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MURDER, INFANTICIDE AND THE MORAL CERTAINTY OF ERNEST KRAMER

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Abstract

This paper outlines incidents of customary revenge which took place near Mt Liebig (Northern Territory) which were recorded by the University of Adelaide’s Board for Anthropological Research in the 1930s. The paper also details the response of the missionary, Ernest Kramer, to these events. It is argued that the incidents that took place at Mt Liebig and the kind of legal and moral issues they raised are still shaping relations between settler Australians and Aboriginal people today, and the questions provoked by Kramer’s actions remain as complex and difficult to resolve as ever.

Introduction

In 1932, the University of Adelaide’s Board for Anthropological Research (BAR), led an expedition to Mt Liebig in Central Australia to study what was referred to in the press as “the only prehistoric race left on the face of the earth” (Bednell 1932:3). Just before the party arrived at their destination, an incident took place near Mt Liebig in which an Aboriginal man and his wife were speared to death in an act of customary revenge. A few days later, a sister of the murdered woman gave birth and immediately killed the newborn child. These incidents were duly recorded by the expedition’s anthropologists who disinterred the child’s body, made a plaster cast of it, and eventually took the preserved corpse back to the South Australian Museum for further research. A subsequent police investigation into the killing of the man and his wife led to the arrest of seven Aboriginal men who were charged with murder.

Ten months after the expedition, the men were put on trial. By this time, the trial and the expedition itself had become a national news story. In Sydney, the popular tabloid, The Sunday
Sun, ran a front page article with the headline: ‘Primitive Blacks Face White Man’s Laws’ (Hill 1933:1). The author of the piece, Ernestine Hill, specialised in overblown accounts of remote Australia where Aboriginal people were ‘savage’ and Europeans ‘scarce’. In referring to the accused men at the trial, Hill (1933:1) wrote:

In the prisoner's box…sat Munnapitcheri and Immolanga, with their receding foreheads, protruding chins and hollow noses of the ape man; desert types entirely different to the intelligent and well fed natives of the north.

The killings at Mt Liebig would have remained an obscure, unreported event if it were not for Ernest Kramer, a non-denominational missionary and highly accomplished ‘bushman’. He had been hired by the expedition party to establish a base camp at Mt Liebig and to gather together as many ‘native subjects’ as possible for the anthropologists. For Kramer, the killings were a ‘foul outrage’ that could neither be ignored nor go unpunished (Kramer to Lovegrove, July 31st, 1932, Aborigines’ Friends' Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia). For the anthropologists, however, it was an event to be avoided if not ignored altogether. Indeed, one of the leaders of the BAR expedition, Professor John Cleland (a medical anthropologist specialising in Aboriginal pathologies), later stated that the expedition party had to “confine its activities purely to scientific investigational work only” (Thomas 2004:87). Nevertheless, against the advice of his colleagues and indeed, the police, Kramer was determined to wage a lengthy campaign that he hoped would put an end to these violent activities. In a letter to the Reverend J.H. Sexton, President of the Aborigines' Friends' Association (AFA), he wrote:

In all my experience, this is the most grievous barbarity [that] ever came my lot to investigate; but I hope to find grace from above, and not leave a stone unturned...to work and pray for effective changes in bringing Aboriginal outrages to a standstill. (Kramer to Sexton July 30th, 1932, Aborigines’ Friends' Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia)
As a result of Kramer’s campaign, the events at Mt Liebig not only came to the attention of the general public, but were also placed squarely before the senior authorities of the Northern Territory. This included the Chief Protector, the Police Commissioner, the Chief Administrator, the Archbishop and the Supreme Court Judge presiding over the trial of the Aboriginal men. In so doing, Kramer also provoked a number of complex questions that went to the heart of settler/Aboriginal relations; should the accused men have faced prosecution under a legal system that was not only contrary to their own customary laws, but incomprehensible? Should the Australian legal system have found ways of accommodating such laws, even those that in this case, involved violent retribution? On the other hand, can it be argued that no individual has the right to kill another, regardless of cultural differences?

