AJPH
AUSTRALIAN JOURNAL OF POLITICS AND HISTORY

Australian Journal of Politics and History: 2023.

Married to a 'British Subject'

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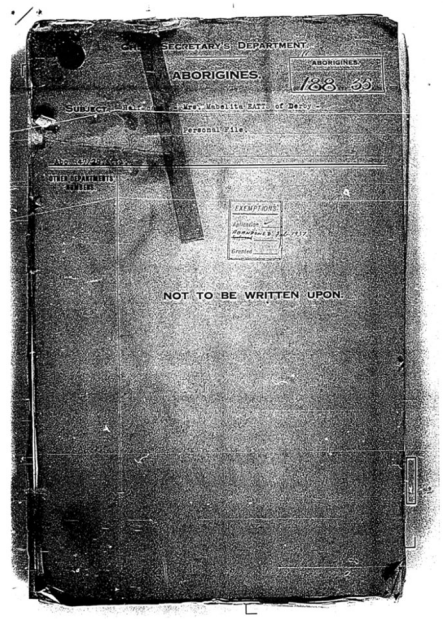
In the archives lie the stories of our past, stories that knowingly or unknowingly live in our present. For Aboriginal families, finding records can be a critical source of great healing, enhance and affirm identity, and provide families with new understandings of how things came to be. This essay affords agency to First Nations families looking to the archives for their stories, reading historical documents against the grain, and telling their stories their way. Through family memory, reflection, and archival research, it delivers the microhistory, rich in feeling, of one First Nations family, through the experiences of Mabel Ita Eatts (née Frederick), an ancestral matriarch, a Jaru woman, and the Great Grandmother of the author. Mabel was a member of the Stolen Generations and was later deeply influenced by exemption policy. Her story brings to life the struggles faced by Aboriginal 'half-caste' women living in Broome and Derby in the 1920s and 1930s, explicitly highlighting not only the invasive oppression expressed through this policy but, more importantly, how Mabel actively negotiated the system. This paper is a powerful example of how one Aboriginal family writes back to the colonising archive.



Chief Secretary's Department, Aborigines, Subject: Half-Caste - Mrs Mabel Ita Eatts of Derby, Personal file, 1935, SROWA.

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DOI:10.1111/ajph.12853.

On 13 May 1935, Jack Albert Eatts wrote a letter to the Chief Protector of Aborigines in Perth, Western Australia, asking if his wife, Mabel Ita Eatts, could be exempt from the provisions of the *Aborigines Act 1905*. Subsequently, between May 1935 and July 1936, over twenty letters, telegrams, and handwritten notes were exchanged between the Chief and Deputy Chief Protector of Aborigines in the state's capital city of Perth, four local Police Protectors in Derby, and three local Police Protectors in Broome, located over 2,000 kilometres north-east of the capital.

The Aborigines Department of Western Australia[1] opened and kept two personal files on Mabel. The first was opened in 1929, and the second, Mabel's Exemption file, was opened in 1935.[2] The first, marked "Police File No. 8249/29",[3] documenting Mabel's application to marry Jack Albert Eatts, was one of 102 personal files created that year by the Department in Western Australia. The second, Mabel's Exemption file, marked "188/35",[4] was one of 179 personal files created that year.[5] The documents in these two files are typical of the 1920s and 1930s, authored by 'white' men in positions of power. Of the forty or more correspondences held in both files, Mabel authored just one of them, and Jack authored four. Not one letter was ever addressed to Mabel.

Mabel Ita Eatts was my Great Grandmother. I am an adoptee; I never met her; she passed away before I contacted my birth family through Link Up[6] in 1998. Mabel and Jack raised six children, including my Grandmother, Roseleen May.[7] Rose and all her siblings, bar one, my Great Uncle Walter Eatts, have passed away now. A cousin located microfilm copies of Mabel's files in 1998 and distributed them to family members. I like to think that Mabel's files and my return to the family in the very same year are one of many signs that my participation in this research was Mabel's idea before it was mine. My Uncle has authored several books and poems about his life, reflecting upon his lived experiences as a child, as an adolescent, and as an adult.[8] With my Great Uncle's help, our family has spent more than twenty years familiarising ourselves with Mabel's files, reflecting on the lived experiences of Mabel and Jack and how their lives interconnect with all of ours.

Aboriginal families have experienced generational trauma through separation, segregation, physical, sexual, and psychological control, and violence since the British

[1] Referred to hereafter as 'the Department'.

[2] The specific location of family archival documents is not being disclosed out of respect for our family's personal and cultural connections to the material. Their location will be noted as the State Records Office of Western Australia (hereafter SROWA).

[3] *Aborigines Department Profile Card and file — Mabel Ita Frederick*, 1929, SROWA.

[4] *Chief Secretary's Department*, *Aborigines*, *Subject*: *Half-Caste — Mrs Mabel Ita Eatts of Derby*, *Personal file*, 1935, SROWA.

[5] Lauren Marsh and Steve Kinnane, "Ghost Files: The Missing Files of the Department of Indigenous Affairs Archives," *Journal of Studies in Western Australian History*, No 23 (January 2003), p. 123.

[6] Link-Up is an Australian Government funded service that supports Aboriginal or Torres Strait Islander peoples who are over 18 years of age who were removed from their biological family as children to locate and reunite with therm. Website link: *https://aiatsis.gov.au/family-history/you-start/link*.

[7] Also known by and referred to as Rose.

[8] Walter Eatts, *Somewhere Between Not White Not Black Not Wanted* (Western Australia: All in One Book Design, Optima Press, 2014); Walter Eatts, *Saddle for My Pillow* (Western Australia: All in One Book Design, 2021); Walter Eatts and Doolann-Leisha Eatts, *Australia Through Aboriginal Eyes* (Western Australia: All in One Book Design, Optima Press, 2018); Walter Eatts, Poems published in *Somewhere Between Not White Not Black Not Wanted*: "Somewhere Between," p. 4; "Camooweal," p. 43; "Stockman and his Dreams," p. 46; "A Drover's Dream," p. 52; "Min-Min Lights," p. 54; "My Brother, the Bushland, his Home," pp. 67–69; "1905 Act," p. 92; "Lost Tears," p. 97; "Life's Corridors," p. 99; "Mother's Land," p. 101; "What is Love," pp. 109–110; "I Had a Good Time," p. 111.

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invaded Australian shores in the eighteenth century.[9] To heal from this lived transgenerational trauma, we are finding our stories through our oral histories and within the archives. Māori scholar Linda Tuhiwai Smith has observed:

> Part of the exercise is about recovering our own stories of the past. This is inextricably bound to a recovery of our language and epistemological foundations.[10]

Emeritus Professor Judy Atkinson, a Jiman and Bundjalung woman with Anglo-Celtic and German heritage, has articulated culturally informed healing methods through storytelling and narrative therapies.[11] Atkinson argues that 'story' is the basis of all healing, and we have to return to the source of pain so generations can heal.[12] Atkinson says:

> Healing is an awakening to the unmet inner needs of the self, acknowledging the layered unexpressed pain of being unheard. Healing is the activity of working to have that pain recognised and heard, in reciprocal actions with others. These are fundamental cultural tools that have been part of Aboriginal ways of relating or being in the world for millennia.[13]

I write this essay as an insider, an Indigenous woman, and a descendent of Mabel through collaboration with my family. I am sharing our family's perspective, what we believe to be true. I am deeply inside this story and emotionally connected to it. How a family feels about their past matters too. I ask that you read this essay with an open heart. My family and I are researching our past, finding our truth in the present, and sharing our story with you. We want Mabel's spirit honoured and her story to be heard. Additionally, I ask you as the reader to consider: How might this story connect with yours?

My desire to be heard and my request that you as the reader engage with this essay with an open heart, and consider how your life may be connected to mine, is my attempt to address a legacy of segregation that exists today, between Aboriginal and Torres Strait Islander communities and the broader and now very multicultural, Australian population. Aboriginal issues, the modern term for what was once called "the Aboriginal Problem",[14] have historically been and continue to be viewed as separate from mainstream Australian affairs. Everyday Australians can find it difficult to understand how their lives relate to Australian First Nations families both historically

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[9] Anna Haebich, *Broken Circles*: *Fragmenting Indigenous Families*, *1800–2000* (Western Australia: Fremantle Press, 2000); Anna Haebich, *For Their Own Good*: *Aborigines and Government in the South West of Western Australia 1900–1940* (Western Australia: UWA Publishing, 1992); Richard Broome, *Aboriginal Australians*: *A History since 1788* (New South Wales: Allen & Unwin, 2010); John Pilger, *A Secret Country the Hidden Australia* (London: Cape, 1989): Jan Critchett, *A Distant Field of Murder* (Melbourne: Melbourne University Publishing, 1990).

[10] L. Tuhiwai Smith, *Decolonizing Methodologies*, *Research and Indigenous Peoples* (Dunedin: University of Otago Press, 1999), p. 39.

[11] Judy Atkinson, *Trauma Trails*, *Recreating Song Lines*: *The Transgenerational Effects of Trauma in Indigenous Australia* (North Melbourne: Spinifex Press, 2002).

[12] Judy Atkinson, *Healing ways from Trauma* (Lecture, *Iawa Cultural Practice Series*: University of Melbourne, 25 November 2021).

[13] Atkinson, *Trauma Trails*, p. 217.

[14] "Aboriginal Problem," *Northern Times*. 13 March 1935, *http://nla.gov.au/nla.news-article74878466*; "Aboriginal Problem," *Northern Times*, 20 March 1935, *http://nla.gov.au/nla.news-article74878553*; "The Aboriginal Problem," *Northern Times*, 27 March 1935, *http://nla.gov.au/nla.news-article74878635*; "Two Angles on the Problem of the Half-Caste," *Sun*, 7 April 1935, *http://nla.gov.au/nla.news-article230287422*; "The Problem of the Half-Caste," *Herald*, 15 April 1935, *http://nla.gov.au/nla.news-article244969841*; "Problem of Aborigines In North West," *Barrier Miner*, 16 May 1935, *http://nla.gov.au/nla.news-article46691908*.

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and today. With this in mind, I am concerned this story might be received as simply a First Nations family trying to solve its own First Nations problems in isolation from the broader Australian community. This is not my intention. All Australians share connections with First Nations peoples' lived experiences, whether they know it or not. Mabel interacted with many First and Second Nations peoples throughout her life. Many likely have descendants living now too. We all live on the unceded traditional Country of First Nations peoples. Our stories and our lives are intertwined. This essay speaks to an Australian problem, not an Aboriginal problem.

This paper will highlight Mabel's and Jack's lived experiences of exemption policy in Western Australia in the late 1920s and the 1930s through an analysis of primary and secondary sources, the documents within Mabel's personal files, and through family memory and reflections. Firstly, I share Mabel's journey into marriage with Jack Albert Eatts and the systemic and social pressures placed on her at this time. Secondly, I will explore Mabel and Jack's motivations for seeking exemption after just a few years of marriage and discuss the nature and scope of the Department's investigations. And finally, I want you to understand what knowing this story means to our family and ask that you consider what it means to yours.

