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## Australian Aborigines

1. Despatches relating to the Massacre of  
Australia Aborigines in 1838 & the trial  
of the Murderers (1839)

Y72-78: 45112. M4 AS31

2. Despatches relating to the Condition of the  
Aborigines of the Australian Colonies (1839<sup>627</sup> - 1844)

Y72-78. M4

**AUSTRALIAN ABORIGINES.**

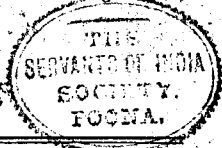
RETURN to an ADDRESS of the Honourable The House of Commons,  
dated 19 July 1839 ;—for,

COPIES or EXTRACTS of DESPATCHES relative to the Massacre of various  
ABORIGINES of *Australia*, in the Year 1838, and respecting the Trial of  
their Murderers.

Colonial Office, Downing-street, }  
12 August 1839.

H. LABOUCHERE.

(*Mr. Charles Lushington.*)



Ordered, by The House of Commons, to be Printed,  
12 August 1839.

SCHEDULE.

- No. 1.—Extract of a Despatch from Lord Glenelg to Governor Sir Richard Bourke, K.C.B., dated Downing-street, 26 July 1837 - - - - - p. 3
- No. 2.—Copy of a Despatch from Lord Glenelg to Governor Sir George Gipps, dated Downing-street, 31 January 1838; (Two Enclosures) - - - - - p. 4
- No. 3.—Copy of a Despatch from Governor Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 25 April 1838; (Two Enclosures) - - - - - p. 21
- No. 4.—Copy of a Despatch from Governor Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 27 April 1838; (One Enclosure) - - - - - p. 24
- No. 5.—Copy of a Despatch from Lord Glenelg to Governor Sir George Gipps, dated Downing-street, 16 November 1838 - - - - - p. 26
- No. 6.—Copy of a Despatch from Governor Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 21 July 1838; (Five Enclosures) - - - - - p. 27
- No. 7.—Copy of a Despatch from Lord Glenelg to Governor Sir George Gipps, dated Downing-street, 21 December 1838 - - - - - p. 33
- No. 8.—Copy of a Despatch from Governor Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 19 December 1838; (Three Enclosures) - - - - - p. 34
- No. 9.—Extract of a Despatch from the Marquess of Normanby to Governor Sir George Gipps, dated Downing-street, 17 July 1839 - - - - - p. 56
- No. 10.—Copy of a Despatch from Governor Sir George Gipps to Lord Glenelg, dated Government House, Sydney, 8 January 1839; (One Enclosure) - - - - - p. 56

SKETCH of the proposed MILITARY Posts between Sydney and Port Phillip - - - at the end.

COPIES OF EXTRACTS of DESPATCHES relative to the Massacre of various  
 ABORIGINES of *Australia*, in the Year 1838, and respecting the Trial of  
 their Murderers.

— No. 1, —

(No. 353.)

EXTRACT of a DESPATCH from Lord *Glenelg* to Governor Sir *R. Bourke*,  
 dated Downing-street, 26th July 1837.

NEW SOUTH  
 WALES.

No. 1.

It is happily superfluous for me to impress upon you the general principles  
 to be observed in your conduct towards the aborigines,

Lord Glenelg to  
 Sir R. Bourke,  
 26 July 1837.

I shall soon be enabled to transmit to you the Report of the Committee of  
 the House of Commons on this subject, made before the close of the present  
 Session; and I have reason to believe that you will there find the result of  
 much diligent inquiry and reflection. For the present, therefore, I confine  
 myself to remarks, which may perhaps appear to proceed on a less compre-  
 hensive view of the subject, than under other circumstances I should have thought  
 it right at least to attempt.

Your commission as Governor of New South Wales asserts Her Majesty's  
 sovereignty over every part of the continent of New Holland which is not  
 embraced in the colonies of Western or Southern Australia. Hence I conceive  
 it follows that all the natives inhabiting those territories must be considered  
 as subjects of the Queen, and as within Her Majesty's allegiance. To regard  
 them as aliens, with whom a war can exist, and against whom Her Majesty's  
 troops may exercise belligerent rights, is to deny that protection to which they  
 derive the highest possible claim from the sovereignty which has been assumed  
 over the whole of their ancient possessions.

I am well aware that in extreme exigencies, public officers are not to be  
 governed altogether by ordinary rules: at the same time, it appears to me  
 necessary that those rules should be steadily borne in mind in estimating the  
 apology made for an occasional departure from them.

If the rights of the aborigines as British subjects be fully acknowledged,  
 it will follow that when any of them comes to his death by the hands of the  
 Queen's officers, or of persons acting under their command, an inquest should  
 be held, to ascertain the causes which led to the death of the deceased. Such  
 a proceeding is important, not only as a direct protection to society at large  
 against lawless outrage, but as it impresses on the public a just estimate of the  
 value of human life.

No. 2.  
 Lord Glenelg 10<sup>a</sup>  
 Sir George Gipps,  
 31 January 1838.

(No. 72.)

— No. 2. —

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *George Gipps*.

Sir,

Downing-street, 31 January 1838.

In transmitting to you a duplicate copy of the last Report of the Select Committee of the House of Commons on Aborigines, I have the honour to communicate to you, that Her Majesty's Government have directed their anxious attention to the adoption of some plan for the better protection and civilization of the native tribes within the limits of your government.

With that view, it has been resolved to appoint at once a small number of persons qualified to fill the office of protectors of aborigines. I have confined that number, in the first instance, to one chief protector, aided by four assistant protectors. I would propose that the chief protector should fix his principal station at Port Phillip, as the most convenient point from whence he could traverse the surrounding country, and be in personal communication with his assistants; two of whom should occupy the country to the northward and eastward, and the other two be stationed to the northward, and as far westward as the boundaries of the colony of South Australia.

I propose to confer the office of chief protector on Mr. Robinson, who, you are no doubt aware, has for some time past been in charge of the aboriginal establishment at Flinders' Island, and who has shown himself to be eminently qualified for such an office. I shall direct the Lieutenant-governor of Van Diemen's Land to communicate my intentions to Mr. Robinson, and to take the necessary measures for sending him to Sydney, if he should be prepared to undertake the office. It appears to be a question whether Mr. Robinson would be willing to quit the establishment at Flinders' Island, unless he were accompanied by the natives from Van Diemen's Land, in whose superintendence he is at present engaged. I enclose, for your general information, a copy of a despatch from Lieutenant-governor Sir J. Franklin, with a report from Mr. Robinson, on the state of the native settlement in that island. It contains much interesting information as to the condition of the natives under his charge, and also as to his mode of treating them. You will perceive that in this report he strongly recommends the removal of these natives to New Holland. The late Lieutenant-governor of Van Diemen's Land has expressed his conviction that no evil consequences are to be apprehended from allowing them to accompany Mr. Robinson. In the despatch which is now enclosed, Sir John Franklin states that many objections present themselves to such a measure; and I should not feel myself justified in directing the adoption of it, in opposition to such a statement. If, however, the result of the personal observations of Sir John Franklin, in the visit which he stated himself to be about to make to Flinders' Island, should be such as entirely to satisfy him that the natives might be so removed, without personal risk or danger to themselves, and with their own free consent, important advantages might be anticipated from the formation in New Holland of an aboriginal settlement comparatively so far advanced in civilization. On this point, however, I should wish you to communicate with Sir John Franklin, and it will be necessary to act in it with the utmost caution and circumspection. In the meantime, I trust that Mr. Robinson may, under any circumstances, be induced to undertake the office. The gentlemen whose names are stated in the margin have been chosen to fill the office of assistant protectors.

With regard to the expenses attending the establishment, it is proposed to assign to the chief protector a salary of 500*l.* per annum, and to each of the assistants 250*l.*

The four officers proceeding from this country will also have an allowance of 100*l.* each, on account of their outfit and passage; and according to the general rule of this department, they have been informed that they will receive half salary from the date of embarkation.

It will also be necessary to make some provision to enable the protectors to supply the natives occasionally with moderate quantities of food and clothing.

In fixing this expenditure, Her Majesty's Government have anticipated the concurrence of the legislative council of your government, in voting the necessary sum for meeting the charge. The object contemplated is so important, and the obligation which rests on the colonists to do their utmost for the protection

Mr. Sievwright,  
 Mr. Thomas,  
 Mr. Dredge,  
 Mr. Parker.

3 August 1837.

tection and civilization of the native tribes so imperative, that I am convinced no further argument is necessary to induce a cheerful co-operation on their part in the measure now adopted. If the aboriginal establishment at Flinders' Island should be broken up, and transferred to New South Wales, some portion of the expenditure might reasonably be defrayed from the revenues of Van Diemen's Land.

Lord Glenelg to  
Sir George Gipps,  
31 January 1838.

It remains for me to explain my general view of the duties which will devolve on the protectors, and to refer to the points which will form the ground of instructions which you will issue to them.

1. Each protector should attach himself as closely and constantly as possible to the aboriginal tribes who may be found in the district for which he may be appointed; attending them if practicable in their movements from one place to another, until they can be induced to assume more settled habits of life, and endeavour to conciliate their respect and confidence, and to make them feel that he is their friend.

2. He must watch over the rights and interests of the natives, protect them, as far as he can by his personal exertions and influence, from any encroachments on their property, and from acts of cruelty, oppression, or injustice, and faithfully represent their wants, wishes, or grievances, if such representations be found necessary, through the chief protector, to the government of the colony. For this purpose it will be desirable to invest each protector with a commission as magistrate.

3. If the natives can be induced in any considerable numbers to locate themselves in a particular place, it will be the object of the protector to teach and encourage them to engage in the cultivation of their grounds, in building suitable habitations for themselves, and in whatever else may conduce to their civilization and social improvement.

4. The education and instruction of the children, as early and as extensively as it may be practicable, is to be regarded as a matter of primary importance.

5. In connexion with the engagements, and as affording the most efficient means for the ultimate accomplishment of them, the assistant protector should promote, to the utmost extent of his ability and opportunities, the moral and religious improvement of the natives, by instructing them in the elements of the Christian religion, and preparing them for the reception of teachers, whose peculiar province it would be to promote the knowledge and practice of Christianity among them.

6. In reference to every object contemplated by the proposed appointment, it is exceedingly desirable that the protector should, as soon as possible, learn the language of the natives, so as to be able freely and familiarly to converse with them.

7. He must take charge of, and be accountable for, any provisions or clothing which may be placed under his care for distribution to the natives.

8. He will obtain as accurate information as may be practicable of the number of the natives within his district, and of all important particulars in regard to them.

These appear to me the principal points which demand attention in reference to this subject.

But it is of course not my intention to restrict you, in the instructions which you will have to issue to the protectors, within the topics on which I have touched, as your local knowledge and experience will doubtless enable you to supply omissions in the outline which I have given.

I have, &c.  
(signed) Glenelg.

Enclosure 1, in No. 2.

Van Diemen's Land, Government House,  
3 August 1837.

My Lord,

Enclosure 1,  
in No. 2.  
24 June.

I HAVE the honour to enclose a report, which I have received from Mr. Robinson, superintendent of the aboriginal establishment at Flinders' Island, detailing at great length the progress and actual state of the natives under his charge.

From this your Lordship will regret to observe that there has been again a great mortality among them, no fewer than 17 deaths having taken place in the six months between January and June last; in consequence of which, Mr. Robinson renews his representations of the expediency of transporting them across to the opposite coast of Australia.

So many objections present themselves to this, however, that I feel unable to entertain the idea; and as I propose visiting the settlement myself in the course of the ensuing season, after which I shall report fully on its condition and prospects, I do not desire to bring it at present under your Lordship's particular consideration.

In the meantime, however, it is impossible for me not to approve highly of the zeal and judgment which Mr. Robinson seems to evince in the general management of his interesting charge. As regards their moral training, he seems eminently successful; and even if, from uncontrollable circumstances, this particular black family is doomed to become extinct (which there is much reason to fear, their women, as I understand, being now mostly past the usual age for childbearing in savage life), still the experience which will have been thus acquired in civilizing and instructing them will be most valuable.

Of the several methods pursued by Mr. Robinson for these purposes, there is one, indeed, of which I particularly approve, and which may possibly be found to exemplify even an important principle in the future management of native tribes; I mean his native police. This will, in any case, naturally be composed in the first instance of the most active, intelligent, and influential members of the community, and must give these an interest and pride in enforcing whatever regulations may be imposed on the others; it must give the whole, also, a feeling of self-importance and equality with white men; it must thus stimulate them to endeavour to imitate their habits and demeanour; it must make them sensible of the value of obedience and concert in action; and the occupation being at once active, and in a slight degree dangerous, it must furnish those engaged in it with some portion of that mental excitement in which they have been trained, and the want of which, when they are suddenly brought within the pale of civilization, has always been found injurious both to their bodily health and mental energy.

The interest of the subject has led me thus in some measure to generalize one portion of Mr. Robinson's plans.

I have, &c.

Lord Glenelg, &c. &c. &c.

(signed) John Franklin.

Enclosure 2, in No. 2.

REPORT on the ABORIGINAL ESTABLISHMENTS at *Flinders' Island*.

Commandant's Office, Aboriginal Settlement,  
Flinders' Island, 24 June 1837.

Sir,

Enclosure 2,  
in No. 2.

I HAVE the honour to submit, for the information of his Excellency the Lieutenant-governor, the subjoined particulars relative to this experimental and interesting institution, since the transmission of my previous report of the 8th of September 1836; and I have much satisfaction in stating that this settlement continues as heretofore in a very quiet and tranquil state, and that the same order and regularity is maintained as mentioned on former occasions.

The only thing to be deplored is the mortality that has taken place among them, and which induces me ardently to desire that His Majesty's Government may accede to the removal of the present establishment to the adjacent coast of New Holland, and where the Flinders' Island aborigines would not only be found efficient, but willing auxiliaries in aiding

## MASSACRE OF AUSTRALIAN ABORIGINES.

7 NEW SOUTH WALES.

aiding the work of civilization, so urgently needed by the numerous tribes inhabiting that vast continent.

In the various communications I have had the honour to submit to the Government, I have frequently adverted to this topic, and in my letters of the 27th, 28th, and 29th of October 1836, have fully dilated thereupon. Should, however, His Majesty's Government still object to their removal, and continue the settlement where it now is, I have no hesitation in stating that the race in a very short period of time will be extinct; and although it might be urged that the same results would occur were the translation permitted, still it would be found that by the admixture of the Flinders' Island aborigines with the aborigines of the country, the declension would not be observed, consequently the excitement not felt. For a more detailed account, I again respectfully refer to the letters already alluded to, as well as my previous reports on the same subject.

In the adoption of the foregoing measure not the slightest danger need be apprehended of the Flinders' Island natives coming in collision or quarrelling with the aborigines of the country; for from the paucity of their numbers and docility of disposition, I should have no hesitation in recommending their removal to Van Diemen's Land, were it not that I feel assured that the deprived portion of the white inhabitants would again commit aggressions on them, and hence, as a natural consequence, would be renewed those dire atrocities, scenes of bloodshed, and rapine, which it is deeply to be deplored already sully the page of history of the country; and therefore it is that in recommending and urging their removal to New Holland, I feel I am only discharging a faithful duty to the Government, as well also to the Van Diemen's Land aborigines themselves, and which the deep interest I feel for them and others of a similar character will, I trust, sufficiently excuse these episodal remarks, and of my again recurring to this subject.

I have much satisfaction in stating that the wants of the aborigines are amply and abundantly supplied, and that the provisions furnished by the Government are of the best description; and though, notwithstanding, the fatality to which I have heretofore alluded is of painful character, still it must be conceded that the same is quite providential, and might have occurred in their own native districts; for I do not consider the depopulation wholly attributable to their removal, for in my opinion the same causes did exist in their primeval districts, in proof of which abundant evidence might be adduced; and hence, amid the calamity that has happened, it is a pleasing reflection to know that everything has been done which ingenuity could devise or humanity suggest to alleviate their condition, and of which the aborigines themselves have marked their appreciation, and oft repeated their acknowledgements for the solicitude evinced, and the kind intention of the Government towards them.

The advantages to the aborigines by their removal have been manifold, and many of them of the highest order. In their native forests they were without the knowledge of a God, hence but little removed from the brute themselves. Their mode of life was extremely precarious, and to the juveniles distressing in the extreme; and though in their insidious and deadly attacks on the white inhabitants they invariably eluded pursuit, yet they themselves were not without dangers and alarms, and might reasonably be said to exist by excitement alone. The sanguinary tribes had seldom any progeny, and which could only be attributed to their harassed mode of existence.

From those circumstances (alone) it is apparent that the policy of Government in their removal was the most wise, the most humane and philanthropic that could possibly be devised; and when their present and past condition is contrasted, there is no comparison. At this asylum they are protected, every comfort and advantage of civilized life is afforded them, and that abundantly, and of which they themselves have expressed their entire satisfaction. But whilst they have received those advantages, of which thousands and tens of thousands of Europeans are in lack of, they have been receiving others of a far higher character; viz. the knowledge of God, and of which I am sure it will be gratifying to the mind of every Christian philanthropist to be made acquainted with.

Anterior to their arrival they were without this knowledge; they knew not who it was that made them; they were in a deplorable state of mental degradation. Such is not now the case: they not only possess the knowledge of a Deity, but are acquainted with the principles of Christianity.

From the time I first took charge of the settlement, now near two years since, religious knowledge has been daily imparted to them, and religious principles inculcated. In this laudable object the whole of the officers and my family, have unitedly assisted, a duty in which they have evinced the greatest aptitude and delight; and I myself can testify with what avidity and eagerness they have attended to and sought after religious knowledge, and which the subjoined paper (Appendix A, annexed to this report) will amply testify.

But whilst in the foregoing I have chiefly confined my observations to the aborigines, and the advantages incident thereupon, still it will be found that these bear no comparison to the advantages that have accrued to the European inhabitants and colony at large, which are beyond calculation.

On this subject it would be superfluous for me now to dilate, since they are too apparent to those (the least) conversant with the history of the colony to need comment. From the preceding observations, it will be found that a reciprocity of benefit has resulted to both parties, but to the European inhabitants the advantages have been incalculable.

Important as are the benefits alluded to, they are not the only ones that can be adduced, for when considered in an experimental point of aspect, this settlement will be found of universal interest.



Enclosure 2,  
in No. 2.

The work of Christian instruction and civilization, which has taken place under the auspices of the local government at this settlement, has succeeded beyond the most sanguine expectation, and has determined a question hitherto deemed impracticable.

If, as is made evident, so much has been effected for a people said to possess so little intellectual capacity, a people reputed to be but one remove from the brute creation, and of whom it was said they were but a link between the human and brute species; if so much has been done for such a people, how much more might be performed with those of a different character; and I do trust that the time is not far distant when the experiment will be tried among the numerous tribes inhabiting New Holland: for from the appalling accounts received, and from what I myself have witnessed, as well as from information heretofore communicated, there appears a prompt necessity that some efficient protection be extended to those ill-used and persecuted people. Humanity, religion, and justice require that every effort should be made on their behalf.

The primeval occupants of Van Diemen's Land are not deserving of the obloquy which has been heaped upon them. The hostile feeling evinced by them towards the whites, and their attacks upon the lonely settlement of the colony, are only considered as just retaliation for the wrongs done to them and to their progenitors. They are now well disposed and bear no ill-will or animosity to the white inhabitants. They have been grossly misrepresented; but in this respect they are not alone, but suffer in common with all their unfortunate race, who have in all ages been shamefully maligned and cruelly persecuted.

The aborigines of Van Diemen's Land have not only shown an aptitude to acquire knowledge, but have displayed a precocity of intellect, and have exhibited capabilities of no ordinary character, and which the papers (Appendix B.) annexed to this report will in part sufficiently establish, and at this settlement there are abundant proofs.

The effects that have been produced on the minds of these people will for ever put to silence the cavils of the most sceptical and prejudicially minded; and if (as I understand) in the sister colony the attempts hitherto brought into operation for the amelioration of the aborigines have failed, it can only be attributed to a defect in the system, and not to the people themselves.

I trust I shall be excused for thus digressing from the ordinary arrangements usual in such reports. The severe mortality which has taken place among those people since my communication in December last, wherein 17 deaths have occurred within that period, as per Medical Report, (Appendix C.) annexed to this communication, has induced me in this instance to swerve from the rules of propriety, solely with a view to bring the same more prominently under the notice of the local administration, and which the importance of the subject seemed to require.

Having in my previous reports amply detailed to the Government all the circumstances connected with the settlement, and with the race confided to my charge, as well as the measures put in force for their amelioration, it only remains for me now to advert to those circumstances which have taken place since that period, and to show how far those measures have answered the purposes for which they were originally designed; and in dilating thereupon, I have much satisfaction in stating, that the results as connected with their improvement are of a most gratifying description, and by far exceed my most sanguine expectation, and which proves to demonstration that the most abject of the human family are within the pale of civilization and Christian instruction, provided proper means are made use of for its attainment, since there never existed a race of their character so degraded as were the primeval occupants of Van Diemen's Land, and yet by the philanthropic intervention of the local administration their wretched condition has been ameliorated and improved, and exceeds by far the majority of the humbler grades of European inhabitants, and in their general conduct, I venture to affirm, are much superior.

#### *Civilization.*

I have much satisfaction in reporting that the aborigines are daily progressing in civilization. Their diurnal employments are now regularly and willingly performed, information is eagerly sought after, examples immediately followed, and industry among them is becoming habitual. They are variously employed, and the labour performed by them during the last six months is fully equal to the three years' labour anterior thereto.