For the most part, cases of murder of one Aboriginal person against another Aboriginal person had largely been ignored by the authorities and if such cases came to court, they were often dismissed; a practice that Kramer deliberately set out to end. That senior authorities had been responsive to Kramer’s campaign was due in part to the volatility of the political environment at the time. The Great Depression of the late 1920s and early 1930s had created unprecedented levels of unemployment and issues concerning the cultural, political and racial identity of the nation were subject to fierce contestation between the extreme right and left. At this critical moment, it was perhaps inevitable that the settler nation’s anxieties about its relationship with its indigenous other would loom larger. As the anthropologist, Elizabeth Povinelli, has observed, it was during the early 1930s that debate in both the popular and academic press “about how to include or exclude...indigenous people and practices in the relatively new Australian nation”, began to produce “a new metaethics of Australian nationalism in the field of indigenous and settler interaction” (Povinelli 2002:113).

To the moral complexities invoked over the killing of the Aboriginal man and his wife were added further questions surrounding the killing of the child: should the mother have been arrested for murder and subject to the same legal proceedings as the seven men? Were the anthropologists right in using the child’s body to obtain information about Aboriginal physiology
that would, in the view of Cleland, provide greater knowledge about Aboriginal medical disorders and therefore be of benefit to Aboriginals in the long run? Indeed, who had the right to make moral judgments about any of these queries, given the fact that the Aboriginal and European actors involved in these events inhabited radically different moral universes?

These and other questions that Kramer encountered – and attempted to resolve – have a long history that can be traced back to the outset of European colonisation of Australia. In more recent times, various official enquires have been launched in an attempt to resolve the clash between Aboriginal customary law and Australian law. Most notably, in 1977, the Australian Law Reform Commission (ALRC) embarked on an enquiry entitled, Recognition of Aboriginal Customary Laws whose aim was, in part, to determine “whether, and in what manner, existing courts dealing with criminal charges against Aborigines should be empowered to apply Aboriginal customary law and practices in the tribal punishment of Aborigines” (ALRC 1986:11). After seven years of extensive deliberations, the ALRC (1986) reported that although “customary laws were a significant influence in the lives of many Aborigines”, there was “no one “authentic version” of customary law” that could be applied uniformly. Nonetheless, it recommended that “Aboriginal people must have the final say in the negotiation and consultation surrounding the recognition of customary law” (ALRC 1986).

In this article, I wish to explore this fraught intercultural terrain of moral and legal incommensurability by focusing on the prime mover of the events that followed the killings at Mt Liebig, Ernest Kramer. Unlike almost all the actors involved in this narrative, Kramer resisted the temptation to fall back on an easy moral relativism in dealing with what had occurred. On the contrary, he had a profound belief in moral absolutes. For him, there existed a ‘moral law’ that stemmed from a single, immutable god to whom all were ultimately answerable, regardless of cultural difference. Nonetheless, even Kramer was sometimes forced, reluctantly, to reconcile his beliefs against the highly problematic events at Mt Liebig. This of course was understandable. The difficulties that Kramer encountered are still with us today and in a general sense, remain just as intractable.
Ernest Eugene Kramer (1889-1958) was born in 1889 at Basel, Switzerland, to German parents, Karl and Maria Kramer (see Barry 2008; Markus 2000; Metters and Schroeder 2008). A fluent speaker of French and German, he was a competent student and trained as milling engineer. Kramer suffered from recurring bouts of illness throughout much of his early life. In 1909, at age of 21, he was encouraged to visit Australia for his health on the advice of an Australian doctor who joined him on the journey. Unfortunately, after they arrived in Adelaide the ‘doctor’ was exposed as a fraud and disappeared with Kramer’s return fare. Stranded in a foreign land with limited English and few financial resources, Kramer contemplated taking his own life. Fortunately, he was befriended by a Methodist minister who invited Kramer to stay with his family until he recovered.

After securing a job at an Adelaide mill, Kramer’s brother, Frederick, arrived from California offering him further support. Although Kramer had some religious leanings, Frederick was an extremely devout Christian who urged his young brother to make a deeper commitment to his faith, and it seems Kramer readily agreed. Indeed, Frederick baptised Kramer in the Torrens River, near the centre of Adelaide city. Henceforth, Kramer would devote himself entirely to the ‘Christian way of life’.

