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Disarming the resistance: police collecting of Indigenous Australian cultural property for museums

Gareth Knapman, Paul Turnbull, Cressida Forde, and Jocelyn S. Bardot

Abstract:

This article examines the history, legality and modern implications of police collecting of Indigenous Ancestral Remains and cultural property, and the role of museums and governments in encouraging activity. It is well known that police perpetrated violence against First Nations throughout the colonial period, but their role in supplying Indigenous ancestral bodily remains and cultural heritage objects to domestic and overseas museums is little understood, nor too is whether they exceeded or abused their powers in doing so. Revealing this history is of profound importance to First Nation peoples seeking to know what happened to the remains of their Ancestors and items of cultural property, often of profound cultural significance, so as to determine their future, which may be to secure their return. Examining four known collections held by the National Museum of Victoria, the South Australian Museum and the British Museum, we argue that the current extent of police involvement in collecting is little known, although it seems clear that police collections share a distinctive pattern of focusing on objects classified by museums as weapons. The article then considers police complicity for the collecting of Ancestral Remains and in conclusion discusses the question of the legality of police collecting, and its implications for museums inheriting colonial era collections today.

Disarming the resistance: police collecting of Indigenous Australian cultural property for museums[1]

The complicity of police in the violence and dispossession that defined Australia's frontier history is undeniable, as a substantial body of meticulous scholarship now documents.[2] Yet, even as recent regional studies shed light on the topic, one significant chapter remains obscured: the role of police in amassing ethnographic collections for both Australian and overseas museums. This aspect of frontier policing, though deeply entwined with broader patterns of domination, has received scant attention.[3] The neglect is unsurprising. To date, museum professionals, anthropologists, and heritage experts have framed police involvement in such collecting as unregulated and sporadic, occurring by chance rather than design.[4]

This article challenges this assumption. Drawing on a preliminary investigation of museum catalogues, annual reports, and institutional documents of Australian museums actively acquiring Aboriginal and Torres Strait Islander cultural heritage during the late nineteenth and early twentieth centuries, we argue for a comprehensive reappraisal of police engagement in ethnographic collecting. We do so by examining four collections acquired by police that were acquired by three different museums: the South Australian Museum, the National Museum of Victoria (now Museums Victoria) and the British Museum.

The South Australian Museum's annual reports record its having received 184 items in 1879 that were acquired in the Northern Territory by Darwin-based police inspector Paul Foelsche.[5] We also examine two collections of National Museum of Victoria: collection of 278 objects sold to the museum in 1897 by Inspector Brian Besley's of the South Australian Mounted Police, and 266 objects collected and purchased by Sir John Forrest for the Public Library of Victoria Trustees (and later transferred to the National Museum of Victoria) in the early 1890s.[6] And we examine a collection amassed by Inspector Craven Harry Ord of the Western Australian Mounted Police acquired by the British Museum in 1899. For comparative purposes, we also draw attention to three other collections held by the British Museum: 47 objects collected between 1896 and 1898 by Emile Clements, a professional natural history and ethnographic collector; 104 objects obtained by Central Australian telegraphist and ethnographer, Francis Gillen, whose long-term research collaboration with anthropologist Walter Baldwin Spencer greatly influenced the conceptual development of European anthropology;[7] and finally 105 objects purchased by the British Museum in 1908, by Henry James, a school teacher at the Hermannsburg Mission in Central Australia.[8]

Our findings to date suggest that police involvement was far more extensive and organized than previously acknowledged. Crucially, it appears to have been backed by government officials and senior police in response to overtures – including offers of payment - by museum curators and trustees eager to advance their anthropological and ethnographic goals. We consequently raise the question whether police collecting was not merely opportunistic but an integral, state-sanctioned aspect of breaking Indigenous resistance in frontier regions across northern Australia. We ask whether the collecting of Indigenous cultural property by museums was yet another mechanism of control, deeply rooted in the machinery of colonial governance. And we conclude by considering the legality of police collecting of Indigenous

cultural property in view of contemporaneous Anglo-Australian law and police regulations in respect of the protection or seizure of property.

The term ‘weapon’ is used throughout this article to reflect the language commonly employed by museum staff, police and curio dealers to classify objects such as spears, boomerangs, shields, and clubs. This terminology appears frequently in collecting records and museum registers. Despite being labelled as weapons, such objects had other, and often multiple, uses and were essential for daily life. Spears were tools for hunting, boomerangs held ceremonial significance, shields communicated identity, and clubs were used for tasks ranging from starting fires to digging, among many others.[9] The categorisation of Aboriginal objects as weapons constituted part of the epistemic violence of colonisation. It both obscured broader functions and meanings of these items, described by Russell as a ‘synecdoche, where a part is taken to represent the whole’, while also homogenising Aboriginal culture and supporting colonial narratives of ‘othering’ and ‘savaging’.[10] Similarly, the display of these ‘weapons’ as trophies in colonial era museums acted to justify conflict, control, and dispossession of Aboriginal people. This is well illustrated, for example, by the following account of Aboriginal material and remains the Queensland Museum had on display by 1869 that appeared in several of the colony’s newspapers:

> Some of these instruments could tell a tale of blood, and the names of some of the former owners of which even now are never mentioned except with feeling of horror and abhorrence. This collection of spears and nullas were picked up after the Hornet Bank massacre, and that very large club belonged to a well-known savage called Bilbo the terror of the shepherds on the Kulebah and Goongarry; stone tomahawks from the Brown River, dillies and shields from the Cullenlaringe; finger bones and a pair of defunct blacks, found in the dillies of Jeranga gins; the spear brought from Carpentaria

> that finished poor Kennedy's career of exploration with skulls of a number of the most renowned blacks who were the terror of the first colonists, with short narratives of the dark deeds which marked the early days of Queensland.[11]

As Russell observes, depictions of Aboriginal people as savage, fierce and hostile through 'weapon' displays, were a device for legitimising colonial intervention and violence.[12] In many respects the continued labelling of these items as weapons in contemporary museum collections is part of the legacies of colonialism.

Museums and police collecting

A wide range of settlers in various walks of life in rural and remote parts of colonial Australia collected First Peoples' material culture. The question that arises is whether police collecting differed from that of other actors. It has long been noted that weapons and male objects dominate the collections of Australian First Nation peoples in museum collections.[13] Peterson et al. for example comment that:

> A puzzling feature of many collections, here and abroad, is the prevalence of spears, and to a lesser extent weapons more generally. Classically, people seemed to have concentrated on collecting weapons… Spears are by far the most common item … raising questions as to why this should be and how much this was due to Indigenous agency.[14]

The reason usually given to explain the quantity of weapons and male objects has been that most collectors were male and therefore were limited in their engagement to Aboriginal males, or that males were interested in masculine objects for display.[15] Yet the prevalence of weapons could also be a consequence of the circumstances in which they were collected. If police were collecting through the seizure of Aboriginal weapons, to either punish or prevent

frontier violence and cattle killing, it is logical that weapons would dominate the collections. And we find that compared to other ethnological collections, those acquired by police have large numbers of spears and items described as 'weapons'. Indeed, spears appear to be the defining characteristic of police collections dating from the late 1870s to the 1890s.

South Australian Museum

We begin with the role of police in ethnographic collecting for the South Australian Museum. From 1863 to 1911, the Northern Territory was administered by South Australia, the government of which encouraged pastoralism and mining ventures to the detriment of the vast region's Indigenous sovereign owners. Among those who exploited this colonial project was Edward Charles Stirling, who served as chairman and later director of the South Australian Museum between 1884 and 1911. Stirling played a pivotal role in expanding the museum's collections, particularly in ethnography, with the ambition of making them the most extensive in Australia.[16] After becoming the museum's Honorary Director in 1889, Stirling sought to enhance its anthropological and ethnographic holdings by establishing an extensive network of collectors and informants. With the backing of the museum's trustees, Stirling and curator Amandus Zeitz sought out individuals willing to procure artifacts from the Northern Territory. Among their allies was William Peterswald, the colony's Police Commissioner between 1882 and 1896. As Phillip Jones notes, Peterswald took an active interest in ethnography, among other things circulating the anthropological questionnaire prepared by British ethnographers to Inspector Paul Foelsche and other police officers stationed in rural and remote parts of South Australia and the Northern Territory.[17] He also assisted Zeitz in securing Foelsche's assistance in collecting "native weapons" for the museum's collections.[18] In 1890, Stirling himself prepared the circular reproduced below (Figure1),[19] which was sent

with Peterswald's approval, to police officers and telegraph operators:

Public Library, Museum, & Art Gallery of South Australia.

To the Police Officer at Milang.

Sir—

In view of the rapid disappearance of the Aborigines of Australia, it is much desired to obtain, for the South Australian Museum, as complete a collection as possible of all articles made and used by them. The Museum already possesses a fair number of things from some localities, but others are entirely unrepresented, and it is these gaps in the collection, representing the ethnology of the country, which we particularly wish to fill up.

I am permitted, by the courtesy of the Commissioner of Police, to request your kind assistance and co-operation in this matter while you have opportunities that will shortly not recur.

All expenses of transport, and any reasonable outlay necessary for obtaining such specimens, will be gladly paid by the Museum department. Parcels may be addressed either to me or to Mr. Zietz, at the Museum, Adelaide.

The following are the kinds of articles it is desired to obtain:—

Spears, boomerangs, and other weapons; stone axes and knives, and other tools; charms, ornaments, and other articles of attire peculiarly native; food utensils, Pituri bags—in short, we shall be glad of any objects made by the natives for their own use.

The value of any article will be much enhanced if it be accompanied by a short statement indicating its native name, the name of the locality where found or where used, and, when its use is not obvious, an explanation of the purpose for which it is employed.

The commonest objects are often of value as illustrating geographical distribution or tribal variations.

I remain,

Faithfully yours,

E. C. STIRLING, M.D.,

Hon. Director, South Australian Museum.

P.S.—Should you be able to forward any contributions to the public collection, as requested above, please advise me or Mr. Zietz by the same post, that there may be no delay in getting the things.

Museum, Adelaide, July 1st, 1890.

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Figure 1: Circular sent to Police Officers from the South Australian Museum in 1890. Source: AA309/1/51, South Australian Museum Archives.

As Philip Jones has documented, among the police who responded to Stirling's circular was Police-Trooper Frederick Gardener, who by a month after receiving it sent the museum 44 weapons, digging sticks and ceremonial items from Fowlers Bay.[20] Also in 1890, Trooper Samuel Gason, stationed at Beltana, sent the museum various 'genuine implements, curioes [sic] charms, etc.' Gason incidentally had developed a 'deep interest in the Aborigines of the North' soon after his posting there in the early 1870s.[21] He in fact published in 1874 a study of the manners and customs of the Diyari people whose ancestral country covered the delta of Cooper Creek east of Lake Eyre.[22] In 1896, 31 spears and boomerangs arrived at the museum from Constable David von Dittmer, stationed at Andrewilla Waters in the Lake Eyre basin.[23]

Prominent among collectors for the South Australian Museum was Brian Besley, a veteran of the Mounted Police. His first posting was in 1855 to the Overland Corner on the Murray River some 180 kilometres north-east of Adelaide. By 1884, Besley was based at Port Augusta with responsibility for administering probably what, at that time was, the largest Australian police district. It extended eastwards from the Barrier Ranges in New South Wales to Port Lincoln on the Eyre Peninsula, and northwards into the Northern Territory and Queensland's western border. Besley was also among police who took an active interest in the lifeways and culture of the First Peoples of this vast area.[24] He collected 'spears…and other native weapons' for Adelaide's 1887 International Exhibition; and as Philip Jones observes, he appears to have been a personal friend whom Edward Stirling may have consulted in drafting his 1890 circular to police and telegraph officers. [25]

Before Besley left on an inspection tour of the far north of his vast administrative area in 1890, Stirling requested that the museum trustees 'instruct Zeitz to go to the Commissioner's office... to indicate what items are desirable'.[26] Stirling was prepared to spend £10 on acquiring specimens, using all or part of this sum to purchase tobacco for Besley, 'to trade or bribe as occasion permits'.[27] This was a significant sum, given that in 1890 the average weekly earnings in 1890 Australia was £1.38.[28] During his tour, Besley distributed Stirling's circular to the police stations under his supervision and encouraged officers to collect for the museum on this and later tours until retiring in 1894.

The most prolific police collector was the Darwin-based inspector, Paul Foelsche. A skilled naturalist and amateur photographer, Foelsche began sending fauna specimens to the South Australian Museum shortly after his arrival in Darwin in 1870. He also took a keen interest in the lifeways and cultures of the peoples he policed. Sometime in 1876–77, he was approached by Frederick Waterhouse, the museum's curator of the time, to supply weapons and other artefacts, ostensibly for display at the 1878 Paris Universal Exhibition. Foelsche sent 190 'native weapons' and 'implements' procured at Port Darwin, the northern goldfields, and Port Essington. Figure 2 below represents the Foelsche collection acquired in 1879. It shows that 86 percent of the collection comprised spears, carved shields, boomerangs and waddies. Of these, seventy-two percent were spears.