Mabel was a Jaru woman, born in about 1907, in ceremony, on Country in an Aboriginal Birthing Place in Flora Valley near Palm Springs, Halls Creek in the Kimberley region of Western Australia.[15] Her mother, Nellie, was a Jaru woman living on Country, most likely working for a station owner nearby. Mabel's father was recorded to be a 'white' station hand named Frederick. His surname was not noted.[16] The first twenty years of Mabel's life were lived under the direct controls of the Western Australian *Aborigines Act, 1905*.[17] Section 8 of the Act gave the Chief Protector of Aborigines the legal guardianship of every Aboriginal and 'half-caste'[18] child until they attained the age of sixteen years. Section 12 of the Act gave the Chief Protector, by the authority of the Minister, the power to remove, relocate, and detain Aboriginal people on reserves, missions, or within districts. Any Aboriginal person who refused to be removed was guilty of an offence against the Act. Mabel was stolen from her mother in 1910 at the age of between four to five years old and transported to the Beagle Bay Mission, 130 km north of Broome, never to see her mother again.[19]

Mabel was an inmate at the Beagle Bay Mission until she was a young woman. Section 17-33 of the Act allowed Aboriginal 'half-caste' children to be placed into indentured employment contracts as determined by a Protector and arranged with an employer, from the age of fourteen years till the age of twenty-one. In around 1926, at the age of about twenty years, Mabel was sent to work as a domestic servant for the Everett's, a prominent pearling family in Broome, to undertake household duties and

[15] Oral history method is critical to our families' understandings of the past. The information gained through ongoing, informal conversations with my Great Uncle Wally is a critical source for this essay and my research generally. Hereafter these conversations will be referenced as 'Yarns with Uncle'.
[16] *Certificate of Marriage*, *Jack Albert Eatts & Mabel Ita Frederick*, 13 December 1930, SROWA.
[17] Western Australia. *Aborigines Act, 1905. (1891). The Acts of the Parliament of Western Australia*, Retrieved from http://nla.gov.au/nla.obj-55208686.
[18] 'Half-caste' is a derogatory term used historically to classify Aboriginal people of mixed heritage and is intentionally used in this essay to illuminate its harmful use.
[19] Father Thomas Bachman. *Beagle Bay Mission: Return of Natives at Mission Dated July 1911. Beagle Bay Mission: Colonial Secretaries Department: Aborigines and Fisheries, 1911*. Cons 652 Item 1911/1439. SROWA.

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care for their five children.[20] While contracted to work as a maid for the Everett family, on 16 August 1928, Mabel gave birth to her first daughter, my Grandmother, Roseleen May, to George Joseph Francis, a Yawuru man who worked in the region as a painter, sailmaker, boatswain, shell packer, and abattoir labourer.[21]

On 5 September 1929, Joseph Francis wrote a letter of application to the Chief Protector of Aborigines, Mr A.O. Neville[22] to marry Mabel Ita Frederick.[23] Attached to his letter of application were ten character references from business people in Broome, all supporting his application.[24] Interestingly, there is no mention of a daughter in any of the letters of support or Joseph's application letter. Furthermore, in the police report reviewing the details of the application, dated 12 September 1929, there is also no mention of a child.[25] While it is clear Joseph Francis wanted to marry Mabel, it is not clear to our family if he knew she had a daughter. If he did know, our family have wondered, why did he not mention it?

Joseph Francis and his family were known to the local police in Broome. In the letter from Constable Edwards to General Manbridge, Joseph's previous police convictions and his character were noted:

> This man has been convicted of the following offences in Broome. On 28.12.18 Supplying Liquor to Natives […] On 7.3.21 having Natives on Premises […] On 16.9.25 having natives on premises […] Outside of this from Inquires made I was informed that he is a good worker & can do almost any kind of work, he is of soba habits.
>
> During layup he earns good money sailmaking, & when the layup is over he does any kind of odd job he can get, at present he is painting.[26]

The infringements listed may seem minor at a twenty-first-century glance; however, at the time these offences were technologies of power used by the local authorities to intimate, dehumanise and control Aboriginal families. For example, Aboriginal and Asian men were commonly arrested for supplying alcohol to 'natives'; however, European men were less likely to be arrested for the same offence.[27] I have felt great sympathy for Joseph Francis. Without an exemption, he could not offer Mabel a life outside the confines of the 1905 Act. He was 'soba', of good character, gainfully employed and respected by his employers. Nevertheless, he was excluded from work entitlements offered to the white settler community, and his family was under the surveillance of the local authorities. It could be considered that if Mabel were to marry Joseph, her children would become known to the authorities, which may have put them at greater risk of being removed at the Minister's discretion.

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[20] *Letter from Jack Albert Eatts to General Manbridge*, 17 October 1930, SROWA; *Letter from Mabel Ita Frederick to CPA*, *Perth*, 4 December 1930, SROWA.
[21] *Letter from Constable Edwards to General Manbridge*, 12 September 1929, SROWA.
[22] Auber Octavius Neville is referred to as Mr A.O. Neville, Neville, Chief Protector of Aborigines, CPA, and at the end of his career, Commissioner of Native Affairs.
[23] *Letter of application to marry Mable Ita Frederick from Joseph Francis to CPA*, 5 September 1929, SROWA.
[24] *Ten letters from Broome employers and business owners testifying to Joseph Francis's good character*, two dated 3 September 1929 and eight dated 5 September 1929, SROWA.
[25] *Letter from Constable Edwards to General Manbridge*, 12 September 1929, SROWA.
[26] *Letter from Constable Edwards to General Manbridge*, 12 September 1929, SROWA.
[27] Christine Choo, *Mission Girls*: *Aboriginal Women on Catholic Missions in the Kimberley*, *Western Australia*, *1900–1950* (Western Australia: UWA Press, 2001), p. 121.

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Uncle has said that Mabel wanted nothing to do with the Department.[28] In September 1929, Mabel was living with her sister Dorothea in Broome while she worked for the Everett family.[29] Dorothea was twenty-one years of age, married to and living with "a Manilamen" in Sheba Lane.[30] While investigating Joseph's application of marriage to Mabel, Constable Edwards noticed that Mabel kept a low profile in the township of Broome. He said, "This girl is very quiet. I have never seen her about the streets at any time".[31] Our family know Mabel's disposition was not quiet. It is likely that Mabel intentionally avoided being noticed by the local police for her and her child's protection. Keeping a low profile, being unnoticed, was a survival technique used by many Aboriginal people. Mabel declined Joseph Francis's offer of marriage. A police interview with Mabel was recorded in her file on 25 October 1929.[32] The report noted: "she does not desire to have anything further to do with Joseph Francis". On 9 December 1930, George's proposal is recorded as having "fell through".[33]

Interestingly, Mr A.O. Neville, the Chief Protector of Aborigines in the state, would have desired that Mabel, as with other 'half-caste' maids living in Broome, marry a 'white' man. Neville was an administrator of the White Australia Policy and supported the idea of biological absorption.[34] He believed Aboriginal physical traits could be replaced by Anglo white traits in a matter of generations and publicly stated these beliefs. In 1947 he wrote:

> The assimilation sought and necessary is into the general economic, recreational and religious life of Australia, and if we can only forget, at least in their case, our antipathy to darkish skin colour and broad noses, this assimilation will be realised in two or three generations.[35]

Neville believed he could "breed out the coloured race". Exemption, described by Heather Goodall as a "'carrot-and-stick' tool of control and surveillance",[36] was legislation deliberately designed to target Aboriginal girls and women's sexual behaviour and reproduction and marriage rights. While cast under the veil of protectionism, it was informed through motivations to protect the White Australia Policy, solve the growing 'half-caste problem,' and breed out the coloured race.

Aboriginal women working as maids in the township of Broome showed fierce resistance to the Department's control over whom they were allowed to marry. In July 1934, 'half-caste' women who worked as domestic servants in Broome presented a testimonial anonymously to the Moseley Royal Commission Inquiry.[37] They spoke of their service to 'white' families, their lived experiences in the 'white' world, their

[28] Yarns with Uncle.
[29] *Letter from Constable Edwards to General Manbridge*, 12 September 1929, SROWA.
[30] *Ibid*.
[31] *Ibid*.
[32] *Handwritten note from unknown police officer to CPA*, 25 October 1930, SROWA.
[33] *Letter from CPA to the Resident Magistrate of Broome*, 9 December 1929, SROWA.
[34] A.O. Neville, *Australia's Coloured Minority*: *Its Place in the Community* (Sydney: Currawong, 1947); Haebich, *For Their Own Good*; Gregory D. Smithers, "Breeding out the Colour," in *Science*, *Sexuality, and Race in the United States and Australia*, *1780–1940* (Nebraska: UNP, 2017), pp. 303–338.
[35] A.O. Neville, *Australia's Coloured Minority*: *Its Place in the Community* (Sydney: Currawong, 1947), p. 17.
[36] Heather Goodall, *Invasion to Embassy*: *Land in Aboriginal Politics in New South Wales*, *1770–1972* (St Leonards: Allen & Unwin in association with Black Books, 1996), p. 267.
[37] *Petition by half-castes and quadroons in Broome regarding exempting them from the Aborigines Act*, 4 July 1934, Item 1935/0055, Cons 993, SROWA.

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desires to be part of that world, and their right to marry any man of good character who could provide them a home and a life free from the controls of the Act. They expressed their frustrations with the Department's categorisations of them as 'natives' and the authority that the Department and their employers had over their lives under this categorisation.[38] These women bravely argued:

> Sometimes we have the chance to marry a man of our choice who may be in better circumstances than ourselves.
>
> A white man or an educated Asiatic but we are again rejected. Because that man does not wish to ask the Chief Protector's consent. We are worse than the Aboriginal. They can marry amongst themselves and know question asked, therefore we ask for our Freedom so that when the chance comes along we can rule our lives and make ourselves true and good citizens. Instead of what the Department would and could call us immoral girls. Also it would save our children this disgraceful position.[39]

Mabel was aware of these arguments. She would have known that exemption for Aboriginal women at this time was legislated through their marriage rights.[40] Living in Broome in the late 1920s, Mabel had one official avenue for exemption open to her. To be exempt from the Act, being a single Aboriginal woman, she would be required to marry a man who was not himself an Aboriginal. Section 13 (c) of the Act stated that every Aboriginal who is a female lawfully married to and residing with a husband who is not himself Aboriginal shall be exempt from the provisions of Section 12 in the Act.

In 1929 Mabel met Jack (John) Albert Eatts, a drover of the Kimberley. In the textual records, Jack is identified as a "white" man, however, interestingly, Eatts' family oral history records, describe how Jack's Great Grandmother was an Aboriginal woman who fathered his Grandfather Isaac Eat on Kangaroo Island in around 1812.[41] Despite our family's belief, that Jack himself had Aboriginal ancestry, Jack is recorded in the archives to be a 'white man'.