In 1911, Kramer travelled to Melbourne to join a Baptist revivalist gathering. While there, he met Euphemia Buchanan, a Sunday school teacher from Gippsland. Like Kramer and his brother, Euphemia was a fervent Christian who as a child entertained thoughts of becoming a missionary. Kramer and Euphemia were immediately attracted to one another and married in 1912. The following year, their first child, Colin, was born.
In 1913, Kramer found himself overwhelmed by a desire to ‘take the gospel’ to settlers and Aboriginal people in the remote regions of the interior. To implement his plan, he created the self-styled ‘Australian Caravan Mission to Bush People and Aboriginals’. The ‘caravan’ consisted of a covered wagon hauled by four donkeys on the side which was painted; “Behold, I come quickly...prepare to meet thy God” (Metters and Shroeder 2008:28).

For six years, Kramer and Euphemia visited pastoral stations, isolated townships and Aboriginal fringe camps throughout South Australia, preaching and offering assistance to the poor where they could. They also made a brief journey to Alice Springs and visited the Lutheran mission of Hermannsburg where they established a lasting friendship with the missionary, Carl Strehlow and his family, including Strehlow’s then thirteen year old son, ‘Ted’ (T.G.H.) Strehlow.

Unaffiliated with any church and without a regular income, they depended entirely on donations. Often faced with a lack of basic necessities, Kramer and Euphemia relied on ‘divine intervention’ to support themselves and their work. On one occasion, when they had run out of water and their donkeys had all but expired from the heat, their prayers were answered, according to Kramer, when in desperation he dug down into a dry river bed and found a pool of fresh water. Remarkably, during these years of constant travel, Euphemia gave birth to two more children, Mary and Faith, both of whom were born in a tent.

After returning to Adelaide to recuperate from their arduous years of itinerate mission work, Kramer decided to return to Alice Springs and settle there on a permanent basis. In 1923, with some assistance from the Aborigines’ Friends' Association (AFA), Kramer and Euphemia once again set off for Central Australia. To avoid at least some of the previous hardships, they travelled from Adelaide to Port Augusta by boat and after arriving at Oodnadatta, they were fortunate enough to be offered a lift the rest of the way to Alice Springs on the back of a station owner’s truck.
Kramer and Euphemia were to spend ten years in Alice Springs where their fourth and last child, Grace, was born. During this period, the ever resourceful and energetic Kramer accomplished a number of firsts. This included the construction of the first church in Alice Springs – the ‘Ebenezer Tabernacle’ – in which he delivered sermons to a congregation of both Aboriginal and non-Aboriginal people; the first double-storey house built from cement bricks, fashioned from local materials; the first swimming pool and other innovative projects.

By 1929, he was the official representative of the AFA in Central Australia and an Aboriginal Protector. In this latter role, he had the responsibility of distributing rations and providing basic medical care to destitute and elderly Aboriginal people. He also went on long camel expeditions every six months, searching in remote regions for Aboriginal people who had little or no contact with Europeans. Once found, he not only offered these isolated groups rations, but presented them with ‘magic lantern’ shows depicting the life of Christ, accompanied by songs and prayers. On occasion, he would also provide a demonstration of Swiss yodelling at which he was apparently an expert.

Kramer did not insist that Aboriginal people abandon their nomadic way of life; quite the reverse. He actively encouraged the people he encountered on his travels to remain on their ancestral lands. He believed that when they ventured into settled districts – which often occurred during prolonged periods of drought – they invariably degenerated into dependent fringe-dwellers, like the Aboriginal people he assisted in and around Alice Springs. To solve this problem he proposed a novel idea. He argued that ‘native’ waterholes located in remote areas should be reinforced with concrete to prevent them drying up during droughts, and thus reducing the need for Aboriginal people to go in search of water. To accomplish this plan he launched a ‘cement campaign’ hoping that southern church groups would donate the necessary funds.
During his many expeditions into the remote regions of Central Australia – sometimes travelling beyond the Northern Territory, into Western Australia – Kramer relied to a very large extent on Aboriginal guides. His diaries recount numerous incidents in which he would have become lost and probably perished if it were not for the Aboriginal people with whom he travelled. As a result, Kramer not only acquired an extensive knowledge of the local terrain and how to survive in it, he also developed an understanding and close relationship with a number of Aboriginal groups in the area.