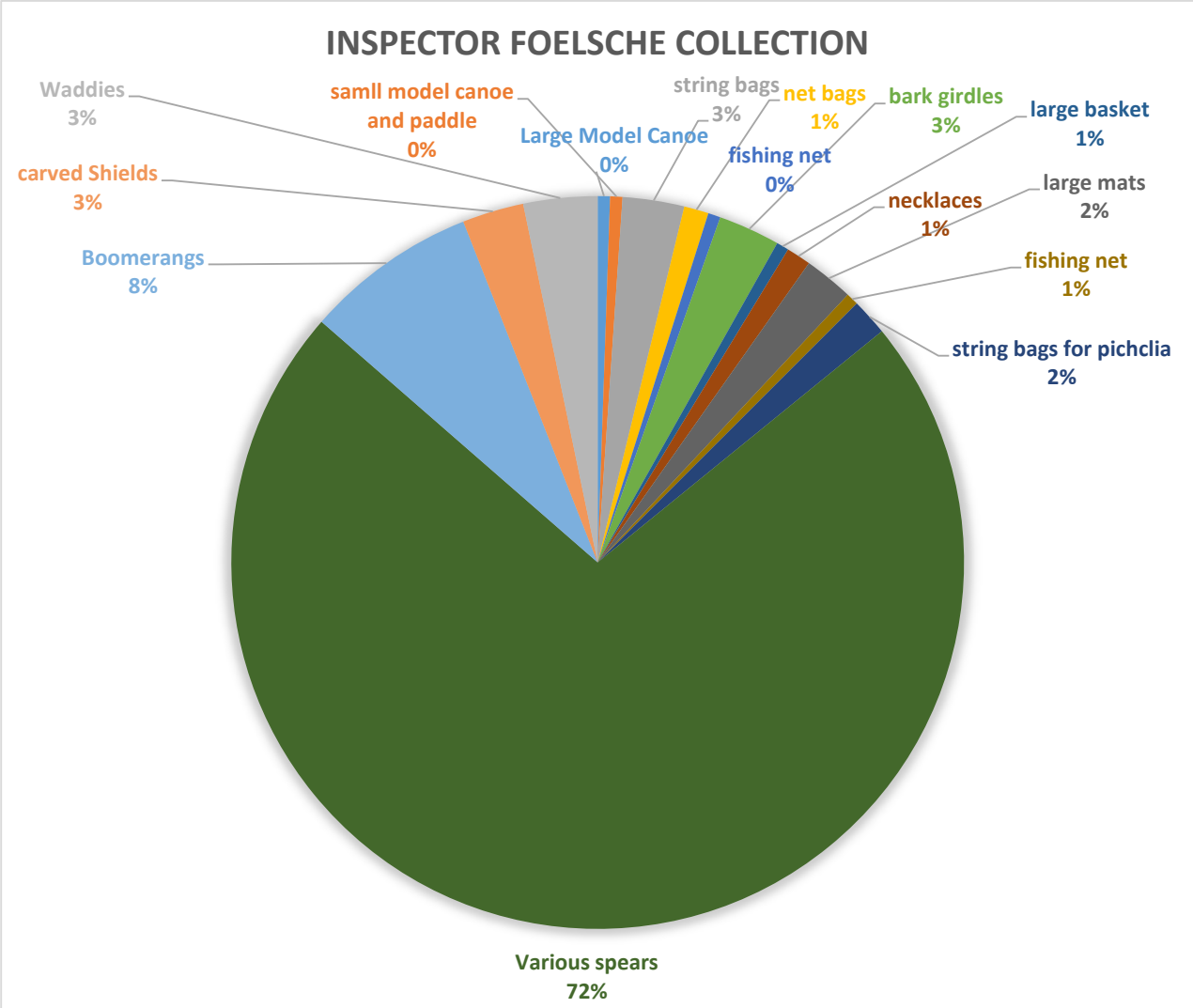

Figure 2. Percentage breakdown of the object types in the Foelsche Collection. Total of 184 Objects. (Waterhouse, "Report on the present requirements of the Museum February 1879" GRG19/168/4, Reports by the Museum Curator 1878-1880. South Australian Records, Adelaide. Australia.)

Waterhouse persuaded the museum trustees - who in the late 1870s prioritized funding the collecting of geological and botanical specimens of economic value over ethnographic material - to purchase Foelsche's collection for £20.15s, warning that 'ethnological specimens are becoming scarce and much required for Museums'.[29] This was the first of numerous

consignments of material culture received from Foelsche over the next twenty-five years.

Foelsche, incidentally, was respected by Northern Territory settlers for his preparedness to violently punish Indigenous resistance. In 1875, after a telegraph worker was speared by Mangarrayi men, he dispatched Corporal George Montagu to the Roper River. Foelsche's instructions were chillingly direct: those identified as part of the 'attacking party' were to be captured, 'dead or alive.' He added, with calculated ambiguity, that while he could not explicitly order Montagu to shoot every native encountered, 'circumstances may occur for which I cannot provide definite instructions'.[30] So too was Trooper Samuel Gason. After Kaytetye men attacked the Barrow Creek telegraph station in 1874, Gason was instructed by Foelsche to lead an investigation that resulted in the massacre of an unknown number of innocent Anmatyerr people. After a bullock teamster was speared at Pine Creek in 1878, Foelsche sent out a party, headed by Constable William George Stretton, who reported killing seventeen Aboriginal men, while an unknown number were shot by a civilian party. In writing to his friend, the pastoralist and politician John Lewis, Foelsche casually referred to the affair as 'our Nigger Hunt', adding that he had thought of going out with Stretton but 'could not have done better than he did, so I am satisfied and so is the public here'.[31]

On receiving Commissioner Peterswald's 1889 memo supporting the museum in acquiring artefacts, Foelsche responded that he would try to acquire what he could, despite having limited opportunities to visit coastal peoples, where he knew objects most desired by the museum could be obtained.[32] By way of encouragement, Curator Amandus Zeitz proposed to the museum trustees that they vote Foelsche a substantial 'honorarium of £20…in consideration of the valuable collection of native weapons and utensils which he sent to the

Museum…at different times, during many years.' The Museum Trustees approved the recommendation.[33] In 1901, Lewis Madley, Peterswald's successor as police commissioner, secured a favour in return. On the eve of Federation, the museum provided Madley with fifty spears and two spear throwers from its duplicate stock to present to South Australia's Governor to create 'a trophy in Government House' for the visit of the Duke of York and Cornwall (later King George V). As Amandus Zeitz reminded the museum's trustees, supplying these spears and spear throwers was 'paying [Madley] a return compliment, as through his department we have received and are still getting many interesting additions to our Museum collections'.[34]

The National Museum of Victoria

The National Museum of Victoria, founded in 1854, did not actively acquire anthropological or ethnographic material until the turn of the twentieth century. Frederick McCoy, its founding Director, had little interest beyond building natural history collections during his near forty-year tenure. Ethnographic items were acquired however by the Ethnotypical Museum, a pet project of Sir Redmond Barry, supreme court judge and leading figure in Melbourne's civic and cultural life which was housed in the colony's National Gallery.[35] Items were also acquired by the city's Industrial and Technological Museum.

This changed on McCoy's death in 1899 with the appointment of Oxford trained biologist and anthropologist, Walter Baldwin Spencer, as his successor. One of Spencer's first actions on assuming the National Museum's directorship was to secure space to exhibit Indigenous weapons, implements and ceremonial objects when the museum moved from the university grounds to a building in the city centre, adjacent to the Public Library, that housed the Industrial and Technological Museum. Besides personally collecting a wide range of

ceremonial and domestic material culture, notably during fieldwork in central Australia with Francis Gillen in 1901–1902, Spencer sought the help of police and other state agents in central and northern Australia.[36] In July 1902, he wrote to Victoria's Police Commissioner, requesting the assistance of police to 'to augment the already valuable collections of the ethnological museum here', suggesting:

> that a circular letter addressed to officers in charge of police districts throughout the colony, with your invitation, might greatly help. Aboriginal skeletons, skulls or other parts, and all kinds of weapons and implements are wanted'.[37]

Among those who assisted Spencer was South Australian mounted constable Ernest Cowle, stationed at Illamurta, west of Alice Springs, between 1893 and 1903. Spencer knew Cowle from when he had been the biologist on the 1894 Horn Expedition, which Cowle guided on its round trip from Illamurta to Uluru. Like inspectors Foelsche and Besley, Cowle was interested in the lifeways and culture of the region's First Peoples, sharing with Spencer and Gillen ethnographic observations, and sending Spencer over 300 objects, including no less than sixty-nine tjurunga between 1901 and 1903.[38]

On becoming Director, Spencer took possession of objects in the National Gallery's Ethnotypical Museum including a collection acquired through Sir John Forrest, Western Australia's Crown Lands Commissioner, who had gained fame for leading several inland expeditions, notably a survey of the vast Kimberley region of northern Western Australia. Forrest was approached in 1889 by the Trustees of Melbourne's Public Library, Museum and National Gallery to obtain a collection of 'specimens' from remote regions of Western Australia, for which they were willing to pay up to £100.[39] Forrest agreed, handing 'the amount to the Commissioner of Police for the purpose of obtaining the desired specimens'.[40]

The outcome was 266 items collected by police in twelve Western Australian districts, including Esperance Bay, Geraldton, Carnarvon and East Kimberley.

A breakdown of the Forrest collection (figure 3) shows that spears, spear throwers, throwing sticks, shields, boomerangs and magic throwing sticks comprised seventy-one percent of the collection. Only weapons were collected for Forrest in the districts of Geraldton, Dongarra and Greenough districts. Weapons were also close to one hundred percent of the items collected at Esperance Bay, Carnarvon and East Kimberley. Of these, spears were the most common items, making up seventy-seven percent of the Esperance Bay acquisitions. In the Dongarra and Ashburton River regions, spears comprised fifty and sixty- sixty-two percent respectively. Spears were never less than twenty percent of items from any region.

The number of Boomerangs acquired for the Forrest collection varied from region to region. While spears comprised seventy-seven percent of what was collected at Esperance Bay, only three percent were boomerangs. Fifty percent of items from the Dongarra district were spears and no boomerangs. The highest number of boomerangs were obtained in the Geraldton and Greenough districts, where they comprised forty-three percent of the collections, followed by thirty-three percent collected in the Carnarvon district. In other districts, boomerangs made up between seven and thirteen percent of what was collected.

In the districts of Bunbury, York, Roebourne, Ashburton River and Northampton, significant numbers of objects were acquired, notably ceremonial dress and ornaments. This possibly reflects police having closer interactions with and interest in the cultural life of the peoples in their districts. However, the lowest numbers of weapons from any district in the Forrest

collection were forty-six and forty-nine percent, with the rest being over half of what was obtained.

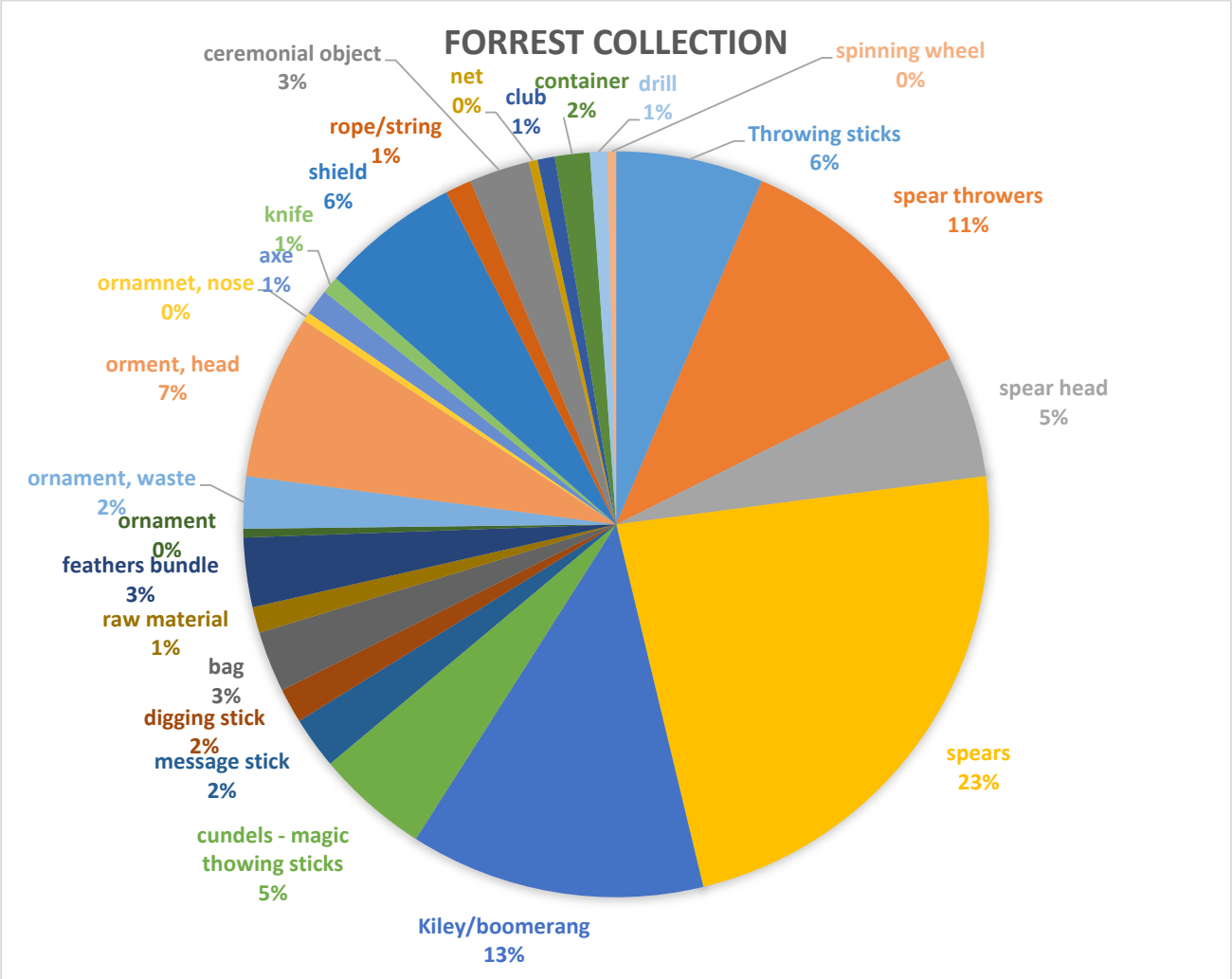

Figure 3. Percentage breakdown of the object types in the Forrest Collection. Total of 266 Objects. (Source: *Report of the Trustees of the Public Library, Museums and National Gallery of Victoria*, 1890–1897; Coates, "Social Construction of the John Forrest Collection," 1989)

