'Darwin Rebellion', December 1918

A new court and the Darwin rebellion

IN 1911, when the Commonwealth took control of the Territory, its total non-Aboriginal population was less than 4000. About half that number lived in Darwin, with the majority of the town's people being Chinese or of other Asiatic descent.

In those days, the racial mix was not a matter of pride — Darwin was variously described as "disgraceful" or "damned" because its population was a conspicuous challenge to the White Australia Policy.

The Commonwealth took over with the best of intentions, confident that money and expertise would quickly solve all the problems that had defeated Territory development ever since white settlement had begun in 1864. The Commonwealth Labor government was also determined that it would deal with Darwin's blot on the pure white nation.

It began by outlawing Chinese labour on the Darwin wharf. Then, from 1914, men flooded into Darwin to work on construction of Vestey's meatworks. Union leaders, anxious to enlarge their memberships, were quick to follow.

Eventually, open war broke out between the unions and the government, and particularly between the power-hungry demagogue Harold Nelson and Administrator Dr John Gilruth.

There was insufficient room in the NT for both men. Eventually, Nelson won the war, but the fight brought the Territory to its knees.

The new Supreme Court was one of the major casualties in the war.

Its new judge, David Bevan, had arrived in Darwin in May 1912, just a few weeks after Gilruth.

By 1913, the Gilruth administration was already becoming unpopular. Bevan was identified with Gilruth and the unpopularity spilled over to him.

Divisions in the town crystallised when the local *NT Times* newspaper published an editorial critical of Bevan's handling of a case. Bevan proceeded against editor Charles Kirkland for contempt of court, found him guilty and fined him heavily.

Kirkland chose to go to Fannie Bay jail rather than pay. Money to meet the fines was quickly raised by public subscription; Kirkland was released and paraded along crowded Cavanagh St in a tumultuous demonstration of support for him — and opposition to Bevan and Gilruth.

Industrial affairs became more and more turbulent as the meatworks project proceeded.

Nelson consolidated union power in his own hands, then embarked on confrontation with the government as well as Vestey's.

Bevan played into Nelson's hands when he suggested that trials by jury should be abolished in the NT because Darwin juries would not bring in honest verdicts where white men were charged with offences against Aborigines.

In September 1918, Nelson prevailed on the union-dominated Darwin Town Council to pass a series of resolutions vehemently critical of Gilruth and Bevan. The resolutions were sent to the Commonwealth government in Melbourne with the demand that Gilruth and Bevan must be recalled.

On December 17, 1918, in what has been called "the Darwin Rebellion", somewhere between 300 and 1000 men marched from Parap to Government House. There the men demanded that Gilruth and Bevan leave the Territory.

When Gilruth came forward to address the crowd, men swarmed over the Government House fence. Then the crowd retired to 'Liberty Square' where Gilruth was burned in effigy.

Strikes and demonstrations continued. Gilruth was recalled and he left Darwin on February 20, 1919.

Bevan stayed in town until October 1919, when Nelson threatened "one of the biggest revolutions Australia has ever seen" if Bevan and two senior public servants, Carey and Evans, did not leave immediately. The three men sailed from Darwin on October 19. It had been the first time since the Rum Rebellion in 1808 that lawful government authority had been overthrown on the demand of a mob.

Wells in control



Justice Tommy Wells (centre) was a prominent mourner at the funeral of policeman Albert McColl — then presided over the trial of Tuckiar, McColl's alleged killer

THE Darwin Rebellion crippled the Darwin economy.

Vestey's meatworks, the town's best and last chance for large-scale private enterprise development, shut down. People drifted away and once again the Territory stagnated.

The Commonwealth had grown tired of all the strife and, until the early 1930s, did little more than the bare minimum necessary to keep the Territory running. Then, defence developments began to bring in new people and new money.

The Supreme Court continued to grapple with the distinctive legal problems that seemed to arise most clearly and often in the Territory.

That was rather to the liking of Justice Ross Mallam, an intellectual who relished any chance to turn his mind to more difficult matters.

Such a chance arose in 1928 during the trials of two Aborigines who were charged with the murder of Frederick Brooks at Coniston station in Central

Australia. Mallam threw out the confessions of the accused men and then showed that he was far ahead of his time when he laid down guidelines for taking confessions from Aborigines while they were in custody.

It is very doubtful whether Mallam's successor, Justice Thomas Wells, would have come to the same conclusions.

Wells was 45 when he arrived in Darwin in September 1933 and his 19 years on the Territory bench were marked by a series of sensational and often difficult cases.

The first proof of his "no nonsense" approach was a ruling in his first case that jurors could remove their coats while he and legal counsel could remove their wigs and gowns. In August 1934, one of the most sensational cases in Territory history came before Wells when the Aborigine Tuckiar was charged with murdering Constable

McCull at Woodah Island, in the Gulf of Carpentaria. Wells should have known better than to strongly suggest to the jury that if Tuckiar was acquitted the verdict would impugn the honour of the dead McCull.

Tuckiar was convicted.

Wells promptly sentenced him to death but an appeal was immediately launched and the High Court did not take long to uphold the appeal and to sharply criticise Wells' handling of the case.

In 1938 Wells was at the centre of international controversy when he dealt with three claims for damages by Japanese owners of pearling luggers who had been arrested by the government's coastal patrol boat, the *Larrakia*.

The government had passed sweeping laws to try to control

the luggers, which regularly entered coastal waters in search of drinking water and Aboriginal women. Three luggers were arrested in 1937.

After a 55-day saga in the Northern Territory Supreme Court, Wells was almost gleeful in his finding that the arrests were unlawful and the Commonwealth should pay heavy damages to the Japanese.

Folklore has it that immediately after the first air raids on 19 February 1942, Wells went to Fannie Bay Gaol where he released all prisoners and told several Aborigines who had been convicted for the murders of Japanese that they should now go forth and kill as many Japanese as they liked.

It is one of those Territory stories that should be true even if it isn't!

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