It has been charged upon those excellent institutions, the missionary societies, that whilst they have laboured to instruct the heathen in the knowledge of religion, they have at the same time passed by with cold and careless indifference the work of civilization. To obviate this charge, they have of late sent out missionary artisans as well as missionary preachers. For my own part, I never did consider the missionary societies at fault in this respect. The funds of those societies are raised by voluntary subscription, and for the avowed purpose of disseminating religion among the heathen, and hence they were undeserving of the censure passed upon them. In adverting to this subject, I do so merely to show that it has been thought desirable, and by general consent, that heathen nations should be civilized, and be induced to voluntary labour, but to achieve which has ever been found of difficult attainment. I am, however, happy to say at this settlement the object has been accomplished. I trust that the observations I am now making, or may hereafter make, will not be thought too highly coloured or egotistical. I advert and enlarge upon them solely as an act of common justice to those poor people, whose representative I am, and as of being highly creditable to the local government itself.

The rapid advances made by them in civilization, and which has so fully developed itself within the last six months, is solely to be attributed to the system to which I had the honour

MASSACRE OF AUSTRALIAN ABORIGINES.

9 NEW SOUTH WALES.

honour to allude in my report of the 18th of September. In that communication I stated that amid the numerous measures I had adopted for the amelioration of the aborigines, they had in every instance met with a prompt and ready compliance, and that the following were among the last established, viz.

1. An aboriginal fund.
2. A circulating medium.
3. An aboriginal police.
4. A weekly market, and
5. A weekly periodical.

Enclosure 3,  
in No. 2.

The first four of these have continued to the present with increased interest and effect. The latter, i. e. weekly periodical, has declined, but will be resumed again shortly. But of all the schemes put in force for the civilization of the aborigines, the circulating medium is paramount, and I know of no other scheme by which voluntary labour could be induced, and from such a people, other than by the means referred to. With a circulation of coin not exceeding in amount fifteen pounds, labour to the value of upwards of one hundred pounds has been created. When the fund was first instituted the cash payments were confined principally to the purchase of articles the *bona fide* property of the aborigines; it is now otherwise, for with the exception of eatables, they are necessitated to give an equivalent for every article they may require; for instance, tobacco. Soap, which was heretofore issued as a ration, they now have to purchase; and for the former article, before the last supply, being nearly expended, the value in consequence became enhanced, and sold for one shilling the half fig.

Their raiment, which heretofore was issued to them on application, and of which when once obtained they were perfectly reckless, as indeed they were with every article thus supplied, is now only to be obtained by purchase. Again, they not only purchase their raiment and little luxuries, but they have contributed to the erection of their new habitations. The houses now erecting, of which eight are nearly complete, are substantially built of brick and stone, and designed to contain two married couple. The natives expressed a strong desire for boarded floors, the adoption of which I recommended to the Government on taking charge (as the cold brick floors were very injurious to their naked feet), and which the late Lieutenant-governor was pleased to approve; but I found that the natives were fickle in their abodes, and under the slightest pretence would resort to other houses, and there having caused dilapidations in their own dwellings, frequently abandoned them.

To obviate this, and to give them a claim on the property, I have induced them to give an equivalent, to which they most cheerfully acquiesced. They now contribute to the purchase of their floors, their cupboards, their locks for cupboards and doors; and as in the hovels they formerly occupied, they were not only without cupboards but even shelves, and had nothing whereon to place their food secure from dogs, or places whereon to deposit their raiment.

The following are the list of prices paid for the articles alluded to, viz.:

|                               | £. | s. | d. |
|-------------------------------|----|----|----|
| Floor of each house           | -  | -  | 1  |
| Two cupboards to ditto        | -  | -  | 1  |
| Locks to ditto and house-door | -  | -  | 10 |
| Bed berths                    | -  | -  | 10 |
| Total cost to each house      | £. | 3  | -  |

The following is also a list of articles purchased by the aborigines, with their prices attached:

|                     | s. | d. |                   | s. | d. |
|---------------------|----|----|-------------------|----|----|
| Frock coats         | 15 | -  | Tomahawks         | 2  | -  |
| Dress ditto         | 10 | -  | Pannicans, tin    | 1  | -  |
| Trowsers, cloth     | 10 | -  | Plates, ditto     | 1  | -  |
| — duck              | 3  | -  | Knives and forks  | 2  | -  |
| Cloth caps          | 4  | -  | Blankets          | 8  | -  |
| Worsted             | 1  | -  | Rugs              | 8  | -  |
| Women's frocks      | 5  | -  | Pallissases       | 5  | -  |
| Blue worsted shirts | 5  | -  | Tin dishes        | 3  | -  |
| Straw hats          | 2  | -  | Cups and saucers  | 1  | -  |
| Handkerchiefs       | 1  | -  | Plates            | 9  | -  |
| Prints, per yard    | 1  | -  | Clasp knives      | 1  | 6  |
| Calico              | 9  | -  | Spoons            | 9  | -  |
| Cotton shirts       | 2  | -  | Plums, per lb.    | 7  | -  |
| Cotton chemise      | 2  | -  | Rice              | 6  | -  |
| Tobacco, per fig    | 6  | -  | Sugar             | 6  | -  |
| Soap, per lb.       | 9  | -  | Covered hats      | 2  | 6  |
| Thread              | -  | -  | Pails             | 5  | -  |
| Needles             | -  | -  | Camp kettles      | 6  | -  |
| Fishing lines       | 1  | 6  | Scrubbing brushes | 3  | -  |
| — hooks             | -  | -  |                   |    |    |

Enclosure 2,  
in No. 2.

In the list of articles above enumerated, it will be observed that there are no baubles, no trifles, they are what may be termed substantial comforts; and from thence it may be deduced, that a people who can have such desires must, as a natural consequence, be far advanced towards a state of civilized improvement, and which is the more apparent, since these acquirements are only attainable by purchase, and the result of honest and persevering industry.

It now remains for me to show how far the aborigines are employed, and the manner in which their labour is appropriated, and this I purpose doing as under:

1. Male aborigines, how employed.
2. Female aborigines, ditto.

The labour at which the male aborigines engage is various; the more prominent is road-making, and in this they excel, and are complete adepts; they are fully equal to this kind of labour to the most experienced of the white men on the settlement, and for celerity of movement are greatly superior.

The roads made by the aborigines during the last six months are by actual measurement one mile, six furlongs, and eleven perches, as per schedule (Appendix D.). Those roads have been cut through land densely wooded and uneven, the stumps have been grubbed and holes filled up, and the superfluous rubbish swept away; the entire of which has been done exclusively by the natives and directed by their own judgment, unaided by the advice of any person, with the exception of one road, under the superintendence of Mr. William Robinson. The above experiment I was induced to try, from an impression that they would be equal to the task, and which the results have fully established. Some of those avenues average in width from eleven to eighteen feet, and hence are sufficient for the largest vehicle. The locality of those roads is through a dense forest, in the rear of my quarters, and between them and the beach. Many advantages have resulted to the settlement by opening this forest. It forms now a more ready communication to the beach, by which also the natives are prevented from coming in contact with the prisoners, as heretofore was the practice.

2. It affords them an easy access to collect fuel for their fires.

3. And being contiguous to their new cottages will be found of incalculable advantage in preserving them in health, as affording a well sheltered place for exercise and amusement secure from every wind.

The above reasons, together with the extensive and alarming conflagrations which periodically happen during the summer months, induced me to commence these operations, the advantages of which the aborigines duly acknowledge and appreciate. During the last summer this forest was with great difficulty kept from ignition, and which if destroyed, would not only have thrown this settlement open to the prevailing westerly winds, but might have also consumed a great part of the erection on the settlement. To prevent such a calamity as the one alluded to, the aborigines have, in addition to the opening of the roads, commenced clearing away the underwood, and have made considerable proficiency; when this improvement is complete, it will effectually prevent the alarming consequences mentioned, and hence the great anxiety heretofore experienced will be removed.

For this description of labour the aborigines receive from 1 s. to 1 s. 6 d. per diem.

#### *Husbandry.*

Rural Economy.

Tillage is another description of labour in which the aborigines engage, and in the execution of which they have evinced great aptitude and made considerable progress. They dig and plant their own potatoes, and which during the last season averaged between three and four acres. They also assisted in their stowage, and during the harvest, in housing grain. The stakes for 607 yards of fencing, amounting in number to several thousands, have been cut and brought in from the forest by the natives. All the wattles used on the settlement for the new erections were cut by the natives, and the product of their labour. They have likewise brought a quantity of timber from the wreck of the sloop "Harmony," a distance of several miles, and are now busily employed in assisting and bringing in from the bush timber for roofing their new cottages.

The strong desire the natives have evinced for fruit, and the general character of the soil and climate at Flinders to the growth of the strawberry, the exuberance of which is beyond conception, induced me to propose to them to cultivate largely for their own use this luxuriant fruit. A spot was accordingly selected in a central part of the forest above referred to, and where having pointed out the situation, and the extent of its boundary, the natives commenced their operations under the immediate superintendence of their own chieftains; and I must confess that when it was begun, I had considerable doubts whether it would ever be completed; for to such people it appeared to me an Herculean undertaking, and subsequently was both astonished and delighted to witness with what steady and unremitting perseverance they applied themselves to the task; the two chiefs, *i.e.* King William and King George, alternately coming two and three times a day to acquaint me with its progress, such was the delight they took in the undertaking. The strawberry garden is now complete, and ready for the plants, the setting of which will immediately commence. The extent of this plantation is found by actual measurement to contain near two acres of land. See Appendix (E). The whole of which, when the natives undertook the task of clearing, was densely wooded and overgrown with underwood. It has been well grubbed and broke up by the hoe and spade, and prepared with the rake, and is now ready for setting. The entire of this plantation is enclosed by a substantial fence, averaging in height about

about six feet, and measuring in circumference 310 yards. The whole of this labour was likewise performed by the aborigines under the superintendence of their own chieftains, and is considered to be equal if not superior to any on the settlement.

The natives have been occasionally employed in shepherding, and latterly one of their number has to attend the flocks on the islands, who at the end of the month is relieved by another from the establishment. It would be extremely prolix to enumerate all the miscellaneous employments in which the aborigines engage; suffice it to say they are ever ready and willing to assist in any undertaking they are capable of performing, and when called upon to do so occasionally, and for want of boatmen, they have assisted in working the boats.

I find that in adverting to the labour of the aborigines in reference to the fence round the turnip paddock, I was in error, having stated that the stakes were the only part they performed, whereas they cut the posts and the rails, and the major part they brought to the settlement, as per Appendix (F.); for the posts they received from 4 d. to 6 d. each, and the rails were paid for in proportion; it is a morticed fence of three rails, substantially put up.

*Aboriginal Police.*

The police of this establishment consists of four special constables, and their two chiefs to whom the conservation of the aborigines is confided. The constables are chosen *viâ* voce from each of the two remnant tribes in full assembly, convened for the occasion. They receive for this duty a weekly stipend of 1 s. (the pay is only nominal) as the office is considered an honorary distinction.

The constables act under the orders of their chiefs; the latter determine all points of disputes, and on several occasions have displayed tact and judgment highly creditable, and in every instance have administered impartial justice. When this police was first established, it was done as an experiment, and solely with a view to assimilate the natives as much as it was possible to the customs and usages of Europeans.

The experiment has now been fairly tried, and found to answer beyond the most sanguine expectation.

The aboriginal police take a general surveillance over the entire of the aborigines. The authority of the constables is acknowledged and respected. Many circumstances might be adduced to show the utility and advantage of this police. The following is a striking instance, and will tend to show the advancement these people have made in the scale of civilization and moral improvement.

In February last one of the convicts absconded from this settlement, and was proceeding on his way to the south end of the island, for the purpose, as he said, of communicating with the sealers, and then eventually to escape from the island; the aboriginal police, aided by others of their own people, were ordered by me to go in quest of him, and on the evening of the same day, they brought him back to the settlement handcuffed, and safely lodged him in the gaol.

In addition to the employment before enumerated, a few of the male aborigines made an excursion in March last to the Sisters, two islands at the north end of Flinders, and from whence they brought 201 wallaby skins, the greater part of which was sold by auction at the market to the officers, and realised 2 l. 13 s. 10 ½ d., and which was placed to the account of the aborigines. The residue of the skins, with other produce, will be forwarded to Hobart Town by the present opportunity.

In addition to the police, of whom none but the most intellectual of the aborigines are appointed conservators, there are other of minor character filled up by the adult aborigines;

viz.

|                                      |   |   |   |   |   |   |
|--------------------------------------|---|---|---|---|---|---|
| Cooks                                | - | - | - | - | - | 2 |
| Clerk and assistant to the catechist | - | - | - | - | - | 2 |
| Storekeeper's assistant              | - | - | - | - | - | 2 |
| Shepherd                             | - | - | - | - | - | 1 |
| Surgeon's assistant                  | - | - | - | - | - | 1 |

And as in the civilization of the aborigines it was deemed advisable that the juveniles should be instructed in handicraft, I have been induced therefore, in addition to the youth who was under the tuition of the tailor (as mentioned in my previous report, in which business he has made great proficiency), to direct that others of the aboriginal lads should likewise be taught useful arts. In accordance therewith, several have been placed under the instruction of the best conducted of the prisoner artisans, and two of the lads I have taken into my office; one as messenger, and the other, a youth about 15 years of age, as a copyist, who writes a fair and legible hand.

As a stimulant to renewed diligence, the above individuals are each allowed a weekly stipend, and further to promote emulation, premiums are distributed to the most industrious and best behaved.

*Employment of the Female Aborigines.*

The employments of the female aborigines are various. The more prominent of their labour for the last four months has been the collecting of grass and bringing it to the settlement, for the purpose of thatching and for other uses. The labour thus performed has been considerable, the gross weight of grass collected being enormous, amounting to about 40 tons.

Each woman brings into the settlement every morning before eight o'clock a bundle of grass, averaging in weight 56 pounds, weather permitting; they likewise collect the fuel for

Enclosure 2,  
in No. 2.

their fires, prepare and bake their own bread, which, though unleavened, is good and wholesome; they cook their own food; and in April last a portion of them plucked and assisted in curing eight casks of mutton birds on the adjacent islands, averaging in number 2,817, and which will be forwarded to Launceston for sale, on account of the aborigines.

In addition to those salted, 2,079 birds were collected by them for general consumption.

But whilst the performance of the above labour evinces traits of great industry, I have the pleasing task to report that they have become possessed of other acquisitions of a more refined description, and that in addition to their aptitude in the use of the needle, and their proficiency in knitting, they have attained the art of manufacturing French net, under the tuition of Mrs. Clark, the wife of the catechist, who, together with Mrs. Dickenson, the wife of the storekeeper, has also instructed them in knitting worsted.

The French net is a superior art; several specimens have been manufactured into D'Oyleys, and which, together with specimens of worsted knitting, are herewith forwarded for the information of his Excellency the Lieutenant-governor.

A work of this description is of itself sufficient to prove that those people are not so low in the scale of humanity as they have been represented.

#### *Domestic Economy.*

In the domestic arrangements of their dwellings the aboriginal females have made considerable proficiency, and are fully equal in this respect to a large majority of white women, and to many vastly superior; but owing to the fragile property of their present abodes, they are unable to preserve that order and cleanliness I could wish, and which they themselves are most anxious to perform. They are, however, looking forward with much interest to the completion of their new houses, when they assure me I shall have no occasion to find fault. Such is the flimsy construction of their present dwellings, that with every gust of wind or shower of rain a part of the arenaceous dirt is thrown down, and it requires therefore several sweepings during the day to keep them in anything like a cleanly condition.

Their culinary utensils, pannicans, dishes, and crockery are, as far as the scanty means of their houses will permit, clean and well arranged. Sewing is also an employment in which they have made proficiency. They also wash their own and husbands' linen, cook their own food, and bake their own bread, in which they have shown great aptitude. When supplied with fresh meat, it is invariably boiled and made into soup, thickened with flour, and seasoned with salt, in which herbs and vegetables are also mixed, and is very savoury. The kangaroo, occasionally procured, is well washed and hung up to roast, after the manner of white persons, whose examples they imitate. Their time is wholly employed in useful labour, harmless amusements, in their attendance at school, and religious exercises, and not, as heretofore, wandering about the settlement with listless and careless indifference to what was going on; but on the contrary, evince by their general conduct, their prompt attention to instruction, and their persevering industry, that they have an interest in the affairs of the settlement, and which it has ever been my aim on all occasions to bring them to participate. They are no longer idle spectators, but actors and ready agents to assist, as far as strength and ability will permit, in every useful undertaking.

I have already alluded to their proficiency in useful arts, viz. knitting and fancy network, and though from the paucity of their numbers the manufacture cannot be done to any great extent, still in whatever light we view it, whether as a branch of useful industry, or as an amusement, one thing is certain, that it displays a precocity of intellect of no ordinary kind, and proves that those whom civilized men despised as beings without mind, are, like all God's creatures, perfect in every form, and which only requires the adoption of proper means, when the latent intellect of the degraded savage will be made manifest, and be developed.

There are many and numerous incidents that might be cited to mark their improvement in domestic economy; suffice to say, they are not now, as formerly, content to sit upon the ground, but require seats, both as an article of convenience and a preservation from soiling their clothes. Those among them who have knives and forks habitually use them, and which the residue are anxious to possess; they now also confine themselves more closely to their domiciles, and not interchanging or crouching under bushes or rolling about in idleness.

The aborigines are becoming cleanly in their persons; they now perform the necessary ablutions daily, and the greater part of them have shorn beards; they are not now satisfied as heretofore with one garment, i. e. a frock coat, but require trousers also, and their raiment is in general kept in clean and proper order.

The females are equally as anxious to possess clothes of an European fashion. Several pieces of print bought on their account, and sold at the market, were purchased with avidity and manufactured into gowns; they likewise wear under garments, which they keep in clean and good order. They now evince great desire for domestic comforts, and which, though amply supplied, can only be attained by industry and good conduct. Their primitive habits are now all but forgotten: the use of ochre and grease, with which they used formerly to bedaub themselves, is now entirely abolished. Their nocturnal orgies, i. e. coroberies, which hurt the repose of the settlement and impaired the health of the natives, as adverted to in my previous reports, never occur. Their wild intonations are now superseded by sacred melody, i. e. hymns and psalms, in which they greatly excel; but as this will be spoken of under the head of "Sacred Melody," I forbear now to enlarge.

The feuds that existed among the aborigines in their primeval districts are now never thought of; peace and good-humour being their general characteristics, and not, as formerly,

formerly, bickerings and strife, by which in general the serenity of the settlement was disturbed.

To John Montague, Esq., Colonial Secretary, I have, &c.  
&c. &c. &c. (signed) G. A. Robinson, Commandant.

Enclosure 2,  
in No. 2.

Numerous other incidents might be adduced, but brevity of time prevents my doing so by this opportunity, the vessel being now on the eve of sailing.

By the next opportunity, I propose doing myself the honour of transmitting a continuance of this periodical report for his Excellency's information, on the following subject:

1. Health of the aborigines.
2. On the state of the schools, and the improvement of the aborigines in learning.
3. The religious service and general attendance, and the improvement of the aborigines.
4. Improvements of the settlement in the buildings.
5. Improvement in tillage.
6. General improvement.
7. Regulation of the schools.
8. Sacred melody.

Appendix (A.) and (B.)

REPORT.

The quarterly examinations of the Flinders' Island Sunday and week-day evening schools for the instruction of the juvenile and adult aborigines were held in the school-room on the 9th May 1837. The commandant presided on the occasion, and by whom the different classes were examined and closely interrogated. The examination was continued to the 21st May, and the scholars were subject to a most rigid inquiry.

It was, however, quite apparent that the people had progressed in knowledge. Very considerable pains were taken on this occasion to draw forth every degree of talent the pupils were in possession of, that the same might be entered on record, and hence to form a data to mark in future their proficiency. A want of female teachers had been experienced during the preceding quarter, occasioned principally by the illness of the parties, and hence the female aborigines were found in some degree deficient, when compared with the opposite sex.

PUPILS of the FIRST CLASS, Leonidas, Albert, and Washington.

Teacher, Master W. Robinson.

*Examination of Leonidas.*

- Q. Who made you?—A. God.  
Who is your heavenly Father?—God.  
What did Jesus Christ do for us?—He died for our sins, according to the Scriptures.  
Do you like hearing about God?—I do.  
Can you count?—Yes. (Reckoned to 50.)  
Have you learnt any hymns?—Yes. (Repeated the hymns beginning, "O'er the gloomy hills of darkness," &c. "I can read my titles clear.")

*Examination of Albert.*

Perfect in the alphabet, and attempting to spell:

- How many Gods are there?—One God.  
Who is Jesus Christ?—The Son of God.  
Where is God?—In heaven.  
Is he anywhere else?—Yes, everywhere.  
Who made all things?—God made all we see.  
Do you pray to God?—Yes, I do.  
What do you say when you pray?—Our Father which art in heaven, &c. &c.  
Which is the best book?—The Bible.  
Do you wish to go to heaven when you die?—Yes, I do.  
Where will you go if you are a bad man?—To hell.  
Do you like to hear about God?—I do.  
Do you wish to learn to read?—I do.  
Do you like to sing about God?—I do.  
Do you know how to count?—I do.  
This man is industrious and well-behaved.

*Examination of Washington.*

Is perfect in his letters, and learning to spell.

- What should you do to be saved?—Believe on the Lord Jesus Christ.  
Who made the world?—God made the world.  
Do you like to hear about God?—Yes.  
Do you like to sing about God?—Yes.  
Can you count?—Yes.  
This man is well-conducted.

Enclosure 2,  
in No. 2.

PUPILS of the SECOND CLASS, Noerny, Eugene, and James.

Teacher, Mr. L. Dickenson.

*Examination of Noerny.*

Perfect in the alphabet, and learning to spell, and has a slight knowledge of numerals.

Who made you?—God.

Where is God?—In heaven.

What did Jesus Christ do for us?—He died upon the cross.

Who made all things?—God.

Where will the wicked be sent to when they die?—To hell.

Which is the best book?—The Bible.