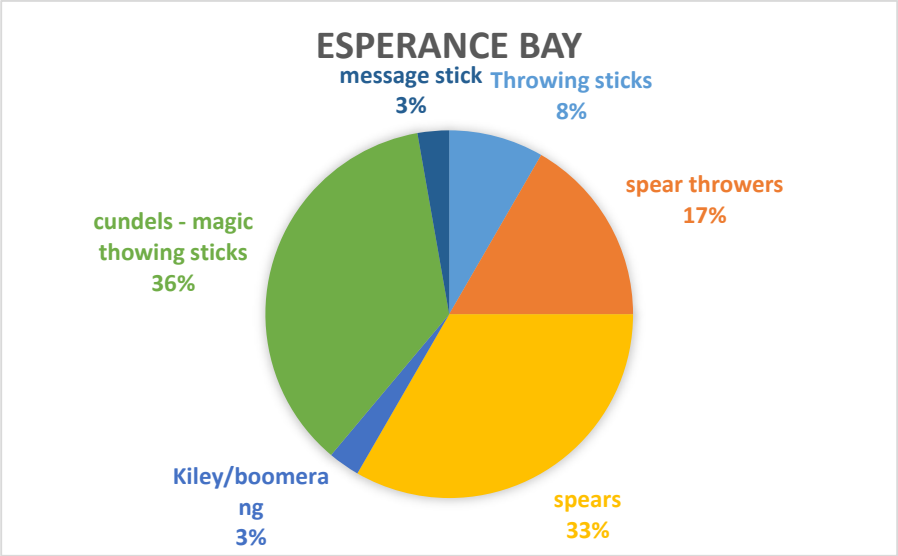

Figure 4. Percentage breakdown of the object types in the Esperance Bay police district component of the Forrest Collection. Total of 36 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

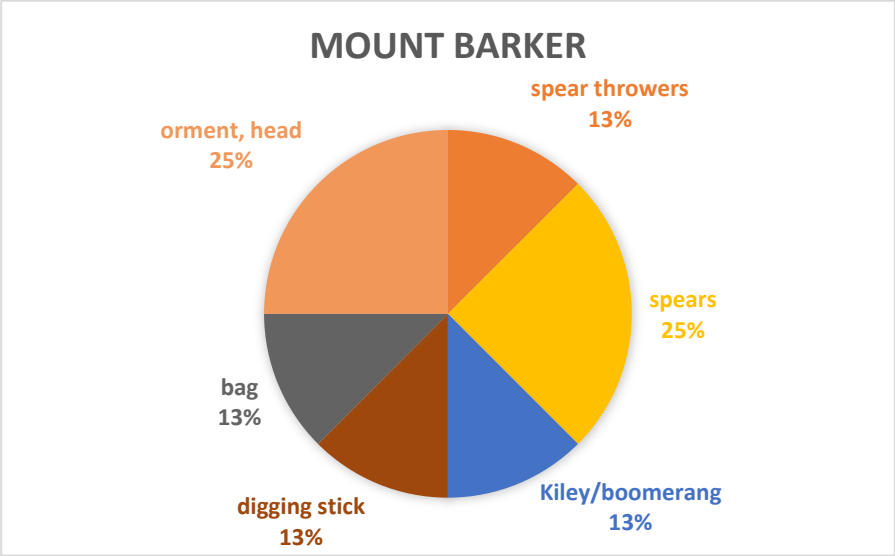

Figure 5. Percentage breakdown of the object types in the Mount Barker police district component of the Forrest Collection. Total of 8 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

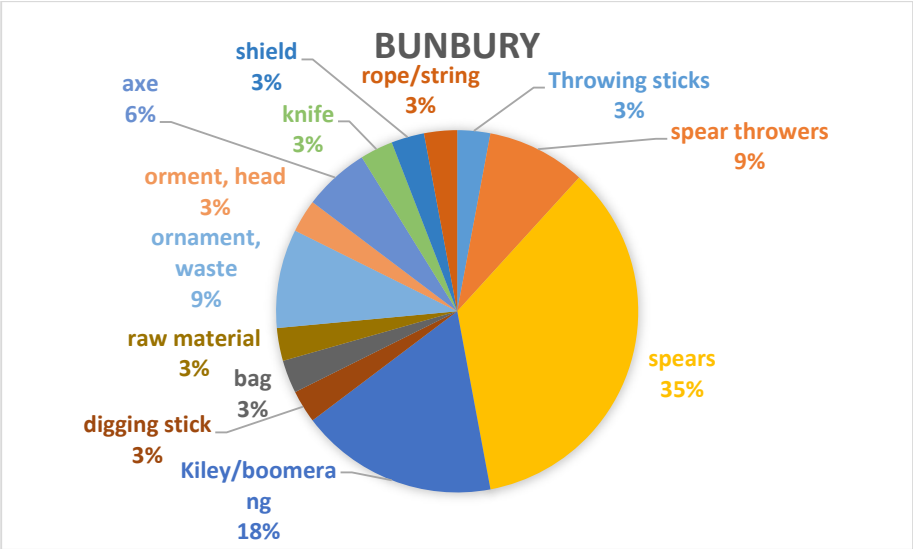

Figure 6. Percentage breakdown of the object types in the Bunbury police district component of the Forrest Collection. Total of 34 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

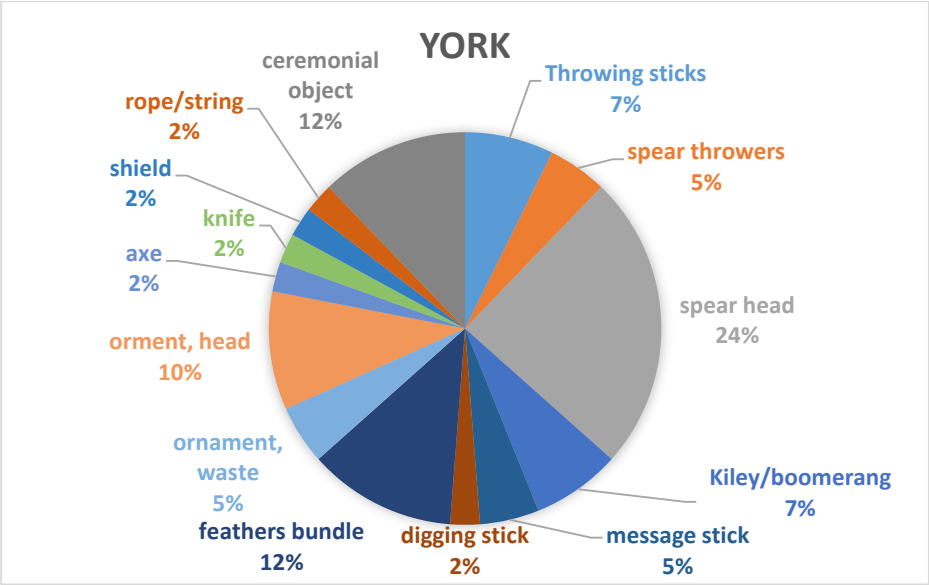

Figure 7. Percentage breakdown of the object types in the York police district component of the Forrest Collection. Total of 41 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

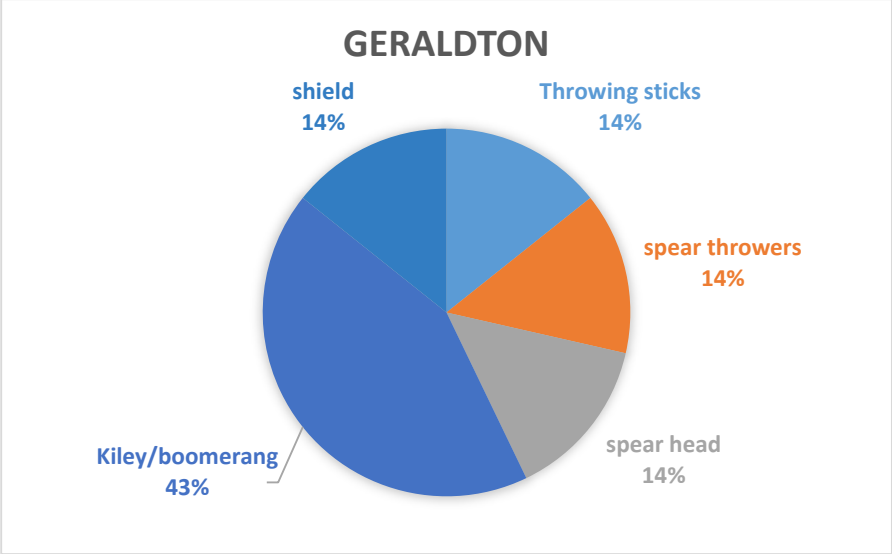

Figure 8. Percentage breakdown of the object types in the Geraldton police district component of the Forrest Collection. Total of 7 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

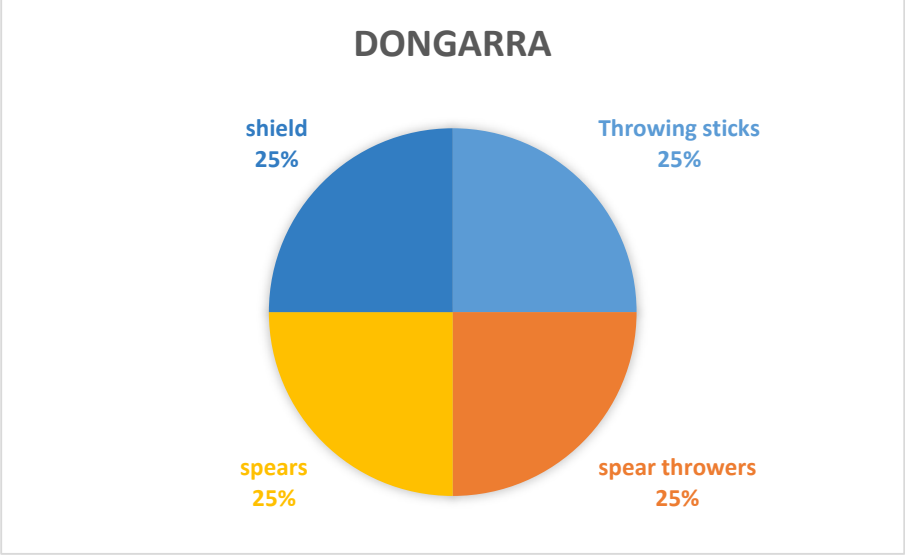

Figure 9. Percentage breakdown of the object types in the Dongarra police district component of the Forrest Collection. Total of 8 Objects. (Source: Coates, “Social Construction of the John Forrest Collection,” 1989)