It was through this work that he gained his reputation as an expert ‘bushman’ and as someone who knew how to find and negotiate with isolated Aboriginal groups. In short, he had become an ideal go-between for anyone wishing to contact and study Aboriginal people in Central Australia. Indeed, this is how he became involved in the 1932 scientific expedition to Mt Liebig.

To the Mountain

Cleland had hired Kramer to assist on a previous BAR expedition to Cockatoo Creek in 1931 and was well aware of Kramer’s highly developed ‘bush skills’ and ability to work with Aboriginal groups. The organisers of the expedition, including Cleland, had calculated that the anthropologists would require at least 100 Aboriginal subjects to complete their ethnographic research and ‘physiological tests’. Moreover, they would need to be brought in from the arid regions surrounding Mt Liebig and kept there for two weeks. It would be Kramer’s responsibility to track down these Aboriginal people before the arrival of the anthropologists. The complexity of this operation was such that without Kramer’s assistance, the project would not have succeeded. In a letter written to the AFA after the Cockatoo Creek expedition, Cleland noted:

We were daily witnesses of the confidence reposed by the natives in Mr Kramer and the confidence he himself placed in the Aborigines. Whenever any delicate question arose or we were undecided as to what line of action to take, Mr Kramer’s knowledge of the native came to assistance and guided our actions.

(in Metters and Schroeder 2008:103-104)
Several weeks before the anthropologists were to arrive at Mt Liebig, Kramer left Alice Springs and headed west with a team of eight heavily loaded camels. Accompanying him was the 24 year old Ted Strehlow who, as we have seen, met Kramer eleven years before at Hermannsburg. Kramer had also hired several Aboriginal assistants including Tom Ljonga and Mickey Dow Dow, or ‘Gura’, a senior Arrernte man who was to become one of Strehlow’s main informants. After a nine day journey through the MacDonnell Ranges, they arrived at Mt Liebig, beyond which stretched the sandy plains of the vast Western Desert.

Over the following days, Kramer set about establishing a camp for the anthropologists while Strehlow was engaged in the arduous task of tracking down Aboriginal people – far beyond Mt Liebig – and persuading them to participate in the research. He not only promised them generous quantities of food and tobacco if they were willing to attend, but also a chance to trade their artefacts for metal axes and knives. According to Strehlow, “they grew very excited at the idea of a big meeting at the mountain” (T.G.H. Strehlow Diaries, 19th July 1932, page 53, Strehlow Research Centre, Alice Springs).

Murder

While Strehlow was away searching for Aboriginal people, Kramer received some disturbing news at the campsite. A ‘revenge party’ of seven Aboriginal men, armed with spears, had arrived in the Mt Liebig area demanding to know the whereabouts of a certain Tulbulganya; an Aboriginal man from the local district. The leader of the armed men, Punna, claimed that Tulbulganya had ‘stolen’ his two rightful wives and he planned to take them back and kill Tulbulganya. Although work on the base camp was incomplete, Kramer felt it his duty to track down the men and, if possible, prevent any killings. Leaving the camp in the hands of Mickey Dow Dow, Kramer took two camels and went off with another Aboriginal assistant in search of the revenge party. For two days they followed the tracks of the men until they came to a site some 40 kilometres north-west of the mountain. Clambering up a sand hill, they saw what Kramer had hoped not to find:
Horror of Horrors! We sighted the corpse of a woman – a painful sight, I shall never forget, pierced by spears, one still sticking in her back, her mouth still bleeding, and ants all over her face. Evidently, the poor creature put up a fight, and they brutally stabbed her...a little further away we found the body of the poor man also in a shocking state. I decided to bury them lightly from the ravages of wild dogs, and then offered prayers. We then hastened to take our departure from this horrid field of blood; breathing a prayer that the Lord God will surely avenge the vile performers of this deed.