Jack was born in about 1904 in Busselton, WA. His mother and father were farmers, and he spent his early childhood in Rocky Ridge, near Kojonup, Western Australia. Sadly, in 1915, aged eleven years old, Jack witnessed his mother's tragic death on the family's property. Jack and his siblings became wards of the State and were placed into institutional care. At about fourteen years, Jack was released from State care and began his working life. Initially, he worked in the southwest and gradually, over the course of

[38] Christine Choo, "A Challenge to Human Rights: Aboriginal Women in the West Kimberley," Edited by Patricia Crawford and Judy Skene, *Studies in Western Australian History*, No 19 (1999), pp. 48–61; Elfie Shiosaki, "'They Were Afraid to Speak': Testimonies of Aboriginal Women at the 1934 Moseley Royal Commission," *Coolabah*, (2018).

[39] Western Australia. *Petition by half-castes and quadroons in Broome regarding exempting them from the Aborigines Act*, 4 July 1934. Item 1935/0055 Cons 993. SROWA.

[40] To give context to this argument, see Lucinda Aberdeen, Katherine Ellinghaus, Kella Robinson, and Judy Wickes, "Because of Her We Can," in *The Routledge Companion to Global Indigenous History*, ed. Lynette Russell and Ann McGrath (Routledge, 2021), pp. 399–418; Lucinda Aberdeen and Jennifer Jones, eds. *Black*, *White and Exempt*: *Aboriginal and Torres Strait Islander Lives under Exemption* (Canberra: Aboriginal Studies Press, 2021); Christine Choo "A Challenge to Human Rights: Aboriginal Women in the West Kimberley," *Studies in Western Australian History*, No 19 (January, 1999), p. 48–61; Katherine Ellinghaus, "Absorbing the 'Aboriginal Problem,'" *Aboriginal History Journal*, Vol 27 (2003), pp. 183–207.

[41] Walter Eatts, *Somewhere Between* p. 16; Marion Eatts unpublished genealogy search notes (1983); R.F. Williams, *To Find the Way. Yankalilla and District 1836–1986 History of the Western Fleurieu Peninsula* (The Yankalilla and District Historical Society Inc., 1985), p. 245.

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a decade, moved north towards and into the Kimberley, working in the mining, cattle, and sheep industries.[42] In 1929, when Jack met Mabel in Broome, he was working for Gillis Coleman in Derby, a station owner who has been mentioned in an Aboriginal family life history authored by Cindy Solonec.[43] Her family remembers Gillis Coleman as a man who was sympathetic to the rights of his Indigenous workers.

Jack was a fair skinned, rugged, tall, lean man of few words. He avoided alcohol and was not prone to socialising. Uncle Wally says that Mabel and Jack were drawn to each other because they both had a strong work ethic and recognised a good character and strong morals in each other. They both had lived experiences of childhood trauma, early separation from their parents, childhood institutionalisation, and went to work in their early teenage years. They both desired the security of a family and a home.

When Joseph Francis heard that Mabel was seeing another man, Uncle says that he confronted Jack. The two men who wanted Mabel's hand in marriage fought on the street.[44] Again, I feel sadness for the plight of Joseph Francis. He is my biological Great Grandfather. An oppressive racialised climate constrained him, and for personal or systemic reasons, or both, he was rejected by Mabel, the woman he desired to marry.

The year Mabel and Jack met, they wrote to the Chief Protector asking for permission to marry. In Mabel's letter of application and her interview with Inspector Mitchell, she made no mention of her daughter.[45] While it is possible Mabel hid her daughter's existence from Joseph Francis, we can say with certainty that Mabel did hide the existence of her daughter from the local authorities. Without knowing about Rose, but satisfied with his investigations and having communicated with the Broome and Derby Police Stations, on 12 December 1930, Chief Protector Neville issued the Resident Magistrate's office with a permit via telegram, for Mabel to marry Jack.[46] Mabel and Jack were married in Broome by Bishop Otto Raible the next day.[47]

Through marrying Jack, a man the Department believed to be 'white', Mabel was rewarded. She achieved a limited degree of exemption from the controls she had lived with her whole life. According to Section 13 (c) of the 1905 Act, Mabel, married a man who was not himself an Aboriginal, became exempt from the possibility of herself being removed and relocated to a reserve or to another district and kept therein. Mabel was able to cease work as a domestic servant for the Everett family. However, this form of exemption made no mention of the safety of her children.

[42] Walter Eatts, *Somewhere Between*, p. 17.
[43] Cindy Solonec, *Debesa*, *The Story of Frank and Katie Rodriguez* (Broome: Magabala Books, 2021), p. 109.
[44] Walter Eatts, *Somewhere Between*, p. 18.
[45] *Handwritten report from unknown police officer to CPA following interview with Mabel*, 25 October 1930, SROWA.
[46] *Telegram from CPA to Resident Magistrate*, *Broome*, 12 December 1930, SROWA.
[47] *Certificate of Marriage*, *Jack Albert Eatts & Mabel Ita Frederick*, 13 December 1930, SROWA.

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s. 7.
Aborigines may be removed to reserves.
See Q., 1897, No. 17, s. 9.

12. The Minister may cause any aboriginal to be removed to and kept within the boundaries of a reserve, or to be removed from one reserve or district to another reserve or district, and kept therein.

Any aboriginal who shall refuse to be so removed to or kept within such reserve or district shall be guilty of an offence against this Act.

In every prosecution under this section an averment contained in the complaint that the Minister directed the defendant to be removed to or kept within a reserve or district shall be deemed to be proved in the absence of proof to the contrary.

Exceptions.
See Q., 1897, No. 17, s. 10.

13. Every aboriginal—

(*a.*) who is lawfully employed by any person ; or
(*b.*) who is the holder of a permit to be absent from a reserve ; or
(*c.*) who is a female lawfully married to and residing with a husband who is not himself an aboriginal ; or
(*d.*) for whom, in the opinion of the Minister, satisfactory provision is otherwise made,

shall be exempted from the provisions of the last preceding section.

Western Australia. *Aborigines Act, 1905. (1891). The Acts of the Parliament of Western Australia*, Retrieved from http://nla.gov.au/nla.obj-55208686.

Remembering her early married years, Mabel told my Uncle that she just wanted to be "accepted".[48] What did she mean by this? In the 1930s, Broome and Derby were multicultural hubs of industry and social activity. Since the 1880s, the pearling and fishing industries had thrived on the back of indentured seamen from Malaya, China, Indonesia, and Japan. Later the labour of Aboriginal men and women was central to the growth of these industries during the 1930s.[49] Contact between Asian seafarers and Aboriginal communities had already gone on for at least two centuries before British colonisation.[50]

In spite of the legislation introduced to prevent Aboriginal women from interacting with Asian men, they continued to do so, having common ground through their shared experience of oppression in the Kimberley region.[51] Theresa Puertollano, an Aboriginal woman born in Broome in the 1920s, described it as a place where 'whites' did not mix with people of colour but where 'Asians' and Aboriginal people got along well. [52] Betty Lockyer, a Nyul Nyul descendent, also remembers the lively activity in the 1920s and 1930s between Aboriginal and Asian communities in Broome.[53] Just prior to being married, Mabel lived with her sister Dorothea who was married to and living with "a Manilamen".[54] I find it unlikely that Mabel was socially excluded from the Asian communities living in the region.

[48] Yarns with Uncle.
[49] Christine Choo, "Asian Men on the West Kimberley Coast, 1900–1940," *Studies in Western Australia History* No 16 (January 1995), pp. 89–111; Christine Choo, *Mission Girls*: *Aboriginal Women on Catholic Missions in the Kimberley, Western Australia*, *1900–1950* (Western Australia: University of Western Australia Press, 2001), pp. 117–118.
[50] Regina Ganter, *Mixed Relations*: *Narratives of Asian/Aboriginal Contact in North Australia* (Western Australia: University of Western Australia Press, 2006); Lorna Kaino, "'Broome Culture' and Its Historical Links to the Japanese in the Pearling Industry," *Continuum*, Vol 25, No 4 (2011), pp. 479–90.
[51] Christine Choo, *A Challenge to Human Rights*, pp. 48–61.
[52] Christine Choo, *Mission Girls*, p. 117.
[53] Betty Lockyer, *Last Truck Out* (Broome: Magabala Books, 2009), p. 8.
[54] *Letter from Constable Edwards to General Manbridge*, 12 September 1929, SROWA.

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As an exemptee through marriage, Mabel was required under the Act to disassociate herself and her children from any Aboriginal people who may have previously been part of their lives. This may have included her sister. Additionally, given that Mabel had rejected the marriage proposal of an Aboriginal man in Broome and then married a 'white' man, I have also wondered if she was shunned by the Aboriginal people who knew of this. Concerning Mabel's acceptance in the 'white' community, while Neville supported the idea that lighter-skinned Aboriginal women marry 'white' men, the 'white' men living in the Kimberley region at this time would not have generally encouraged each other to do so. Physical connections, casual sex with Aboriginal girls and women, had long been condoned,[55] but marriage to an Aboriginal woman then would have generally been frowned upon.[56] Jack may have been accepted independently in his work environment, but Mabel and her children would more than likely have been viewed by 'white' society as less than equal. In the Beagle Bay Mission, Mabel was groomed to serve the 'white' community as a domestic servant, not to live equally within it. Victoria Haskins has argued that removal of Aboriginal girls to work as maids for the non-Indigenous population was not a policy that aimed to 'assimilate' Aboriginal women into mainstream Australian society. Rather it was an extension of Aboriginal children removal policy which aimed to contain, incarcerate and consign them to oblivion.[57] Mabel and Jack, a newly wedded seemingly interracial couple with an Aboriginal child, would likely have begun their married life living between worlds.

Mabel and Jack were financially independent out of necessity. In the 1930s, during the period of Great Depression, most Aboriginal people were living on rations, on reserves or missions, and in overcrowded camps on the outskirts of townships with poor to no sanitation and facilities. Neville had reported that starvation was common, and death rates among the young and old were rising.[58] In this climate, with the broader community also requiring financial support, the budget of the Aborigines Department was reduced by twenty per cent in 1931. By 1933, the Department's funding was at its lowest in eight years.[59] Jack, however, was never out of work. He continued to provide for his family during the years of the Depression. He was a respected station hand and drover at the Gillis Coleman and the Mt Anderson cattle and sheep stations, and he also worked for the Harbour and Light Department and the West Kimberley Roads Board in Derby.[60] Mabel and her children were protected by Jack's capacity to make a 'white man's wage'. There are no records of Mabel and Jack ever receiving rations.[61] They did not live on any

[55] Western Australia. Royal Commission Appointed to Investigate, Report and Advise Upon Matters in Relation to the Condition and Treatment of Aborigines; Henry Doyle Moseley, *Report of the Royal Commissioner appointed to investigate, report, and advise upon matters in relation to the condition and treatment of Aborigines* (Perth: Fred. Wm. Simpson, Government Printer, 1935), http://nla.gov.au/nla.obj-52802043. Commonly referred to as Mosely Royal Commission.