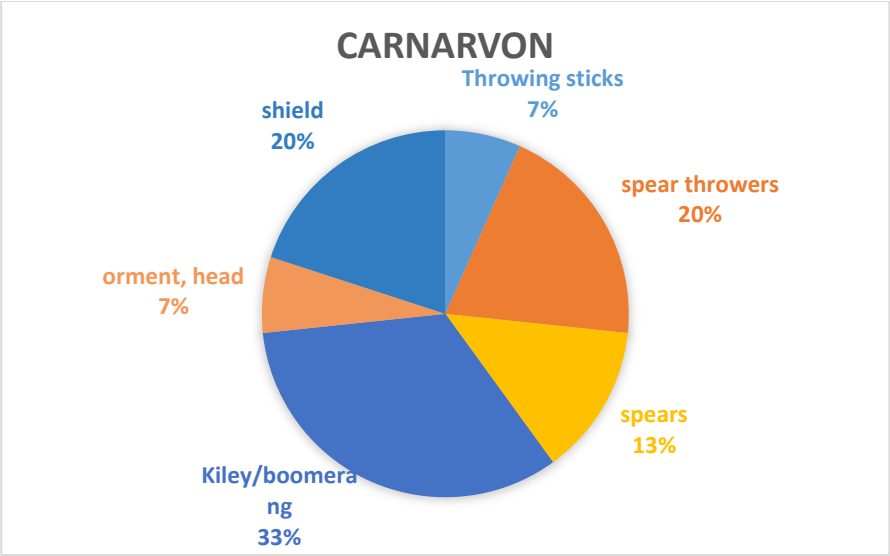

Figure 10. Percentage breakdown of the object types in the Carnarvon police district component of the Forrest Collection. Total of 15 Objects. (Source: Coates, “Social Construction of the John Forrest Collection,” 1989)

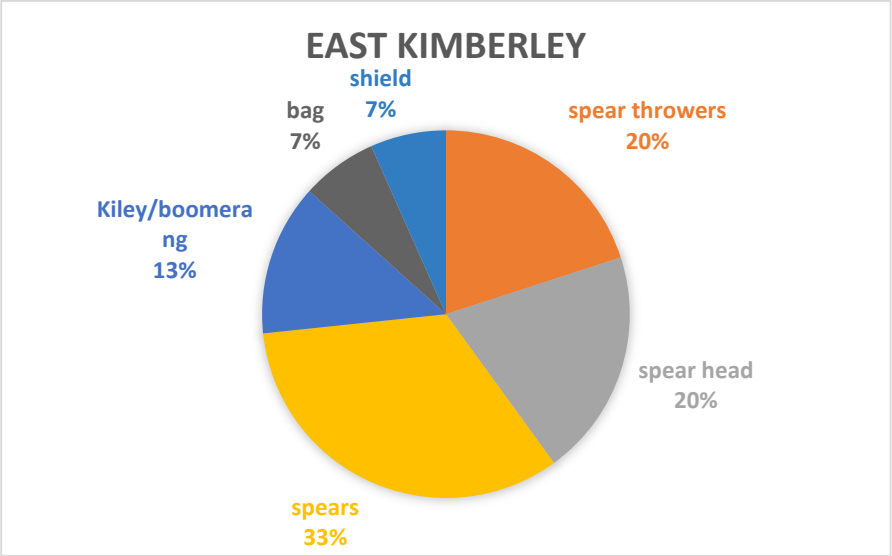

Figure 11. Percentage breakdown of the object types in the East Kimberley police district component of the Forrest Collection. Total of 15 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

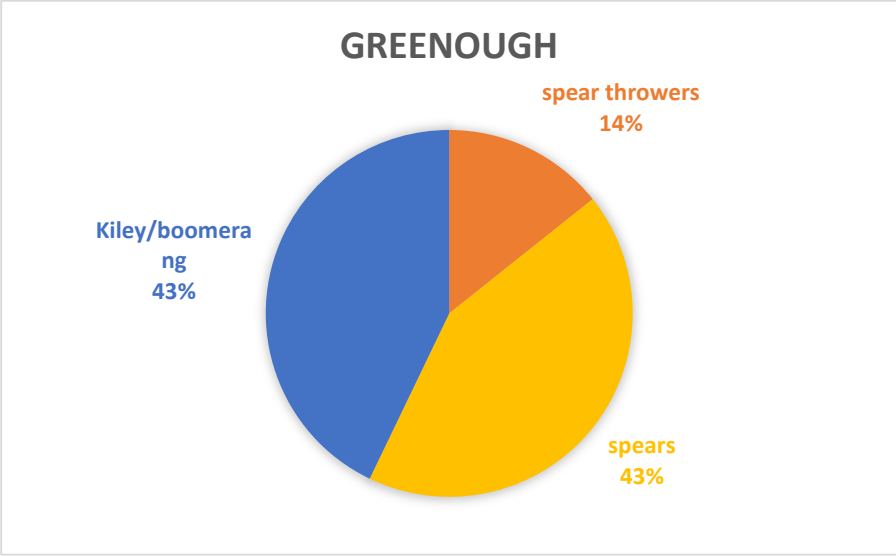

Figure 12. Percentage breakdown of the object types in the Greenough police district component of the Forrest Collection. Total of 7 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

Figure 13. Percentage breakdown of the object types in the Ashburton River police district component of the Forrest Collection. Total of 16 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

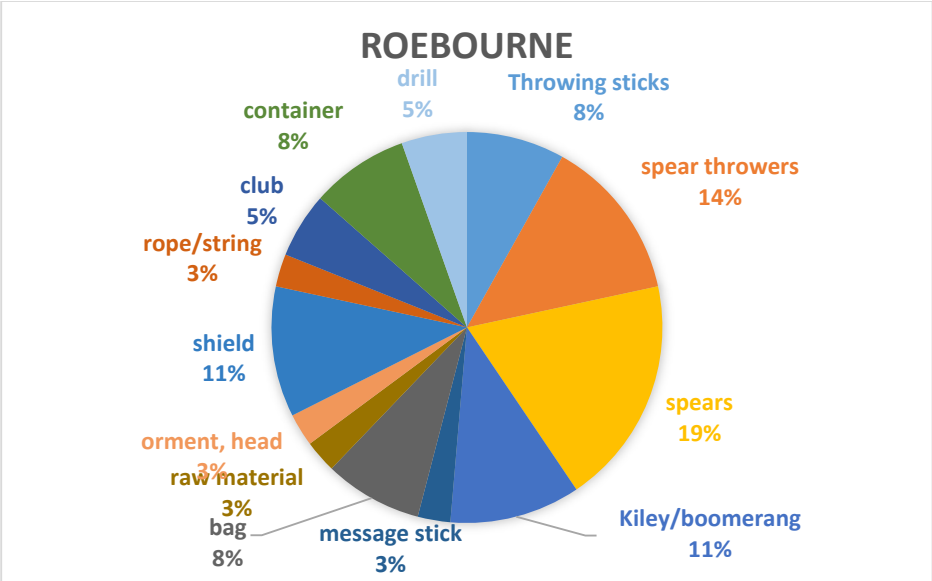

Figure 14. Percentage breakdown of the object types in the Roebourne police district component of the Forrest Collection. Total of 37 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

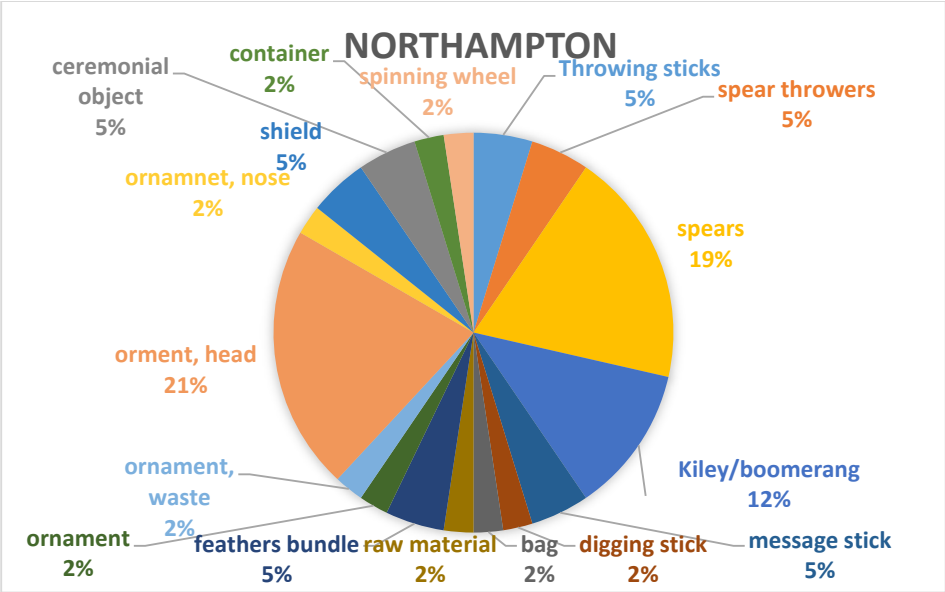

Figure 15. Percentage breakdown of the object types in the Northampton police district component of the Forrest Collection. Total of 42 Objects. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

Police District	**Percentage of weapons**	**Combined percentage of spears/ spearheads/throwing sticks**	**Percentage of spear throwers**	**Percentage of Boomerangs**
Esperance Bay	97	77	17	3

Mount Barker	51	25	13	13
Bunbury	77	38	9	18
York	49	31	5	7
Geraldton	100	28	14	43
Dongarra	100	50	25	0
Carnarvon	93	20	20	33
East Kimberley	93	53	20	13
Greenough	100	43	14	43
Ashburton River	80	62	6	6
Roebourne	68	27	14	11
Northampton	46	24	5	12

Figure 16. Percentages of weapons, spears, spear throwers and boomerangs in the Forrest Collection by region. (Source: Coates, "Social Construction of the John Forrest Collection," 1989)

One of Spencer's first purchases after becoming director of the National Museum of Victoria was 278 objects from Central Australia, purchased in 1897 for £25 from Eugenie Besley after the death of her husband, who was the previously mentioned South Australian police inspector, Bryan Besley.[41] Like Foelsche, Besley was complicit in the violent suppression of Indigenous resistance. Besley's obituary in 1894 notes his recalling of his posting to the

Overland Corner, about 181 kilometres north-east Adelaide, that 'The blacks were very troublesome and aggressive there'.[42] And despite his curiosity about Indigenous life-ways and culture, he licensed punitive actions during his command of frontier police officers the 1880s that resulted in the killing of numerous Indigenous people.[43] One officer under his command, moreover, was the notorious William Henry Willshire, who in 1891 was charged for murder on the basis of evidence recorded by Frank Gillen, but acquitted.[44] As Paul Turnbull notes, Willshire on at least one occasion sought to collect the skulls of Indigenous men he had shot, and may have been the source of one skull received by the South Australian Museum in 1896.[45]

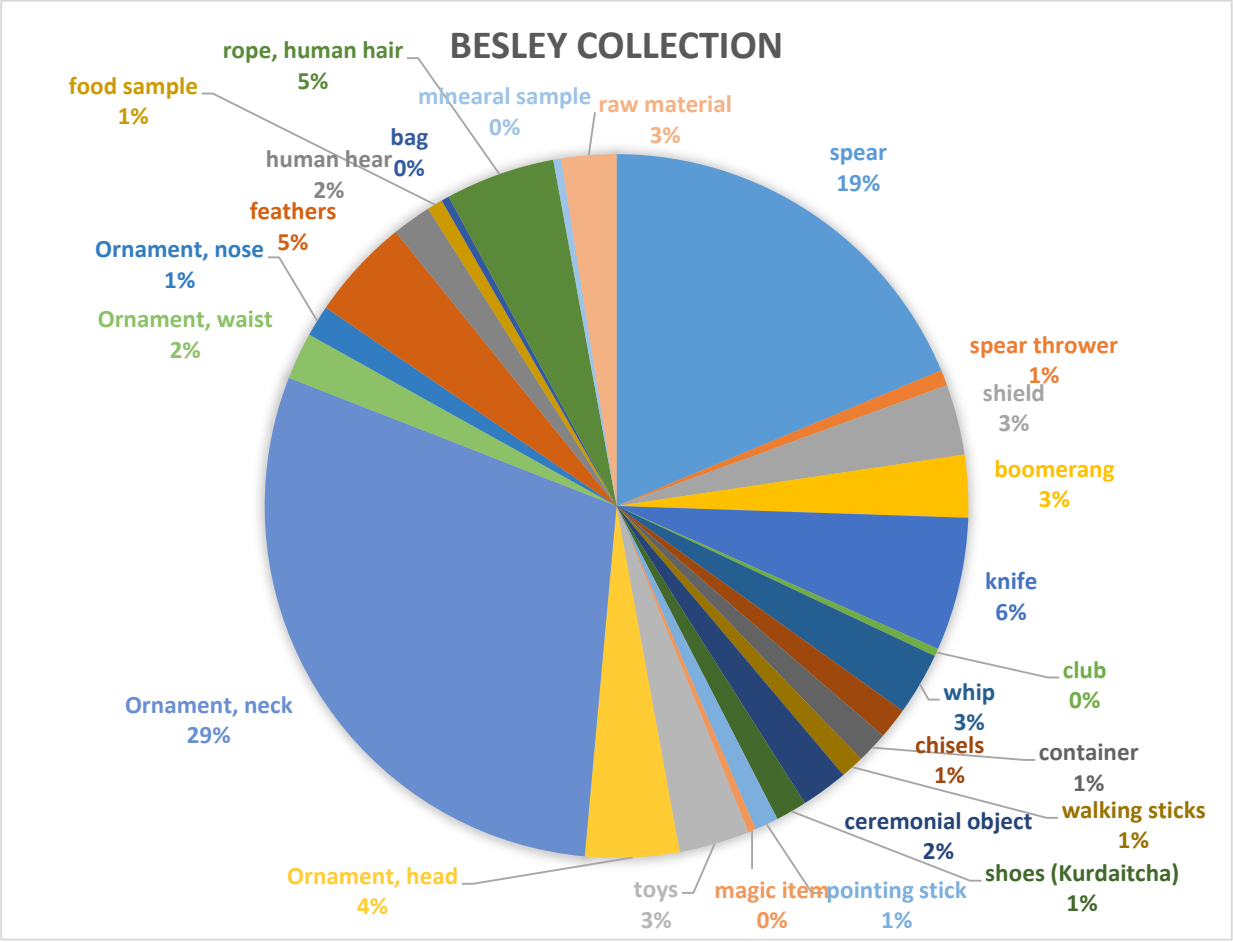

Figure 17. Percentage breakdown of the object types in the Besley Collection sold to the Public Library, Museums and National Gallery of Victoria in 1897. Total of 278 Objects. (Source: *Report of the Trustees of the Public Library, Museums and National Gallery of Victoria*, 1890–1897; "Ethnographic Stock Book." Vol. 1, Museums Victoria, Melbourne.)