Do you pray?—I pray at night.

What do you say?—Our Father which art in heaven, &c. &c.

Do you like to hear about God?—Yes.

Do you like to tell your countrymen about God?—I like it.

Do you wish to learn to read the Bible?—I like to learn.

Do you like to live on Flinders like white people?—Yes.

This is a well-conducted man; is a good husband, and a kind parent; and is a constable, and occasionally exhorts at the evening meetings. Is from the west side of Van Diemen's Land.

*Examination of Eugene.*

Is perfect in the alphabet, and learning to spell; has a slight knowledge of numerals.

Where will bad people go to when they die?—To hell.

What must we do to be saved?—Believe on the Lord Jesus Christ.

Do you pray?—Yes.

What do you say?—Our Father which art in heaven, &c.

Where will people who steal and fight go to when they die?—To hell.

Whose place is hell?—The devil's place.

What sort of a place is it?—Plenty of fire and sickness.

This is a married man, a good husband, well-behaved and industrious. Is a western native.

*Examination of James.*

Perfect in the alphabet.

Where do you wish to go to when you die?—I wish to go to God.

Where will bad people go to when they die?—To hell.

Do you like to live in houses like white people?—I do like it.

This is a very quiet and industrious man, a good husband, and a kind parent.

PUPILS of the THIRD CLASS, Joseph, Andrew, and Francis.

Teacher, Mr. Robert Clark.

*Examination of Joseph.*

Perfect in the alphabet and learning to spell; knows numerals to nine.

Who made you?—God made me.

What did Jesus Christ do for us?—He died for our sins, according to the Scripture.

Where is God?—In heaven—everywhere.

What is God?—A Spirit.

What is a Spirit?—It has neither flesh or bones.

What is the name of the best book?—The Bible.

Whose book is the Bible?—God's book.

Do you like to hear of God?—Yes, I do.

Do you like to sing about God?—Yes.

This is a married man, and is industrious and well-behaved.

*Examination of Andrew.*

Perfect in his letters, learning to spell, and has a knowledge of numerals to nine.

Who made you?—God made me.

What must we do to be saved?—Believe on the Lord Jesus Christ.

Do you pray to God?—Yes.

What do you say when you pray?—Our Father which art in heaven, &c. &c.

Where do you wish to go to when you die?—To God.

Where will a man go to who tells lies?—To hell.

This is a good husband, well-behaved, and industrious; possesses great capacity, but is volatile. Is from the west coast of Van Diemen's Land.

*Examination of Francis.*

Imperfect in the alphabet.

Who made you?—God.

Do you pray to God?—Yes.

What

What do you say?—Our Father which art in heaven, &c. &c.  
Where will a bad man go to when he dies?—To hell.  
What will you do to be saved?—Believe in the Lord Jesus Christ.  
Do you like to hear about God?—Yes.  
Is a good husband, and kind parent.

PUPILS of the FOURTH CLASS, Hector, Romeo, Buonaparte, and Christopher.

Teacher, Mr. J. Allen.

*Examination of Hector.*

Imperfect in his letters.

Where is God?—In heaven.  
Who made all things?—God made everything.  
Do you pray to God?—Yes.

This man is well-behaved, is married, and is a good husband, but inattentive and fond of the chase. Is from the east side of the island of Van Diemen's Land.

*Examination of Romeo.*

Imperfect in his letters.

Who made you?—God.  
Who made your father?—God made him.

This man is a good husband and a kind father, and is a native of Port Davy, Van Diemen's Land. Is inattentive at his learning. Is a stout, robust, well-made man.

*Examination of Buonaparte.*

Is perfect in his letters, and learning to spell; has a knowledge of numerals to nine.

Who made you?—God.  
Who do you pray to?—To God.  
What do you say to him?—Our Father which art in heaven, &c. &c.  
Who made the white man?—God made him.  
Do you like to hear about God?—Yes.

Is a steady, well-conducted, industrious man; well-behaved, and a good husband. Belongs to the Big River tribe, and was the same individual that was apprehended on the occasion of the military operation, i. e. the line.

*Examination of Christopher.*

Perfect in the alphabet, and learning to spell.

Who made your country?—God.  
Who is God?—A Spirit.  
Where is God?—In heaven.  
What must we do to be saved?—Believe in the Lord Jesus Christ.

Is a quiet, inoffensive man; a good husband, and industrious. Belongs to the Ben Lomond tribe.

PUPILS of the FIFTH CLASS, Alexander, Tippo Saib, and Arthur.

Teacher, Master H. Robinson.

*Examination of Alexander.*

Is perfect in the alphabet; learning to spell.

Who made you?—God.  
What must we do to be saved?—Believe on the Lord Jesus Christ.  
What did Christ do for us?—He died for our sins, according to the Scriptures.  
Where will bad people go to when they die?—They will go to hell.  
Who made all things?—God made all things.  
Do you pray to God?—Yes.  
What do you say to him?—Our Father which, &c. &c.  
Are all men sinners?—Yes.  
Do you like to sing about God?—Yes.  
Do you like to tell your countrymen about God?—Yes.

Is a good husband, studious, industrious, and well-behaved. Belongs to the Big River tribe. Is a fine man, tall, and well made.

*Examination of Tippo Saib.*

Perfect in the alphabet.

Who made you?—God.  
How many Gods are there?—One God.  
Where do good people go to when they die?—To heaven.  
Who made the sun, the moon, and the stars?—God made all things.



Enclosure 2,  
in No. 2.

Which is the best book?—The Bible.  
Do you like to hear about God?—Yes.

This man is a good husband, well-behaved, and industrious. Is one of the Big River tribe.

*Examination of Arihur.*  
Imperfect in the alphabet.

Who made you?—God made me.

Is a good husband, industrious, and well-behaved. Is of the Big River tribe. Is assistant to the storekeeper.

PUPILS of the SIXTH CLASS, Alphonso, Frederick, and Rodney.  
Teacher, Thomas Thompson, a lad about 11 years of age, half-caste.

*Examination of Alphonso.*  
Imperfect in the alphabet.

Who made you?—God.

Do you pray to God?—Yes, sir.

Where is God?—In heaven.

Which is the best book?—The Bible.

Do you like to sing God's songs?—Yes.

Do you wish to learn to read?—Yes, sir.

Do you like to live amongst white men?—Yes.

Is a conservator of the peace, a good husband, always well-conducted, and industrious. Is one of Big River tribe. A tall, stout, athletic man.

*Examination of Frederick.*  
Perfect in his letters.

Who made you?—God made me.

Who made the trees and the sea?—God.

What must you do to be saved?—Believe on the Lord Jesus Christ.

What did Jesus Christ do for us?—He died for our sins, according to the Scriptures.

Do you pray?—Yes, sir.

What do you say?—Our Father which art in heaven, &c.

How many Gods are there?—One God.

What is God?—A Spirit.

Who was the first man?—Adam.

Who was the first woman?—Eve.

Do you like to tell your countrymen about God?—Yes, sir.

Where do good people go to when they die?—To heaven.

And bad people when they die?—To hell.

What is hell?—The devil's place.

This pupil repeated the collect for the second Sunday in Advent. Is a good husband; conduct generally good and industrious. Is a native of the west coast of Van Diemen's Land.

*Examination of Rodney.*

Absent from illness. Is a well-conducted man; from the west coast of Van Diemen's Land.

PUPILS of the SEVENTH CLASS, Geo. Robinson, W. Robinson, and Peter Pinder.

*Examination of George Robinson.*  
Imperfect in the alphabet.

Who made you?—God.

Where is God?—In heaven.

Is an industrious man, rather intellectual. Fond of the chase; is married, and belongs to the Ben Lomond tribe.

*Examination of W. Robinson.*  
Perfect in the alphabet.

Who made you?—God.

What is God?—A Spirit.

Do you pray to God?—Yes, sir.

What do you say?—Our Father which art in heaven, &c.

This is a well-informed and intelligent young man, but has been ill during the last quarter, so was not prepared to answer the interrogatories. Is very industrious and facetious; is a fine man, and native of West Coast, Van Diemen's Land.

*Examination of Peter Pinder.*  
Perfect in the alphabet.

Who made you?—God.

What is God?—A Spirit.

Where is God?—In heaven.

Who

MASSACRE OF AUSTRALIAN ABORIGINES.

17 NEW SOUTH WALES.

Enclosure of  
in No. 2.

Who is God?—God is a Spirit.  
 What is a spirit?—A spirit has neither flesh nor bones.  
 What must I do to be saved?—Believe in the Lord Jesus Christ.  
 Who was the first man?—Adam.  
 Who was the first woman?—Eve.  
 Who made all things?—God.  
 What is God's book called?—The Bible.  
 Where will good people go to when they die?—To heaven.  
 Where will bad people go to when they die?—To hell.  
 Do you pray?—Yes, sir.  
 What do you say?—Our Father which art in heaven, &c. &c.

This man is a good husband; extremely well-behaved, and industrious. Is a young man; native of the north side of Van Diemen's Land.

PUPILS of the EIGHTH CLASS, Edmund, Philip, Augustus, and Henry.

Teacher, Prince Walter.

*Examination of Edmund.*

Not perfect in his letters.

Who made you?—God.  
 Where is God?—In heaven.  
 Who made the trees and the sea?—God.

This is a young man; a good husband and father; well-behaved, and industrious. Is a native of north side of Van Diemen's Land.

*Examination of Philip.*

Perfect in his alphabet.

Who made you?—God.  
 Where is God?—In heaven.

This man is a good husband; his conduct is generally good. He is one of the Ben Lomond tribe.

*Examination of Augustus.*

Perfect in the alphabet, and learning to spell; has a knowledge of numerals to nine.

Who made you?—God.  
 What must we do to be saved?—Believe in the Lord Jesus Christ.  
 What did Christ do for us?—He died for us, according to the Scriptures.  
 What is God?—God is a Spirit.  
 Who are sinners?—All men are sinners.  
 How many Gods are there?—One God.  
 Where do good people go to when they die?—They go to heaven.  
 Where do bad people go to when they die?—They go to hell.  
 Does God love bad people?—No, sir.  
 Do you pray to God?—Yes, sir.  
 What do you say?—Our Father which art in heaven, &c.  
 Do you believe in God?—Yes.  
 Do you like to hear about God?—Yes, sir.  
 Which is the best book?—The Bible; it is God's book.  
 Who was the first man?—Adam.  
 Who was the first woman?—Eve.  
 Do you like to talk about God to your countrymen?—Yes, sir.  
 Do you like to have clothes like white men, and live as they do?—Yes, sir.

This pupil counted to 100; is a youth about 16 years of age; is well-made, well-conducted. Is a native of west coast of Van Diemen's Land; is employed as a shepherd.

PUPILS of the NINTH CLASS, Constantine, Ajax, and Milton.

Teacher, D. Bruné, an aboriginal lad.

*Examination of Constantine.*

Imperfect in his alphabet.

Who made you?—God.

This pupil is inattentive; but is a good husband, and a quiet, well-behaved, and industrious man. He holds the office of cook and chapel-keeper; is stout made, and is from the central part of Van Diemen's Land.

PUPILS of the TENTH CLASS, King George, Thomas, and Neptune.

Teacher, Peter Bruné, an aboriginal lad.

*Examination of King George.*

Imperfect in his letters.

Who made you?—God.  
 Where is God?—In heaven.

Who made the trees and the salt water?—God made them all.

This is a well-conducted, well-behaved man; is chief of the Ben Lomond tribe; is a kind parent, and very intelligent.

Enclosure 2,  
in No. 2.

*Examination of Thomas.*  
Imperfect in his letters.

Who made you?—God.

This man is rather inattentive, but is a good husband, well-conducted, and industrious; is a native of the west coast of Van Diemen's Land.

*Examination of Neptune.*  
Imperfect in his letters.

Who made you?—God.

Who made the white man?—God.

How many Gods are there?—One God.

This is a young man; is a good husband; speaks the English language fluently; is well-conducted, and industrious; is a native of the north coast of Van Diemen's Land; is a constable.

*King George re-examined.*

Do you like to hear about God?—Yes, sir.

Do you like to tell your countrymen about God?—Yes, sir.

Do you like to hear about God?—By-and-by I will learn plenty.

*Thomas re-examined.*

Do you like to learn to read the book?—Yes, sir.

Do you wish to live as white people live?—Yes.

Is the bush a good place to live in?—No, sir.

Do you like to wear clothes?—Yes, sir.

*Neptune re-examined.*

Where do you wish to go when you die?—I wish to go to God.

Where is God?—In heaven.

Who made your country, and my country?—God.

Which is the best book?—The Bible; it is God's book.

Do you pray to God?—Yes.

What do you say?—Our Father which art in heaven.

Are all men sinners?—Yes, sir.

PUPILS OF THE ELEVENTH CLASS, Teddy Clark and Alfred.

Teacher, Charles Clark, an aboriginal lad.

*Examination of Teddy Clark.*

Perfect in the alphabet.

Who made you?—God.

Who is the Son of God?—Jesus Christ.

Do you like to go to school?—Yes, sir.

Do you pray to God?—Yes, sir.

What do you say?—Our Father which art in heaven, &c.

Where is the Lord Jesus Christ?—In heaven.

Repeated two verses of the hymn, commencing, "Behold the glories of the Lamb;" and one verse beginning, "Glory to God on high." Is five years of age.

*Examination of Count Alfred.*

Imperfect in his letters.

Who made you?—God made me.

Where is God?—In heaven.

This man has been ill a long time previous to the examination; belongs to the Big River tribe; is a married man, and well-conducted; is fond of the chase; tall and well made, and belongs to the aboriginal police.

PUPILS OF THE TWELFTH CLASS, Achilles and Hannibal.

Teacher, Prince Adolphus, an aboriginal lad.

*Examination of Achilles.*

Imperfect in his letters.

Who is Jesus Christ?—The Son of God.

Where is God?—In heaven.

Do you like school?—Yes, sir.

Do you like to sing about God?—Yes.

This man is a good husband, orderly in his conduct, and industrious, but fond of the chase.

*Examination of Hannibal.*

Imperfect in his letters.

Who made you?—God.

Who made your father?—God made him.

Do

MASSACRE OF AUSTRALIAN ABORIGINES.

19 NEW SOUTH WALES.

Do you pray to him?—Yes, sir.  
Do you like this place better than the bush?—Yes.  
This man is one of the cooks to the natives; a stout able-bodied man. Is a good husband, well-conducted, and industrious.

(signed) G. A. R., Commandant.

The continuance of the examination will be forwarded by the next opportunity.

(signed) G. A. R.

Enclosure 2,  
in No. 2.

Appendix (F).

Flinders' Island, 23 June 1837.

I HEREBY certify, that the post and rail-stake fencing erected round the turnip-paddock, in December last, measures 607 yards, and that the whole of the stakes, posts, and rails were cut, and the greater part brought to the spot by the aborigines.

(signed) Samuel Sparks, Overseer.

Appendix (D) and (E).

MEMORANDUM.

Flinders' Island, 24 June 1837.

PURSUANT to the commandant's memorandum of the 16th instant, the catechist respectfully states that he measured the roads made by the natives in the dense tea-tree forest at the rear of the commandant's quarters, and, respectfully states their measurement as below.

No. 1 Road.—Made by the natives without any assistance. It commences at the rear of the commandant's office, and runs westerly into the open ground at the rear of the store-keeper's quarters. Clear of stumps and levelled. Six feet wide, 149 yards 1 foot long.

No. 2 Road.—Commenced to the east of No. 1, and runs a winding course to the south. Is well cleared of stumps, grubbed and levelled, and a superior road. Average breadth 11 feet, length 665 yards.

No. 3 Road.—Branches off from No. 2, takes a south-east direction. This is a very superior road, and equal to any that could be made by white men; a carriage might run the entire length. The stumps are grubbed, the holes filled, the entire levelled, and even commencing at the gate of the strawberry plantation; terminating at the boat harbour. Average breadth 18 feet, length 488 yards.

No. 4 Road.—This road is the first (in point of time) made by the natives, and the only one that they received any instructions respecting. It commences at the rear of the commandant's quarters, and terminates at the beach, running north and south. Four feet wide, length 746 yards.

No. 5 Road.—Commences opposite the gate of the strawberry plantation, and continues towards the beach. The stumps are not entirely grubbed up, and there has not been so much pains taken with it as with the former. Breadth 6 feet, length 338 yards.

No. 6 Road.—Commences at the same place as No. 5, and runs parallel to it, and terminates at the beach. Is of the same description as the former. Six feet wide, length 120 yards.

No. 7 Road.—Commences at the strawberry garden, runs towards the beach in a north-west to south direction. Averages nine feet wide, level, well grubbed, and in every way an excellent road. Length 249 yards.

No. 8 Road.—Runs in the rear of the strawberry garden; not so well finished as the former. Averages seven feet wide, 110 yards in length.

No. 9 Road.—This road leads to the stone quarry, but partially made; generally cleared of the brush. Average breadth 12 feet, length 339 yards.

The total measurement being one mile, six furlongs, twelve perches, and six feet. The catechist states that these roads were made, with one exception, without any instructions from white persons, and confers a great deal of credit on the perseverance and ingenuity of the natives in clearing roads through so dense a mass of scrub, and levelling and clearing in the manner they have done.

They have also formed a strawberry plantation, prepared and grubbed up, ready for putting in the plants, which measures about two acres; and they have surrounded it with a brush fence, six feet high, superior to any fence of the same description on the settlement. The length of the fence is 310 yards.

The men have carried from the bush to the settlement, for thatching, upwards of 60 load of wattles.

They have also carried a large quantity of poles for roofing various houses on the settlement, and are now engaged cutting and carrying poles for the roofing of their houses.

They have dug between three and four acres of potatoes, carried two acres of barley, and carried their potatoes to the potatoe store from the field.

They have threshed their barley in a creditable manner.

Their taste for work is every day improving; and the catechist reports he feels the highest satisfaction in recording the advances they have made in the various branches of useful labour they have been called upon to take a part in, and the cheerfulness with which they assist in anything required of them.

Enclosure 2,  
in No. 2.

They have also carried from the wreck of the Harmony upwards of 30 loads of timber. The wreck is at the distance of upwards of four miles from the settlement.

The females have carried upwards of 40 tons of grass, which is being used for thatching and other purposes in the settlement.

(signed) Robert Clark, Catechist,

Appendix (C).

Respected Sir,

Flinders' Island, 21 June 1837.

In obedience to your desire, I forward a report of the disease of which the deceased aboriginal King William died, together with its treatment; also of the *post-mortem* examination of the body.

For several days previous to his being attacked with the disease which has cost him his life, he complained of pain about the left side of his face, to which I believe him to have been subject, having been, as he himself, as well as other aborigines informed me, under Mr. Allen's care for a similar attack. Considering this to be rheumatism, I directed his wife to foment his face frequently, which she did several times in my presence, and gave him some aperient medicines, which treatment removed his complaint. On the evening of Monday last, the 19th, about six o'clock P. M., I saw him, when he was, as he informed me, the hospital nurse, and the constable Lambert (who happened to be present), perfectly free from pain; his bowels were regularly open, having had two evacuations during that day. He was at this time laughing and playing with his wife, and others. About five hours afterwards, that is about eleven o'clock P. M., I was suddenly called to see him; I found him in the most excruciating agony. On examination I found all the symptoms of inflammation of the intestines, small pulse, extreme tenderness of the abdomen (so great that he would not at first suffer me to touch it), great heat of skin, and occasional vomiting. I immediately bled him largely, applied fomentations to the abdomen (which were continued for several hours), and administered a large emollient and aperient enema and some castor oil. I remained with him, superintending the continued use of the fomentations until daylight next morning, having bled him twice during the night, taking in all about 50 ounces of blood, producing syncope in a slight degree upon both occasions, without the slightest alleviation of the symptoms. Shortly after daylight I applied a large blister to the abdomen and pit of the stomach, and subsequently bled him to the extent of 24 ounces more, the pulse rising, as is usual in these cases, with the abstraction of blood, and directed preparations to be made for another enema, but in the interim the man expired: this was about 11 o'clock A. M., 12 hours from the time of my first seeing him. For the first six or seven hours he was perfectly sensible, and his cries of "*minatti*" piteous. Upon examining the body after death I found the whole of the viscera of the abdomen (except the kidneys and urinary bladder) more or less in a state of inflammation—the lower part of the stomach, the two first of the small intestines, and the liver and gall-bladder in particular; the viscera of the chest were perfectly sound. I therefore beg to state that this man died of general inflammation (with the exceptions I have mentioned above) of the abdominal viscera.

To G. A. Robinson, Esq., Commandant.  
&c. &c. &c.

I am, &c.  
(signed) A. Austin,  
Medical Attendant.

Appendix (C).

Commandant's Office, Flinders' Island, 24 June 1837.

(Copies.)

*Memo.* Flinders' Island, 24 December 1836.  
DIED this day the native youth George.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 30 December 1836.  
DIED this day the native man Nimrod.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 28 January 1837.  
DIED this day the native man Columbus, of chronic inflammation.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 29 January 1837.  
DIED this day the native woman Puepedar.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 5 February 1837.  
DIED this day, of acute pneumonia, the native man Samuel.  
To the Commandant. (signed) J. Allen, Surgeon.

MASSACRE OF AUSTRALIAN ABORIGINES.

21

NEW SOUTH WALES.

Enclosure 4,  
in No. 2.

*Memo.* Flinders' Island, 20 February 1837.  
DIED this day, of chronic visceral inflammation, the native man Algernon.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 25 February 1837.  
DIED this morning, of chronic visceral inflammation, the native man Matthew.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 22 February 1837.  
DIED this morning, of acute visceral inflammation, the native man Omega.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 29 February 1837.  
DIED this day, of visceral chronic inflammation, the native woman Tinedeburric.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 16 March 1837.  
DIED this day the native woman Wyree.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 21 March 1837.  
DIED this day the native woman Queen Charlotte.