The leader of the revenge party, Punna, had carried out his threat and killed the man he claimed had taken his two wives. He had also killed one of these women and taken the other for his wife (they were sisters). It is almost certain that this was not an act of arbitrary murder, but an incident involving a complex disagreement over marital rights. Disputes of this kind were not uncommon in the Western Desert, and were generally resolved through a ritual act of revenge by a group of men known as a warrmala party.

It appears that Kramer understood these customary practices but chose to ignore them. On returning to the base camp, he immediately began writing a detailed report which he planned to deliver to the police in Alice Springs, which included a list of the names of all seven members of the revenge party (which he had obtained from the relatives of the victims). He had also taken a number of disturbing photographs of the bodies of the deceased which would later circulate in multiple copies to the police and officers of the court. In his report, he urged the police to take immediate action.

At the time, the police in Central Australia were reluctant to intervene in disputes between Aboriginal people. They felt, unofficially, that if such disputes did not affect Europeans, then they should be left to resolve their own problems. Kramer was well aware of these attitudes, having seen the authorities routinely turn a blind eye to Aboriginal internecine violence. But as we have seen, he was determined to make a ‘stand’ over the Mt Liebig killings. In an impassioned letter to the AFA, he wrote, “I feel prompted for the sake of poor Aboriginal women and children to ask you, at all hazard, not to
be silenced...this whole question of tolerated tribal law must be definitely investigated" (Ernest Kramer to Archdeacon Bussel, 11 November 1932, Aborigines’ Friends’ Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia).

The AFA however urged Kramer to overlook the killings. They felt that it was inappropriate for him, their representative, to become involved, and that in any case, it was a matter for the police or the Aboriginal people themselves to resolve. Although the police had of course, an official duty to arrest alleged ‘murderers’, they told Kramer that the time and cost of tracking down ‘wild blacks’ could not be justified and declined to take any action (Police Sergeant J. Lovegrove to E. Kramer, 4 August 1932, Aborigines’ Friends’ Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia).

It could be argued that the attitude of the police and the AFA indicated a certain back-handed respect for Aboriginal customary laws; while on the other hand, Kramer’s actions demonstrated a contemptuous disregard for them. However, neither the police nor the AFA made any mention of Aboriginal customary laws in their correspondence with Kramer. Rather, they described both the killers and their victims as ‘uncivilized natives’ and considered them unfit to be judged on the same basis as whites. They did not believe such people to be members of their own moral universe and were therefore beyond any rational engagement. Although the views of the Aboriginal men responsible for the killings were never recorded, it is safe to assume that they were also acting within the constraints of their own moral universe and no doubt believed that no one outside that universe had the right to make judgments about their actions, or intervene in something that was not their business.

In sharp contrast, Kramer refused to compartmentalise his values according to cultural differences. The men responsible for the killings and their victims were not, in his view, ‘wild blacks’, but equal members of one moral universe and therefore subject to the same rewards and penalties.

The police and the AFA could be credited with taking an open-ended approach to legal and moral value systems and accepting moral relativism as a fact of life; but they could also be accused of an act of racism, given that they would have reacted very differently if the victims had been white. On the other hand,
Kramer was certainly a moral essentialist and had no interest in trying to accommodate Aboriginal customary laws into his moral judgements. Nonetheless, it would be difficult to construe his actions as racist. He consistently expressed a deep affection for Aboriginal people throughout his surviving correspondence; an affection that was entirely absent in the correspondence of the other actors.