The Besley collection comprises a broad range of objects, reflecting Besley's interest in the lifeways and cultures of the First Nation Peoples in the vast district he administered. The largest number of objects are neck ornaments. These make up twenty-nine percent of the collection. However, thirty-two percent of the collection are weapons, nineteen percent of which are spears. Here, there are similarities with the Forrest collection. The two most numerous types of objects from the Northampton police district, for example, were head ornaments (twenty-one percent) and spears (nineteen percent). And spears make up twenty-three percent of the total number of items in the Forrest Collection.

The British Museum

British Museum has a long history of collecting Indigenous Australian artefacts, beginning with items acquired during James Cook's momentous first Pacific voyage of 1768-1771. However, it was only at the turn of the twentieth century that it began collecting Indigenous heritage in any concerted fashion. Using the museum's online catalogue, it is possible to compare the composition of those Australian collections that were acquired by police officers with those of civilian collectors.

The first collection we consider has recently been the subject of analysis by Gareth Knapman.[46] This is a collection of ninety-two items that Inspector Craven Harry Ord of the

Western Australian Mounted Police sent to the museum in 1899. Ord had entered the force as a sergeant in late 1893, after earlier service as the officer in charge of the Sikh Police in Singapore. The assemblage—shown in figure 16—comprises weapons, tools, and garments. It arrived with nothing more than an itemized list, leading curator Charles H. Read—apparently unaware that a shipment was *en route*—to ask Ord whether he sought remuneration. Ord replied that the pieces came from his own holdings, which he had been offering at auction, writing: 'The lot I sent you', he added, 'was a mixed one put together at my auction and I do not remember of what it consisted of', although he could say that the items were collected when he was serving in the mounted police east of Derby.[47] After failing to sell them at auction, Ord decided to gift them to the British Museum.

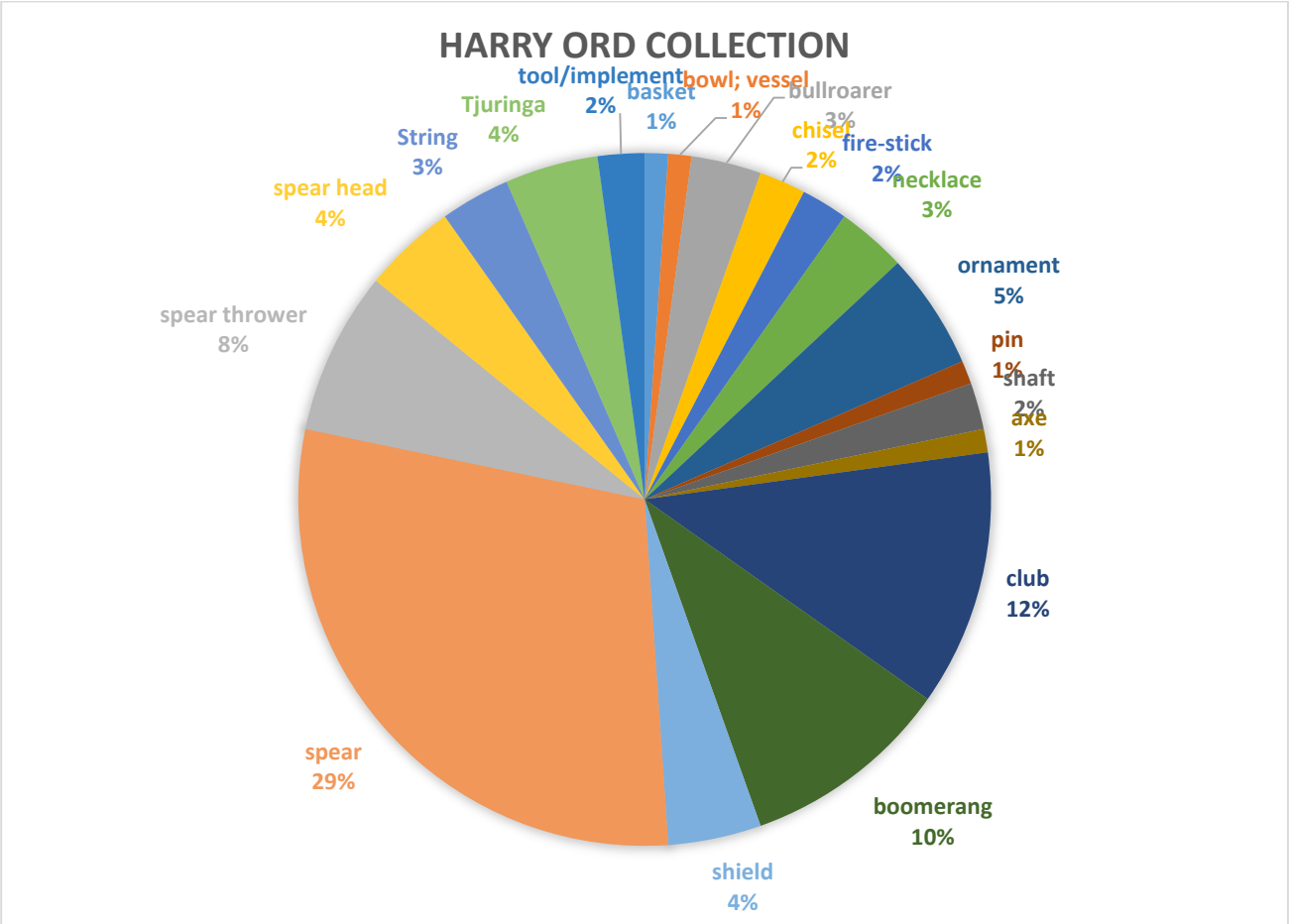

Figure 18. Percentage breakdown of the object types in the Harry Ord Collection donated to the British Museum in 1899. Total of 92 Objects. (Source: British Museum, "Explore the

Collection," https://www.britishmuseum.org/collection/)

Like the Forrest collection acquired by the National Museum of Victoria, over half the Ord collection consists of weapons (sixty-four percent), while spears (or spear heads) make up a around a third of the collection. The consistency across each of the police collections, is the acquisition of large numbers of weapons and particularly spears. Ord did not shy away from his collection being associated with violence. He wrote to the British Museum: 'I had been stationed in the Far Nor [sic] West on the arduous and unpleasant duty of arresting or dispersing the blacks out back from Derby who were responsible for a number of murders of whites who were opening out new country.'[48] Indeed, there is evidence that items may have been acquired in the aftermath of 'dispersals' — the common euphemism used to downplay punitive actions often resulting in the indiscriminate killing of Indigenous Australians. For we find Ord assured the museum of the authenticity of his collection by stressing that over half of it comprised 'genuine native weapons of the day taken by the police from native camps'.[49]

The civilian collections we have examined differ from those of police in that they contain a wider range of object types and fewer weapons. Frank Gillen's collection, for example, is twenty-eight percent weapons, with spears only making up ten percent – the same percentage as ceremonial headbands in the collection. Sixteen percent of Emile Clement's collection are weapons and there are no spears. And only one percent of Henry James Hiller's collection are spears.

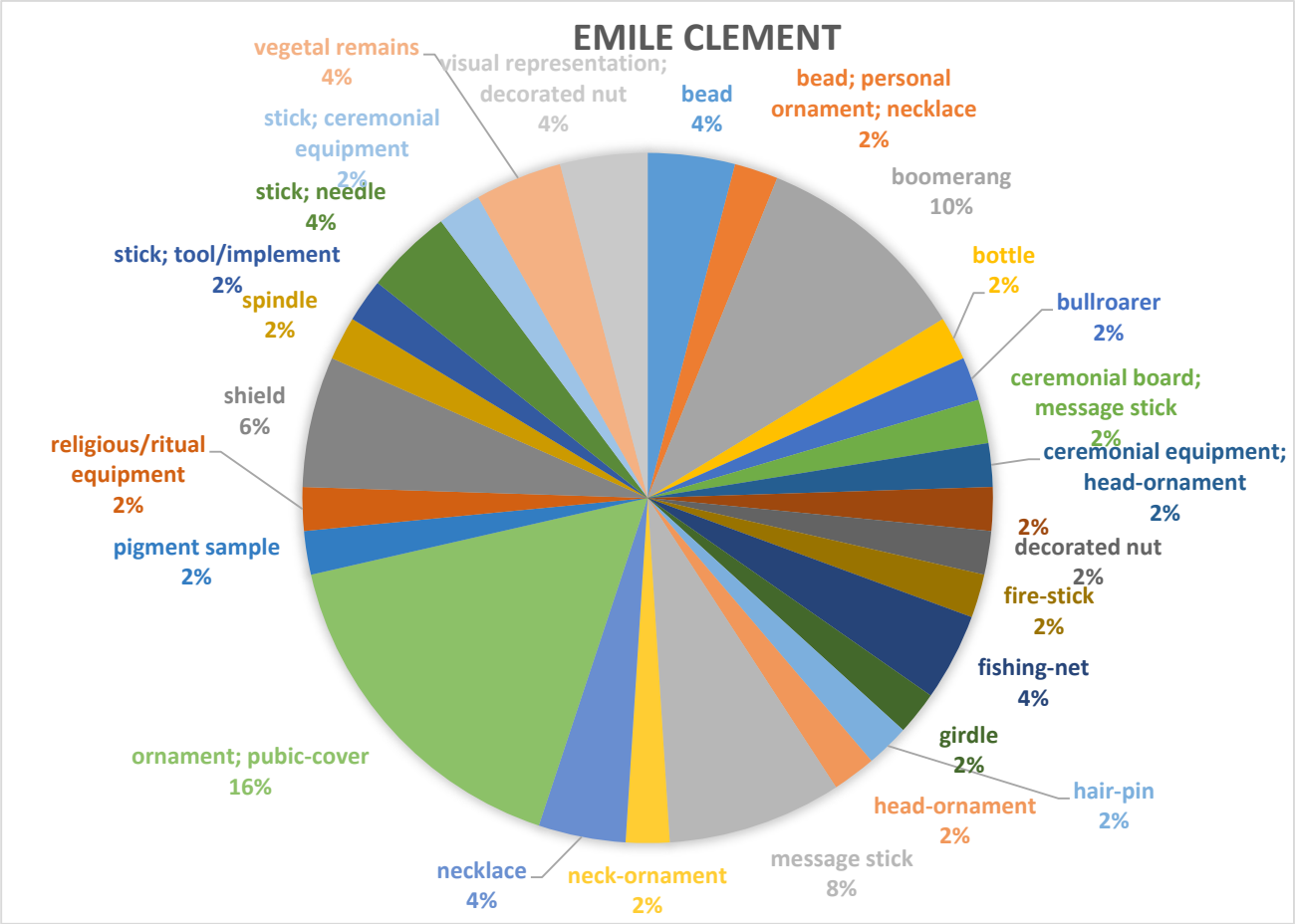

Figure 19. Percentage breakdown of the object types in the Emile Clement Collection sold to the British Museum 1896 and 1898 from Western Australia. Total of 49 Objects. (Source: British Museum, "Explore the Collection," https://www.britishmuseum.org/collection/)