[56] Ann McGrath, *Born in the Cattle: Aborigines in Cattle Country* (Sydney: Allen & Unwin, 1988), pp. 70–71.

[57] Victoria Haskins, "On the Doorstep: Aboriginal Domestic Service as a 'Contact Zone,'" *Australian Feminist Studies*, Vol 16, No 34 (1 March, 2001), pp. 13–25.

[58] Pat Jacobs, *Mister Neville* (Western Australia: Fremantle Arts Centre Press, 1990), p. 186.

[59] *Ibid*., p. 186.

[60] Walter Eatts, *Somewhere Between*, p. 18; *Letter from Sergeant W.A. Bass to Commissioner of Native Affairs*, *Perth*, 13 November 1939, SROWA.

[61] *Letter from Commissioner of Native Affairs to Sergeant W.A. Bass*, *Protector of Natives*, 7 November 1939, SROWA.

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mission or Aboriginal reserve. As an Aboriginal woman, Mabel was ineligible for the Maternity Allowance.[62] 'White' men who married Aboriginal women did so knowing that they were foregoing their eligibility for this entitlement. This may have been a disincentive for some 'white' men to marry Aboriginal women.

Mabel and Jack were unable to access housing in the township of Derby. This may have been due to Mabel and her children being Aboriginal, or due to a general shortage of affordable housing in Derby at this time. During the period of the Great Depression, in this region, and without a steady income, many people lost their homes and lived in makeshift accommodation.[63] Mabel shared her memories of her time living in Derby with her children later in life. She said they lived "in old turned-up, at times rusty, water tanks for homes or old galvanised sheets stretched out from post to post, tree to tree".[64] There was no sanitary infrastructure, so it was a challenge to cook, feed, and clean her children, particularly during the weeks Jack was away droving cattle.[65] We do not know where Mabel and Jack set up their camp or if they were alone or part of a camp community, but Uncle says that the children slept on the wet ground.

By 1935, Mabel and Jack were raising four children; Roseleen May, born in Broome on 16 August 1928; Colin Albert, born in 1931; Francis Douglas, born in 1933; and Pearl Ita, born in 1934.[66] Their young children were unaware they were living and playing in an unhygienic environment, however Mabel was.[67] She had been a maid for the Everett family, and knew what a safe and suitable home for a family looked and felt like. Mabel wanted the same for her family. The issue of hygiene for Aboriginal mothers was hugely loaded in the 1930s with the rise of eugenics, also called "race hygiene". 'White' settler claims that Aboriginal children were "unhygienic" contributed to the exclusion of Aboriginal children from public schools in many areas and was an argument used to justify child removal.[68] The rise of "domestic science" also contributed to an Australia-wide obsession with hygiene in the home at this time. Aboriginal women's home hygiene habits were a site of surveillance by the State, local authorities, and the community. This may all have legitimised possible thoughts of despair or frustration at what seems to have been an arduous lifestyle for Mabel as the primary caregiver.[69]

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[62] *An Act to provide for Payment of Maternity Allowances* (*Allowance Act 1912)*, Item No. 30495238, Series No. A1559, National Archives of Australia (NAA). *https://www.naa.gov.au/learn/learning-resources/learning-resource-themes/government-and-democracy/prime-ministers-and-politicians/maternity-allowance-act-1912*; Section 6(2) excludes Aboriginal and 'Asiatic' women, p. 11; John Murphy, "Conditional Inclusion: Aborigines and Welfare Rights in Australia, 1900–47," *Australian Historical Studies*, Vol 44, No 2 (June 2013), pp. 206–26; Haebich, *Broken Circles*, p. 160.

[63] Clare Menck, *A Thematic History of Government Housing in Western Australia* (Western Australia: Department of Housing, 2014), *https://purl.slwa.wa.gov.au/slwa_b4505139_1*, p. 54.

[64] Eatts, *Somewhere Between*, p. 18.

[65] Yarns with Uncle.

[66] *Ibid*.

[67] *Ibid*.

[68] Coral Edwards, "Is the Ward Clean?" in Bill Gammage and Andrew Markus (eds), *All That Dirt*: *Aborigines 1938* (Canberra: History Project Inc., 1982), pp. 4–8; Victoria Haskins, "On the Doorstep: Aboriginal Domestic Service as a 'Contact Zone,'" *Australian Feminist Studies*, Vol 16, No 34, pp. 13–25; Victoria Haskins and Claire Lowrie (eds), *Colonization and Domestic Service*: *Historical and Contemporary Perspectives*, Vol 14. Routledge International Studies of Women and Place (London: Routledge, 2014); Victoria Haskins, "Domesticating Colonizers: Domesticity, Indigenous Domestic Labor, and the Modern Settler Colonial Nation." *The American Historical Review*, Vol 124, No 4 (2019), pp. 1290–1301; Yarn with Victoria Haskins, 28 October 2021.

[69] *Ibid*.

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By the 1930s, the removal of Aboriginal children was on the public agenda in the southern states.[70] At this time, Mary Bennett, a middle-class non-Indigenous human rights advocate, was also making claims against Neville in London newspapers and at London conference events. Her strong views were published in Australian and international newspapers bringing attention to the racist policies of Western Australia, particularly highlighting the treatment of Aboriginal women and children.[71]

In February 1934, Henry Doyle Moseley, a Perth Magistrate, was appointed as the Royal Commissioner to investigate the condition and treatment of Aborigines in Western Australia. The Moseley Royal Commission report was published in 1935.[72] The testimonials given to the Inquiry by Aboriginal people were largely ignored. The Commissioner recommended broadening the definition of "half caste" to include anyone with any degree of Aboriginality. He recommended further investment in the segregation of "natives" from the main population and the exclusion from townships of "natives" except those who held exemption permits.[73] Most disturbingly, he recommended that greater control be given over 'half-caste' minors,[74] that all Aboriginal children under the age of sixteen years become wards of the Minister and that local magistrates be delegated the Minister's power of control over 'half-castes' until they reach the age of twenty-one years.[75] Mabel and Jack were no doubt aware of this report and its implications. The "Aboriginal and Half-Caste Problem" and the "Moseley Commission Inquiry" were reported nationwide and in local and state newspapers in Western Australia.[76]

[70] Haebich, *Broken Circles*, p. 312.

[71] Discussed in Haebich, *Broken Circles*, pp. 330–331 and Pat Jacobs, *Mister Neville*, p. 116; Newspaper Articles include: "Backward Races, The Eyes of the World are at Last Concentrated on Conditions of the Child Races Therein. Are We Awake to All Our Responsibilities in This Regard?," *The Dawn*, 20 August 1930, p. 6, *https://trove.nla.gov.au/newspaper/article/256301521*; H.M. Todhunter, "British Commonwealth League Conference," *Dawn*, 23 August 1933, *https://trove.nla.gov.au/newspaper/article/256290905*.

[72] Western Australia. *Royal Commission Appointed to Investigate, Report and Advise Upon Matters in Relation to the Condition and Treatment of Aborigines*. Western Australia. 1935. Retrieved from *http://nla.gov.au/nla.obj-52802043*.

[73] *Ibid*., p. 23.

[74] *Ibid*., p. 19.

[75] *Ibid*., p. 19

[76] "Half-Caste Children," *Mercury*, 22 October, 1932, *http://nla.gov.au/nla.news-article24713603*; "Half-Caste," *Sun*, 2 April 1933. *http://nla.gov.au/nla.news-article229044215*; "Treatment of Aborigines," *Kalgoorlie Miner*, 25 January 1934, *http://nla.gov.au/nla.news-article94942413*; "Commission on Aborigines," *Daily News*, 7 February 1934, *http://nla.gov.au/nla.news-article84620876*; "Aborigine Protector Exposes Department," *Workers' Weekly*, 22 June 1934, *http://nla.gov.au/nla.news-article209425119*; "With the Aborigines Commission in the North." *Western Mail*, 12 July 1934. *http://nla.gov.au/nla.news-article37714481*; "White and Half-Caste," *Kalgoorlie Miner*, 16 August 1934, *http://nla.gov.au/nla.news-article95020697*; "Aboriginal Problem," *Northern Times*, 13 March 1935, *http://nla.gov.au/nla.news-article74878466*; "Future of Natives," *Daily News*, 13 March 1935, *http://nla.gov.au/nla.news-article83996252*; "Mr Moseley's Report Is too Valuable for Shaving Paper," *Mirror*, 16 March 1935, *http://nla.gov.au/nla.news-article75626977*; "Aboriginal Problem," *Northern Times*, 20 March 1935, *http://nla.gov.au/nla.news-article74878553*; "The Aboriginal Problem," *Northern Times*, 27 March 1935, *http://nla.gov.au/nla.news-article74878635*; "Two Angles on the Problem of the Half-Caste," *Sun*, 7 April 1935, *http://nla.gov.au/nla.news-article230287422*; "The Problem of the Half-Caste," *Herald*, 15 April, 1935, *http://nla.gov.au/nla.news-article244969841*; "Problem of Aborigines In North West," *Barrier Miner*, 16 May 1935, *http://nla.gov.au/nla.news-article46691908*.

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The Western Australian *Aborigines Act 1905* provided Mabel and Jack with another avenue for exemption. Section 63 gave the Minister the authority to issue an Exemption Certificate to any Aboriginal or 'half-caste'.

> **63.** The Minister may issue to any aboriginal or half-caste who, in his opinion, ought not to be subject to this Act, a certificate in writing under his hand that such aboriginal or half-caste is exempt from the provisions of this Act, and from and after the issue of such certificate such aboriginal or half-caste shall be so exempt accordingly:
>
> Power to exempt certain half-castes from Act. See Q., 1897, No. 17, s. 33. Q., 1902, No. 1, s. 6.
>
> But any such certificate may be revoked at any time by the Minister, and thereupon this Act shall apply to such aboriginal or half-caste as if no such certificate had been issued.

Western Australia. *Aborigines Act, 1905. (1891). The Acts of the Parliament of Western Australia*, Retrieved from http://nla.gov.au/nla.obj-55208686.

In 1935, a decision was made by Mabel and Jack to seek an Exemption Certificate for Mabel. This decision was most likely motivated by their desire to protect their children from the possibility of being removed or detained under any impending legislation. On 13 May 1935, Mabel and Jack arranged for someone to write a letter to the Chief Protector of Aborigines, asking that Mabel be exempt from the Act's provisions. Jack dictated the letter to another person and then added his signature.[77]

[77] *Letter from Jack Albert Eatts to CPA*, 13 May 1935, SROWA.

