

# James ANDERSON

**Death:**24th April 1895<sup>1</sup>

**Aged:** 40<sup>2</sup>

**Occupation:** Miner / Condenser Operator

**Outback Grave Marker Number:** 209

**GPS Coordinates:** 30°14'23.6"S 120°57'06.3"E



James Anderson was born in Scotland and was a native of the city of Aberdeen,<sup>3</sup> prior to leaving and pursuing a life as a mariner.

James was described as of fair completion and 5' 7" (170cm) tall<sup>4</sup>

Before reaching Western Australia and the gold fields at Siberia he was for a period a resident in New Zealand, and this was likely the origin of his alias of "New Zealand Jimmy"<sup>5</sup>.<sup>6</sup>

It was believed that he had one or two brothers still resident in Aberdeen at the time of his death

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<sup>1</sup> The Inquirer and Commercial News Perth WA, Friday 10th May 1896, page 3

<sup>2</sup> Coolgardie Miner-Tuesday 30th April 1895, page 3

<sup>3</sup> Coolgardie Miner-Tuesday 30th April 1895, page 3

<sup>4</sup> Coolgardie Miner-Tuesday 30th April 1895, page 3

<sup>5</sup> The Inquirer and Commercial News Perth WA, Friday 10th May 1896, page 3

<sup>6</sup> The Inquirer and Commercial News Perth WA, Friday 10th May 1896, page 3



The circumstances leading up to and surrounding James Anderson's death and the outcomes as a result are both common and unique in Western Australian history of this period.

James Anderson was working a water condenser on the western edge of Lake Owen eight miles (12.9km) from Siberia.

He had employed an indigenous man and woman to assist at the condenser with keeping the fire going, cleaning, caring for his horse and other work<sup>7</sup>

They had been in his employ for approximately two to three months at the time of Anderson's death<sup>8</sup>

The indigenous man was known as Jacky or his traditional name "Yalya" was from the Mount Ida and the woman was known as Polly from the Golden Valley area.<sup>9</sup>

Anderson appears to have treated Jacky and Polly in a manner that other prospectors and miners working in the area were unaccustomed to, providing them with food, clothing and shelter in return for their labour.<sup>10</sup> The other men working in the area said that he was foolish, but Anderson was quoted as saying "that they worked for it they deserved it".<sup>11</sup>

During the Inquest into Anderson's death, a William Hogan who had known Anderson for two years, in his evidence stated that he had often warned him against being too kind to the natives Jacky and Polly.<sup>12</sup>

The relationship between Jacky and Polly appeared to be turbulent, with Jacky meting out beatings to Polly,<sup>13</sup> and Polly refusing to go "Walkabout with him."<sup>14</sup>

During this period the relationship between Anderson and Jacky began to become tense. It appears that Anderson interceded between Jacky and Polly when she was being beaten and Polly stayed in Anderson's tent, by her own admission three times<sup>15</sup>, although the actual number may have been greater as William Hogan in evidence at the Inquest also stated "that he was aware of the fact that Anderson had cohabited with the

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<sup>7</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

<sup>8</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

<sup>9</sup> The Inquirer and Commercial News Perth WA, Friday 10th May 1895, page 3

<sup>10</sup> The Coolgardie Miner WA, Thursday 9th May 1895, page 3

<sup>11</sup> The Coolgardie Miner WA, Thursday 9th May 1895, page 3

<sup>12</sup> The Coolgardie Miner, Monday 6th May 1895, page 3

<sup>13</sup> The Inquirer and Commercial News Perth WA, Friday 10th May 1895, page 3

<sup>14</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

The Coolgardie Miner, Monday 6th May 1895, page 3

<sup>15</sup> The Coolgardie Miner, Friday 10th July 1895, page 3



gin, but had never known Jacky to threaten him".<sup>16</sup> Another Miner James Gibb in testimony to the Court before Mr Warden Finnerty R.M during Jacky's Committal Trial, stated "that the woman was staying with Anderson. He did not know if he kept Polly as a mistress".<sup>17</sup>

Although in his opening address to the Supreme Court in October 1895, the Crown Prosecutor, Mr R.B Burnside stated that Polly would tell the court that Anderson had induced her to leave Jacky and she had made up her mind to do so.<sup>18</sup>

In the week preceding the 24th of April 1895, Jacky had been absent from the camp after an argument with Polly where she had refused to leave with him.