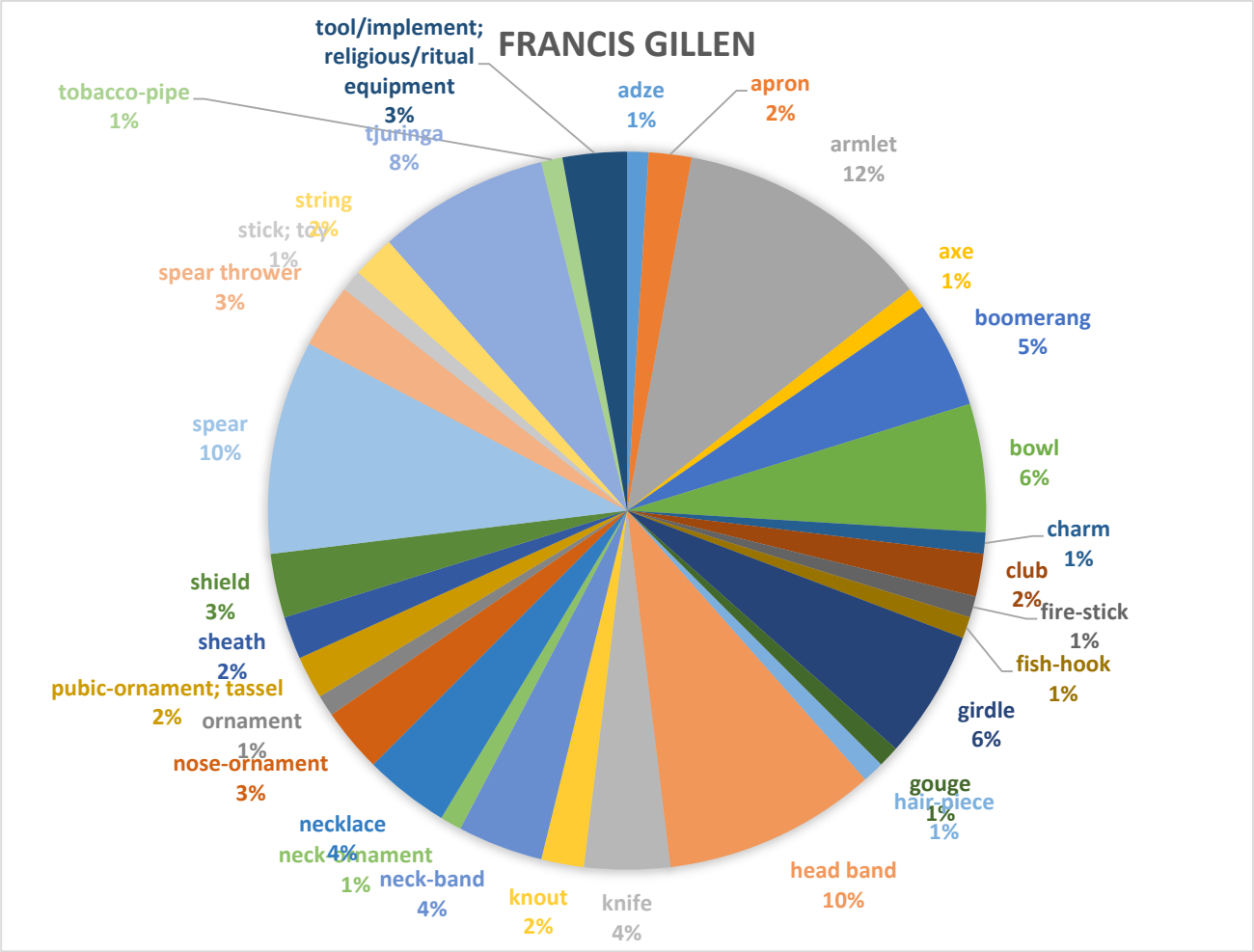

Figure 20. Percentage breakdown of the object types in the Francis and Gillen collection sold to the British Museum in 1903 from Central Australia (Alice Springs). Total of 104 Objects. (Source: British Museum, "Explore the Collection," https://www.britishmuseum.org/collection/)

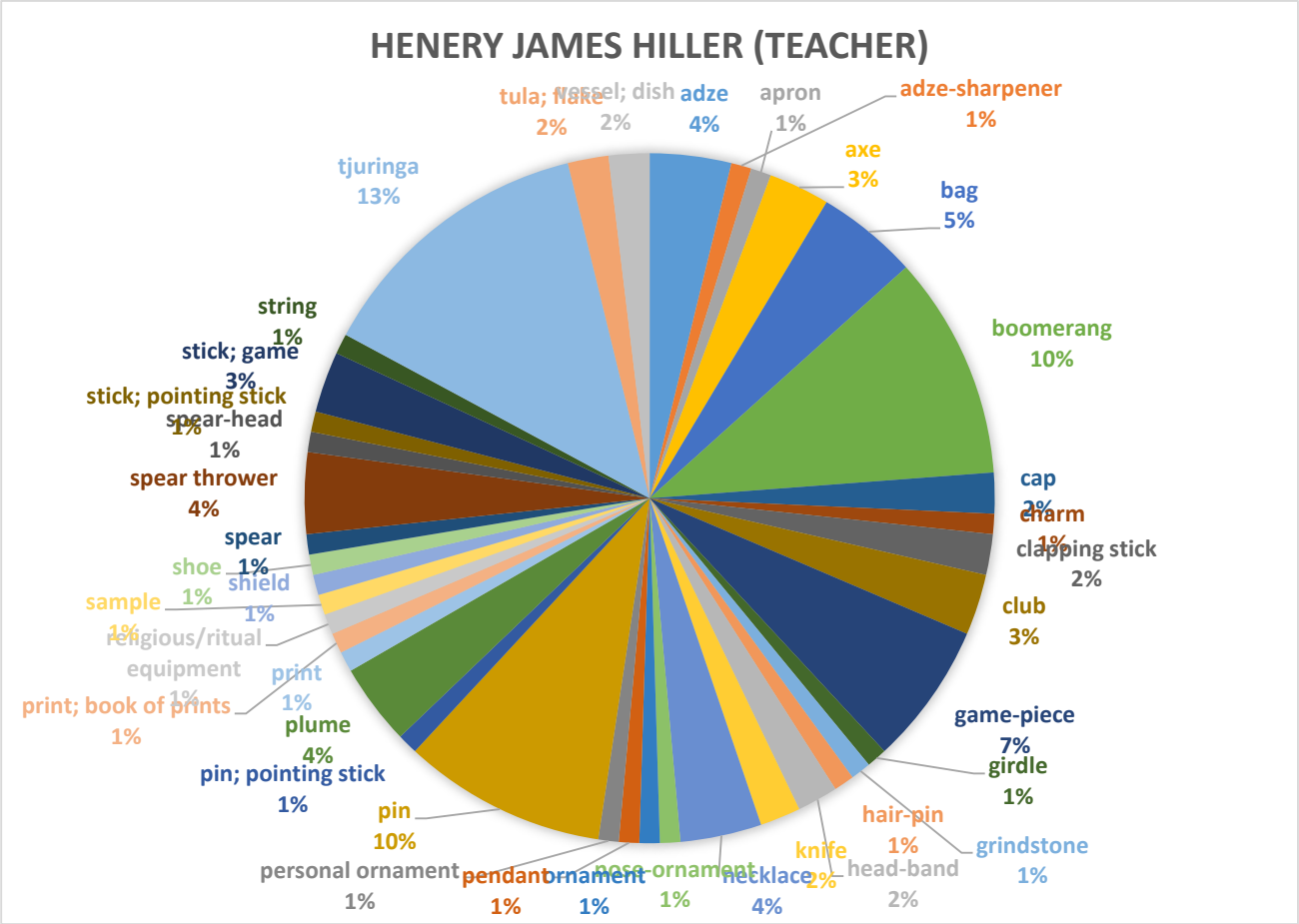

Figure 21. Percentage breakdown of the object types in the Henery James Hiller collection sold to the British Museum in 1908 from the Hermannsburg Mission in Central Australia. Total of 105 Objects. (Source: British Museum, "Explore the Collection," https://www.britishmuseum.org/collection/)

Although police took an interest in various aspects of Indigenous Australian life-ways and culture, and collected clothing, string bags and other items, the vast majority of items were classified as weapons and particularly spears. This preponderance of weapons cannot be a coincidence and must reflect the seizure of Indigenous property as part of the routine practices of policing. In doing so, the overwhelming quantity of these categories of objects point to

collecting occurring as part of disarming the natives in the course of dispossessing Indigenous Australians of their ancestral lands.

Collectors of Ancestral Remains

In addition to actively collecting Indigenous belongings, police took Ancestral bodily remains at the request of museums. Notably in the years between 1890 - 1920, newspaper reportage of the discovery of Ancestral Remains was common.[50] Many of these reports concern disturbances of multiple burials in which police were involved, and on numerous occasions with the approval of coronial authorities oversaw the removal of remains to state museums.

Museum curators monitored news of discoveries, often contacting police to secure remains. For example, curator Richard Henry Walcott, when acting as Director of the National Museum of Victoria wrote in February 1907 to the Dimboola Police Station, 'Referring to the Statement in the "age" of this morning that four skeletons of Aboriginals had been discovered at Dimboola.' He sought 'the favour of your help in seeing that the bones… be sent to us as soon as available'.[51] Similarly, Walcott wrote to the Camperdown coroner on 1 August 1907, writing 'the "Argus" of this morning has the paragraph "human Skeleton Found. Camperdown"' and requested his help in acquiring the remains from the police, writing 'in similar, former cases, the Coroner's order to the local police has materially helped to enrich the anthropological section of the institution'.[52] Indeed, there were occasional rivalries between museums. As one would-be collector in South Australia informed Baldwin Spencer, 'the police will not allow anyone to remove any native bones because the Adelaide Museum people want all they can get'.[53]

Senior police and museum personnel were conscious, however, that they risked public censure in removing remains from burial places. As one supplier to the Queensland Museum in the early 1880s observed, 'you must admit it is not a very nice thing to go digging up dead bodies (in fact body snatching)'.[54] In 1898, Edward Stirling thought to consult police commissioner Madley as to whether he had any objection to naming Paul Foelsche 'as a donor in many cases of native skulls', being concerned that 'there might be those who, on sentimental or other grounds, would say that members of the Force should not thus occupy themselves'.[55] Madley was agreeable to Foelsche being named so long as it was made clear that he had collected in his own time 'as a civilian'.[56]

Baldwin Spencer was similarly conscious of the importance of gaining the authoritative support of the Victorian Chief Commissioner of Police. He wrote to Chief Commissioner, Thomas O'Callaghan, stressing the importance of requests to collect coming via the Commissioner's office: 'The letter would, if it [sic] submitted, take greater weight, if sent through you. The favour of your valuable assistance in this matter would be highly esteemed'.[57] O'Callaghan, responded on 24 July 1902: 'I beg to inform you that a copy of your communication has been circulated amongst the Officers in charge of the various Police districts as desired'.[58] This influenced police on multiple occasions. Mounted Constable Stanley Ellis, for example, was stationed at Strathmerton Police Station. Multiple remains were found at a sawmill in Yalca North in June and July 1907. Ellis initially reburied the remains, writing in his report 'Having disposed of remains previously as per instructions from my officers, I dealt with this case in a similar way I had them buried in a certain spot away from where they would in future be disturbed'.[59] After curator Richard Walcott contacted him, Ellis proved to be an enthusiastic amateur archaeologist, informing him, 'I will go to the spot at Yarroweyah, where I buried the skeleton, or rather the head and a few bones, and I will

try and get some more specimens'.[60] He also proposed excavating 'certain sandhills' believing that 'many interesting relics might be found'. Even so, Ellis took care to ask for 'some authority signed by you, so that my purpose cannot be mistaken'.[61]

The legality of collecting Aboriginal property

Scholarship on ethnographic and anthropological collecting in nineteenth and early twentieth-century has often assumed that the practice of collecting by authority figures, such as the police was considered lawful by the ethics of the time.[62] Consequently, there are few studies into the lawfulness of such collecting. Instead, the focus of much of the research into collecting has focused on the role of discourses of race, extinction narratives and protective paternalism, as driving the collecting practices of museums and the network of collectors supporting the museums.[63] Nevertheless, questions about the lawfulness of police collecting is a potentially fruitful area of research that categorially examines how collecting fitted within—or outside—the legal and moral frameworks of the time.

One of the few attempts to examine the legality of police collecting in colonial Australia, is that of Knapman. He notes that 'from 1835 onwards, colonial governments recognized Aboriginal people as subjects of the colonial state, thereby theoretically granting them equal legal protection as colonial settlers'.[64] This recognition was limited by colonial authorities to acknowledge Aboriginal rights to movable items (property) as opposed to land ownership (real property). Sacred objects, weapons, baskets, pitchers, tools, and clothing were all considered movable property and therefore should have been protected as private property under British law.[65] Even with such protections on paper, authorities still held the authority to appropriate or take custody of a subject's movable goods in defined situations. These

powers—rooted either in the common law or granted by statute—sat at the core of the British rights framework. In both domains, seizure was governed by prescribed procedures that required the supervision or sanction of Justices of the Peace or Magistrates. How the police applied these rights to Aboriginal people has not been examined.

Feudal concepts shaped the Crown's long-standing ability to claim certain kinds of property. In *The Institute of the Laws of England* (1720), Thomas Wood lists eight circumstances permitting such takings, with the goods of felons the most typical case.[66] Crucially, Crown officials could act only on the basis of a court record; likewise, officers could claim a fugitive's goods only once the courts had formally recorded the flight.[67] By the late nineteenth century, these fundamentals still held. In his 1888, *An Essay on Possession in the Common Law,* Barrister R. S. Wright, emphasized that 'possession remains in the owner of the things,' who could sue anyone who took them unlawfully including the Crown.[68] In practice, items taken by police were to be lodged with the court, entered on the record, and then dealt with at the Crown's direction.