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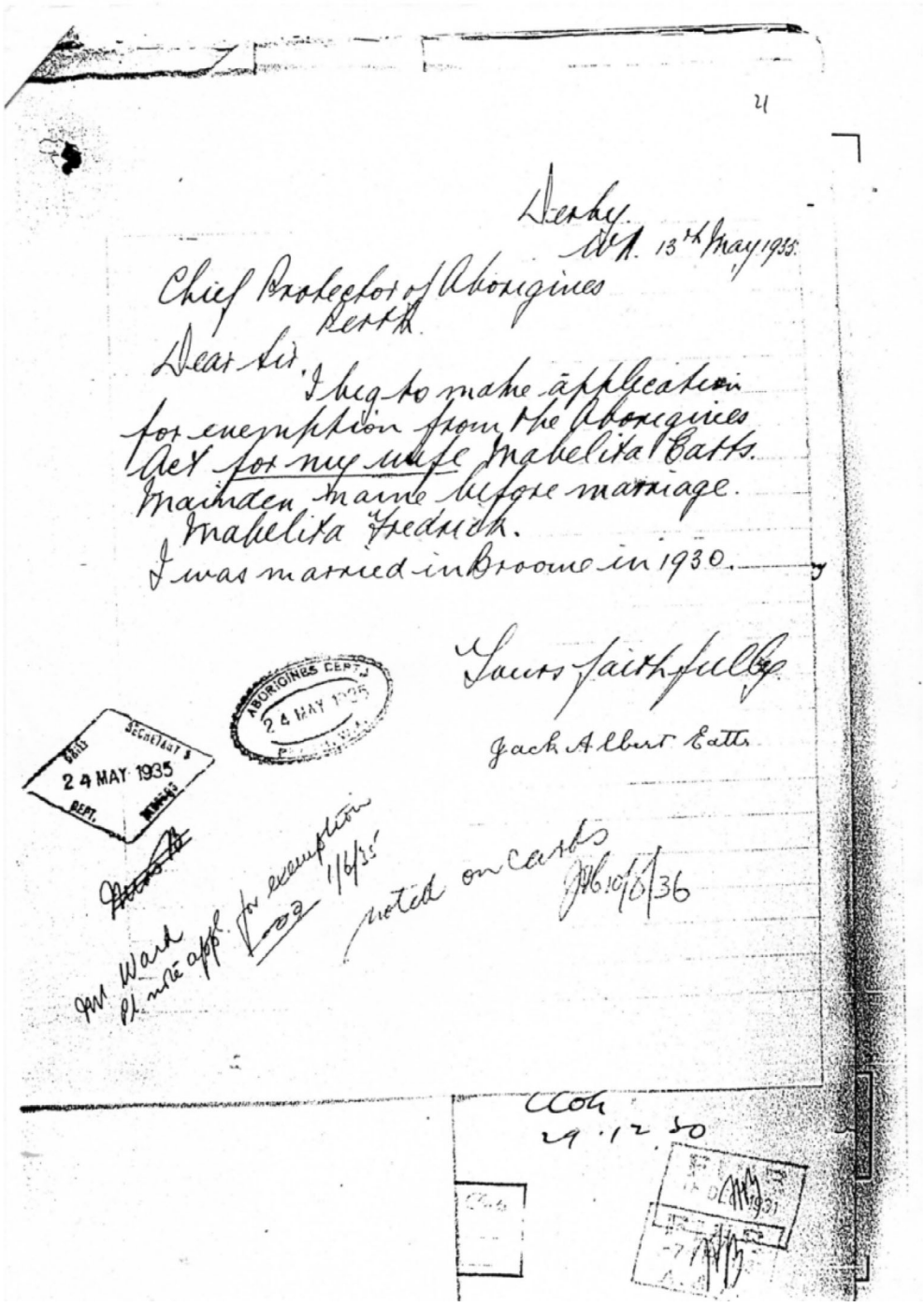

Albert Eatts, Jack. *Letter from Jack Albert Eatts of Derby to Chief Protector of Aborigines, Perth*, 13 May 1935, SROWA.

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Writing to the Department would have taken great courage. In his later years, Jack would say that Mabel and he liked to keep as much distance from the Department as possible.[78] Mabel and Jack had lived their newly wedded life not only independent from the Aborigines Department but actively avoiding any contact with it. Placing an application for exemption would have been a daunting and brave move, with terrifying and unknown consequences. They were making themselves known to the Department for the first time in four and a half years. I imagine they were aware that by writing this letter, they were bringing new attention to themselves, inviting an investigation to be led by the Chief Protector himself. Once this letter was posted from the Derby Post Office, the nature and scope of the investigation and its outcome were out of their control. To have placed an application for exemption, Mabel and Jack must have believed that they needed it.

The application, dated 13 May 1935 marks Mabel's and Jack's first play in a dangerous game.[79] They kept their cards close to their chests by saying as little as possible to the Department. Jack would say to my Uncle, "Never tell 'em too much".[80] The letter is authored by Jack, not Mabel, and our family have often wondered why. We now know that the Kimberley region in the 1930s was a wild frontier dominated by 'white' men who predominantly occupied the roles of decision-making in the public domain.[81] Husbands commonly spoke for and had authority over their wives and any other women and girls living in their households.[82] Mabel's children and grandchildren speak of Mabel as having a fierce character. She was a tough woman and mother who did not give her children or grandchildren an inch and kept them close by her side. She was strict and uncompromising. Jack is remembered to have had a quiet and gentle character, a man who was independent, loyal, and hardworking. Our family believe the decision for Jack, a legally 'white' man, to write the letter to the Chief Protector, was a strategic one. Playing into the idea that a man speaks for his wife, we believe Jack wrote the letter on Mabel's behalf, because it was what Mabel wanted. A letter from one 'white' man to another.

By asking another person to write the letter for them, Mabel and Jack were following a common practice for Aboriginal people communicating with the Department at this time. Interestingly, Mabel's name was noted incorrectly as *Mabelita* not *Mabel Ita*. It is possible Mabel was not present when the letter was written, and Jack may not have proof read it. It is also possible that he read the letter and did not notice the error. Jack received a decent education in his childhood, but at the age of fourteen years, he became a miner and a stockman. Upon leaving school, he would have rarely had any need to put pen to paper. His penmanship, spelling and grammar were probably rarely practised. This would explain an unnoticed error and the engagement of another person to write this letter.

After receiving Jack's letter of application, on the 1 June 1935, Francis Illingworth Bray, the Deputy Chief Protector of Aborigines, began a long thread of communications with the local Protectors in Derby and Broome, a run of at least twenty-one letters, telegrams and handwritten notes. It was commonplace for staff in the Department to send telegrams to local

[78] Yarns with Uncle.
[79] Lucinda Aberdeen and Jennifer Jones, eds. *Black*, *White and Exempt*.
[80] Yarns with Uncle.
[81] Ann McGrath, *Born in the Cattle*; Liz Reed, "White Girl 'Gone off with the Blacks,'" *Hecate*, Vol 28, No 1 (2002), pp. 9–22; Chris Owen, *Every Mother's Son Is Guilty*: *Policing the Kimberley Frontier of Western Australia 1882–1905* (Western Australia: UWA Publishing, 2016); Stephen Gray, *The Protectors A Journey through Whitefella Past* (Sydney: Allen & Unwin, 2011).
[82] Liz Reed, *White Girl 'Gone off with the Blacks'*.

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Protectors asking for any information or records on the particulars of the applicant, their character, employment status, marriage status, their associations with "natives" and such things, before the matter was placed on the Chief Protectors desk for his scrutiny.[83] His Deputy, Bray, wrote:

> I have received an application from a man named Jack Albert Eatts of Derby for his wife, Mabelita Eatts, to be exempt from the provisions of the Aborigines Act. I understand that Eatts is a white man and am therefore at a loss to understand just why he has made the application. It is not usual to grant such exemptions without some very good reason and I should be glad of your advice on the matter.[84]

In this letter, Bray expressed his confusion as to why Jack had asked for exemption for his wife. I have wondered if this is an indication of the Department's disconnection with the realities of life for someone in Mabel's position, an Aboriginal woman married to a 'white' man in the Kimberley. Neville, whose administration was based in Perth, was often criticised for being out of touch with the lived experiences for those living in the north of the state. Neville was often shocked at the impoverished conditions experienced by Aboriginal people on the rare occasions he was able to visit the region.[85] While this is true, I suspect Bray may have questioned the application believing that an Aboriginal woman's exemption through marriage to a 'white' man was sufficient and that no further protection for an Aboriginal woman should be required. Bray notes that it is not usual to grant such exemptions without some very good reason.[86] We know exemption certificates were rarely given in the West. The Department's report for the year ending June 1935 recorded thirteen applications for exemption having been received and only one being granted.[87] Interestingly, while few exemption certificates were granted, it was common for the Department to investigate the families who had applied and accumulate vast amounts of personal information. Despite the admission that an exemption certificate for Mabel was unlikely, rather than reply to Jack with this advice, the Department began a twelve-month investigation.

[83] Jacobs, *Mister Neville*, p. 247; Lucinda Aberdeen and Jennifer Jones, eds. *Black*, *White and Exempt*.
[84] *Letter from DCPA to Sergeant Pike*, 1 June 1935, SROWA.
[85] Jacobs, *Mister Neville*, pp. 231–232.
[86] Conversations with Vicky Haskins, 2021.
[87] *Annual Report of the Chief Protector of Aborigines for the year Ended 30 June*, *1936*, p. 9, Item No. 73819, AIATSIS, https://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/73789.pdf.