*Memo.* Flinders' Island, 30 March 1837.  
DIED this day the native woman Maria, of chronic pneumonia.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 30 March 1837.  
DIED this day, of chronic pneumonia, the native child Manoon.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, March 1837.  
DIED this day a native female infant.  
To the Commandant. (signed) J. Allen, Surgeon.

*Memo.* Flinders' Island, 8 June 1837.  
DIED this day, of extreme general debility, the native man Daniel.  
To the Commandant. (signed) A. Austin, Medical Attendant.

*Memo.* Flinders' Island, 20 June 1837.  
DIED this day, of inflammation of the intestines, the aboriginal native King William.  
To the Commandant. (signed) A. Austin, Medical Attendant.

—No. 3.—

(No. 67.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Glenelg.

My Lord, Government House, Sydney, 25 April 1838.

In acknowledging the receipt of your Lordship's despatch of the 26th July 1837, No. 353, on the subject of the treatment of the aboriginal inhabitants of this country, and the measures which are to be adopted when any of them come to a violent death by the hands of the Queen's officers, or by the persons acting under their orders, I regret very much that I have to state to your Lordship that a case has already occurred, in which I have found it necessary to act on your Lordship's instructions.

Your Lordship will perceive by the accompanying report, made to me by Major Nunn, of the mounted police, that previously to my arrival in the colony a rencontre had taken place between a party of the police under his orders and a tribe of the natives, in which there is but too much reason to suppose that a number of the latter lost their lives.

On the receipt of Major Nunn's report, I deemed it my duty to lay it before the Executive Council, as well as your Lordship's despatch above alluded to, and also a copy of the Report of the Committee of the House of Commons, which was appointed during last session of Parliament to inquire into the condition

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No. 3.

Sir George Gipps  
to Lord Glenelg;  
25 April 1838.

5 March 1839.

No. 3.  
 Sir George Gipps  
 to Lord Glenelg,  
 25 April 1838.  
 27 March 1838.

dition of the aborigines in British possessions; and I have now the honour to enclose, for your Lordship's information, a copy of the minutes that were made by the Council on that occasion.

I had previously consulted the Attorney-General on the same subject, and as the advice of the Council was entirely in concurrence with the opinion expressed by him, I have since given orders for an investigation into all the circumstances of the case, to take place before the police magistrate and bench of justices, which hold their sittings at Invermein, in the county of Brisbane, that bench being the nearest to the scene of action, though distant from it perhaps not less than 150 miles.

As your Lordship expressed an opinion in the despatch above alluded to that an investigation in cases of this nature might be held before such of the magistrates as have commissions for the whole colony, it is essential for me to state, that the commissions of all magistrates, without exception, are for the whole colony, and that therefore I could not have made a selection of any particular magistrates, without exposing myself to the charge of partiality, and of deviating, without sufficient reason, from the course of proceeding adopted in the colony in cases of a similar nature where the lives of white men are concerned.

As the affair took place far beyond the boundaries of location, and in a country which has rarely, if ever, been visited by Europeans, it is impossible to ascertain with any great degree of correctness the exact scene of it, or the particular tribe which Major Nunn fell in with. From the distance, however, that Major Nunn supposes his party to have travelled during an absence of 53 days, it is probable that the distance of the place was not less than that which I have mentioned from the extreme northern point of the county of Brisbane. The limits of location do not extend to the northward beyond that county; but your Lordship is well aware that very numerous licences are annually granted to settlers to graze their flocks and herds to an unlimited distance beyond; I should not perhaps very much err, if I were to say that nearly half the cattle and sheep of the colony are thus depastured beyond what are called the limits of location; and any attempt to reduce the number of these licences would be considered fatal to the prosperity of the colony.

The Surveyor-general is inclined to suppose that the affair happened in about latitude 29° south and longitude 150° east, which would place the scene of it about 300 miles to the north, and 70 to the west of Sydney.

I have, &c.  
 (signed) *Geo. Gipps.*

Enclosure 1, in No. 3.

MAJOR NUNN'S REPORT.

Sir,

Sydney, 5 March 1838.

Enclosure 1,  
 in No. 3.

IN pursuance of your letter dated the 19th December last, enclosing a communication from Mr. Paterson, of the 6th of that month, addressed to you, requiring me to proceed to Jerry's Plains, to inquire into the circumstances stated in that letter, I have the honour to inform you, for the information of his Excellency the Governor, that on the 31st December last I quitted Jerry's Plains with a party of the mounted police, consisting of Ensign Colban, two serjeants, and 18 troopers, and a black boy named Jacky, and marched direct for the Namoi. On reaching that river I heard some very distressing accounts of the ravages committed by the Guyder blacks on their way up. I accordingly proceeded in search of them on the day of my arrival, and after marching the whole of the night, we came in sight of a party of them about two hours after daylight. After disposing of my men so as to prevent the escape of the natives, and giving positive orders not to fire unless in self-defence, it being my object to take as many prisoners as possible, I rode down upon them, and succeeded in capturing two tribes of the Namoi and the Guyder. I then, with the aid of the black boy, told them that they were charged with spearing cattle, and with murder, and required them to point out the guilty persons. Fifteen men were then brought forward as the perpetrators; these I handcuffed together, and after destroying their spears and other weapons of warfare, I allowed the others to depart. About two hours before sunset (the horses being then refreshed) I returned to my former station for the night, placing the prisoners under the charge of a serjeant and two men. Two of these prisoners were pointed out to me as the murderers of one of Mr. Hall's men about a year and a half since; and I determined upon leaving them in security until Mr. Hall, who, I believe, could identify them on his arrival up the country; but shortly after my return these two men succeeded

ceeded in slipping their handcuffs and attempted to make their escape, in which one succeeded, but the other was shot by the sentry. Feeling anxious to proceed to the Guyder, where the ravages were stated to be greater, and having permitted the rest to depart, with the exception of one man, who promised to conduct me to the other tribe of the Guyder blacks, I then proceeded to Mr. Bell's station on the river Guyder, which I reached in four days. Mr. Bell requested me to stay a few days, as the blacks were very troublesome in spearing the cattle. Being, however, anxious to proceed to Mr. Cobb's station, I left Ensign Colban and a party of men to search the woods for the natives, which they did, but without success, returning to me in two days. In about four days I reached Mr. Cobb's station on the Big River; I found every thing in disorder; the shepherds were afraid to take their flocks out of sight of the hut; in fact, the statements in Mr. Paterson's communication are fully borne out. Learning from Mr. Lamb, the superintendent at Mr. Cobb's station, that the blacks were at some distance in the interior, he having followed them, after the murder, a short distance, Mr. Lamb, Mr. Hall, and Mr. Scott's men undertaking to accompany me, I provisioned the mounted policemen for 15 days, and determined to pursue them. On the fourth day I came upon a man sleeping under a tree; seeing four spears leaning against it, I suspected that others were in the neighbourhood, I accordingly secured him, and afterwards four others (three with their women); from them I learnt that the main body of the tribe were at some considerable distance on other wakes. Keeping the men as guides, I proceeded in quest of the rest of the tribe, hearing all from these respecting the sheep taken. On the second evening after taking the men, I came up with the main body on a river called the Bogy, which runs through a wood, but so open that the men could ride through: I rode down upon them, but no sooner did they perceive us than they speared one of the troopers through the calf of the leg, and showed evident intentions of spearing many more. I then felt it necessary, for the safety of my men, to use sharp measures, and reluctantly gave orders to fire, and regret much to state that a few fell in consequence. On entering their encampment I destroyed a great number of their spears. I must not omit to mention that Mr. Lamb fully identified several articles, belonging to his station, taken away from the hut by these blacks. After resting a day, we proceeded on our return to Mr. Cobb's station, guided by some of the blacks, by a more direct route, feeling anxious to return as soon as possible, apprehending rain, which, owing to the flatness of the country, would have prevented our travelling. I have parted with my guides, after rewarding them much to their satisfaction, and explaining to them that we had no wish or intention to injure them, but to prevent a recurrence of the outrages that had been committed. On reaching Mr. Cobb's station I considered it prudent to rest my men and horses for three days. I then proceeded to the Australian Company's station, on the Peel River (which, although rather out of my road, afforded me an opportunity of getting my horses shod), and from thence to Jerry's Plains, which I reached after 53 days' duty.

Enclosure 1.  
in No. 3.

I have, &c.

(signed) J. W. Nunn,  
Major Commandant M. Police.

The Honourable  
The Colonial Secretary, &c. &c. &c.

Enclosure 2, in No. 3.

MINUTE OF COUNCIL.—*New South Wales.*

EXTRACT from Minute, No. 23, of the Proceedings of the Executive Council, dated 27th March 1838, relative to Major Nunn's Report, dated 5th March 1838, giving an Account of a Rencontre between a Party of the Mounted Police under his Orders and a Tribe of the Native Blacks.

Enclosure 3,  
in No. 3.

Present:—His Excellency the Governor, the Honourable Colonel Snodgrass, c. a., the Right Reverend the Lord Bishop of Australia, the Honourable the Colonial Secretary, the Honourable the Colonial Treasurer.

His Excellency the Governor informed the Council that he felt it to be his duty to submit to them a report which he had received from Major Nunn, of the mounted police, dated the 5th instant, giving an account of a rencontre between a party of the police under his orders and a tribe of the native blacks, in which, in consequence of their having speared one of his men, and displayed evident intentions of spearing more, he judged it necessary for the safety of his party to order them to fire, when, he regrets much to state, that a few of the blacks fell.

His Excellency also laid before the Council a despatch from Lord Glenelg, dated the 26th of July 1837, and received in this colony the 24th of February last.

His Excellency likewise laid before the Council a copy of the printed Report made during the last Session of the Imperial Parliament by a Committee of the House of Commons, on the subject of the treatment of the aborigines in British colonies.

His Excellency then stated, that as Lord Glenelg had in his despatch above mentioned recommended an inquiry in every case in which an aboriginal native should come to a violent



Enclosure 2,  
in No. 3.

violent death in consequence of any collision with officers of the Government, or persons under their command, his Excellency requested the advice of the Council as to the best way in which such an inquiry could be instituted, for ascertaining the circumstances under which the recent loss of human life mentioned by Major Nunn had occurred.

The Council, after mature deliberation on the important subject submitted to them by his Excellency, are unanimously of opinion, that the fittest tribunal for the investigation into this, and all similar cases, will be a court composed of the police magistrate and bench of justices, in the district where any loss of life may have occurred; or of the nearest, or most convenient district, in the event of the occurrences having taken place beyond the boundaries of location.

His Excellency next requested the advice of the Council as to whether the investigation should take place before the police magistrate, and such justices as might in the ordinary routine of business attend, or whether it would be desirable to summon other police magistrates to assist in the inquiry, or to take measures to secure the attendance of any specified number of justices; and further, whether any law-officer of the Crown, or person on the part of the Attorney-general, should be appointed to assist the court in the investigation.

The Council having deliberated on the questions proposed to them, are unanimously of opinion, that a police magistrate and an ordinary bench of justices are perfectly competent to the duty of making such inquiries as are proposed, without the assistance of any extra magistrates; and as hitherto, upon inquests on the death of white persons, by violence or accident, the attendance of members of the legal profession has not been usual, nor deemed requisite, the Council do not see that their attendance is necessary or advisable upon such inquiries as are now proposed.

These questions having reference to the occurrences reported by Major Nunn being thus disposed of, his Excellency drew the attention of the Council to the Report of the Committee of the House of Commons, which he had laid on the table, and particularly to the suggestions contained in pages 82, 83, and 84, of that Report; and requested to be informed whether, in the opinion of the Council, it might not be desirable to appoint protectors of the aboriginal natives, and to combine their duties with those of the commissioners of Crown lands; and whether it would be expedient to constitute them coroners or magistrates; and in the event of any such measure being judged advisable, whether a public notice, founded on Lord Glenelg's despatch, and announcing the measures to be adopted, ought not to be published for general information in the colony.

The Council concurred with his Excellency in the expediency of declaring the commissioners of Crown lands to be protectors of the aboriginal blacks, and of charging them with the duty of making an inquiry into the circumstances under which in any case, either of a white or of a black man, the loss of life may have occurred; beyond the present boundaries of location; but recommend deferring until further information on the subject is obtained consideration of the question whether the commissioners should be appointed coroners or magistrates.

The Council also concur with his Excellency in thinking that it will be advisable to publish, with as little delay as possible, a notice of the nature proposed by his Excellency.

(A true extract.)

William Macpherson,  
Clerk of Councils.

— No. 4. —

(No. 68.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Glenelg.

No. 4.  
Sir George Gipps  
to Lord Glenelg,  
27 April 1838.

My Lord,

Government House, Sydney, 27 April 1838.

In my despatch, No. 67, of the 25th instant, I detailed to your Lordship the measures which I thought it right to adopt in consequence of a recent collision between a party of the mounted police and a tribe of the native blacks, and I have now the honour to acquaint you, that I have further deemed it necessary, with the advice of my Executive Council, to issue a Government notice, declaring that in all cases where any of the aboriginal inhabitants of this territory shall lose their lives in consequence of a quarrel or collision with white men, an inquest or inquiry shall be held, precisely similar to that which is held in the located parts of the territory when a white man comes to a violent or sudden death; and also declaring that the commissioners of Crown lands, beyond the boundaries of location, shall act as protectors of aborigines.

Your Lordship will perceive by the copy which I enclose of the proposed notice, and which will appear in the Gazette of Wednesday next, that it is founded partly on your Lordship's despatch of the 26th July 1837, No. 353, and partly on the suggestions thrown out in the Report of the Committee of the House of Commons, on the treatment of the aborigines in British settlements, which sat in the last session of Parliament.

Your

Minute of Council  
and proposed  
notice.

Your Lordship is, I am sure, well aware of the extreme difficulty of devising any measure that shall effectually check the outrages which, I regret to state, are now of frequent occurrence beyond the boundaries of location; I may not be very sanguine of the entire success of the one I have resorted to, but being the only one within my power, I hope it will meet your Lordship's approbation.

I have also deemed it necessary to republish a notice, which appeared in the Government Gazette on the 16th of September 1837, on the subject of the forcible retention by white men of women belonging to the aboriginal tribes, which, there is reason to fear, is often the immediate cause of these outrages.

I have, &c.

(signed) *Geo. Gipps.*

2 May 1838.

P.S.—Since the above despatch was written, I lament to say that information has been received, both from the north and south, which, being calculated to exasperate the public mind against the blacks, renders it, in my opinion, desirable to defer the publication of these notices for a few weeks.

To the north, and in the neighbourhood of Major Nunn's late operations, a man in charge of a cattle station, belonging to a person named Fitzgerald, has been found barbarously murdered, and also two other men, belonging to a surveying party under Mr. Finch.

From the south, we have accounts of a large convoy of sheep and cattle belonging to a gentleman of the name of Faithfull having been attacked on the 13th ult. on their way to Port Phillip, and eight men killed out of eighteen, who formed Mr. Faithfull's party. The particulars of this last occurrence I have not yet received, but I have directed a civil stipendiary magistrate and a party of the mounted police to proceed with all possible haste to the spot, and have given them their particular instructions for their guidance.

The blacks who are supposed to have murdered the two men belonging to the surveying party have been taken, and will be tried before the Supreme Court.

(signed) *Geo. Gipps.*

Enclosure in No. 4.

EXTRACT from Minute, No. 24, of the Proceedings of the Executive Council, dated 6th April 1838, on the subject of a Notice to be published relative to measures to be pursued in cases of the Death of Native Blacks by violence.

Present:—His Excellency the Governor, the Honourable Colonel Snodgrass, c. s., the Right Reverend the Lord Bishop of Australia, the Honourable the Colonial Secretary, the Honourable the Colonial Treasurer.

With reference to the proceedings on the 27th ultimo, and the advice of the Council relative to the intended publication of a notice announcing the measures proposed to be pursued by the Government, in all cases of the loss of human life produced by causes arising from the occasional intercourse between the white inhabitants of the colony and the aboriginal natives, his Excellency the Governor laid before the Council a draft of the notice proposed to be published, containing such an intimation to the public as is above mentioned, combined with general instructions to the commissioners of Crown lands, for their guidance in the performance of the additional duties with which they are to be charged, as protectors of the aboriginal blacks; which notice having been read, and carefully considered by the Council, they approve of the same, and advise the early publication thereof.

(A true extract.)

*Wm. Macpherson, Clerk of Councils.*

Enclosure A. 1, to Minute No. 24, of 1838.

ABORIGINES.

His Excellency the Governor having been directed, in a despatch recently received from the Principal Secretary of State for the Colonies, to cause an inquiry to be instituted in every case where any of the aboriginal inhabitants of this country may have come to a violent death in consequence of any collision with white men, his Excellency, with the advice of the Executive Council, deems it proper, in notifying the same to the colonists, to urge upon their consideration in the most earnest manner the solemn nature of the obligations

No. 4.  
Sir George Gipps  
to Lord Glenelg,  
27 April 1838.

Enclosure in  
No. 4.

Appendix (A. 1.)

Enclosure in  
No. 4.

tions, by which we are bound, as men and as Christians, towards that race, and to invite their co-operation in the fulfilment of the duties which those obligations involve.

As human beings, partaking of one common nature, but less enlightened than ourselves, as the original possessors of the soil from which the wealth of the colony has been principally derived, and as subjects of the Queen, whose sovereignty extends over every part of New Holland, the natives of the whole territory have an acknowledged right to the protection of the government, and the sympathy and kindness of every separate individual. In disputes among themselves they may be governed by their own ancient usages, wherever these do not interfere with the rights or safety of their more civilized fellow subjects. In disputes between aborigines and whites, both parties are equally entitled to demand the protection and assistance of the law of England. To allow either to injure or oppress the other, and still more to permit the stronger to regard the weaker party as aliens, with whom a war can exist, and against whom they may exercise belligerent rights, is not less inconsistent with the spirit of that law, than it is at variance with the dictates of justice and humanity.

In accordance with these principles, and in obedience to the instructions of Her Majesty's Government above mentioned, his Excellency is pleased to direct that on every occasion of a violent death occurring among the aborigines of this territory, wherein any white man may be concerned, or supposed to be concerned, an inquest or inquiry shall be held by the nearest coroner or magistrate (as the case may be), in exactly the same manner as inquests or inquiries are held in the located parts of the country when the deceased are Europeans or white men.

In order also to carry Her Majesty's gracious intentions into more complete effect, by affording more certain security to the great body of the aboriginal inhabitants residing beyond the present limits of location, his Excellency is further pleased to direct that officers shall be appointed for their special protection, who shall be designated "Protectors of Aborigines," and that for the present the commissioners of Crown lands beyond the boundaries shall act as such protectors.

The duties of these officers will be, on the one hand, to cultivate at all times an amicable intercourse with the natives, to assist them in procuring redress for any wrong to which they may have been subjected, and particularly to prevent any interference, on the part of white men, with their women:

On the other hand, they will make known to the natives the penalties to which they will become liable by any act of aggression upon the persons or property of the colonists. They will endeavour to induce the chiefs in their respective districts to make themselves responsible for the good conduct of their tribes. They will use every means in their power to acquire such personal acquaintance with individuals, and influence over them, as may ensure either the prevention of aggressions, or the immediate surrender of the guilty parties, and in the latter case they will forthwith take the steps that may appear to them necessary.

To facilitate these objects the protectors will be furnished with the means of making occasional presents of articles either of use or of ornament, and will receive further instructions, in detail, for their guidance.

— 5. —

No. 5.  
Lord Glenelg to  
Sir George Gipps,  
16 November 1838.

(No. 244.)

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *George Gipps*.

Sir,

Downing-street, 16 November 1838.

I HAVE received your despatches, No. 67, of the 25th April, and No. 68, of the 27th April, in which you inform me of a collision which had taken place, shortly before your arrival, between a party of the mounted police, under Major Nunn, and a tribe of the natives, in which there was reason to suppose that several of the latter had been killed, and of the measures which you had taken in consequence. As in accordance with the instructions contained in my despatch of the 26th July 1837, you had directed an investigation into the circumstances of this unfortunate transaction, I abstain from any comment upon it until the result of that inquiry has been ascertained; I will only observe that this event, and those which are mentioned in the postscript to your despatch of the 27th April, afford additional evidence of the necessity of every possible precaution on the part of the Government to prevent collision between the settlers and the native tribes.

No means occur to me as more likely to check the natural desire for retaliation on the part of the natives than to impress them, if possible, with the conviction that the laws of the colony will be equally administered for their protection from wrong and injury as for that of the European settlers; and that in every case of injury to person or property an examination equally rigid will be instituted, from whatever quarter the complaint may proceed, and an equal degree

degree of punishment will be inflicted on the delinquent, whatever be his race, or origin or colour.

I am far from assuming that blame attached to Major Nunn, or the party under his command, on the occasion of the collision with the natives which you have reported; but the more searching and minute the inquiry into any such transaction, and the more complete the publicity given to that inquiry, the greater will be the confidence in the vigorous and impartial protection afforded by the law to the unoffending inhabitants of whatever class, and the stronger will be the inducement to have recourse to the constituted authorities for redress.

I approve of the notice which, with the advice of the Council, you proposed to issue on this subject, and of the intended republication of the notice of the 16th September 1837. I am not prepared to question the necessity, which in your opinion existed, for some delay in their publication, but I trust that that delay will have been of very short duration, as it seems to me important that the views and intentions of the Government on this subject should be clearly and generally known.

My despatch of the 31st January last, which you will have probably received shortly after the date of your despatches, to which I am now replying, will have conveyed to you full instructions and authority relative to the appointment and duties of protectors of the aborigines within the limits of your government.

I have, &c.  
(signed) *Glenelg.*

— No. 6. —

(No. 115.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

My Lord,

Government House, Sydney, 21 July 1838.