As Knapman observes, throughout the nineteenth century, Australian colonies paired their inherited medieval common law with new statutes that spelled out police powers in detail.[69] In New South Wales, the Robbers and Housebreakers Act 1830 authorised constables who had 'reasonable cause for suspecting' a person of robbery or housebreaking to take 'arms or instruments of a violent nature' along with any goods and chattels believed to be stolen, with the seized items to be brought before a Justice of the Peace for scrutiny and further proceedings.[70] After the Port Phillip District became Victoria in 1851, the Town and Country Police Act 1854 likewise permitted officers to confiscate 'articles which shall have been

unlawfully taken.' [71] In both jurisdictions, the practice was to lodge seized property with a magistrate, preserving the common-law norm of court supervision.

The procedures of regulating the seizure of property through the courts are evident in the following extract from the diaries of William Thomas. Thomas documented the seizure of Aboriginal property and the application of British law to subjects deemed distinct from other British subjects. As a Justice of the Peace and Protector of Aborigines in Port Phillip district (later the colony of Victoria), Thomas was under the supervision of George Augustus Robinson, the Chief Protector of Aborigines. Thomas's diary provides insights into the approach of police and Justice of the Peace in seizing Aboriginal weapons. For instance, on 7 October 1839, Thomas intended to seize guns from Aboriginal individuals.:

> 'I counted the Guns in their possession, which was 26. As an order from His Excellency was to the purport to seize all Arms in their possession, I sent to the Chief Constable information of the same. The Chief Constable sends word he must not act without Police Magistrates orders'[72]

Thomas noted in his diary, that if he had to wait for the Police Magistrate 'what use is my [being a] JP' [sic].[73]

The Chief Constable, Captain William Lonsdale, clearly felt uneasy about allowing a Justice of the Peace to seize firearms. Despite Lonsdale's advice, Thomas chose to act on his own. However, his diary records Aboriginal resistance to the taking of their property:

> 'I told the Blks that in consequence of Blks Killing White men at Mt Macedon & other places that Governor send all White Gentleman to prison who gave Blk fellows Guns & take all Blks Guns, & that they had better give me their guns than have them taken by the Police, & I would send them to Police Office & they get money for them, No

> No No one & another cried by & bye Big one hungry me, A Black would I think as soon part with his Child as his Gun [sic].'[74]

Faced with this resistance Thomas chose to wait for the Police Magistrate to decide what should be done. Nevertheless, the question of who had the authority to seize guns from Aboriginal people was passed up the line to Charles Latrobe, the Superintendent of Port Phillip (later Lieutenant-Governor). Latrobe appears to have avoided providing any meaningful directive to Thomas, who recorded in his diary 'His Honr the Superintendent touching the Blks who stated he should be happy to do any thing that lay in his power to further the desir'd object of Civilization' [sic]. After getting no useful directives from Latrobe or Lonsdale, Thomas appears to have asked Robinson, as Chief Protector to determine a procedure. Robinson and Thomas decide to make a record of the seizures – which corresponded to common law and with a decision to make a record to taking the gun and from which Aboriginal person they belonged too, with Thomas recording: 'Wait on Chief Protr stating results of my interview with Captn Lonsdale & His Honor, return to the Encampt & make out per Chief Protr Orders names of those that had fire Arms & from whom rec'd them (vide Officials) [sic]'.[75]

Despite the rapid development of policy and the procedure itself, Thomas' account suggests that the confiscation of Aboriginal guns was an adaptation of common law procedures. The Protectors decided to record all confiscations, which not only documented Aboriginal property but also provided information on the recipients of the guns, who could then be prosecuted.

Yet the case also demonstrated how Aboriginal people existed in an in-between legal order, in which police and Protectors felt they could make up procedures as they chose.[76] On another

occasion, Thomas recorded his anger at this in-between status after he seized a 'large pistol' from a white man who was giving it to an Aboriginal man:

> 'Captn Lonsdale who refuses constabulary aid. I do think I might be killd & my Blks too & one Magistrate after another would not interfere saying it was an Aboriginal affair, this is the 3rd time I have been refused. Are we her Majestys Subjects or are we not, I am order'd officially & otherwise to take all fire arms & apprehend all Whites who give them' [sic].[77]

Western Australia followed with a Police Act in 1861 and South Australia in 1863.[78] These measures empowered officers to search persons deemed 'idle and disorderly, a rogue and vagabond, or an incorrigible rogue', and to seize their effects.[79] The law also allowed the sale of confiscated items to defray the costs of arrest and confinement, but only under the oversight of a Justice of the Peace or the courts. In both Western Australia and South Australia, acts were legislation governing Aboriginal people.[80] But none of these acts mentioned how property was to be seized.

As has previously been argued, under both common law and legislative powers, individual officers were strictly prohibited from taking objects for personal possession.[81] While seized property could be made public to help cover police costs, the laws do not stipulate that property could be commandeered for personal use. Western and South Australia enacted specific acts regarding Aboriginal persons, though these did not address movable property or grant police any authority to seize it. Both legislative and common law reflected a vision of settled urban communities, with a distinct separation between police, justices of the peace and criminal courts. However, on many frontier territories, these roles blurred, creating ambiguity around authority. Justices of the peace were often the same settlers who had demanded police

act against Aboriginal people, therefore were unlikely to be concerned about the plight of Aboriginal property, particularly if that property was a spear used in cattle killing.

The 'right' of police to dispose of items seized is also a fruitful area to consider. Under the common law and legislative acts, what was acquired, through confiscation, should have been the property of the crown, not a private resource of the respective police officer. In the case of Foelsche, we know that he was paid multiple times for collections of 'native weapons' receiving at least two payments £20 for two different collections.[82] Anecdotally, many more payments from museums were made to Foelsche. In the 1890s, the monthly salary of a Mounted Constable was between £7 and £11.[83] An inspector was paid between £15 and £32 a month depending on their level.[84] Therefore £20 represented close to a month's salary for Foelsche and therefore a considerable addition to his salary as a police inspector. Similarly, Besley's widow sold her husband's collection for £25 to the National Museum of Victoria.[85] Thomas Forrest was paid £100 for his collection, which he forwarded to the Commissioner of Police to pay individual officers. And finally, Harry Ord, sent his collection to the British Museum after it did not sell at auction. Therefore, despite many of these objects (particularly weapons) being Crown seizures, each of these police collections only entered public collections because the individual police officers or their next of kin decided to sell the collections to government owned museums.

As public servants, police were not empowered to profit from their positions beyond their sanctioned salary, with any extra payments constituting potential corruption. In the case of the Forrest Collection, the payments to individual police officers were authorised by the West Australian Chief Commissioner. However, receiving payment for selling collections of

Aboriginal material did lead to complaints. Mounted Constable Robert Stott regularly sent 'native collections' to Edward Stirling.[86] He did this 'in the interests of science', yet he also complained to Stirling that 'two Law living men' who 'belonging to the class of men who are continually at war against the police' had 'reported me to the Commissioner of Police [and] made a series of false charges against me among them was desecration of natives graves and 'selling the bones' which is absolutely false the only money which I have ever received for various collections I have made during my 26 years in the NT police service is the £5 sent by you' (which would have been just under a month's salary).[87] In this instance, Stott was referring to white Darwin solicitors, not Aboriginal 'law men', who were making broader claims against Stott's behaviour. Stott clearly believed the £5 was not tantamount to receiving payment, despite it being commensurable to three weeks of his wages. It is unclear if Stott faced any consequences beyond having to explain his collecting and selling of objects and Ancestors (Remains) to the Chief Commissioner. Yet what the case demonstrates is that there was criticism at the time of police actions in the selling of Aboriginal Ancestors (Remains) and property to museums.

Discussion and implications

A broad body of literature and action has developed on repatriation and restitution as a response to historical injustice. In the case of Ancestral Remains, the fact Ancestors were taken unlawfully has been the deciding factor in some repatriation requests.[88] In the case of military loot such as the Benin Bronzes, continuous lobbying by the Nigerian government and scholars as well as best-selling publications such as Dan Hicks's *Brutish Museums* and others created a community accepted political environment in which German museums and some North American museums finally supported the repatriation of some of these objects to Nigeria.[89]

As this article has demonstrated, substantial collections of Aboriginal material culture entered museums directly from the activities of police officers. These police collected Aboriginal weapons and other belongings whilst carrying out their responsibilities on the frontier in disarming and 'dispersing' (killing) the Aboriginal population to enable colonial settlement. Such action could be considered tantamount to confiscation more than collecting. As the graphs illustrate, these 'police collections' are also distinct from collections made by missionaries and other government agents.

The practices of the police in seizing Aboriginal property occurred despite the fact that Aboriginal people possessed rights of ownership, enjoyment and protection of their property under both First Nations' Law and British law as subjects of the British Crown. Adjudicating the legality of police collecting is not just a question of the existence of explicit regulations or of more general rules governing conduct in office. Rather, it is bound up in complex questions concerning the nature of First Nations sovereignty on the one hand and subjecthood as a matter of law in local, imperial and international frames on the other. These legal questions need also to be understood in the context of intergenerational legacies of dispossession and how that dispossession can be addressed by current and future generations.

In receiving the collections explored in this article, museums were knowing beneficiaries of colonial dispossession. They were improper seizures of property in contexts of violence. When payments were made, this created incentives for further acts of Indigenous dispossession. Consequently, modern day recognition of the unlawfulness or impropriety of police collecting in the nineteenth century — and its link to frontier violence — puts at the very least the moral onus on museums to work with First Nations peoples to recontextualise

and represent these collections in ways that openly acknowledge this history. There are many ways this could occur. An easy initial first step would be to inform museum visitors that Aboriginal material culture was acquired through police agency — a small but significant gesture towards truth-telling about colonial violence and its legacies today. Recontextualization of collections can also address the epistemic violence of colonialism by initiatives such as changing the labelling of objects (which are currently listed as weapons), to reflect the true multi-use nature of these tools.[90]

More substantially, recognition and research of police collecting history has the potential to contribute to contemporary social justice initiatives, by creating resources that contribute to truth-telling, treaty, repatriation, and police reform advocacy. Indeed, by telling the history of police collecting through its collections, museums with origins in colonial times have the opportunity to contribute to necessary changes in the culture of policing and law enforcement — a culture that continues to have a devastating impact on Indigenous Australians.

Conclusions

This article has shown that in the Australian colonial context, police collecting was not an unregulated, sporadic or opportunistic aspect of frontier subjugation. Across jurisdictions, police officers, often with the explicit encouragement of commissioners, curators, and trustees, played a primary role in supplying Indigenous cultural heritage materials to museums. The significant presence of what were easily yet inaccurately construed as 'weapons', particularly spears, is less a reflection of contemporary ethnography than the nature of frontier policing. Traces of the conceptual vocabulary of frontier policing – 'disarmament', 'seizure', and 'dispersal' within documents in museum and government archives speak to the entanglement of knowledge-making and the routine operations of

colonial power —surveillance, confiscation, and punitive expeditions — in the history of Australian settler colonialism

Placing these practices within the contemporary legal frameworks of the nineteenth century complicates the common assumption that such collecting was unproblematic by the standards of the day. British-derived law recognised Aboriginal people as subjects with rights in movable property, seizure powers (whether under common law or statute), and therefore should have been regulated by procedural oversight through courts and magistrates. However, the historical record suggests that frontier realities frequently blurred these safeguards, enabling chains of custody in which items taken under colour of law were monetised or gifted at the discretion of individual officers.

The implications for museums are clear. However, this study invites the exploration of avenues of historical inquiry extending well beyond museum walls. Systematic mapping of police-sourced accessions across Australian and overseas institutions, as well as closer scrutiny of police and protector records to understand the legal thinking behind seizure of Aboriginal property, has clear implications for truth-telling and treaty processes. Critically assessing collections by police and other agents of the colonial state — how they were made, by whom, and at what cost — are resources with not only the potential to understand and redress the past, but to beneficially recalibrate relations between cultural institutions and First Nations people in the light of their aspirations to achieve recognition of their ancient and abiding sovereignty.

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[1] In the preparation of this article, the Generative AI tool ChatGPT was used for copyediting suggestions.

[2] Nettelbeck and Foster, *In the Name of the Law*, 2007; Richards, *Secret War*, 2008; Owen, "Every Mother's Son," 2016; Marr, *Killing for Country*, 2023; Coates and Yu, "Rough Justice," 2021; Turnbull, *Science, Museums and Collecting*, 2017; Fforde and Oscar, "Australian Aborigine Skulls," 2020; Knapman, "Looting on the Frontier," 2024.