On his return on the day of the murder, Jacky had been "Sulking" around the camp and after as stated by Polly's Unsworn statement to the Committal Trial of Jacky for Anderson's murder, Jacky had threatened her with a shovel, causing her to flee into the bush.<sup>19</sup> At this point Anderson confronted Jacky on why he wished to kill Polly. In response Jacky hit Anderson with a "waddy" stick to which Anderson responded by throwing a tomahawk at him, Jacky at this fled into the scrub.<sup>20</sup> The Miner James Gibb's testimony to the Committal Trial supported this account of events. Gibbs further stated that Anderson in response to Gibbs calling out what was wrong at hearing the row between Anderson and Jacky that the latter had thrown a stick at him, and he was going to burn down Jacky's mia mia. Gibbs in response said to Anderson don't burn the blankets, to which Anderson replied "No Fear"

In his testimony Gibbs recounted how after this he fell asleep, to be awakened by the cries of Polly. When he asked what the matter was she replied that "My boss, he speared". He went with Polly 100 yards (100 metres) to the spot near an idle condenser, where he found Anderson lying on his face dead, lying alongside the body was a broken spear with blood on it.<sup>21</sup>

The Government Medical Officer Doctor McNeil, who after exhuming Anderson's body after he had been deceased for about five days<sup>22</sup>, and examined the body returned the following finding, "found a wound in the right shoulder, near the clavicle, the instrument

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<sup>16</sup> The Coolgardie Miner, Monday 6th May 1895, page 3

<sup>17</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

<sup>18</sup> The Daily News Perth WA, Monday 7th October 1895, page 3

<sup>19</sup> The Coolgardie Miner, Monday 6th May 1895, page 3

<sup>20</sup> The Coolgardie Miner, Monday 6th May 1895, page 3

<sup>21</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

<sup>22</sup> The Coolgardie Miner, Monday 6th May 1895, page 3



causing death had pierced the heart in the right auricle (sic). Death must have been instantaneous".<sup>23</sup>

When Jacky was brought to trial in the Supreme Court in Perth on the 7th of October 1895, the evidence of Polly and James Gibbs while being called for the prosecution, the circumstances surrounding the killing of James Anderson provided the defense counsel George Leake to successfully argue that Jacky had "suffered the severest provocation" by the fact that Anderson had taken away his woman, fired his hut and threatened to kill<sup>24</sup> him<sup>25</sup>.

The jury in the trial after a brief consideration agreed and a verdict of "Not Guilty" was returned<sup>26</sup>.

Jacky was acquitted using the defense of provocation, which as was discussed in Nettebecks analysis made it a very unusual outcome in Australian Colonial Legal History.<sup>27</sup>

James Anderson was laid to rest in the Siberia Cemetery<sup>28</sup> and lies between Andrew O'Byrne<sup>29</sup> and James McCormack<sup>30</sup> on Thursday the 25th April 1895, in coffin constructed by one of the Miners who knew him. The burial service was reading was by Mr Graves.<sup>31</sup>

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<sup>23</sup> The Coolgardie Miner, Friday 10th July 1895, page 3

<sup>24</sup> Nettelbeck, A. (2014). Queen Victoria's Aboriginal subjects: A late colonial Australian case study. In Tonkin M., Treagus M., Seys M., & Rosa S. (Eds.), *Changing the Victorian Subject* (pp. 21-36). South Australia: University of Adelaide Press. Retrieved from <http://www.jstor.org/stable/10.20851/j.ctt1t305b6.5>

<sup>25</sup> Deposition file Cons 3473, item 186, case 2587; Coronial Inquiry Acc 430, 1895/1086, State Records Office of Western Australia

<sup>26</sup> Deposition file Cons 3473, item 186, case 2587; Coronial Inquiry Acc 430, 1895/1086, State Records Office of Western Australia

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<sup>28</sup> Coolgardie Miner WA-Thurs 9 May 1895

<sup>29</sup> Menzies Miner WA-Saturday September 10 1898

<sup>30</sup> Western Australian Lonely Graves and Burials at Sea, Volume Two F-Mc, Page 565

<sup>31</sup> The Inquirer and Commercial News Perth WA-Frid 10 May 1895