In my despatches of the 25th and 27th April last, Nos. 67 and 68, I informed your Lordship of various outrages which had taken place in the remote districts of this colony, beyond what are called the boundaries of location, and of the measures which it was then my intention to adopt.

In the despatch of the 25th April, I stated that an inquiry was about to be instituted at Invermein into the circumstances under which a number of the aborigines lost their lives in a rencontre with a party of the mounted police, under the command of Major Nunn; and in that of the 27th I informed your Lordship of my intention to issue a Government notice on the subject, though in a postscript to the same I stated that in consequence of events which had come to my knowledge, since the notice was prepared, I had been induced to suspend the issue of it for a few weeks.

I lament now to have to state to your Lordship, that in consequence of the continuance of similar outrages, the calls for the services of the mounted police have been so constant, that I have not been able to spare the men who would have been required as witnesses in the proposed investigation at Invermein; also that, under the advice of the Executive Council, I have refrained from issuing the proposed notice, on account of the degree to which the public mind continues to be exasperated against the blacks.

On the 18th ult. a memorial was transmitted to me, by a number of gentlemen interested in the opening of the country near Port Phillip, of which I enclose a copy, but in so doing, as well as in transmitting to your Lordship a copy of my answer to it, it is necessary that I should explain to your Lordship, that some of the gentlemen who signed this memorial had previously waited upon me and requested that I would either myself levy war against the blacks, or sanction the enrolment of a militia for that purpose, and allow them to be supplied with arms and munitions of war from Her Majesty's stores; and that it was (as I presume) in consequence of my declining to do either that their subsequent memorial was, contrary to usual practice, addressed to the Governor and the Executive Council, instead of the Governor alone.

I have the honour to enclose a short abstract of the principal outrages between blacks and whites, which have been reported in the last three months. Your

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D 2.

Lordship

No. 5.  
Lord Glenelg to  
Sir George Gipps,  
16 November 1838.

No. 6.  
Sir George Gipps  
to Lord Glenelg,  
21 July 1838.

8th June 1838.  
No. 1.

23d June 1838.  
No. 2.

No. 3.

No. 6.  
Sir George Gipps  
to Lord Glenelg,  
21 July 1838.

Lordship will observe that a great proportion of these acts of violence have occurred in the neighbourhood of Port Phillip, or on the road between the settled parts of this colony and that place, the reason of which is, that large herds of cattle and flocks of sheep have been recently driven through these extensive tracts of country, with a very insufficient number of people to guard them, often not more than in the proportion of one man to several hundred sheep. That under these circumstances predatory attacks should have been made on them by the natives, does not, I must say, appear to me in the least degree to be wondered at.

Your Lordship must be aware that it is quite out of the power of this Government to give to the proprietors or their flocks the protection they desire; even if we were restrained by no sense of humanity towards the blacks, the resources of the Government would be quite insufficient to keep military parties always in advance of persons who are migrating in search of pasturage, advancing often 50 miles in a single season, and, in the case of Port Phillip, having stretched to a distance beyond our former limits of between 300 and 400 miles in the last three years.

If proprietors, for the sake of obtaining better pasturage for their increasing flocks, will venture with them to such a distance from protection, they must be considered to run the same risk as men would do who were to drive their sheep into a country infested with wolves; with this difference, however, that if they were really wolves, the Government would encourage the shepherds to combine and destroy them, whilst all we can now do is, to raise, in the name of justice and humanity, a voice in favour of our poor savage fellow-creatures, too feeble to be heard at such a distance.

Your Lordship will not fail to observe, that of the outrages enumerated in the accompanying list, some took place 200 or 300 miles to the north of Sydney, others at more than 500 miles to the south, and some (at Geelong, the western limit of Port Phillip) at a still greater distance.

Sketch, No. 4.

In order to keep open the communication between Sydney and Port Phillip, it is my intention, with the concurrence of the officer in command of Her Majesty's troops, to establish military posts on the road; and I forward a sketch, on which the places of these proposed posts are marked, they being, as your Lordship will perceive, the places where the road crosses the following streams on the way, viz. the Murray, the Ovens, the Violet Creek, and the Goulburn.

It was between the Violet Creek and the Ovens, and at a distance of 400 miles from Sydney, that the attack was made on Mr. Faithfull's convoy of sheep and cattle, on the 11th April last, in which seven of his men were killed, and all the rest dispersed. These men (who were chiefly convicts) did not defend themselves, but ran at the first appearance of their assailants, though, as there were 15 of them, with fire-arms in their hands, they ought to have beaten off any numbers, however great, of naked savages.

28 April 1838.  
No. 5.

As soon as information reached me of this aggression, I sent a magistrate with a party of the mounted police, under an officer, to the spot; but, after a fruitless search of 41 days, they returned without having seen a single native. I thought it right that a civil magistrate should accompany the party, and I have the honour to enclose to your Lordship a copy of the instructions with which I furnished him.

The third outrage enumerated in the list which I lay before your Lordship, is one, I lament to say, committed not by the blacks, but on them. As yet I have received no official report of the circumstances of the case, though I have, in like manner as in the one just mentioned, sent a civil magistrate and a party of mounted police to inquire into it and collect evidence, and to bring, if possible, the offenders to justice. There is too much reason to fear that in this case 22 human beings, including several women and children, have been deliberately put to death by a party of white men; and this occurrence happened, not in the neighbourhood of the spot where the attack on Mr. Faithfull's men was made, but at a distance perhaps of 500 miles to the north of it.

I have, &c.

(signed) Geo. Gipps.

MASSACRE OF AUSTRALIAN ABORIGINES.

29 NEW SOUTH WALES.

Enclosure 1, in No. 6.

Enclosure 1,  
in No. 6.

TO his Excellency Sir *George Gipps*, Knight, Governor-in-chief, and the Honourable and Executive Council of New South Wales.

The Memorial of the undersigned Colonists, Landholders and Proprietors of Stock,

Respectfully sheweth,

That your memorialists having a deep interest in the welfare and prosperity of the new settlement at Port Phillip, and in the peace and good government of this colony generally, conceive it incumbent on them to bring under the notice of your Excellency and Honourable Council the state of that part of the country, arising from the hostility of the aborigines.

That your memorialists have learnt with feelings of regret and alarm, that certain tribes on the road to and in the neighbourhood of Port Phillip have lately assumed a hostile attitude towards the settlers, and have committed many murders and other outrages upon them; that they are assembled in large numbers armed, and attacking such persons as are most unprotected and within their reach, so that many have been obliged to abandon their stations, leaving, in some cases, their flocks and herds at the mercy of the hostile tribes; and that the intercourse by land between this part of the territory and Port Phillip, if it has not already ceased, has become one of imminent danger to life and property.

That your memorialists are not aware of any aggression on the part of Her Majesty's white subjects which could have excited the blacks to commit the excesses and barbarities, of fresh instances of which almost every post brings the account, but believe that the natives, unrestrained by moral principles, and placing little or no value on human life, have been stimulated by their natural cupidity and ferocity in perpetrating the outrages of which they have lately been guilty.

That your memorialists feel, however, that an inquiry into the cause of these attacks on the lives and property of their fellow-subjects, peacefully pursuing an avocation sanctioned by the laws of their country, is not the question at the present time, but rather (their existence being ascertained beyond doubt) how most speedily and effectually a period may be put to these outrages.

That your memorialists are of opinion that these untutored savages, not comprehending or appreciating the motives which actuate us, attribute forbearance on our part solely to impotence or fear, and are thus rendered only more bold and sanguinary. This opinion, founded on past experience, will receive ample confirmation on reference to the history of this colony and the acts of its former governments. It is undeniable, that no district of the colony has been settled without, in the first instance, suffering from the outrages of the natives, and that these outrages continued until put an end to by coercive measures. Conciliation was generally used in the first instance, but invariably failed in producing any good effect, and coercion was ultimately found unavoidably necessary, which, if earlier adopted, would have saved much bloodshed on both sides. It is only when they have become experimentally acquainted with our power and determination to punish their aggressions that they have become orderly, peaceable, and been brought within the reach of civilization.

That your memorialists fear, that if adequate protection be not afforded by the Government, the settlers will undoubtedly take measures to protect themselves, as it is not to be supposed they will remain quietly looking on whilst their property is being destroyed, and their servants murdered; and your memorialists need hardly observe, that such a mode of proceeding would inevitably be attended with consequences of the most painful nature.

That your memorialists, in conclusion, respectfully entreat your Excellency and Honourable Council to take such energetic and effectual steps as will for the present repress, and for the future prevent, the aggressions of these hostile tribes, and protect the lives and properties of Her Majesty's subjects who are engaged in the laudable and enterprising pursuit of a pastoral life in the interior, and the pioneers of civilization, your memorialists being convinced that such a course will eventually prove to be the most humane and merciful.

And your memorialists will ever pray, &c.

Sydney, 8 June 1838.

(82 Signatures.)

Enclosure 2, in No. 6.

Colonial Secretary's Office, Sydney,  
23 June 1838.

Sir,  
I HAVE the honour, by command of the Governor, to acknowledge the receipt of a memorial, dated 8th June, addressed to his Excellency and the Executive Council, and signed by yourself and other gentlemen interested in the settlement at Port Phillip.

In this document it is represented, that the natives of that part of the country have assumed a hostile attitude, assembled in large numbers, and committed many outrages, whereby several persons have been murdered, others have been obliged to abandon their flocks and herds, and the intercourse between the settlement and the rest of the colony, if it has not already ceased, has been rendered an undertaking of imminent danger to life and property.

Enclosure 2,  
in No. 6.

Enclosure 2,  
in No. 6.

property. It is also stated, that you are not aware of any aggression on the part of Her Majesty's white subjects, whereby those atrocities could have been provoked, but ascribe them to the natural cupidity of the aborigines, their want of moral principles, and their belief that forbearance in Europeans proceeds from impotence or fear; experience having shown that attempts at conciliation have hitherto led only to acts of greater aggression, which would never have occurred, had the coercion, which was ultimately found necessary, been resorted to in the first instance.

Your memorial further points out that, unless protected by the Government, the settlers will undoubtedly take measures to protect themselves, and it prays therefore that, to obviate the painful consequences of such a proceeding, effectual steps may be immediately taken to repress and prevent such aggressions on the part of the aborigines, and to protect Her Majesty's white subjects in the peaceful prosecution of their lawful pursuits.

In reply, I am directed by his Excellency to inform you, that no person can have felt more concern or regret than he has at the accounts recently received from the southern parts of this territory. That in order to afford to the settlers in those districts all the protection in his Excellency's power, he despatched a party, consisting of an officer and 12 men of the mounted police, to the River Ovens, as soon as he heard of the late massacre of Mr. Faithfull's men, and that this party has since been increased to 21; so that with the seven that were originally at Melbourne, there will be a party of one officer and 28 mounted policemen, independently of the military force, which by a recent addition of 12, now amounts to 44; and that a discretionary power has been given to the police magistrate at Melbourne to cause parties of infantry to advance, if necessary, into the interior.

I am also instructed to inform you, that it is the Governor's further intention to establish posts at convenient distances along the road, from Yass to Port Phillip, in order to keep open the communication, and that a permanent addition will be made to the mounted police for this purpose.

Having thus explained the measures which have been adopted, and which his Excellency has reason to hope will be sufficient, Sir George Gipps desires it to be intimated to the gentlemen who have signed the memorial, that as he has the most positive directions from Her Majesty's Government to treat the aboriginal natives as subjects of Her Majesty, it is entirely out of his power to authorize the levying of war against them, or to give sanction to any measures of indiscriminate retaliation; and in order that no misapprehension may exist on this subject, he feels bound to declare, that nothing which has been done in this colony in former times, or in any other colony or place whatsoever, would, in his opinion, be a justification for departing from the strict obedience which is due to the orders of Her Majesty's Government.

It is doubtless only of late years that the British public has been awakened to a knowledge of what is owing to these ignorant barbarians on the part of their more civilized neighbours; but a deep feeling of their duties does now exist on the part both of the Government and the public, as may be proved by reference to the many inquiries which have been lately instituted on the subject, and particularly by the unanimous address of the House of Commons to his late Majesty, adopted in July 1834, and by a Report of a Committee of the same House, made in the very last sitting of Parliament, both of which documents are of easy access to the public.

I am, however, directed to acquaint you, that there is nothing in the Governor's instructions to prevent his protecting to the utmost of his power the lives and property of settlers in every part of this territory, and that this his Excellency is determined to do. Sir George Gipps, moreover, readily allows, that after having taken entire possession of the country, without any reference to the rights of the aborigines, it is now too late for the Government to refuse protection to persons, who have come hither, and brought with them their flocks and herds on its own invitation, though at the same time, it must be evident that every wanderer in search of pasturage cannot be attended by a military force.

In conclusion, I am instructed to notify to you, that although the memorial to which this letter refers is addressed to the Governor and Executive Council, his Excellency has not deemed it necessary to take the advice of that body on it, as the line of his own duty is so clearly defined, that he feels neither doubt nor difficulty as to the course which he ought to pursue.

Philip G. King, Esq.  
The Gentleman first signing the  
Memorial referred to.

I have, &c.  
(signed) E. Deas Thomson.

Enclosure 3, in No. 6.

Enclosure 3,  
in No. 6.

STATEMENT of the Principal Outrages committed by, or on, the Aboriginal Inhabitants of New South Wales, of which Reports have been received by the Local Government, since the 25th April last, the day on which my Despatch, No. 67, was written.

To the North of Sydney.

1. ON the 2d May a report was received from Lieutenant Cobhan of the mounted police, stating that he had discovered the dead bodies of two men, named Gorman and Gale, who had belonged to a surveying party under Mr. Finch; and that he had captured a party

a party of blacks, who were concerned in the murder of them. Two blacks were reported to have been killed in the affray.

2. On the 2d June a report was received from the Rev. Mr. Threlkeld, engaged on a mission at Lake Macquarie, stating that three aboriginal women had been murdered, by persons who were supposed to be in the employment of the Australian Agricultural Company.

3. A report was received on the 6th July from Mr. Foot, that in consequence of a horse having been speared at Mr. H. Dangar's station, a party of white men had assembled for the purpose of attacking the blacks; that they had taken 22 of them, including many women and children, and put them all to death. No official account has as yet been received of this atrocious deed, but a magistrate with a party of mounted police has been despatched in pursuit of the perpetrators of it. The scene of the atrocity is supposed to be not less than 200 miles to the north of Sydney.

*On the Port Phillip, or Southern Side of the Colony.*

1. Between the rivers Owens and Goulburn, a large convoy of sheep and cattle, belonging to Mr. W. Pitt Faithfull, and under the charge of 15 white men, was attacked by a party of blacks, said to have been 300 strong. Seven of the white men were killed, and the rest, as well as the whole of the cattle, dispersed in all directions. This occurrence took place about 400 miles from Sydney, and 150 from Port Phillip.

2. On the 15th April the cattle station of Mr. Samuel Jackson, near Port Phillip, was attacked by about 50 blacks, some of whom had fire-arms; about 50 sheep were carried away, though some of them were afterwards recovered.

3. On the 22d April the station of Mr. John Gardiner, near Port Phillip, was attacked by a party of blacks, some of whom had fire-arms; they were, however, repulsed, and two of them who were subsequently taken were recognised as having been under the instruction of Mr. Langhorne, the missionary at Port Phillip. No lives were lost, though shots were fired on both sides.

4. On or about the same day a flock of 520 sheep, belonging to Mr. Kenneth Clark, was driven away from his station to a distance of seven or eight miles by the blacks. All were, however, recovered, with the exception of 43.

5. On the 6th May the flocks of Dr. Jonathan Clark were attacked by a party of blacks, who had dogs with them, and 20 sheep were carried off.

6. On the 19th May Thomas Jones, a servant in the employ of Mr. Bowman, was murdered by the blacks, about 60 miles from Port Phillip. On the preceding day a flock of sheep had been driven away from Mr. Bowman's station, though all were afterwards recovered, with the exception of four.

7. On or about the 22d May all the stations on the Burwan creeks, extending to a distance of more than 30 miles from Geelong, (on the western side of Port Phillip,) were attacked, for the second time, by a party of about 60 blacks. Several huts were plundered; one flock of sheep was driven to a distance of seven or eight miles, three were killed and 25 wounded. From another station 16 lambs were carried off, and from a third, six sheep and six lambs; and other mischief is reported to have been done to a considerable extent.

June 1. A black man, supposed to have been engaged in a murder committed some months ago, near Geelong, was drowned in an attempt to escape from the persons who were in pursuit of him.

June 9. Seven or eight blacks killed in defending a flock of sheep which they had carried away from the station of Mr. Yaldwyn, about 80 miles from Port Phillip. On this occasion the blacks are said to have defended themselves with great bravery.

*N.B.* A great number of less important outrages have come indirectly to the knowledge of the Government, or been reported in the newspapers. And it is said that a white woman, the wife of a soldier, has been murdered between Melbourne and Geelong, though no official account has been received of it.

July 1838.

Enclosure 4, in No. 6.

SKETCH of proposed MILITARY POSTS between Sydney and Port Phillip.

Vide MAP at the end of the Paper.

Enclosure 4, in No. 6.

Enclosure 5, in No. 6.

Sir,

I AM directed by his Excellency the Governor to transmit to you the accompanying copies of letters received from Lieutenant-colonel White and Dr. Gibson, reporting the murder of eight of Mr. Faithfull's servants on the Port Phillip road, between the rivers Owens and Goulburn, in the early part of the present month, by a party of aboriginal natives, stated to consist of about 300 individuals; and to inform you that the Com-

Colonial Secretary's Office,  
28 April 1838.

Enclosure 5, in No. 6.

15 April 1838.  
23 April 1838.



Enclosure 5,  
in No. 6.

mandant of the mounted police has been instructed to make immediate arrangements for sending an officer of mounted police and as many troopers as can be spared from the other duties, but not less than 10 in number, to the scene where this dreadful outrage took place. His Excellency requests that you will also proceed thither in company with the officers of mounted police; make the necessary investigation into the causes which led to this lamentable occurrence, and take such steps as the circumstances of the case may appear to require for bringing the offending parties to justice; and I am directed to transmit to you the accompanying instructions for your guidance in the execution of this duty, a copy of which has been furnished to the officer of mounted police, with a request that he will act in concert with you, and follow such instructions as you may deem necessary in the exercise of the orders to you in this behalf.

The Police Magistrate, Yass.

I have, &c.  
(signed) *E. Deas Thomson.*

Sir,  
Left Bank of the Ovens, 15 April 1838.  
BEING aware that exaggerated reports would most probably circulate at Sydney, I feel it my duty to acquaint you, for his Excellency's information of the fact, of a most furious attack having been made on 18 men of Mr. Wm. Faithfull's, at the Swampy River or Winding Swamp, by about 300 of the aboriginal natives. It appears that on the morning of the 10th instant, when they were putting their bullocks to, the dash was made, when eight of the white people were unfortunately slain, and property, I believe considerable, destroyed. Mr. George Faithfull was on his way to this party when he fell in with one of the mangled corpse of the white men; several were found and buried. Mr. Faithfull has fallen back on my station with the escaped people, and one wounded man, who is so dreadfully lacerated, that I believe he cannot survive.

To the Colonial Secretary.

I have, &c.  
(signed) *H. White,*  
Late Lieutenant-colonel 96th Reg.

Sir,  
Terranna, Goulburn, 23 April 1838.  
I BEG leave to report to you, for the information of his Excellency the Governor, that by letters received this evening through the mail from Port Phillip, from my brother-in-law, Mr. George Faithfull, and the overseer of Mr. W. P. Faithfull, I have learned the melancholy intelligence that whilst on their route (on the usual line of road to Port Phillip) with several large flocks of sheep and two herds of cattle, Mr. Faithfull's people were attacked, on the 13th instant, between the Ovens and Goulbourn rivers, by a party of native blacks. Eight of Mr. Faithfull's men were killed, and his drays plundered.

His Excellency may rely on the truth of this report, as several of the bodies of the slaughtered men were found by Mr. G. Faithfull, who at the time of the attack was at a distance in the rear, with the last of his flocks.

Mr. Faithfull had but a few men left to assist him, and was in hourly expectation of a fresh attack from the blacks.

The Hon. the Colonial Secretary, &c. &c.  
Sydney.I have, &c.  
(signed) *Andrew Gibson, J. P.*

The duty of the magistrates will be to inquire on the spot into all the circumstances of the case, particularly the circumstances that preceded the murders.

Whether the parties had been in the presence of each other for any considerable time before the attack.

Whether any previous hostility had been shown, and, in such case, the supposed cause of it.

Whether it appeared an act of rapine only, or an act of retaliation for any wrongs, or supposed wrongs, on the part of the blacks.

Whether the party attacked had with them any black women at the time of the attack, or at any time previously.

Whether there were any grounds for supposing that any other party that has traversed the same road has ever carried with them black women, or had any intercourse with them on their passage.

The police magistrate is also to inquire whether any and what resistance was offered by Mr. Faithfull's men. As there were 18 of them with fire-arms (it is presumed in their hands), it is strange to suppose that they allowed themselves to be slaughtered without resistance. In the event of their having used their fire-arms, or made resistance in any shape, the magistrate will of course endeavour to ascertain the number of blacks that may have been killed. The most important duty that the police magistrate has to perform, however,

however, will be to give directions to the officer of mounted police as to the pursuit and capture of the persons who may have committed the recent outrage.

In executing this very important duty, the police magistrate will bear in mind that the black natives of New South Wales are in every respect to be considered subjects of the Queen and not as aliens, against whom the Queen's troops may exercise belligerent rights.