[3] Coates and Yu, "Rough Justice," in *Ancestors, Artefacts, Empire*, 2021; Turnbull, *Science, Museums and Collecting*, 2017; Fforde and Oscar, "Australian Aborigine Skulls," in *Routledge Companion to Indigenous Repatriation*, 2020; Knapman, "Looting on the Frontier," *Australian Studies Journal*, 2024.

[4] Morphy, *Museums, Infinity and the Culture*, 2020; Peterson et al., *Makers and Making*, 2008; Vrdoljak, *International Law, Museums and the Return*, 2006; Herman, *Restitution*, 2021; Jenkins, *Keeping Their Marbles*, 2018; Jacobs, *Plunder*, 2024.

[5] Waterhouse, J. G. "Report on the present requirements of the Museum February 1879" GRG19/168/4, Reports by the Museum Curator 1878-1880. South Australian Records. Adelaide. Australia.; *Report of the Trustees of the Public Library, Museums and National Gallery of Victoria*, 1890–1897, 26.

[6] Forrest and Besley collection information is based on *Report of the Trustees of the Public Library, Museums and National Gallery of Victoria*, 1890–1897; Coates, "Social Construction of the John Forrest Collection," 1989.

[7] On Frank Gillen's research with Walter Baldwin Spencer, see Spencer and Gillen, *Journey through Central Australia*, https://spencerandgillen.net/spencerandgillen (accessed October 15, 2025).

[8] British Museum, "Explore the Collection," https://www.britishmuseum.org/collection/ (accessed October 14, 2025).

[9] Carter, "Mul-kur Nartin," 2016 talk, Art Gallery of New South Wales, cited in Bardot, *Mapping Dja Dja Wurrung Objects*, 2022, 104.

[10] Russell, *Savage Imaginings*, 2001, 44.

[11] "The Queensland Museum," *Brisbane Courier*, August 28, 1869, 6.

[12] Russell, *Savage Imaginings*, 44.

[13] Thomas, *Entangled Objects*, 18-19, Russell, *Savage Imaginings.*

[14] Peterson et al., *Makers and Making of Indigenous Australian Museum Collections*, 16.

[15] Ibid. p.17; Torrence & Clark, "Suitable for Decoration of Halls and Billiard Rooms", 40.

[16] Jones, *Ochre and Rust.*

[17] Philip Jones, "'A Box of Native Things': Ethnographic Collectors and the South Australian Museum, 1830s–1930s," PhD diss., University of Adelaide, 1996, 201.

[18] Foelsche, "Letter to Robert Kay, Secretary, SA Museum and Library Board, 24 September 1889," GRG 19/24/1889–1891, SRSA.

[19] *Report of the Board of Governors of the Public Library, Museum and Art Gallery of South Australia, 1889–90,* 14.

[20] Jones, "A Box of Native Things," 199.

[21] Gason to Stirling, August 1890, Stirling Papers, AA309/257, Anthropology Archives, South Australian Museum (hereafter AASAM), as cited in Jones, "A Box of Native Things," 200.

[22] Gason, *The Dieyerie Tribe of Australian Aborigines*, 1874.

[23] Dittmer to Stirling, 1 June 1896, AA298 Acc. I 84, no. 110, AASAM, as cited Jones, *A Box of Native Things*, p. 201.

[24] "The Late Inspector Besley," *Border Watch*, 12 May 1894.

[25] Jones, "A Box of Native Things," 199.

[26] Stirling, "Letter to Robert Kay, 12 June 1890." AA298, Acc.184, no.63. Anthropology Archives, South Australian Museum, Adelaide.

[27] Stirling to Kay, 12 June 1890, AA298/159/14, Anthropology Archives, South Australian Museum, as cited in Jones, "A Box of Native Things," 199.

[28] "Measures of Worth, Inflation Rates, Saving Calculator, Relative Value, Worth of a Dollar, Worth of a Pound, Purchasing Power, Gold Prices, GDP, History of Wages, Average Wage," https://www.measuringworth.com/datasets/auswages/result.php#

[29] Waterhouse, "Report on the Present Requirements of the Museum February 1879."
[30] Austin, *Simply the Survival of the Fittest: Aboriginal Administration in South Australia's Northern Territory, 1863–1910*, 15.

[31] Foelsche, "Letter to Police Commissioner Lewis," n.d., John Lewis Papers, PRG 247/1878, SRSA.

[32] Foelsche, "Letter to Robert Kay", 24 September 1889, GRG 19 Series 24A 1889 - 91, SRSA.

[33] Zeitz, "1890 Minutes of the Museum Committee."

[34] Zeitz, "Proposal to South Australian Museum Board, 3 July 1901."

[35] Dunham, "The British India Holdings of the State Library of Victoria," 81; Coates, "The Social Construction of the John Forrest Australian Aboriginal Ethnographic Collection," 5.

[36] See Knapman, "Looting on the Frontier."

[37] *National Museum Victoria Letter Book*, vol. 16, 24. As we have seen Sterling used the police as collectors and sent out circulars as early as 1890. But other state museums were also using the police to build their collections. On 6 December 1900, the Curator and secretary of the Western Australian Museum wrote to the commissioner of police in Western Australia, 'to request you to give any assistance in your power to enable them to complete the collection of native weapons, implements etc'. See Alistair Paterson 'Carceral Collections' in Alistair

Paterson, Andrea Witcomb, Gaye Sculthorpe, Tiffany Shellam and Baige Zylstra (eds) *Collecting the West: Revealing Western Australia through Its Collection.* Perth: University of West Australia Press, 2025. 175

[38] Gibson, *Repatriation of Indigenous Cultural Heritage*, 40; Mulvaney and Calaby, "So Much that Is New," 128; Knapman, "Looting on the Frontier."

[39] Public Library, Gallery and Museum Trustees, *Minute 30 July 1889*, 209; Coates, "The Social Construction of the John Forrest Australian Aboriginal Ethnographic Collection."
[40] Public Library, "Letter to John Forrest, Commissioner of Crown Lands, from Public Library Melbourne, 10 May 1890."

[41] *Report of the Trustees of the Public Library, Museums and National Gallery of Victoria, 1890–1897, 1; "Ethnographic Stock Book,"* vol. 1, 1, Museums Victoria, Melbourne.

[42] ""The Late Inspector Besley," *Border Watch*, 12 May 1894.

[43] Vallee, *God, Guns and Government on the Central Australian Frontier*, 150–51.

[44] Knapman, "Looting on the Frontier."

[45] Turnbull, *Science*, 294–95.

[46] Knapman, "Looting on the Frontier", 91–111.

[47] Craven Harry Ord. "C. H. Ord to Charles Reed, 6 October 1899." *M & LA In Letters, 1899–1902 N–Pe Box.* Anthropology Library, British Museum, London.; see also Knapman, "Looting on the Frontier." 99.

[48] Ibid.

[49] Ibid.

[50] There are no fewer than 320 newspaper accounts of discoveries of Ancestral bodily remains. See Knapman, Turnbull, and Forde, "Provenance Research and Historical Sources

for Understanding Nineteenth-Century Scientific Interest in Indigenous Human Remains: The Scholarly Journals and Popular Science Media," 570.

[51] Walcott, "R. Henry Walcott to the Officer in Charge, Police Station Dimboola, 14 February 1907", *Directors' Correspondence: Police Correspondence, 1900–1931.* MS 2876. Museums Victoria, Melbourne.

[52] Walcott, "R. Henry Walcott to the Coroner, Camperdown, 1 August 1907." *Directors' Correspondence: Police Correspondence, 1900–1931.* MS 2876. Museums Victoria, Melbourne.

[53] McMahon, "Letter to Director, 10 February 1912," Correspondence, 1903–1930, Ethnohistorical Department, Museum Victoria.

[54] Birkbeck, "Letter to Haswell, 18 October 1880," Correspondence – Inward, Queensland Museum Archives, Brisbane.

[55] Stirling, "Letter to Madley, Commissioner of Police, 6 August 1898."

[56] Madley to Stirling, 10 August 1898, GRG 19/4/1890–1898, SRSA.

[57] Baldwin Spencer to Thomas O'Callaghan, 12 July 1902, *National Museum Victoria Letter Book*, vol. 16, 24. A typed copy is also listed in Museum Victoria Directors' correspondence file "Victoria Police File 2876," worded slightly differently: "The letter would, it is suggested, have greater weight if sent through you."

[58] O'Callaghan, "T. O'Callaghan to Professor Baldwin Spencer, 24 July 1902."

[59] Ellis, "Letter from S. T. Ellis MC to the Director, National Museum, Melbourne, 23 July 1907."

[60]Ibid., 29 July 1907."

[61] Ibid., 23 July 1907."

[62] Vrdoljak, *International Law, Museums and the Return of Cultural Objects*, 67; Sandholtz, *Prohibiting Plunder: How Norms Change*; Jenkins, *Keeping Their Marbles: How the Treasures of the Past Ended Up in Museums… and Why They Should Stay There*; Morphy, *Museums, Infinity and the Culture of Protocols*; Peterson et al., *The Makers and Making of Indigenous Australian Museum Collections*.

[63] Morphy, *Museums*; Peterson et al., *The Makers*; Wolfe, *Settler Colonialism and the Transformation of Anthropology*; Message, *Museums and Racism*.

[64] Knapman, "Looting on the Frontier," 95; drawn from Pope, *One Law for All?*

[65] Knapman, "Looting," 96.

[66] Wood, *The Institute of the Laws of England; or, The Laws of England in Their Natural Order.*

[67] Ibid.

[68] Pollock and Wright, *An Essay on Possession in the Common Law*, 202–3.

[69] Knapman, "Looting on the Frontier", 97.

[70] "Robbers and Housebreakers Act 1830", 223-4.

[71] "Town and Country Police Act", 63.

[72] Stephens (ed.), *The Journal of William Thomas, Assistant Protector of the Aborigines of Port Phillip and Guardian of the Aborigines of Victoria 1839–1867*, vol. 1, 1839 to 1843, 60.

[73] ibid.

[74] Ibid.

[75] Ibid.

[76]The idea that Aboriginal people became the focus of a special type of subjecthood has been the focus of Lisa Ford. *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836.* (Cambridge, Mass.: Harvard University Press, 2010); and more recently, Amanda Nettelbeck. *Indigenous rights and colonial subjecthood : protection and reform in the nineteenth-century British empire* Cambridge: Cambridge University Press, 2019); Ann Hunter, *A different kind of "subject" : colonial law in Aboriginal-European relations in nineteenth century Western Australia 1829-61*. North Melbourne: Australian Scholarly Pub, 2020. See also Gareth Knapman, *Sovereignty and land tenure in British Colonial Asia and Australia*. [Doctoral thesis, ANU College of Asia & the Pacific]. Australian National University, 2025.

[77] Stephens, The Journal of William Thomas, vol. 1, 1839 to 1843, 73.

[78] *Police Act, No. 10 of 26 and 27, 1863. South Australia Numbered Acts. AustLII.* http://www.classic.austlii.edu.au/au/legis/sa/num_act/pa10o26a27v1863168/

[79] *Police Act, No. 10 of 26 and 27, 1863*; *Western Australian Legislation.* http://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_729_homepage.html..

[80] *Aboriginal Offenders Summary Trial of Amendment (1874)* (Western Australia); *Aboriginal Offenders Act, 1883* (Western Australia); *Aborigines Offences Act, No. 11, 1853* (South Australia).

[81] Knapman, "Looting on the Frontier," 97–98.

[82] J. Waterhouse, "Report on the Present Requirements of the Museum," February 1879, GRG 168/1878-1880, SRSA.

[83] Owen, *Every Mother's Son Is Guilty*, 159–60.

[84] "Civil Service Commission," *Maryborough Chronicle, Wide Bay and Burnett Advertiser*, October 22, 1888; "Civil Service Commission," *South Australian Register*, September 11, 1888.

[85] *Ethnographic Stock Book*, vol. 1, National Museum of Victoria, 1.

[86] R. Stott, “Mounted Constable R. Stott to E. C. Stirling, Director of South Australian Museum,” 30 October 1909. 'Special Lists 1906-17', 63-67, AASAM; cited Jones, “A Box of Native Things”, 204

[87] Ibid.

[88] Cressida Fforde, Paul Turnbull, Neil Carter, et al., “Missionaries and the Removal, Illegal Export, and Return of Ancestral Remains”; Cressida Fforde, Aranui, Knapman, et al., “Inhuman and Very Mischievous Traffic.”

[89] Dan Hicks, *The Brutish Museums: The Benin Bronzes, Colonial Violence and Cultural Restitution* (London: Pluto Press, 2021); Philip Oltermann, “Germany Returns 21 Benin Bronzes to Nigeria,” *The Guardian*, December 21, 2022, https://www.theguardian.com/world/2022/dec/20/germany-returns-21-benin-bronzes-to-nigeria-amid-frustration-at-britain?CMP=Share_iOSApp_Other (accessed October 14, 2025).

[90] For example, the Craven Henry Ord (Harry) collection in the British Museum uses the nineteenth-century labelling associated with weapons—spear, club, shield. Many Australian museums also use this labelling system, with the traditional name for the object buried deep inside the catalogue reference.