**Infanticide**

Not long after Kramer had completed his report to the police, Cleland and the anthropologists arrived at Mt Liebig, prompting Kramer to prepare a hot meal of kangaroo tail soup for them. He gave them a detailed description of the killings, which were duly recorded by the anthropologists with one of them, Herbert Hale, remarking that the local Aborigines were “still...following their old customs” (Bednell 1932:3). The following day, an Aboriginal woman who had been brought to Mt Liebig by Strehlow, gave birth in one of the surrounding camps. Some of the expedition members, including Cleland, wished to inspect the newborn child and with Kramer’s assistance approached the mother. However, when they arrived at her camp, there was no sign of the baby, nor was she willing to speak to the anthropologists. After making further enquiries, a relative of the woman took them to a rabbit burrow where, according to Kramer, “she gently unearthed the perfect form of a baby boy” (Ernest Kramer to Archdeacon Bussel 28th July 1932, ‘Tragedy Report 30 Miles N.W. Mt. Liebig’, page 2, Aborigines’ Friends’ Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia).

The mother of the dead infant had told her relatives that the baby had died at birth, but later admitted that she had killed it. One of the members of the party, Dr Kenneth Fry, noted that the mother had “killed it by hitting it on the head with a stick and standing on the abdomen” (Dr Kenneth Fry, ‘Mt Liebig Diary’ page 4, Collection Title: ‘Dr Kenneth Fry’ Archive Number AA 105, South Australian Museum). Although the circumstances surrounding the infant’s death were recorded by other members of the expedition party, there is no indication as to why she acted as she did, although she may have been in a disturbed state of mind. It transpired that she was not only a sister of the
murdered woman, but had witnessed the revenge party killings. How this might have affected her behaviour towards the newborn child is unknown. Whatever the case, the mother did not appear to suffer any retribution, nor were mortuary rituals held for the child. Indeed, the whole episode appeared to pass almost without notice among the Aboriginal people at Mt Liebig.

In commenting on the treatment of children by Aboriginal people in Central Australia, the anthropologists, Spencer and Gillen, stated that, “To the children, they are, we may say, uniformly...kind and considerate” (Spencer and Gillen 1899:51-52). However, they also noted that:

In all of the tribes infanticide is practiced. The usual reason given for killing the child is that there is another one still being suckled by the mother...It is only on very rare occasions that any child is killed [and only] immediately after birth. (Spencer and Gillen 1904:608)

As the woman at Mt Liebig was reported to have had two other infants, this may explain, in part, her actions. Spencer and Gillen also stated in connection with the killing of an infant that, “...it must be remembered that the natives believe that the spirit part of the child returns at once to the Alcheringa home, and may very soon be born again – entering, very likely, the same woman” (Spencer and Gillen 1899:609). It seems from these observations that infanticide was practiced to some extent by Aboriginal people in Central Australia and for purely practical reasons, when, as seems likely in the Mt Liebig case, the mother was unable to feed the newborn child. However, in a general sense, it also seems apparent that children were well cared for and treated with affection both by the mother and father.

Kramer did not report the killing of the child to the police. He seems to have been less insistent on moral absolutes with regard to this particular killing than with the revenge party ‘outrage’. He was nevertheless disturbed by the action of the mother, describing it as an ‘infant murder’. Indeed, during the last religious service he conducted for Aboriginal people at Mt Liebig, he reprimanded the gathering in broken English about the killing of the child, telling them to “Save all babies [and] let no woman kill new born baby” (Ernest Kramer to Archdeacon Bussel 28th July 1932, ‘Tragedy Report 30 Miles N.W. Mt. Liebig’, page 5, Aborigines’ Friends’ Association Collection, 1924-1961,
Archive Number SRG 139, State Library of South Australia). To reinforce this message, he asked one of his Aboriginal assistants to translate these demands into several Aboriginal languages.

The body of the child was subsequently removed and taken by the anthropologists back to the base camp where a plaster cast was made and the corpse was then injected with a chemical preservative, to which there were no apparent objections from either the mother or her relatives. The body and the cast were later transported to the South Australian Museum where the story of the baby generated much fodder for the press. In one of the articles published about the expedition, the Adelaide Advertiser ran a prominent piece with the headline, ‘Aboriginal Baby For Research’. The article read in part, “The body of an infant aborigine killed by its mother...is regarded as one of the expedition’s most important finds” (Anon. 1932:1).