No act of indiscriminate reprisal is therefore to be sanctioned against the tribe or tribes which may have been concerned in the late murders, but proceedings are to be adopted similar to what the laws of England would authorize if any company of depredators or murderers had been guilty of similar atrocities. The endeavours of the police are, first of all, to be directed to secure the persons of as many individuals concerned in the murders as can be identified; and if any can be secured in this way, the object of the enterprize should be considered as accomplished. If none can be identified or secured, other individuals, not exceeding the number of the men murdered, may be secured; and, amongst them, it would be desirable that the persons of some of their chiefs should be included. The party under the orders of the police magistrate or officer of mounted police is not to make use of their fire-arms, or other weapons, except in self-defence, and then only to the extent that may be absolutely necessary for their own protection, or for the capture of the prisoners whom they are to secure.

In the event of any distant pursuit being deemed necessary, the police magistrate will not be required to join it, but he will be expected to give directions for the conduct of it, and as to the distance within which it is to be limited.

By his Excellency's Command.

28 April 1838.

(signed) *E. Deas Thomson.*

Enclosure 5,  
in No. 6.

— No. 7. —

(No. 265.)

COPY of a DESPATCH from Lord *Glenelg* to Governor Sir *George Gipps*.

Sir,

Downing-street, 21 December 1838.

I HAVE received your despatch, No. 115, of the 21st July, transmitting several documents with reference to further collisions which had unhappily taken place between parties of white settlers in the colony and the aboriginal inhabitants.

You are so fully aware of the views and wishes of Her Majesty's Government on this subject, that it is unnecessary for me here to repeat them. I can only refer you to the instructions already addressed to you as to the measures to be taken with a view to prevent the recurrence of outrages so destructive of human life, and so much to be deprecated on every principle of policy as well as of humanity.

I approve of the answer which you returned to the memorial from Mr. King and other gentlemen, and of the proceedings which you had adopted with reference to the several transactions stated in your despatch. Your instructions to the magistrate accompanying the mounted police appear to me proper and judicious. I assume that the direction, that in the event of the police being unable to identify and secure any individuals concerned in the murders which had been perpetrated, other individuals, not exceeding the number of men murdered, should be secured, including, if possible, some of the chiefs, was given only with a view to hold members of the same tribe as temporary hostages for the future conduct of their companions, and not with any object of retaliation on parties against whom no proof of guilty participation in the outrage existed; any proceeding sanctioning measures of mere retaliation would, I am confident, be wholly discountenanced by you, and could only tend to increase the evil, by encouraging similar acts on the part of the aborigines. I am deeply concerned on account of the character of the settlers, to find that the aggressions have not all been on the side of the aborigines. I hope, with reference to the last outrage to which you refer in your despatch, that a strict investigation will have taken place in pursuance of your directions, and that due punishment will have been inflicted on the parties against whom acts of so revolting and disgraceful a nature may have been substantiated.

I do not clearly perceive the force of the reasons which have led to a continued postponement of the proposed notice, a copy of which you transmitted in your despatch of the 27th April. Without, at this distance, prescribing to you the precise course which should be adopted, I cannot help expressing my

No. 7.  
Lord *Glenelg* to  
Sir *G. Gipps*,  
21 Dec. 1838.

No. 7.  
 Lord Glenelg to  
 Sir G. Gipps,  
 21 Dec. 1838.

opinion that such a notice is highly expedient, in order that while the Government afford all due protection to the person and property of the peaceable and industrious settlers, it may be clearly known by all parties that it will not shrink from enforcing the law against all those who, not for the purpose of self-defence, but wantonly, commit acts of violence or aggression against the aboriginal inhabitants.

I have, &c.  
 (signed) Glenelg.

— No. 8. —

(No. 200.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

No. 8.  
 Sir G. Gipps to  
 Lord Glenelg,  
 19 Dec. 1838.

Government House, Sydney,  
 19 December 1838.

My Lord,

In my despatch of the 21st July last, No. 115, I brought under your Lordship's notice a long list of atrocities, committed both by and on the aborigines of this country, and I then stated that I had despatched a party of mounted police in search of some white men, who were supposed to have put to death, in cold blood, not less than 22 helpless and unoffending blacks; it is now my painful duty to inform your Lordship, that seven of the perpetrators of this atrocious deed, having been convicted on the clearest evidence, suffered yesterday morning the extreme penalty which the law awards for the crime of murder.

The act for which these men have paid the forfeit of their lives took place on the evening of Sunday the 10th June last, at or near a cattle station belonging to a person of the name of Henry Dangar, distant perhaps 350 miles from Sydney, in a direction due north, on the banks of the Myall Creek. This creek is a branch of the Big River, which is supposed to fall into the sea at Shoal Bay, in about lat. 29° south, but your Lordship is aware that this part of the country is so little known, that it is impossible to fix the spot with any degree of precision. On the banks of the Big River there are several cattle stations besides that of Mr. Dangar, and it appeared on the trial, that for some weeks previous to the 10th June, not less than 50 blacks, of all ages and sexes, had been living at these different stations, (but mostly at Mr. Dangar's) in perfect tranquillity, neither molesting the whites, nor being themselves molested by them. In consequence of some old quarrels, however, or possibly from accounts having reached the place of occurrences in other quarters, a determination seems to have been formed by the white men to put the whole of the blacks to death. On the afternoon of Sunday the 10th June, a number of them suddenly surrounded the place, where more than 30 of the blacks were assembled; they tied them all to a rope, in the way that convicts are sometimes tied, in order to be taken from place to place in the colony; marched them to a convenient spot, about a quarter of a mile off, and put them all, with the exception of one woman and four or five children, deliberately to death. The following day, Monday, the 11th June, the same white men scoured the country on horseback, endeavouring to find 10 or 12 of the blacks, who having left Dangar's station on the morning of the 10th, had escaped the massacre. These 10 or 12 persons have never been seen or heard of since, and it is doubtful to this day whether they were not overtaken and murdered also.

The first accounts of these deeds of blood reached Sydney about the end of the month of June. I despatched, with as little delay as possible, a stipendiary magistrate (Mr. Day), on whose activity and discretion I could rely, and a party of mounted police, in search of the murderers; and Mr. Day, after an absence of 53 days, reported to me in person, that having come unexpectedly to the cattle station of Mr. Dangar, he had succeeded in capturing no less than 11 out of the 12 persons who were known to have taken part in the massacre. When Mr. Day arrived at the spot, some few scattered human bones only were visible, great pains having been taken to destroy the whole remains of the slaughtered blacks by fire; but undeniable evidence was procured of more than 20 human heads having been counted on the spot, within a few days after the day of the massacre:

massacre; and the best accounts lead me to suppose that the number of persons murdered, of all ages and both sexes, was not less than 28. The 11 persons apprehended by Mr. Day all arrived in this country as convicts, though of some of them the sentences have expired. The twelfth man, or the one who has escaped, is a free man, a native of the colony, named John Fleming.

The 11 men were all brought to trial on the 15th of November, on an information lodged against them by the Attorney-general, containing nine counts. The first four counts charged them in various ways with the murder of an aboriginal black, named Daddy, the only adult male who could be identified as one of the murdered party; the five other counts charged them (also in various ways) with the murder of an aboriginal male black, name unknown. The jury on this occasion acquitted the whole of the prisoners.

The Attorney-general immediately applied to have them detained on the further charge of murdering the women and children, none of whom had been comprehended in the first indictment; and this being done, seven of these men, on the 27th of the same month (November), were again brought before the Supreme Court, on the charge of murdering a child. On this occasion, the first five counts charged them simply with the murder of an aboriginal black child; other counts described the aboriginal child by the name of Charley. The Attorney-general laid this information only against seven of the prisoners, instead of the whole 11, in order that they might have the opportunity of calling the other four, if they chose to do so, as witnesses in their favour, but which they did not do. On being brought this second time before the court, the prisoners, who were defended by three of the ablest counsel at the bar, entered on the first five counts a demurrer, to the effect that there was not sufficient certainty in the description of the aboriginal child, neither the name nor sex being mentioned; and against the other counts of the indictment, which charged them with the murder of a boy called Charley, they entered the plea of "*autrefois acquit*," saying that it was the same offence for which they had been already acquitted. The presiding judge (Mr. Justice Burton) overruled their demurrer, declaring that there was sufficient certainty in the description of the child, though neither the sex nor name was mentioned; and upon their plea of "*autrefois acquit*," issue being joined by the Attorney-general, a jury was empanelled to try whether the offence with which they then stood charged was or was not the same for which they had already been acquitted. This jury found that it was not the same offence. The seven men were consequently two days afterwards, on the 29th November, put on their trial for the murder of the child, and found guilty on the first five counts, which described the child merely as a black aboriginal, but were acquitted upon the counts which charged them with the murder of a child named Charley, sufficient proof of the name of the child not being adduced.

The seven men were brought up for judgment on the 5th instant, upon which occasion their demurrer, as well as their plea of "*autrefois acquit*," was brought under the solemn consideration of the three judges of the Supreme Court, and sentence of death was not passed upon them until after the three judges had unanimously expressed their opinion against the validity of their demurrer, and their satisfaction with the verdict of the jury which had been empanelled on their plea of "*autrefois acquit*."

The report of the judge (Mr. Justice Burton) who presided at the trial was received by myself and the Executive Council on Friday the 7th instant, when no mitigating circumstances appearing in favour of any of them, and nothing to show that any one of them was less guilty than the rest, the Council unanimously advised that the sentence of the law should take effect on them; they were accordingly ordered by me for execution, and suffered yesterday morning at nine o'clock.

I enclose, for your Lordship's information, copies of the following documents:—

1. Copy of the notes of the Chief Justice, taken on the 15th November, at the trial of the 11 men for the murder of the aboriginal named Daddy, which ended in an acquittal.

14 Dec. 1833.  
No. 1.

2. Report of Mr. Justice Burton of the proceedings on the 27th November, on the demurrer of the seven prisoners, and on the trial of their plea of "*autrefois acquit*."

13 Dec. 1838.  
No. 2.

7 Dec. 1838.  
No. 3.

3. Minute of the proceedings of the Executive Council, on the 7th instant, to which is appended a copy of the report made to the Council by Mr. Justice Burton of the trial, at which the seven men who have been executed were found guilty.

4. It will be satisfactory to your Lordship to hear, that the smallest doubt does not exist of the guilt of the men who have been executed, or of their all having been engaged in the massacre. The whole 11 would indeed, I have reason to believe, have pleaded guilty at the first trial, if not otherwise advised by their counsel. After condemnation none of the seven men attempted to deny their crime, though they all stated that they thought it extremely hard that white men should be put to death for killing blacks. Until after their first trial, they never, I believe, thought that their lives were even in jeopardy. Three petitions were presented to me in their favour, though not very numerous signed, one from Sydney, another from Parramatta, and the third from Windsor, but I did not feel that I could, consistently with my public duty, pay regard to them.

I have, &amp;c.

(signed) *Geo. Gipps.*Enclosure 1,  
in No. 8.

Enclosure 1, in No. 8.

The Queen  
against  
Charles Kilmeister,  
William Hawkins,  
John Johnstone,  
Charles Tolouse,  
James Lamb,  
Edward Foley,  
James Parry,  
James Oates,  
George Palliser,  
John Russel,  
John Blake.

REPORT of the Trial of the Convicts named in the margin, before *James Dowling, Esq.*, Chief Justice, and a Jury of Civil Inhabitants, at a Criminal Session of the Supreme Court, holden on the 15th November 1838, at Sydney, in the Territory of New South Wales, on an Information for Wilful Murder.

THE information contained nine counts.

First count charged, that on the 9th June 1838, at a certain place near Dangar's Myall Creek station, some person, unknown to the Attorney-general, murdered an aboriginal black native of the colony, named Daddy, by shooting him with a loaded pistol, and that the prisoners were present, aiding and helping the said unknown person to do and commit the murder.

Second. That the prisoner James Oates murdered an aboriginal black native, named Daddy, with a loaded pistol, and that the other prisoners were present, aiding, &c.

Third. That some person, to the Attorney-general unknown, murdered an aboriginal black native, named Daddy, with a sword, and that the prisoners were present, aiding, &c.

Fourth. That the prisoner Edward Foley murdered an aboriginal black native, named Daddy, with a sword, and that the other prisoners were present, aiding, &c.

Fifth. That a person, unknown to the Attorney-general, murdered an aboriginal male black, to the Attorney-general unknown, with a loaded pistol, and that the prisoners were present, aiding, &c.

Sixth. That the prisoner James Oates murdered an aboriginal male black, to the Attorney-general unknown, with a loaded pistol, and that the other prisoners were present, aiding, &c.

Seventh. That a person, to the Attorney-general unknown, murdered an aboriginal male black, to the Attorney-general unknown, with a sword, and that the prisoners were present, aiding, &c.

Eighth. That the prisoner Edward Foley murdered an aboriginal male black, to the Attorney-general unknown, with a sword, and that other prisoners were present, aiding, &c.

Ninth. That all the prisoners murdered an aboriginal male black, to the Attorney-general unknown, by striking, beating, kicking, and casting and throwing him into burning wood, timber and trees.

The Attorney-general (John Herbert Plunkett, Esq.) and Roger Therry, Esq., conducted the prosecution.

Counsel for the prisoners, Messrs. A'Beckett, Foster, and Windeyer,

*Thomas Foster* Examined.

I am superintendent at Dr. Newton's stations at the Big River, a considerable distance beyond Liverpool Plains and the boundaries of the colony. I have been there about 15 or 16 months. I was there in June. Dr. Newton's is 16 miles from Dangar's station. On Saturday, 9th June, I went to Dangar's with William Mace, Mr. Dight's overseer. I stopt there that night. I saw Anderson, the hut-keeper, and a party of blacks, between 40 and 50; there were men, women, and children. I remained there that night, and left  
on

on the following morning; Dight's overseer and about 10 of the same blacks returned with me, leaving the remainder at Dangar's. On my return home, a little boy who lives with me, John Murphy, told me something which induced me to send the 10 blacks back to Mr. Dangar's. I saw them no more. They went up a creek. They went in the direction of Dangar's. The following morning, Monday, I sent the blacks away; about four in the afternoon of Sunday, and on the Monday morning, about half an hour after sunrise, a party of mounted men, some I believe armed, came. There were about 10 or 12, all mounted on horseback, some armed, two with pistols. They came to the men's hut, where I was giving some directions; only two came near enough to speak to them, the prisoners Oates and Kilmeister. Oates is called Hall's Jemmy; he is assigned to Mr. Hall; he was armed and mounted. I said to him, "What's the matter?" He asked me where were the blacks; I said, "God knows where they are now," and we spoke no more. Oates came at first to the door where I was coming out. They all came galloping up; each was pulling up his horse, and getting round. I think they were near enough to hear. Some alighted, and went into the hut. I saw them. Whilst in my own hut I saw prisoner Johnstone pass by the door; he appeared to be going towards our stockyard. I saw prisoner Hawkins; Russel was amongst them; I don't recollect any others. I said, "Well, Kilmeister, are you after the blacks?" He said, "They rushed my cattle yesterday." His horse came into the garden, and he went in after him. He was dismounted when he said this. Kilmeister is assigned to Mr. Dangar. They remained about a quarter of an hour at the men's huts. I know a man named Sexton; he lives on the farm. The party went towards Mr. Dight's, about two miles from my place. I saw a party of horsemen up the Creek afterwards, but I could not say who they were; about three or four miles off. In two or three days I went to Mr. Dangar's on business; I saw Mr. Hobbs about Wednesday; he is Mr. Dangar's superintendent. In two or three days afterwards I went with him to a sheep station of our own, two or three miles from his. I there parted with him, but reached his place that evening, and stopped there all night. Next morning Mr. Hobbs took me up to see the remains of some blacks; he took me to the side of a ridge about half a mile from his place. Anderson's huts almost join Hobbs'; he is an assigned servant. I saw the body of a black, with the head on and the limbs apparently burnt off. I saw a head without a body; and two or three skulls so completely destroyed by fire as to render it impossible to say whether they were women's or men's. There were the remains of a large fire, a recent fire; I can't say whether it was extinguished. There were two heads and a body not burnt. I am positive the heads not burnt were black men's heads. I saw no arms, that I recollect; I saw no small limbs; there was a large heap of ashes round the skull. I tracked some horses part of the road from Mr. Dangar's to that place. There was more than one; several. The head without the body was away from the others; I could not tell how it was severed. I then proceeded home; I stopped, only five or ten minutes; I found it disagreeable; I was overcome by the smell. It was on the side of a ridge; the fire occupied a large space. It was a wood fire. I told several persons what I saw. Mr. Hobbs returned to his station. Mr. Hobbs was much affected, and kept away farther than ever I did. I saw Kilmeister on the Sunday evening. He made no complaint of the cattle being rushed. I live 16 miles from Mr. Dangar's.

## Cross-examined by Mr. A. Beckett.

I have been there 14 or 15 months. Kilmeister answered a question of mine as to the cattle. Hobbs was affected, and held his handkerchief to his mouth, and he told me he had been there before. I tracked horses, as in the public road, to Mr. Dangar's. I can't say how far I tracked the horses; I don't think I tracked them to this place. It had been raining a day or two before, and it was easy to track the horses. I only remember two of the men being armed. It is a customary thing for such men to be armed in the bush. It is not unusual for such men to be mounted. It is in consequence of the danger they run through the blacks they go armed. I have been more fortunate than my neighbours. I believe I am well sheltered; my station is central, and I am surrounded by neighbours. There is less apprehension in the part where I am. I had not seen any blacks only those while I was there. I don't know of their fighting among themselves. I saw no children's skulls. I have enumerated all I did see. The sight affected Mr. Hobbs, and he put his handkerchief to his mouth, I suppose in consequence of the smell.

## Re-examined.

The tracks were on a public road, not travelled much, except by the stockmen. I cannot say it is usual to see 10 or 12 men mounted in a body. The 10 black men I brought from Dangar's appeared to me to be quiet; they were not armed. I brought them back. I selected three boys I wanted, and did not wish to have the seven. I would rather be without them. If there had been small skulls I think I should have seen them. I looked anxiously for a child I knew. The three skulls were women's or men's, not children's. I knew Daddy; I had seen him before.

## By Prisoners' Counsel.

I cannot say he was called Daddy, Daddy. I have seen the man that Hobbs called Daddy; he was an old man.

## By the Court.

The 10 black men were unarmed, except with a tomahawk; I think two or three had tomahawks. Daddy was a large-bodied man, but short.

Enclosure 14  
in No. 8,

Mr. William Hobbs Examined.

I have been superintendent to Mr. Henry Dangar for the last two years at Peel's River and the Big River. I went to the Myall Creek station about 15 months ago. I remember the beginning of June. I left my station on the 7th of June, on a Thursday. I had a station lower down the river, and I went to visit it; I left Kilmeister and Anderson in charge. When I left home there were about 40 or 50 black natives there. There were men, women, and children; from 10 to 12 women, and 10 or 12 children; they were equal; the rest were men, young and old. I was only on the station 10 or 12 days; they were at my hut for 10 or 12 days. As far as I saw, they behaved themselves quietly; if they had not I would not have allowed them to remain. I returned to the same station on the 15th June, I am certain; I am guided by my ration books; it was Wednesday. On my return I found Anderson at home, and a black I left, named Davy, when I was going. Kilmeister returned in a short time after I arrived. When Kilmeister came home, I sent for him to my house, and I asked him what had become of the blacks I had left at the station when I went away. He said he did not know. I told him that I had heard that they were murdered, and that I knew all about it. He said he knew nothing about it, and said he had no hand in it. I told him I had heard he was down at Dr. Newton's and Mr. Dight's station with the men who came to the station. I asked him what he was doing there. He said he was looking after his cattle. I said nothing more then on the subject at all. I then spoke to Davy. Davy went with me, under half a mile, in a westerly direction. I saw horse tracks and black men's tracks of naked feet. There had been a little rain, which made the impressions visible; the impressions were very numerous; there were children's footsteps, more than one; I should think more than five. The tracks of feet were between the tracks of the horses, and the horse tracks were outside of the naked feet tracks. These tracks led me to where I found a number of dead bodies lying; there were a great number of bodies, but the stench was so great, I could not count them with accuracy. I endeavoured to count them. I made more of them sometimes than another. The most I made was 28 with the heads and the frames. Some of the skulls had been burnt, but the frames remained to show what they had been.

I made out the least number above 20. I can swear there were the remains of above 20 human beings. I saw some bodies with flesh remaining; they were terribly disfigured. I could not tell how many. I knew Daddy well; he was an elderly man, very large; the largest man I ever saw in my life, either a white or black. I saw a large body there, but it had no head on. From the size I should imagine it was his. I left Daddy at the station when I left; he was there with the other blacks. I saw the children's heads quite distinct; from 10 to 12 small heads that I took to be children's; also some of the children's bodies. I believe the large body was the body of Daddy. The body was disfigured; some of them were not whole; I could not swear whether they were male or female, they were so disfigured. I am perfectly satisfied in my own mind it was the body of Daddy; it was on its back; the head was off; the breast was remaining. The bulk of the body was the same in size of Daddy; I believe it was the body of Daddy. I saw several heads with the flesh on; I know none of the features. I recognized some female and male heads. I saw male heads with the hair not scorched. Where the fire had not burnt the hair off, the heads could be distinguished. The heads must have been taken off, or cut off, by what means I cannot say; I should say not burnt off, as they were not lying convenient to the bodies. On the morning of the 16th Mr. Foster went with me. I am sure I tracked the feet of horses from Anderson's hut 100 yards up to the spot where the fire was; the tracks are to be seen to this day. I traced the tracks from the corner of the fence near Anderson's hut; Anderson's hut is 50 or 60 yards from my house. The fire covered a space half as large as the enclosed part of the court. There was the remains of a large log, which had been set fire to and had gone out. I saw several places all round where the ground had been stained with blood. I endeavoured to ascertain the number of children's skulls, but the stench would not allow me to do it correctly. Next day I went with Mr. Foster; he went to it; I did not go close to it on that day at all. I went close enough to see the bulk of the bodies. He was not there above a minute and a half altogether; I staid a quarter of an hour at least the day before. I cannot say I saw any difference in the place, except the parts of the body were more scattered.