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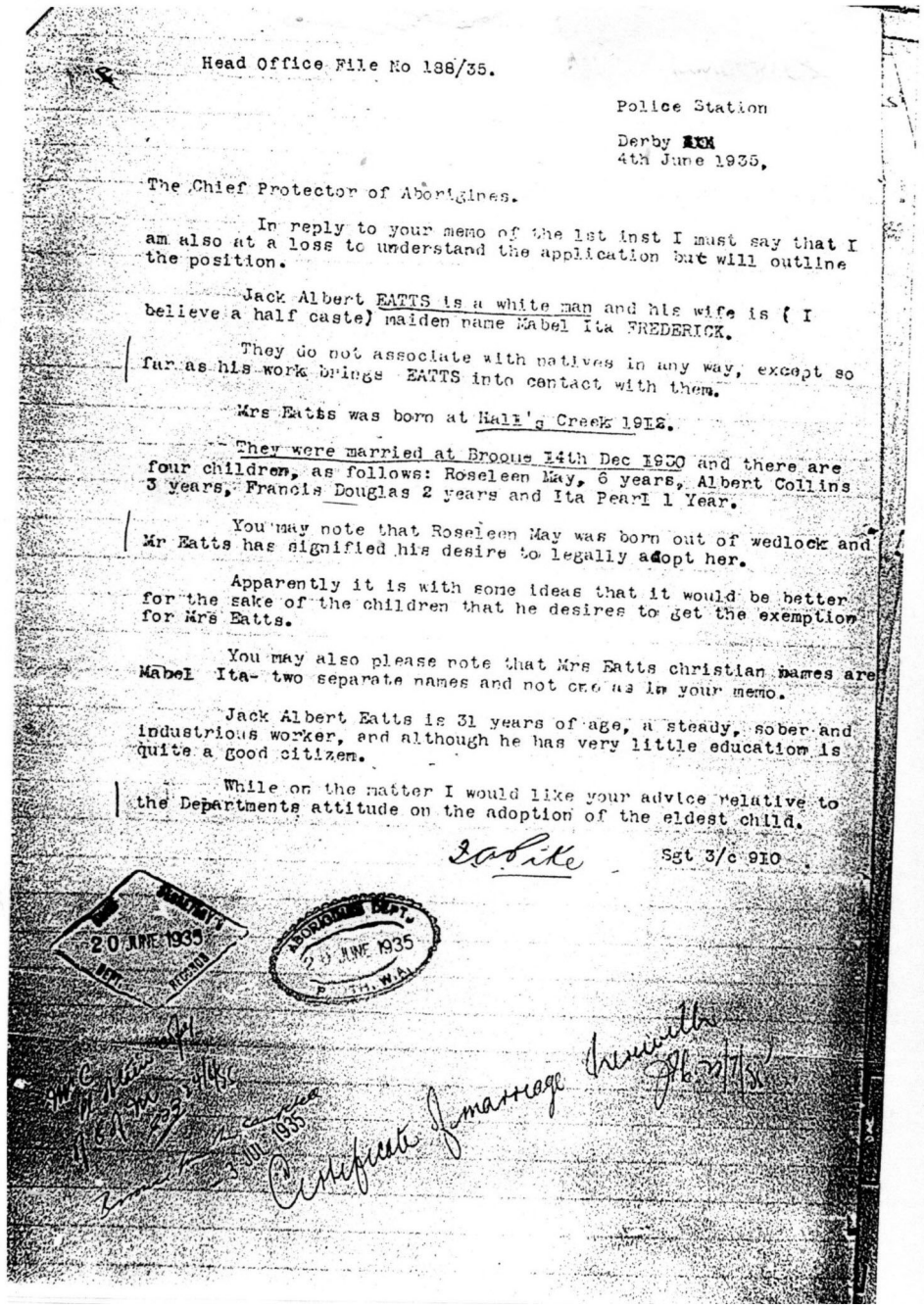

Head Office File No 188/35.

Police Station

Derby WA
4th June 1935.

The Chief Protector of Aborigines.

In reply to your memo of the 1st inst I must say that I am also at a loss to understand the application but will outline the position.

Jack Albert EATTS is a white man and his wife is (I believe a half caste) maiden name Mabel Ita FREDERICK.

They do not associate with natives in any way, except so far as his work brings EATTS into contact with them.

Mrs Eatts was born at Halls Creek 1912.

They were married at Broome 14th Dec 1930 and there are four children, as follows: Roseleen May, 6 years, Albert Collins 3 years, Francis Douglas 2 years and Ita Pearl 1 Year.

You may note that Roseleen May was born out of wedlock and Mr Eatts has signified his desire to legally adopt her.

Apparently it is with some ideas that it would be better for the sake of the children that he desires to get the exemption for Mrs Eatts.

You may also please note that Mrs Eatts christian names are Mabel Ita- two separate names and not one as in your memo.

Jack Albert Eatts is 31 years of age, a steady, sober and industrious worker, and although he has very little education is quite a good citizen.

While on the matter I would like your advice relative to the Departments attitude on the adoption of the eldest child.

Sgt 3/c 910

Pike, Sergeant F.A. *Letter from Sergeant Pike of Derby to Chief Protector of Aborigines, Perth*. 4 June 1935, SROWA.

Within days of receiving a letter from the Deputy Chief Protector, Sergeant P.A. Pike from Derby interviewed Jack. Pike wrote a letter of reply addressed to the Chief Protector on 4 June, 1935.[88]

[88] *Letter from Sergeant Pike to CPA*, 4 June 1935, SROWA.

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A number of words were underlined, marked in pen by hand either by Pike or administrative staff of the Department, highlighting the details that were most pertinent to the exemption application. Pike wrote: "In reply to your memo of the 1st inst. I must say that I am also at a loss to understand the application but will outline the position". Sergeant Pike also initially seemed unclear as to why Jack might have applied for his wife to have exemption. Pike wrote: "Jack Albert EATTS is a white man and his wife is (I believe a half caste) maiden name Mabel Ita FREDERICK". Mabel's name was written correctly. The third sentence was highlighted: "They do not associate with natives in any way, except so far as his work brings Eatts in contact with them". I sense here that Pike was advocating for Jack knowing that Mabel and Jack's disassociation with other Aboriginal people was a vital eligibility requirement for exemption.

Mabel's place and date of birth is highlighted as an important detail: Mrs Eatts was born at Halls Creek 1912". The particulars of Mabel's and Jack's marriage and children were noted: "they were married at Broome 14 December 1930 and there are four children, as follows: Roseleen May 6 years, Albert Collins 3 years, Francis Douglas 2 years and Ita Pearl 1 year". The date of marriage is incorrect. Pike alerts the Commissioner to the fact that Roseleen was born out of wedlock. He says: "you may note that Roseleen May was born out of wedlock, and Mr Eatts has signified his desire to legally adopt her". Pike then tried to provide an answer to the question as to why Jack had placed the application: "Apparently it is with some ideas that it would be better for the sake of the children that he desires to get the exemption for Mrs Eatts". Pike noted an inaccuracy in the memo received from Bray, saying: "you may also please note that Mrs Eatts christian names are Mabel Ita -two separate names and not one as in your memo". This sentence was highlighted. Pike then commented on the characteristics of Jack's nature and work ethic by saying: "Jack Albert Eatts is 31 years of age, a steady, sober and industrious worker, and although he has very little education is quite a good citizen". Again, Pike seemed to be advocating for Jack, advising the Department what he believed they needed to hear in order to look favourably upon Jack's and Mabel's application. Lastly, Pike raised a new problem: "while on the matter I would like your advice relative to the Departments attitude on the adoption of the eldest child". Handwritten notes written on this document indicate that there was further contact with Mabel and Jack. We can see that on 24 June 1935, Bray asked an administrator to obtain a copy of the couple's Certificate of Marriage. A subsequent message indicates that the Certificate of Marriage was supplied by the couple and noted as being "herewith".

Jack's intention to adopt Roseleen May, expressed directly to Sergeant Pike in Derby and relayed to the Chief Protector in this letter, was the first time Roseleen's existence was bought to the attention of the Department. This new information instigated an immediate redirection of focus. Between September 1935 and May 1936, fourteen letters, telegrams, and notes were exchanged between Neville and Bray and the local Protectors in Derby and Broome to ascertain the particulars of Roseleen May's father. As the investigation progressed, an increasing number of local police officers in Broome and Derby became aware of Mabel, Jack and their children, particularly Roseleen May. I imagine the Department's investigations would have caused Mabel and Jack grave concern.

Whether they knew it or not, one blessing for Mabel and Jack was the minimal funding received by the Aborigines Department in Western Australia and the limitations this placed on the Department's capacity to access and manage information.

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The comprehensive systems of surveillance of which Neville was so proud,[89] were constrained by his department's limited staff numbers, the vastness of the state of Western Australia, and the Department's inability to undertake inspections with any regularity, especially in the Kimberley. As a result, mistakes were made and things went on unnoticed. Mabel's exemption file exemplifies this.

Mabel's file cover, opened in May 1935, is titled 'Mabelita Eatts', *not* 'Mabel Ita Eatts'. While Sergeant Pike noted this error on 4 June 1935 following an interview with Jack, the file cover was never corrected. Pike incorrectly noted Mabel's date of birth to be 1912, which was never corrected. Mabel and Jack's date of marriage was incorrectly noted as the 14 December 1930 on the letter from Pike, but was later corrected by Neville after viewing a copy of the Certificate of Marriage. In Mabel's exemption file, we can also see that Neville needed to be reminded of his previous intervention in Mabel's life. On 2 July 1935, Neville wrote to constable "C. in C." in Derby asking who had sanctioned the Eatts' marriage,[90] to which Bray replied: "you gave consent to this marriage".[91] These shortcomings left the Department exposed to calculated efforts by Aboriginal families to withhold information where they could. This was one of the few powers Aboriginal families could exercise.

Mabel was not afraid to assert her agency and intentionally hide critical information from the Department. In 1929 while seeking a permit to marry Jack, Mabel concealed the existence of her daughter Roseleen May from the Department. Unfortunately, on 8 July 1935, the Department realised and noted that this concealment of information had occurred. On this day, Neville wrote to Sergeant Pike:

> At the time of the marriage however, nowhere, and in the report of the Inspector of Aborigines made the year before there was no mention whatever of the fact that Mrs. Eatts was then possessed of a child born out of wedlock.[92]

Mabel did what any mother would do, hide her child from the Department, knowing they had the authority to take her away. I sense that Neville was frustrated that this deceit had occurred. As a descendent of Mabel, and a mother myself, I am proud of her actions and would have done the same. The Department only became aware of Rose through Jack's request to adopt her. Jack must have believed that this request was necessary.

Neville visited Derby briefly for one night on Thursday, 20 June 1935, and travelled to Broome the following day. The visit was reported in the Northern Times on 26 June 1935.[93] He mentioned this visit in his letter to C.C. on 2 July 1935:

> Eatts is a drover of Mount Anderson Station, who was at the time of my visit living in Derby, but who was shortly going to take up residence with his family at Mount Anderson.[94]

This note to C.C. indicated that he either spoke to Jack himself or Neville had a discussion with staff at the Derby Police Station about the matter.

In July of 1935, knowing the investigation was now focused on Roseleen May's parentage, it appears Mabel and Jack used their mobility to escape the reach of the

[89] Haebich, *Broken Circles*, pp. 222, 259-260; Pat Jacobs, *Mister Neville*, p. 228.
[90] *Letter from CPA to C. in C.*, 2 July 1935, SROWA.
[91] *Note on the letter dated 2 July 1935 from DCPA to CPA*, 3 July 1935, SROWA.
[92] *Letter from CPA to Sergeant Pike*, 8 July 1935, SROWA.
[93] "Derby News," *Northern Times*, Wednesday, 26 June 1935, p. 4, NLA, *https://trove.nla.gov.au/newspaper/article/74910817*
[94] *Letter from CPA to C. in C.*, 2 July 1935, SROWA.