No doubt, the killing of newborn child by a white mother would have been a very different matter. Not only would it have become an issue for the police, but there would have been no question of the body of the child being used for anthropological research. So should they have treated the Aboriginal mother in the same way as they would have treated a white mother? This would have meant acting as Kramer had done in the case of the revenge killings; that is, ignoring Aboriginal cultural differences and judging the mother according to what they considered to be universal standards of moral behaviour. It would have also meant reporting her to the police with the intention of charging her with murder. Of course, the anthropologists did not take this line of action. It could be argued that they accepted that Aboriginal people lived in a different moral universe, and thus, had different moral values. In this regard, they could be seen as according a certain respect for the cultural values of Aboriginal people; and as the removal of the child’s body did not violate such values the issue of moral impropriety did not arise.

Although the actions of the anthropologists may not have offended the Aboriginal people at Mt Liebig, it could be argued, alternatively, that they nevertheless violated their own moral standards and were thus, disingenuous in assuming that their actions were morally unproblematic, if they considered such issues at all. Indeed, they could have been accused of taking advantage of their undoubted position of power and simply acting with impunity regardless of any moral scruples.
Moreover, applying one set of moral values for oneself and different values for others, based on one’s ostensible respect for cultural difference, could also be seen as a cover for racist attitudes rather than any concern for differing cultural values.

**The Arrest**

After spending eleven days working intensively at Mt Liebig, and amassing a large collection of artefacts, plaster casts, photographs, several hours of sound recordings and cine-film, the BAR party left for Adelaide. Kramer had not however forgotten the killing of the man and his wife. After returning to Alice Springs, he contacted the Chief Protector of Aborigines in the Northern Territory, Dr Cecil Cook, and urged him to implement procedures to capture the revenge party members. Although Cook agreed to support a full investigation, he was not optimistic about the outcome. In a letter to his employees, Kramer quoted Cook as saying, “You [Kramer] will be put on your mettle over this...there will be a demand that that these natives be defended and this will cost at least fifty pounds for a lawyer...and they will probably be discharged” (Kramer to Sexton, 10 August 1932, Aborigines’ Friends’ Association Collection, 1924-1961, Archive Number SRG 139, State Library of South Australia). Nonetheless, Cook had no sympathy with the generally accepted view that ‘uncivilized natives’ should be left to their own devices. He included them in his own moral universe and they, like white men, had to face the same consequences. If they were found guilty, they must hang.

Under pressure from Cook, the police dropped their initial reluctance and implemented an extensive investigation. Mounted Constable McKinnon, based in Alice Springs, was subsequently ordered to track down and arrest the members of the revenge party. With a team of camels and two Aboriginal police trackers, McKinnon left Alice Springs and embarked on a journey that would take three months and cover 2000 kilometres of arid terrain.

Within a week of their departure they reached Mt Liebig and with the assistance of a local guide, were led to the site where Kramer had buried the victims. To collect evidence for the trial, McKinnon exhumed the bodies, identified and photographed the spear wounds, and removed the heads. In
accordance with the bizarre practice of the day, the heads of Aboriginal murder victims were required as proof of identity. Over the following weeks the party moved slowly south, visiting cattle stations, missions, isolated homesteads, caves, waterholes and known Aboriginal camping areas. Gradually, with the help of various informants, they managed to capture and arrest five of the seven men. They also found and detained the sister of the woman who had been killed; she would appear as a witness.

The Trial

In late December, the police party returned to Alice Springs and the accused were formally charged. Three months later, in early March 1933, McKinnon supervised the transportation of the prisoners and witnesses to Darwin – 1500 kilometres north of Alice Springs – where they were due to appear in the Supreme Court of the Northern Territory. Despite the close guard kept on the prisoners, three of them escaped on the way to Darwin, including Punna, the prime suspect. The sister of the murdered woman who had been taken as a witness by McKinnon had become so mentally deranged that she was left in Alice Springs.

A few months before McKinnon set off for Mt Liebig, Kramer travelled down to Adelaide possibly to see Reverend Sexton, the President of the AFA, regarding the trial. However, once the trial date had been announced, he immediately turned north again and began the long journey from Adelaide to Darwin. How he traversed this 3000 kilometre stretch is not known, but he was nonetheless present when the trial opened and fully prepared for his role as the prosecution’s main witness.