The native dogs would lessen the number of the remains every hour. There were a great many birds of prey at the bodies, eagles, hawks, and crows. When I went back the second day after parting with Foster, I spoke to Kilmeister on the subject; I told him I thought it was a cruel thing for him to sanction the murder of these people, as he appeared to be on such friendly terms with them when I left; I told him that it was entirely through him that the blacks were permitted to come to the station at all; he was a confidential servant; I was there since; it was through his suggestion the blacks were permitted to come there at all. I told him I considered it my duty to report it to the Government; he said he hoped I would not, not that he had anything to do with it, but as he had been a long time with us, it would cause him to be removed and turned in to Government: he appeared very uneasy about it altogether, and begged me not to report it; I told him I would certainly report it to Mr. Dangar, and wrote a letter to that effect; when I had written the letter, I sent my servant to bring the men down from the hut, to tell them what I stated in the letter; Kilmeister and Anderson and Burrows came down; I read the letter to Kilmeister, and he appeared to be very

very uneasy about it, and said "I hope you will not report this." "I hope, for the Lord Jesus Christ's sake, you'll not report this," and kept on saying that. He said that while I was down the river, these blacks had been out, and spearing his cattle; he was speaking of the blacks that were murdered; he did not tell me this at first. When I returned, I said to Kilmeister, "Now you have told me that the blacks had speared the cattle, and that there were some on the run with spears in them; you will go with me and show me those cattle." This was about the 20th of the month. I was out on the run four or five days with Kilmeister: I saw no signs of the cattle being disturbed; I was not satisfied that he was telling me the truth; I told him that I should certainly report it, as he had been telling me this about the cattle to prevent my reporting it. At this time I satisfied myself there were no cattle speared. The prisoner Kilmeister brought the blacks to the station contrary to my orders; they conducted themselves quietly: I saw no difference; they were not offensive in any way, not the slightest that I saw. I had a good deal of conversation with Kilmeister at different times as to the cruelty of the murder, and the manner they left their remains; and Kilmeister said, "That was too bad," and, "If you like, I will go and bury their remains;" I told him as he had stated he had nothing to do with it, it would do him a very severe injury in going to the place where they were, as I was certain there would be inquiry into the matter, and it would come out in evidence that he meant to conceal these remains, to prevent the parties from being brought to justice. He always denied to me that he had anything to do with it, and I always thought him innocent until I heard the evidence of the witnesses, he being so familiar with the blacks; not a day that he returned from his run that he was not dancing, laughing, joking, and playing with these blacks; he used to get the children to dance, and some of the women to sing; I have seen that several days. On the 15th and 16th June, I asked Kilmeister how he took the blacks away; I understood he was present when they left; I told him I understood he had gone down to Mr. Dight's station with the men who took the blacks from the station; he said, "I was looking after my cattle;" he said he did not go with the men; I asked him particularly, and he said Davy would prove it; Davy was present when he said this; I tried every point. He had a brace of pistols, which he carried with my permission; he never went out without them; I never went out myself without pistols. I was at Mr. Eaton's station on the night after the 20th; I saw James Parry at Eaton's; I saw him as hut-keeper; I said to him, as I was returning from the river, "I say, Jemmy, this is a bad job, and I am very sorry that you are one of the number;" he said, "It is, but I hope there will be nothing more about it;" I said, "I am sure the case will be inquired into, or investigated." Mr. Day, the police magistrate, came there in July, or beginning of August, to investigate this matter; I forwarded my communication to Mr. Day; I have not settled with Mr. Dangar, but I believe I shall leave his employ in consequence of this trial. I was at the station when Mr. Day went there; I showed him the place where the dead bodies had been; they were not there then; there were some remains picked up by Mr. Day; I helped; there were several human bones, ribs; there were small pieces of skulls; the heads had been removed; I never went to the place since the day I went with Mr. Foster, until I went with Mr. Day; I cannot say how they were removed.

## Cross-examined by Mr. Foster.

I have been 15 months at that station, the major part of the time, except going for cattle. Kilmeister always denied having anything to do with it; I tried to find him out in it; he has no ticket of leave; he was an excellent servant, and found no fault with his situation; he was afraid he would be turned in to Government. Very seldom I go out without being armed; the fire-arms were there for his personal safety; I consider it necessary to be prepared with fire-arms to protect myself against the blacks; I would not go out without; I should consider it dangerous to go far back into the interior. He always denied it; he said the cattle were speared and rushed; I doubt whether there is a better servant in New South Wales; he was always a friendly, humane, quiet man; he did not appear to be a person who would wantonly attack another. I returned about the 15th June; Mr. Day took me to show the tracks, and I pointed out the spot; I was there on the evening of 15th and morning of 16th, first with black Davy, and secondly with Forster; I went first a little before sundown, and the second time a little before eight in the morning; they were apparently then in the same state; part of the bodies had been removed; I imagine by native dogs; Forster did not stop long; he had perhaps the same opportunity of observing as I had, if he stopped long enough; I did not go nigh the spot the second time. There were several bodies with heads off; the large body had the head off, the thighs and legs had the flesh off, the trunk was whole; the legs and thighs had no flesh, but on the chest and ribs the flesh was partly on; the frame was whole; I speak of bones and flesh. I could not tell whether it was a male or female body; the flesh was disfigured. I was much affected with the stench, it prevented my paying that attention I would otherwise pay; I was affected all at once. I cannot take upon myself to say whether it was a female; it was a large frame, whether of a man or woman it was out of the power of any one to speak to. I could not swear Daddy is not at present in existence.

## Re-examined.

I have never seen Daddy since. I never saw a woman in my life with so large a frame; I have never since seen any of the tribe of 40 persons I have mentioned; I have made inquiries for them.



Enclosure 1,  
in No. 8.*Edward Denny Day, Esq., Examined.*

I am police magistrate at Muscle Brook. In the latter end of June I went up to Mr. Dangar's station. I forwarded the information to the Colonial Secretary, for the Governor's information; and I received instructions to proceed to that part of the country to inquire into the transaction. I went to Mr. Dangar's; Hobbs accompanied me to a spot; we examined the spot, and saw that a large fire had been kindled there; it was 14 yards in circumference; I got there on the 20th July. There were a number of small fragments of bones; it appeared as if the place had been swept; the large cinders which would remain after a large fire had been removed; I found some fragments of bodies; there were some teeth, the rib of a young child, the jawbone of a human being; I take them to be so (*produces the bones*); this is a rib-bone of a child; there are some teeth; the jaw-bone, the rib, and the teeth now produced are, I believe, human. I examined a great number of witnesses in the case, and committed the prisoners. I had a communication with Parry; it was not taken down; Parry stated that he knew nothing of it, and declined saying anything; they stated nothing. I was out about seven days.

*George Anderson, Examined.*

I am assigned servant to Mr. Dangar; I was at his station at Myall Creek, as hut-keeper, for five months, in June. Mr. Hobbs lives there as superintendent; he left home, to go to the Big River, in the beginning of June; when he left, there were some native blacks there; I have said there were 20, but I am sure there were that number, and upwards; I would not swear there were not 40. While master was away, some men came on a Saturday, about 10; I cannot say how many days after master left; they came on horseback, armed with muskets and swords and pistols; all were armed; I was at home when they came, and the stock-keeper; I was sitting with Kilmeister, the stock-keeper, in the hut; I saw them coming up; they came up galloping, with guns and pistols pointing towards the hut; I did not attend to what they said; they were talking to Kilmeister outside. I know Russel, Tolouse, Foley, Johnstone, Hawkins, Kilmeister, Palliser, Lamb, and Oates; Blake and Parry I do not know. About 10 came up to the hut, as near as I could tell; I will not swear Parry was not of the number, but I did not see him; I never saw any of them before then, except Kilmeister; I cannot say which came up first; they were all spread about; the blacks were all encamped ready for the night; they were not more than two yards from the hut; this was about an hour and a half before sundown; there were plenty of women and children amongst them. The blacks, when they saw the men coming, ran into our hut, and the men then, all of them, got off their horses; and Russel had a rope, which goes round a horse's neck, and began to undo it whilst the blacks were in the hut; while he was undoing it, I asked what they were going to do with the blacks, and Russel said, "We are going to take them over the back of the range, to frighten them." Russel and some one or two went in; I only took notice of Russel going in while the blacks were in; I remained outside; one of them remained in; I heard the crying of the blacks for relief or assistance to me and Kilmeister; they were moaning the same as a mother and children would cry; there were small things that could not walk; there were a good many small boys and girls. After they were tied, I saw Russel bring the end of the rope out they were tied with, and gave it one of the men on one of the horses, I cannot say which. The party then went away with the blacks; the man who took the rope from Russel went in front, and the others behind; all the blacks were tied together, and this rope tied them all fast; they were tied with their hands; one black fellow had on a pair of handcuffs; they were all fastened with one rope; it was a tether rope for horses in a field; it is a very long rope; they brought out the whole except two, that made their escape as the men were coming up; they were two little boys, and they jumped into the creek close to the hut; there was no water in it; they escaped at a dry part; one black gin they left with me in the hut; they left her because she was good-looking; they said so; I forget which; another black gin they left that was with Davy; another black fellow, who was with me; there was a little child at the back of the hut when they were tying this party, and when the blacks and party were going away, this little child, as I thought, was going to follow the party with its mother, but I took hold of it and put it into the hut, and stopt it from going. I had two little boys, the small child, two gins, and Davy and Billy; they all went away except these; the child was going after its mother. There was an old man, named Daddy, the oldest of the lot; he was called Old Daddy; he was an old, big, tall man; this Daddy and another old man, named Joey, they never tied along with the rest; they were crying, and did not want to go; they made no resistance. Some of the children were not tied, others were; they followed the rest that were tied; the small ones, two or three, were not able to walk; the women carried them on their backs in opossum skins; the small children were not tied that followed the mob; they were crying, in and out of the hut, till they got out of my hearing. They went up towards the west from the hut, the road way; Kilmeister got his horse ready, after he had done talking to them, and just before they were going to start; he went with them on horseback, and took the pistol with him; he was talking to them five or ten minutes; I did not take notice what he said; I was frightened; I did not pay any attention to what they were talking about. Hall's Jemmy (Oates) had a pistol. I know Foley; he had a pistol

pistol in his hand, standing at the door while the blacks were inside. I did not take any notice of swords at first; at a distance, when they were galloping up, I saw swords and pistols. Kilmeister went with them when they started; they were not in sight above a minute or so after they went away; about a quarter of an hour, or 20 minutes at the outside, I heard the report of two pieces, one after the other; the reports came from the same direction they went; the second was quite plain for any one to hear; I only heard two; I did not hear anything else but those two. It was just before sundown, next night after, the same men came back to the hut where they took the blacks from; they were altogether of a lump, except Kilmeister, who was left behind; one of the party gave Kilmeister's saddle off his horse; and I asked him where Kilmeister was; he came in about 20 minutes after; they stop all night. I and Kilmeister slept together in one berth; the rest all slept in the hut; they were talking; I cannot recollect what they said. Next morning, three of them, after they had breakfast, took firesticks out of the hut, Russel, Fleming another, and Kilmeister another; and before they took the firesticks, Fleming told Kilmeister to bring the leg-rope with him that ropes the cows; Kilmeister asked me for the leg-rope, and I gave it to him, and they went in the same direction as they took the blacks and that I heard the two pieces. One of the men was left behind, and all the rest went with those who had the firesticks; one was left with me as guard, named Foley. While they were away, Foley and I were in the hut together, and the rest away; during the time they were away, I asked Foley if any of the blacks had made their escape; he said none, that he saw; he said all were killed except one black gin. Before the party came back, Foley drew one of the swords out of the case, and showed it to me; it was all over blood. During that time Davy and Billy came to the hut; in about an hour the other men came back to the hut; I saw smoke in the same direction they went; this was soon after they went with the firesticks; when they came back, I do not recollect what they said; they got upon their horses, and Fleming told Kilmeister to go up by-and-by and put the logs of wood together, and be sure that all was consumed; I do not recollect his saying anything; some of them were in the hut, and must have heard it. Kilmeister, directly after the party went from the station, went in the same direction and brought back the horse he left behind; he said in the morning he was going after his horse down the creek; the smoke was up from the creek, up the ranges; I never went to the place; I did not like to go; Davy went, and he came back. Kilmeister was away in the middle of the day; he said the horse was knocked up, and not able to walk; I saw him; he could catch him anywhere. I saw the smoke pretty well all day; at the first beginning there was a great smoke; in the after part of the day there was not much. I was there when Mr. Day came; Kilmeister was at home when the police were coming; in the morning after they went away a piece of a broken sword was found; it was a broad piece, all dirty; I saw no blood on it; it was in the hut; I gave it to Mr. Hobbs when the police went away from the station; it did not belong to my station; it came with the party; it looked like a piece of a handle, as a guard; I gave it to him one night as he was in bed; he returned it; this was after the police went away. When the police came, Kilmeister was at home; he said, "For God's sake, mind what you say; and not to say I went with them, but in a quarter of an hour after them;" this was not true; he went with them at the same time. They brought back no black gin they saved; the gins they left, and the two boys, and the child I sent away with 10 black fellows that went away in the morning. The same evening, in the night, the 10 black fellows came back, which Forster had taken away in the morning, and I turned them (five) away along with those 10; it was moonlight; I sent them away as I did not like to keep them, as the men might come back and kill them.

## Cross-examined.

They came back in the night; I was in bed at the time. I did not ask to have that gin left behind; I did not ask for one; it was when they were going away when they undid one gin for me. They left Davy; he had been there a good while; he was more naturalized than the others; the others were as quiet as he; I did not dream they would take Davy. There was a gin left for me; I did not ask them to leave a gin; I did not ask for the gin they left; I asked for one I had had before; she was a black fellow's gin. I swear I staid in the hut after they left; I staid there all night, except I wanted a bit of wood. Davy slept on the station in the overseer's hut; I never went to the place after Davy came. I saw smoke in the direction they went; there was no smoke the same day or day before; there was no bush on fire. I heard the shots distinctly, quite plain. I told Hobbs they took the blacks away, and I could not help it. I do not recollect his asking me who they were; I told him I did not know who they were; I never knew them before. I never said I was sorry I did not make it stronger or worse against Kilmeister; I do not swear I did not say it to Burrows. At first I identified only one man before Mr. Day by name: I recollect since, the night after they came back, who they were by name; I only identified one or two by name. I swore to all the others by their faces, not by their names. I knew them to be the same men, and only knew the faces of others; the two names were Russell and Fleming; the rest I knew by face; I knew Russell. I said before Mr. Day, and I told Hobbs, that I did not know them by name; I did not say that I could not tell them; I did not swear to all by name. I had two examinations, as I wanted to speak the whole of the truth; I recollect more than I stated at the first examination. I have been here five years and better; I came for life. I never said this would get me my liberty; I neither expect nor hope for my liberty; I do not ask for anything, only for protection.

Enclosure 1,  
ip No. 8.

I do not know what made it worse for Kilmeister, as he was as bad as the rest; I forgot it before. I do not recollect the magistrate saying I should be committed; he said I might be committed for thinking; I said I did not think I should know them again; I began to think all that happened; it was after I began to recollect the whole of what was said and done that I spoke. I have been punished twice since I have been in the colony: once for neglect of duty, and the second time for being absent; I was helping a man with his cattle, to assist him in driving cattle, with his horse and dray. I was never punished at that station; I was at New England; I did not deserve it on that occasion. I was brought from New England to Patrick's Plains; I was eight days coming down, and I walked hard there and back. It was for not shifting the sheepfolds every day. There were two charges against me; one for being away; I was away from the morning till the afternoon; I went five or six miles; I got two fitties. I came here for life, for robbing my master; I was ignorant and foolish, and misled by different people; I am no thief. I was guilty of telling another one to do it, and being concerned I was transported. I was an apprentice; I was never out of streets in my life at nights for five or six years. Foley was left behind as a guard; they said, let him stop in case the blacks should come. This was as a guard over the arms left with me; I thought it was done to make me believe there was danger. I have been frightened by blacks; I saw a black fellow come one night; he never spoke, but ran away when I spoke; that was not Mr. Hobbs' station. I knew Old Joey at the station; he was a stout old man, but not so stout as Daddy. There was King Sandy, and his wife and child; Sandy was taken away, and his wife and child; Hippeta was the one I wanted; I am sure Sandy was taken away, Joey and Daddy, and Tommey; I could name a good many by what they called one another. Those that went away with the rope they had been there a good while. I did not know the names of all the men; I knew Daddy, and Joey, and little Charley, and Sandy. King Sandy was the father of Charley.

## Re-examined.

Davy never belonged to the tribe; he belonged to the Peele; he came with Charley Neeve, with cattle to the station. The blacks were there when Davy came; Davy was among Dangar's people as long as I knew them, backwards and forwards, and other places. When I told Hobbs I did not know the prisoners, I answered that I did not know them before. Before Mr. Day examined me Kilmeister was given in custody; I was then examined. I did not identify only one by name. I was in bed when I was called, and all of a tremble. One of the servants came, and called me up; when I saw them all I knew them by sight; there were two not there; as soon as I saw them I identified them as the persons who came to the hut. It was over the arms Foley was left to guard; they left two swords, pistols, and muskets; I counted myself 15 pistols. The roof of the spout where the water ran off the hut was full of pistols. There were two Sandys; King and the other went down. King Sandy went with Forster, and left two of his gins behind.

*John Bates Examined.*

I am assigned to Mr. Dight, of Richmond. I was at the Big River, two miles from Dr. Newton's; I was there in the early part of June. I saw a party of men, in the beginning of June, at Dr. Newton's; there might be 10 or 12; they stopped a few minutes; they asked if there were any blacks there? I told them I did not know; this was a Saturday they came. I knew Lamb amongst Mr. Eaton's men, and others named James Parry, Hawkins, Johnstone; some one of them asked if any blacks were there? I said, no. They asked if there were any blacks cutting bark? They were riding up together; they were armed, some. I saw pistols; I saw a sword. They were on horseback; I cannot say whether any of the men I named had arms; I said I did not know, and I did not belong to the place. I called the hut-keeper, and he spoke to them, and they went away. On the Monday the same party came, about nine in the morning, at Mr. Dight's station; they were alighted when I went to the hut; I saw a black gin there, sitting by the fire. They were not there when I went out; I was only away for a bucket of water, and when I came back I found the men and a black gin sitting by the fire, the same men I have already named; there were arms with them. Hall's Jemmy and Kilmeister were at our place on the Monday; some one said they would call for the black woman. They had breakfast, and stopped about an hour and a half; they made no inquiries. Eaton's man, Parry, said they had settled the blacks; but I cannot say what conversation was going on; the others were at the hut at this time, Hawkins, Kilmeister, Johnstone, and Lamb; I could not say it was said in their hearing; no other remark was made that I recollect. I am sure Parry said that; I cannot tell how the subject came up; it was Monday they came.

*Andrew Burrows Examined.*

I am assigned to Mr. Henry Dangar. In June I went with cattle to the lower station, before Mr. Hobbs. When I left a good many blacks were about the house; men, women, and children. I knew an old black fellow, called Daddy; he was a stout old man; he was larger than the others; I did not count the women and children. I was five days going down, two days I stopped, and three days coming back. I went down with cattle, and came back; I arrived the third day after. When I came back I spoke to Kilmeister; I said to him that I had heard the blacks were taken away from there, and I told him

him it was a shame for him; that Mr. Hobbs, the superintendent, would perhaps be angry about the blacks. He said, "Mind your own business; I know nothing at all about them." He said a lot of men came to take them away, and he knew nothing about them, what became of them after. I was living before then at the station with Kilmeister. I told the police magistrate, as near as I can tell, he said he knew nothing about them. I had been at Russell's station going down; I saw some men there that evening; I stopt there that night; amongst them was Hawkins. I saw Tolouse, Russell, Foley, Palliser, a man of Johnstone's, of colour, I saw. I went off before Mr. Hobbs; he came the day after me. It was the third night I slept at Russell's. They were talking about blacks; some asked me if the blacks were at our station: I said, "Yes, they were." They asked me how long. I said they were about four or five weeks; I told a lie; they were words first came into my mouth. They said, "Then they were the men who did the depredations down the river." They did not say anything to me about what they wanted. Russell had a sword, and was fixing some straps to it—sort of leather straps; he was making a sort of small pouch. Some said they were looking after the blacks that took the cattle away from some stockman down the river. It was not the same as a policeman's or soldier's pouch; it would hold ammunition. I saw a few other arms; I saw a few muskets and pistols. They said they wished Jen Lamb was at home; they did not say what number they expected; if I did say, I forget it. They said they expected some men; I might have said more than I remember. When I left Russell's place I met a man armed; I heard he was Fleming, at his own hut; I went to his station; it was near in sight of Russell's; he had a short coat, and sword, and fowling-piece or musket. I called at Russell's on my way back; I only went to the milking-yard; I did not find him at home. I came along with Mr. Hobbs, and he went on before me, and followed Mr. Hobbs. There was a man named Tolouse at Russell's. I was never down there before or since. I do not know the stations.

Cross-examined.

It was not strange to meet a man armed. Stockmen go about armed; they always do, and must. Daddy was a good-sized black; I think there was another old man taller than him, but not so stout. I know Anderson; he and Kilmeister used to be quarrelling with each other, at variance. I know one night Anderson was in his bed, he said he was sorry for one thing he had done. I asked him next morning what he meant; he was sorry he did not tell the truth. He said if he knew what he did then, he would have made it worse for him. I cannot exactly say what he said. He said if he had known, he would have made it worse for him.

Re-examined.