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Department. Exemption through marriage did allow Aboriginal women mobility.[95] Jack's cattle and sheep industry employment enabled the family to move sixty miles inland from Derby to Mt Anderson Station. We can see in subsequent communications that Mabel and Jack's move to the station did slow down the investigation. Between July 1935 and July 1936, it was inconvenient for the Derby and Broome police to get out to the Mt Anderson Station to interview Mabel. During this time, Neville was persistent with his telegrams to the Protectors, periodically reminding them that he required information about Roseleen May and the particulars of her birth father. On 5 September 1935, having not heard from the Derby or Broome Police since 4 June 1935, Neville wrote to Sergeant Pike in Derby. He said:

> I would be glad to know if you have yet, had an opportunity of questioning Mrs. Eatts as to Roseleen May's father and where and when she was born.[96]

On 10 September 1935, Sergeant Coppinger from Derby wrote to Inspector Carroll in Broome informing him that he would interview Mabel when the police were next in their vicinity.[97] This telegram was copied and sent to Neville in Perth on 2 October 1935.[98] Neville replied to the Commissioner of Police in Broome, saying he would be glad to hear from them when new information was obtained.[99] On 23 January 1936, after a seven-month wait for an update, Neville sent another reminder to Inspector Carroll in Broome.[100] On 29 January 1936, Inspector Marshall gave instructions to Sergeant Thompson to make inquiries.[101] Sergeant Thompson then communicated with Constable Charles Hogarth.[102] On 12 February 1936, a handwritten internal message records Constable Hogarth's findings. He noted Joseph Francis, a 'half-caste' living in Broome, to be Rose's birth father, but his name was not recorded on her Certificate of Birth. The child was registered with the District Registrar's office as "Roseleen May Ita".[103]

In May 1936, over twelve months after Jack wrote his original letter of application for exemption for his wife to the Chief Protector of Aborigines, he was advised by the Derby Police Station to write to the Chief Protector again, this time, to ask to adopt Rose specifically. He does so (with some errors in spelling and grammar) in a letter dated 30 May 1935.[104] He wrote:

[95] Lucinda Aberdeen et al., "Because of Her We Can," p. 401; Rachel Standfield, ed. *Indigenous Mobilities*: *Across and Beyond the Antipodes* (Canberra: ANU Press, 2018).
[96] *Letter from CPA to Sergeant Pike*, 5 September 1935, SROWA.
[97] *Telegram from Sergeant Coppinger to Inspector Carroll*, 10 September 1935, SROWA.
[98] *Telegram from Sergeant Hunter to CPA*, 2 October 1935, SROWA.
[99] *Telegram from CPA to The Commissioner of Police*, November 1935, SROWA.
[100] *Telegram from CPA to Inspector Carroll*, 23 January 1936, SROWA.
[101] *Telegram from Constable Marshall to Sergeant Thompson*, 29 January 1936, SROWA.
[102] *Note on Telegram of 23 January 1936 from Sergeant Thompson to Constable Hogarth*, Date ineligible 1936, SROWA.
[103] *Note from Charles Hogarth to Sergt. Thompson*, 12 February 1936, SROWA.
[104] *Letter from Jack Albert Eatts to Mr Neville*, 30 May 1936, SROWA.

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35 4

Jack Albert Eatts
Mt Anderson Station
Derby Nth.West
May 30/19/36

GOVERNMENT
ABORIGINES

CHIEF SECRETARY'S
2 JUNE 1936
DEPT. RECORDS

Mr. Neville Chief Protector

Dear Sir I am in receipt of a letter from the Police Station Derby stating that I should be neading your permission for the Adoption of my wife's Daughter Roseleen May who is now in Broome going to school. She has always been under my charge until 11 months ago & since then I have bean paing her bord there on account of schooling.

So If you will kindly give me your permission to adopt her or change her name to Roseleen May Eatts I should be much obliged.

Remaining yours faithfully
Jack Eatts

PS Would you kindly let me know wether you have done anything further as regards my Wife exemption papers. It is at the present time that we wanting them for it is for my Wife and Children later on.

CPA for your consideration
30/5/36

ABORIGINES DEPT.
25 JUNE 1936

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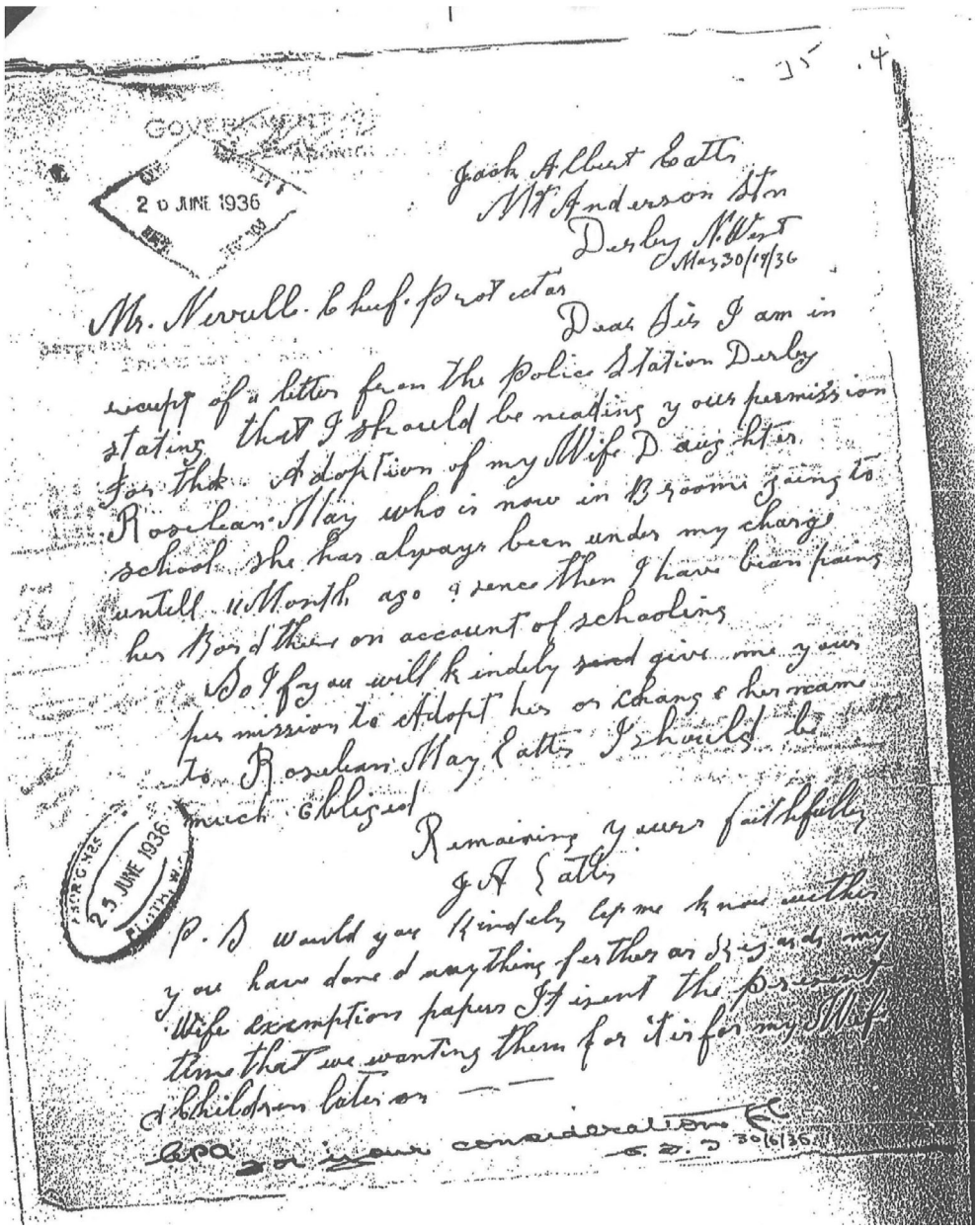

Albert Eatts, Jack. *Letter from Jack Albert Eatts of Mt Anderson Station Derby to Mr Neville, Chief Protector of Aborigines*. 30 May 1936, SROWA.

After asking for permission to adopt Roseleen May, Jack added a postscript asking for an update on his exemption application for Mabel. Through the postscript, Jack asserted his motivations for seeking exemption and his truth. Jack and Mabel were concerned about their family's future in the Kimberley region of Western Australia. He made it clear to the Chief Protector his position and his intentions for this family: "we wanting them for it is for my Wife and Children later on". On 7 July 1936, nearly fourteen months after Jack first wrote to the Chief Protector, Mr A.O. Neville wrote a

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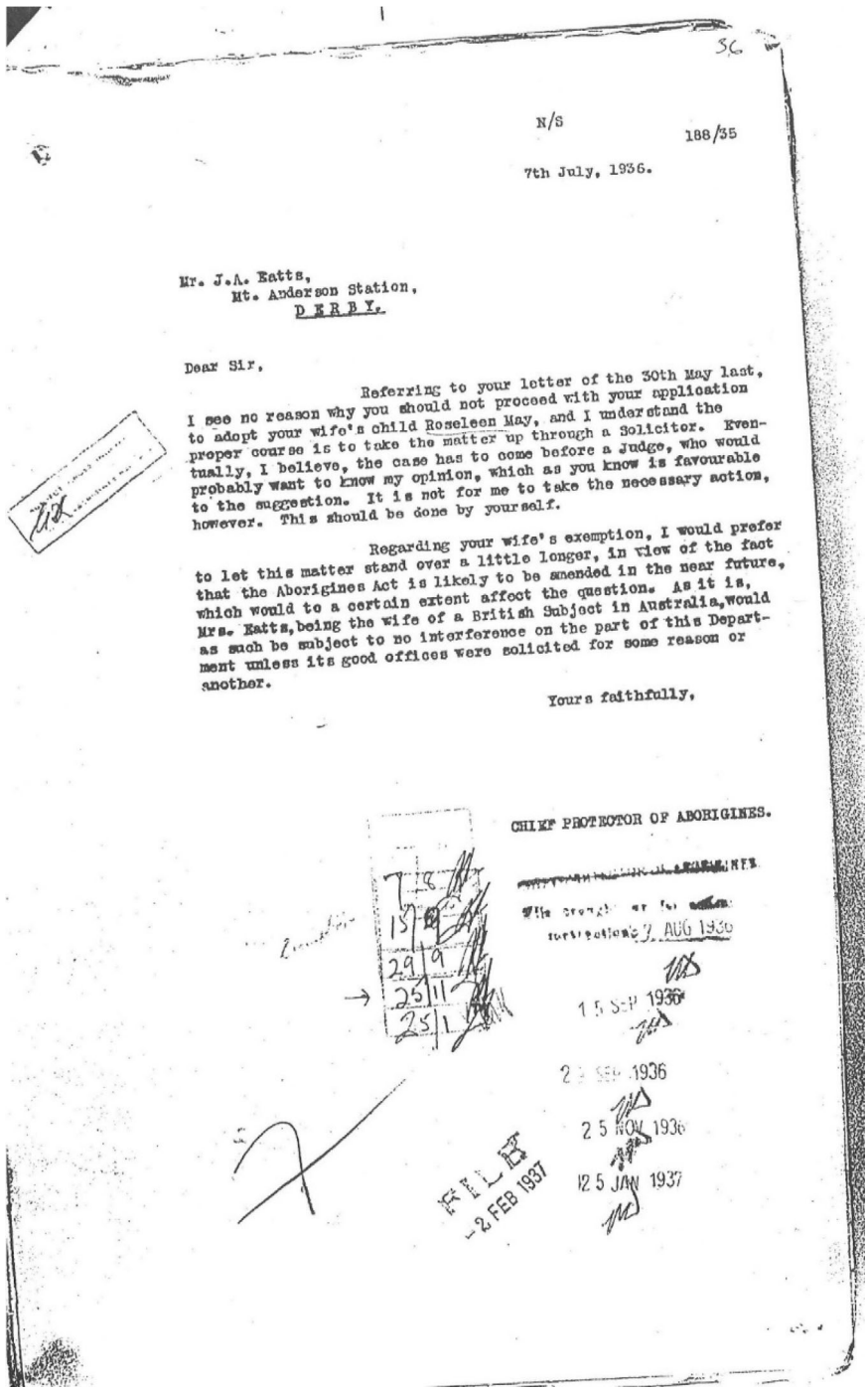
letter of reply to Jack to inform him officially of the outcome of his requests for an exemption for this wife and to adopt Roseleen May.[105]



36

N/S 188/35

7th July, 1936.