By now, the ‘Mt Liebig Murders’ had attracted the interest of the national press and as we have seen The Sunday Sun commissioned the journalist Ernestine Hill to write a front page story on the proceedings. Her somewhat breathless account underlined the ‘excitement’ the trial generated among the members of the Northern Territory establishment, all of whom hoped a guilty verdict would help stamp out ‘Aboriginal lawlessness’ once and for all. Nonetheless, the Chief Protector, Cook, knew that such an outcome was far from assured. At the time, Darwin was a heavily unionised town, and the Communist Party of Australia had gained a level of local influence. Much to the disquiet of the prosecution, it seems that certain members of
the jury were also members of the Party and known to oppose the trial of ‘unsophisticated natives’.

Kramer gave a detailed account of the killings which was in turn supported by the evidence of the Aboriginal man who had helped Kramer locate the bodies and interrogate eyewitnesses to the killings. The defence did not dispute Kramer’s account, nor that of the other Crown witnesses. They nevertheless argued, as Cook had predicted, that as the accused had little previous contact with whites, they had no hope of understanding the European legal system and to find them guilty would be manifestly unjust. This line of argument was greatly substantiated when the two accused took the stand. Having never visited a township, let alone appeared in a court of European law, it was obvious to all that they were confused and fearful, and unable to answer any questions in a coherent manner, even with the assistance of one of McKinnon’s Aboriginal police trackers who acted as an interpreter. As Hill (1933:1) described it in her less than sympathetic report, “The natives showed an utter lack of knowledge of time and distance, one boy, questioned regarding the distance a spear had been thrown, replied, “Little bit long way, little bit close”.”

At the heart of the trial lay a central question: should settler Australian law apply equally to all, regardless of cultural differences, or should Aboriginal customary laws be accommodated within that law? The trial continued for four days and after a further day’s deliberation, the jury found the accused not guilty. Constable McKinnon later remarked that if it hadn’t been for the ‘Commos’ on the jury, the accused would have “got what they deserved (Anonymous report in undated clipping from New South Wales Police News, William (Bill) McKinnon Collection, NTRS 321, Northern Territory Archives Service Alice Springs). The accused were subsequently released and left to wander the streets of Darwin. What became of them is not recorded in the available documentation; presumably they eventually found their way back to Mt Liebig.
Conclusions

The Mt Liebig murder trial and similar cases, eventually led to the tacit recognition that in trials involving Aboriginal people charged with violent crimes within their own community, the influence of Aboriginal customary law should be taken into consideration. Such an approach was generally accepted up until recent times, notwithstanding numerous enquiries into Aboriginal customary law and its applicability. However, in response to a 2007 government report documenting decades of serious domestic violence and child abuse in Aboriginal communities in the Northern Territory, the Australian government implemented a sweeping initiative known as the Northern Territory National Emergency Response. As part of the package, unprecedented laws were enacted that forbade courts in the Northern Territory from taking into consideration customary practices when judging Aboriginal offenders.

With these changes, one could say that Kramer’s campaign to put an end to ‘tolerated tribal law’ had finally succeeded, some 80 years after the events at Mt Liebig. While this may perhaps be the case, the new laws have had little effect on either the levels of domestic violence in Aboriginal communities nor the rates of incarceration of Aboriginal offenders. Indeed, the events at Mt Liebig and the kind of legal and moral issues that it raised are still shaping relations between settler Australians and Aboriginal people today, and the questions provoked by Kramer’s actions remain as complex and difficult to resolve as ever.

The year after the trial, Kramer left Alice Springs for good. It is probable that the outcome of the trial influenced his decision. He had devoted an inordinate amount of time and energy in having the men responsible for the killings at Mt Liebig arrested and tried in court, but it had all come to naught. Moreover, the years of travel through the harsh regions of Central Australia had begun to have a deleterious effect on Kramer. Euphemia too had suffered from ill-health. For all these reasons, the family moved to Melbourne in 1934 where Kramer worked as a representative of the British and Foreign Bible Society until 1949. He later moved to Adelaide where he died of acute leukaemia in 1958.
References

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