Mr. J.A. Eatts,
Mt. Anderson Station,
DERBY.

Dear Sir,

Referring to your letter of the 30th May last, I see no reason why you should not proceed with your application to adopt your wife's child Roseleen May, and I understand the proper course is to take the matter up through a Solicitor. Eventually, I believe, the case has to come before a Judge, who would probably want to know my opinion, which as you know is favourable to the suggestion. It is not for me to take the necessary action, however. This should be done by yourself.

Regarding your wife's exemption, I would prefer to let this matter stand over a little longer, in view of the fact that the Aborigines Act is likely to be amended in the near future, which would to a certain extent affect the question. As it is, Mrs. Eatts, being the wife of a British Subject in Australia, would as such be subject to no interference on the part of this Department unless its good offices were solicited for some reason or another.

Yours faithfully,

CHIEF PROTECTOR OF ABORIGINES.

3 AUG 1936

15 SEP 1936

25 NOV 1936

12 5 JAN 1937

FILED
-2 FEB 1937

[105] *Letter from CPA to Mr. J.A. Eatts, Mt Anderson Station, Derby*, 7 July 1936, SROWA.

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Neville permitted Jack to adopt Roseleen May and noted his support for the application, if the matter was presented to a judge. Neville then went on to assert his decision regarding Mabel's exemption. He wrote:

> Regarding your wife's exemption, I would prefer to let this matter stand over a little longer, in view of the fact the Aborigines Act is likely to be amended in the near future, which would to a certain extent effect the question. As it is, Mrs Eatts being the wife of a British subject in Australia, would as such be subject to no interference on the part of the Department unless its good officers were solicited for some reason or another.[106]

Our family have imagined that this letter would have been received with both joy and despair. Jack had permission to adopt Rose however, the decision about his wife's application for exemption had been withheld. Disturbingly, Jack was also being warned that the Act was being amended, which could affect Mabel's situation and revealed that her existing exemption status was conditional to further surveillance and could be revoked at any time. Section 63 of the Act allowed for this. As a descendent, I read these words and feel Mabel and Jack's fear. While Neville's communication style was polite, his message was psychologically cruel. There is a disturbing tone of entitled racialised control. With unquestioned authority and confidence, he informs Jack that his wife would not be subjected to any interference from the Department unless the local police thought it a good reason to do so. This is a torturous message considering that now, the local police all knew who Mabel was, where she lived and the particulars of her children. We know that further surveillance did occur because this letter was viewed, stamped and initialed six or seven times over the next twelve months. Mabel's exemption investigation was noted as 'withdrawn' on the cover of her personal file and her life circumstances, the information collected throughout the investigation was "Noted on the Cards" by the Deputy Chief Commissioner, Francis Illingworth Bray, on "10/8/36".[107]

On 13 October 1936, following two months of Parliamentary discussion, amendments to the *Aborigines Act 1905* were passed, and it was renamed the *Native Administrations Act 1936*.[108] It widened the definition of "Aboriginal" to include almost any degree of Aboriginal heritage, thereby widening the pool of Aboriginal people controlled by the Act. Administrators of the policy could decide by looking at a person if they were of Aboriginal descent.[109] Aboriginal children who were "near white" were now more likely to be removed and detained in institutions.[110]

Uneasy about their children's safety and their life in the Kimberley, in 1939, Jack secured himself a job offer in a tin mine near Charters Towers, Queensland.[111] With an offer of work outside of the state, Mabel, Jack, and their children fled the Kimberley

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[106] *Ibid*.
[107] *Handwritten note by FIB written on Jack's original letter of application dated 13 May 1935*, 10 August 1936, SROWA.
[108] WAPLA, 7 November 1935, p. 1618, Item 19351107_Assembly, Hansard Index; WAPLC, 15 September 1936, p. 554, Item 10360915_Council, Hansard Index; WAPLC, 29 September 1936, p. 819, Item 19360929_Council, Hansard Index; WAPLA, 30 September 1936, p. 878, Item 19360930_Assembly, Hansard Index; WAPLC, 1 October 1936, p. 932, Item 19361001_Council, Hansard Index; WAPLC, 6 October 1936, p. 972, Item 19361006_Council, Hansard Index; WAPLC, 13 October 1936, p. 1064, Item 19361013_Council, Hansard Index; *Native Administration Act*, *1936*, AIATSIS, *https://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/52794.pdf*
[109] Richard Broome, *Aboriginal Australians*: *A History since 1788* (NSW: Allen & Unwin, 2010), p. 240.
[110] Haebich, *Broken Circles*, p. 277; Jacobs, *Mister Neville*, p. 220.
[111] Eatts, *Somewhere Between*, p. 18.

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region for good.[112] The last known Government correspondence relating to the family was a letter from the Deputy Commissioner of Native Affairs to the Under Secretary in the Department of Public Health, dated 30 November 1939. It read:

> EATTS has been away from the Derby District now for about two months, and the last seen of him was heading for the South Australian Border in a M/Truck with his wife and family on his way to Queensland.[113]

My Uncle says, "they could not get enough dust between them and that place".[114] As they drove away, leaving behind Flora Valley, Halls Creek, Beagle Bay, Broome, and Derby, I have tried to imagine how they felt. My Uncle has said that leaving was an adventure, and there was excitement in anticipation for a new beginning. I get it. I understand why this move was so significant to Mabel and Jack. It was intended to physically remove them from the policies of Western Australia and their lived experiences in the Kimberley. It was a chance for a new start.

Generations since, this move has affected our family's connections to Country. Identity for Indigenous people is entwined with ancestral links to Country. Knowing our Country can enhance resilience, self-esteem and provide a sense of identity and belonging. As descendants of Mabel, it has become our challenge to repair that damage and return to Country to reconnect and affirm our identity and sense of place in this Nation.

Mabel and Jack arrived and settled in Charters Towers, Queensland. There are no known Queensland Government files in Mabel's name. To our knowledge, the couple did not apply for or receive an Exemption Certificate in Queensland. However, by all accounts,[115] they seemed to continue to live under exemption rules as though they were living under surveillance. Mabel and Jack did find a home in Queensland and were able to send their children to local mainstream schools, and Uncle Wally undertook a painter's apprenticeship and later found work as a drover. Mabel, who longed for acceptance by others, had turned her back on the Catholic Church and joined the Jehovah's Witness community. This new chapter of their life provided many new opportunities but also presented ongoing and new challenges for the whole family. My Uncle Wally has documented his life in his memoir, *Somewhere Between, Not White, Not Black, Not Wanted*.[116] As the title suggests, Mabel, Jack and their children continued to navigate their life living in between worlds. Associations with Aboriginal people were forbidden, communication with Mabel's extended family was rare, and the family continued to live and abide by the racialised social expectations of the broader, non-Indigenous community. Despite this, Mabel and Jack made a life for themselves and cared for their children through hard work, courage, and determination, and now their legacy is being realised by their descendants and celebrated.

Conclusion

Mabel was a fierce and determined woman who entered into a loving and respectful relationship with a man who identified to the Aborigines Department as white, knowing that by doing so, she would be granted some protection from the provisions of the *Aborigines Act 1905*. Exemption through marriage did not protect her from ongoing

[112] Yarns with Uncle.
[113] *Letter from Deputy Commissioner of Native Affairs to the Under Secretary, Department of Public Health, Perth*, 30 November 1939, SROWA.
[114] Yarns with Uncle.
[115] Eatts, *Somewhere Between*, pp. 19–31; Yarns with Uncle and my Birth Father.
[116] Walter Eatts, *Somewhere Between Not White Not Black Not Wanted* (Western Australia: All in One Book Design, Optima Press, 2014).

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social exclusion and racialised mistreatment. Through her husband, Mabel applied for an Exemption Certificate to protect her children from the discriminatory treatment she had experienced in her life. The exemption application process was administratively laborious, intrusive, and frightening. Mabel was the subject of these investigations, however not one of the letters, memos, telegrams, or handwritten notes were authored by her or addressed to her. Despite this, Mabel ensured her own agency. She made decisions and maneuvered her way through systems of oppression utilising every power she had. Mabel and Jack limited the Aborigines Departments' access to information, exercising some control over what information the Department could obtain, and in 1936, they utilised their mobility to distance themselves from the exemption investigation entirely.

Through a journey of knowledge repatriation, our family has found Mabel's voice. We have uncovered a family narrative that makes us proud and highlights the impact Aboriginal policies have had on Mabel's life and how her experiences have influenced our sense of self and place in this Country as individuals and as a family. Aboriginal families can live with guilt or shame for what they do not know about their connections with and disconnections from Language, Kin, Country, and Culture. This story empowers me to realise that I can let go of any guilt or shame I may feel. It was, and is, not my fault. It was written in the stars before I was born. Mabel was stolen from her mother, extended family, language, culture, and Country. Her identity was formed in the shadows of legislation that told her to be ashamed of and secretive about her Jaru heritage. She lived her life believing she had to remove herself, from herself; to be ashamed of who she was. Through my access to the archives, with the opportunity to claim ownership of this narrative, I have had the ability to find connections with my Aboriginality, my 'Creation Story'. Our family has formed a narrative that speaks to a new and empowering truth. Mabel's, Joseph's, and Jack's story of strength and resilience, their fight for love, acceptance, and their children, is a legacy that can now be passed down to our children, their children, and so on. Healing is taking place.

To Mabel I say: We remember you and we honour you. Your descendants are reconnecting with each other and with Country. To the reader I say: I have shared with you my Australian story. Can you find a relationship between my story and yours? Find that connection and I'll believe my story was heard. To Mr Neville, the Chief Protector of Aborigines; Your files, once used to manage the separation, segregation, and control of Aboriginal families, have ironically now become the source of Aboriginal family reconnection. We are locating the very source of our pain and despair and using your records to heal and seek empowerment. Through your records, we are finding our way home.

Acknowledgement

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