I do not know what it meant; I was afraid from Mr. Day asking. I thought a man might be brought into a thing he knew nothing about. It was not in spite. I did not take particular notice what he said. Anderson was on the bed when he was called up to be examined by Mr. Day. It was after Kilmeister was taken into custody he said this; Kilmeister was taken away by the police then.

*William Mace Examined.*

I am a ticket-of-leave at Mr. Dight's station; I was there in June. A party of men came to my place on the 11th June; I saw fire-arms; some on horseback; I was in the hut. They brought a black gin; she was left by a man; a certain person asked to leave her there. There might be from 10 to 12; they had breakfast. Kilmeister, Hawkins, Johnstone, Tolouse, Foley, Blake, Oates, were there; I saw some arms with them; they were talking about their horses, and nonsense, and romances, which could gallop best. People take black gins. It is usual to see men armed; I never saw 10 or 12 before armed; I saw five or six. I knew the men were employed looking after gentlemen's property. I have a ticket.

Cross-examined.

Everybody goes armed. People often go in a body after cattle at a distance. I believe this was Monday. I saw Sandy come down with Mr. Forster before, King Sandy; I am certain I saw him the day before; he had a plate; I saw him on the Sunday; I am not positive to a day; I saw him on the 10th of the month. My place from Dangar's is 16 miles. I am sure I saw King Sandy on the 10th; I saw him on the 10th at Mr. Forster's.

*Charles Reid Examined.*

I am a ticket-of-leave holder; I am employed by Mr. Henry Dangar. In June I took some bullocks from the Myall Creek to the Big River, to a station, about 60 miles. On my way down I slept at Russell's; I believe it was a Thursday, early in June; I slept there on the third day after leaving Dangar's; I saw Palliser and Hawkins, Foley and Tolouse; Burrows was assisting me with the cattle. It was nearly sundown. They asked if there were any blacks towards our place; we told them there were; they said, they could not be the blacks that did the depredations down the river. I saw a musket and sword. I saw Russell sewing a buckle on a strap; I saw a pouch there; he had it on a table; they

Enclosure 1,  
in No. 8.

did not say what they had been doing; I think they said they were down the river; that the blacks had been rushing cattle, and they did not see none. I knew the men were from different stations. It was such a pouch as stockmen use for ammunition. I was once before at Russell's, but not with Burrows. I did not return from the lower station. On my return, I met Fleming; he was alone; as soon as he got his horse and breakfast we went off; we left these men in the hut, or about the place.

Mr. Hobbs called again.

I recollect sending Burrows and Reid from upper to lower station on the 5th June, Tuesday; the distance is from 60 to 70 miles; Russell's is 40 miles from upper station; I think Thursday, 7th; I saw the skulls on the evening of the 15th June.

Cross-examined.

I did not go with them; they had bullocks; I saw them start; the cattle were not very tame.

Mr. Ambrose Foss Examined.

I am a dentist in Sydney. This jaw-bone is of a human being; there are two teeth in it; these pieces are pieces of human teeth; they appear to have been burnt all; I am not a surgeon; I conclude the rib is a human rib.

Cross-examined.

That little one is not the bone of a man, but of an adult; it is a rib bone, I should conceive.

The case for the Crown being here closed, the counsel for the prisoners contended that there was no case to go to the jury. First, There is no proof that the body of a black man, named Daddy, has been found; and, for anything that appears to the contrary, he is still alive. Secondly, There is no identification of any one black man, name unknown, to satisfy the counts in which the name is omitted. Third, There is no proof to satisfy any of the counts as to the manner of the death either of Daddy or of a black man unknown.

By the Judge.

First, It is for the jury to determine whether, under all the circumstances, the bulky remains of a human being found at the fire did not belong to the man Daddy, who was proved to have been taken from the hut by the prisoners, and never afterwards seen alive.

Secondly, If the jury are not satisfied of this, then they will have to determine whether one of the bodies found was not the body of one of the other male black men taken away by the prisoners.

Third, The manner of the death is necessarily laid in different ways to meet the evidence, and it is for the jury to collect from the circumstances to what mode of death the evidence was applicable. There is certainly no evidence from which the jury can collect that the deceased was burned alive. The case must go to the jury.

The prisoners being called upon, said nothing in their defence, but called the following witnesses:

Henry Dangar, Esq., Examined.

I live at St. Patrick's Plains; Kilmeister has been my servant since 1834; his character is very good; he was a trustworthy and obedient servant. Anderson is also my servant; I would not believe him on his oath; he has been addicted to telling lies, and on the most trifling occasion; I have not been able to place the least belief in him.

Cross-examined.

Anderson has been in my employment since 1833; for two years he was under my immediate control—the first two; for the last two years he has been under Mr. Hobbs; he has been punished for leaving his charge of sheep at the shearing time; he had charge, and left the flock; he went away for two or three days together; this was at the branch station; he was brought to Patrick's Plains bench; I prosecuted him; I knew he was absent; I visited my station sometimes; it was more convenient for me to wait before I had him punished, as there was but one court-day at Invermein; I do not recollect it was reported to me that Kilmeister was absent from his station. Hobbs neither pleases or displeases me; he is leaving; his term is expiring; it was not in consequence of this case that I said I should part with him; this had not hurried the termination of our agreement; I saw the place where the fire had been made; Hobbs pointed out where he saw the dead bodies; I understood that Kilmeister had joined the party; I did not see a part of a sword left. I have found Anderson unruly and troublesome, more than any man I had before; he is distant from justice, and I have not been able to have him punished. He has disobeyed orders, and told falsehoods, telling me he had been at one place when he was at another; the instances have been various. He has been troublesome, and addicted to lying; in the last instance, he told me he had gone in search of lost sheep; that was his defence,

defence, to excuse himself. On another occasion I sent him with a cart, and he said he lost the beast, and got away, &c. I found he had gone to a neighbouring station. I did not see any dead bodies. I am a subscriber to the defending of these men. One is one of my servants.

*John Cobb Examined.*

I reside at Maitland; I know Lamb; he has been in my employ for two years; he has conducted himself with propriety, as far as I know; I consider him a quiet, peaceable, in-offensive man.

*Thomas Simpson Hall Examined.*

I know Oates; he was under my superintendent for three years; his character stood as high as any men I ever had under him; he is a steady, correct man.

*Cross-examined.*

I live at Invermein; I superintend three stations beyond the boundaries; I have the superintendence of two farms on the Hunter, and I superintend five stations; they are 200 miles apart. Oates was without an overseer at this time; he was on this station, near the Big River, upwards of 150 miles away.

*George Bowman Examined.*

I am a farmer and grazier at Richmond; Johnstone was my servant for five years and a half; the last four years and a half I found him a good man; I always found him steady; whenever I sent away cattle or sheep he used to take them.

*Cross-examined.*

He is free by servitude two years; he has been in Mr. Cox's service. I know nothing of him for the last two years.

*Charles Joliffe Examined.*

I am superintendent for Messrs. Bell. I know Russell and Palliser; they were under my charge for two years last February. Russell was a most active man, and I never found any fault with him; he is a good servant; I never wished a better; he is a quiet, well-disposed man. Palliser bears the same character; he is a quiet, well-disposed man.

*Cross-examined.*

I live within 15 miles of Palliser; I was in Sydney at the time of the transaction.

Here the case closed on both sides.

The Chief Justice recapitulated the whole of the evidence for the jury.

The jury found all the prisoners Not Guilty.

At the prayer of Mr. Attorney-general, the prisoners were remanded for trial on another charge.

Sydney, 14 December 1838.

*James Dowling, C. J.*

Enclösure 2, in No. 8.

Sir,

Sydney, 13 December 1838.

IN compliance with your Excellency's request, conveyed to me by letter of the Assistant Colonial Secretary, dated the 8th instant, that I would furnish a report of the proceedings had before me in the case of Kilmeister and others for the murder of certain aboriginal natives, on their plea of *autrefois acquit*,

I have the honour to state, that on the 27th of November last, Charles Kilmeister, James Oates, Edward Foley, James Parry, John Russell, William Hawkins, and John Johnstone, were arraigned before me on an information filed by Her Majesty's Attorney-general, containing 20 counts.

In the first of which it was charged, "that some person, to the Attorney-general unknown, &c., on the 9th day of June, in the year of Our Lord 1838, with force and arms, at a certain place near Dangar's Myall Creek station, in the colony aforesaid, in and upon a certain aboriginal black child, whose name to the said Attorney-general is unknown, in the peace, &c., then and there being, then and there feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said person, to the said Attorney-general unknown as aforesaid, a certain pistol, of the value of 5s., then and there charged with gunpowder and other destructive materials, which said pistol the said person to the said Attorney-general unknown as aforesaid, in his right hand then and there had and held, then and there feloniously, wilfully, and of his malice aforethought, did discharge and shoot off, to, against, and upon the said aboriginal black child, whose name to the said Attorney-general

Enclosure 2,  
in No. 8.

general is unknown as aforesaid, with the destructive materials aforesaid, out of the pistol aforesaid, and there, by force of the gunpowder aforesaid, by the said person to the said Attorney-general unknown as aforesaid, discharged and shot off as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound, giving to the said aboriginal black child, whose name to the Attorney-general is unknown as aforesaid, then and there with the destructive materials aforesaid, so as aforesaid discharged and shot out of the pistol aforesaid, by force of the gunpowder aforesaid, by the said person to the said Attorney-general unknown as aforesaid, in and upon the body of said aboriginal black child, whose name to the said Attorney-general is unknown as aforesaid, one mortal wound of the depth of four inches, and of the breadth of half an inch, of which said mortal wound the said aboriginal black child, whose name to the said Attorney-general is unknown as aforesaid, then and there instantly died."

And charges that the prisoners "at the time of the committing of the felony and murder aforesaid, to wit, on the day and year last aforesaid, with force and arms, at the place near Dangar's Myall Creek station aforesaid, in the colony aforesaid, feloniously, wilfully, and of their malice aforethought, were present aiding, helping, abetting, comforting, assisting, and maintaining the said person, to him the said Attorney-general unknown as aforesaid, the said aboriginal black child, whose name to the said Attorney-general is unknown as aforesaid, to kill and murder, in manner and form aforesaid."

And also charged "that the said person, to the said Attorney-general unknown as aforesaid, and the prisoners, then and there feloniously, wilfully, and of their malice aforethought, the said aboriginal black child, whose name to the said Attorney-general is unknown as aforesaid, in manner and form aforesaid did kill and murder, against the peace," &c.

The second count charges the prisoners, together with other persons unknown, with having assaulted an aboriginal black child.

Charged James Oates with murder, as principal in the first degree, laying the mode of killing in the same way as in the first count; and charged the other prisoners, with persons unknown, as being present, aiding, helping, abetting, &c., as in the first count.

The third count was the same as the first, only laying the mode of killing to have been by a sword.

The fourth count charged one of the prisoners, Edward Foley, as principal in the first degree, laying the mode of killing to have been by a sword; and charged the other prisoners as being present, aiding, helping, abetting, &c.

The fifth count charged all the prisoners with the murder, and laid the mode of killing to have been by kicking, beating, and burning.

The sixth, seventh, eighth, ninth, and tenth counts were the same as the first, second, third, fourth, and fifth respectively, only stating the person killed as an aboriginal male child.

The eleventh, twelfth, thirteenth, fourteenth, and fifteenth counts were the same as the first five respectively, only stating the person killed as an aboriginal female child.

The sixteenth, seventeenth, eighteenth, nineteenth, and twentieth, were the same as the first five respectively, only stating the person killed by the name of Charlie.

To the first five counts of this information the prisoners filed a demurrer, assigning the following cause:

"Inasmuch as there is not sufficient certainty in the description of the said aboriginal black child, named in the said first, second, third, fourth, and fifth counts."

And as to the said sixth, seventh, eighth, ninth, and tenth counts of the said information, the prisoners pleaded, "That heretofore, to wit, on the 1st day of November, in the year of our Lord 1838, at the criminal sittings of the Supreme Court, holden at Sydney, in the colony of New South Wales, John Herbert Plunkett, Esq., Her Majesty's Attorney-general for the said colony, informed the said court, that some person to the said Attorney-general unknown, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 9th day of June in the year of our Lord 1838, with force and arms, at a certain place near Dangar's Myall Creek station, in the said colony of New South Wales, in and upon a certain male aboriginal black child, whose name to the said Attorney-general was unknown, in the peace of God and of our Lady the Queen, then and there being, then and there feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said person to the said Attorney-general unknown as aforesaid, a certain pistol, of the value of 5s., then and there charged with gunpowder and other destructive materials, which said pistol the said person to the said Attorney-general unknown as aforesaid, in his right hand then and there had and held, then and there feloniously, wilfully, and of his malice aforethought, did discharge and shoot off, to, against and upon the said male aboriginal black child, whose name to the said Attorney-general was unknown as aforesaid; and that the said person to the said Attorney-general unknown as aforesaid, with the destructive materials aforesaid, out of the pistol aforesaid, then and there by the force of the gunpowder aforesaid, by the said person to the said Attorney-general unknown as aforesaid, discharged and shot off as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound the said male aboriginal black, whose name to the said Attorney-general was unknown

unknown as aforesaid, in add upon the body of him the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, giving to him the said last-mentioned male aboriginal black then and there with the destructive materials aforesaid, so as aforesaid discharged, and shot out of the pistol aforesaid, by force of the gunpowder aforesaid, by the same person to the said Attorney-general unknown as aforesaid, in and upon the body of him the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, one mortal wound of the depth of four inches, and of the breadth of half an inch, of which said mortal wound the said lastmentioned male aboriginal black then and there instantly died. And the said Attorney-general further informed the said court, that the said Charles Kilmeister, then and there and thereby described as Charles Kilmeister of Invermein, in the colony aforesaid, labourer; the said William Hawkins, then and there and thereby described as William Hawkins, late also of the same place, labourer; the said John Johnstone, then and there and thereby described as John Johnstone, late also of the same place, labourer; the said Edward Foley, then and there and thereby described as Edward Foley, late also of the same place, labourer; the said James Oates, then and there and thereby described as James Oates, late also of the same place, labourer; the said James Parry, then and there and thereby described as James Parry, late also of the same place; labourer, and the said John Russell, then and there and thereby described as late also of the same place, labourer, afterwards, to wit, at the time of the committing of the felony and murder aforesaid, to wit, upon the day and year last aforesaid, with force and arms, at the place last aforesaid, in the colony aforesaid, feloniously, wilfully, and of their malice aforethought, were present, aiding, helping, abetting, comforting, assisting, and maintaining the said person, to the said Attorney-general unknown as aforesaid, to kill and murder the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid; and so the said Attorney-general said, that the said person to the said Attorney-general unknown as aforesaid, and the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, then and there feloniously, wilfully, and of their malice aforethought, in manner and form aforesaid, did kill and murder the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, against the peace of our said Lady the Queen, her Crown and dignity. And the said Attorney-general further informed the said court, that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and divers other evil-disposed persons, whose names to the said Attorney-general were then unknown, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the day and year last aforesaid, with force and arms, at the place last aforesaid, in the colony aforesaid, in and upon a certain male aboriginal black, whose name to the said Attorney-general was then unknown, in the peace of God and of our said Lady the Queen, then and there being, then and there feloniously, wilfully, and of their malice aforethought, did make an assault; and that the said James Oates a certain pistol, of the value of 5s., which he the said James Oates in his right hand then and there had and held, then and there feloniously, wilfully, and of his malice aforethought, did shoot off and discharge to, against, and upon him the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, and that the said James Oates, with the destructive materials aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, by the said James Oates then discharged and sent forth as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, in and upon the body of him the said last-mentioned male aboriginal black, giving to the said male aboriginal black then and there with the destructive materials as aforesaid; so as aforesaid by him, the said James Oates, shot, discharged, and sent out of the pistol aforesaid, by force of the gunpowder aforesaid, in and upon the body of him the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, one mortal wound of the depth of four inches, and of the breadth of half an inch, of which said mortal wound the said last-mentioned male aboriginal black then and there instantly died. And that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, at the time of the committing of the felony and murder aforesaid, then and there feloniously, wilfully, and of their malice aforethought, were present aiding, helping, abetting, comforting, assisting, and maintaining the said James Oates to kill and murder the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, in manner and form last aforesaid. And so the said Attorney-general said that the said James Oates, Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Parry, and John Russell; then and there feloniously, wilfully, and of their malice aforethought, in manner and form last aforesaid, the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, did kill and murder, against the peace of our Lady the Queen, her Crown and dignity. And the said Attorney-general further informed the said court, that some person, to the said Attorney-general unknown as aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the day and year last aforesaid, with force and arms, at the place last aforesaid, in the colony aforesaid, in and upon a certain male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, in the peace of God and our Lady the Queen, then and there being, then and there feloniously, wilfully, and of his malice aforethought, did make an assault,



Enclosure 2,  
in No. 8.

and that the said person to the said Attorney-general unknown as aforesaid, with a certain drawn sword, made of iron and steel, of the value of 5s., which he, the said person to the said Attorney-general unknown as aforesaid, in his right hand then and there had and held, him the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, stab, cut, penetrate, and wound, giving to him the said last-mentioned male aboriginal black one mortal wound on the head of him the said last-mentioned male aboriginal black, of the length of four inches, and of the depth of one inch; one other wound on the neck of him the said last-mentioned male aboriginal black of the length of six inches, and of the depth of three inches; and one other mortal wound on the belly of him the said last-mentioned male aboriginal black of the breadth of one inch, and of the depth of nine inches, of which said mortal wounds the said last-mentioned male aboriginal black then and there instantly died. And the said Attorney-general further informed the said court, that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, afterwards, to wit at the time of the committing of the felony and murder aforesaid, to wit on the day and year last aforesaid, with force and arms, at the place last aforesaid, in the colony aforesaid, feloniously, wilfully, and of their malice aforethought, were present aiding, helping, abetting, comforting, assisting, and maintaining the said person to the said Attorney-general unknown as aforesaid, to kill and murder the last-mentioned male aboriginal black as aforesaid. And so the said Attorney-general said that the said person to the said Attorney-general unknown as aforesaid, and the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, then and there feloniously, wilfully, and of their malice aforethought, the said last-mentioned male aboriginal black, in manner and form last aforesaid, did kill and murder, against the peace of our Lady the Queen, her Crown and dignity. And the said Attorney-general further informed the court, that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and divers other evil-disposed persons, whose names to the said Attorney-general were then unknown, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, to wit, on the day and year last aforesaid, with force and arms, at the place last aforesaid, in and upon the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, made an assault, and that the said Edward Foley, with a certain drawn sword made of iron and steel, of the value of 5s., which the said Edward Foley in his right hand then and there had and held, him the said last-mentioned male aboriginal black then and there feloniously, wilfully, and of his malice aforethought, did strike, stab, cut, and penetrate and wound, giving to him the said male aboriginal black one mortal wound on the head of him the said last-mentioned male aboriginal black of the length of four inches, and of the depth of one inch; one other mortal wound on the neck of him the last-mentioned male aboriginal black of the length of six inches, and of the depth of three inches; and one other mortal wound on the belly of him the said last-mentioned male aboriginal black of the breadth of one inch and of the depth of nine inches, of which said mortal wounds the said last-mentioned male aboriginal black then and there instantly died. And the said Charles Kilmeister, William Hawkins, John Johnstone, James Oates, James Parry, and John Russell, and the said other persons whose names to the said Attorney-general were then unknown as aforesaid at the time of the committing the felony and murder last aforesaid, then and there, to wit, on the day and year last aforesaid, with force and arms, at the place last aforesaid, feloniously, wilfully, and of their malice aforethought, were present helping, aiding and abetting, comforting, and maintaining the said Edward Foley to kill and murder the said last-mentioned male aboriginal black, in manner and form last aforesaid. And so the said Attorney-general said that the said Charles Kilmeister, Edward Foley, William Hawkins, John Johnstone, James Oates, James Parry, and John Russell, and the said other persons to the said Attorney-general then unknown as aforesaid, then and there feloniously, wilfully, and of their malice aforethought, the said last-mentioned male aboriginal black, in manner and form last aforesaid, did kill and murder, against the peace of our said Lady the Queen, her Crown and dignity. And the said Attorney-general further informed the court, that the said Charles Kilmeister, John Johnstone, William Hawkins, Edward Foley, James Oates, James Parry, and John Russell, and divers other evil-disposed persons, whose names to the said Attorney-general were then unknown, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the day and year last aforesaid, with force and arms, at the place last aforesaid, in the colony aforesaid, in and upon a certain male aboriginal black, whose name to the said Attorney-general was then unknown, in the peace of God and of our said Lady the Queen, then and there being, then and there feloniously, wilfully, and of their malice aforethought, did make an assault, and that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and divers other evil-disposed persons, whose names to the said Attorney-general were then unknown, then and there feloniously, wilfully, and of their malice aforethought, did strike, beat, and kick the said male aboriginal black, whose name to the said Attorney-general was then unknown as aforesaid, and did then and there feloniously, wilfully, and of their malice aforethought, cast, throw, and push the said last-mentioned male aboriginal black into and amongst certain burning wood, timber, trees, and logs, and did then and there feloniously, wilfully, and of their malice aforethought, cast and throw the said last-mentioned male aboriginal black into a certain fire there, and did compel and force the said last-mentioned

mentioned male aboriginal black to remain and be in the said fire; and by means of such casting and throwing and pushing of the said last-mentioned male aboriginal black into and amongst the said burning wood, timber, trees, and logs, and of such casting and throwing the said last-mentioned male aboriginal black into the said fire, and compelling and forcing the said last-mentioned male aboriginal black to remain and be in the fire aforesaid, the said last-mentioned male aboriginal black then and there died. And so the said Attorney-general said that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and the said other evil-disposed persons whose names to the said Attorney-general were then unknown as aforesaid, then and there feloniously, wilfully, and of their malice aforethought, the said male aboriginal black, whose name to the said Attorney-general was unknown as aforesaid, did kill and murder, in manner and form last aforesaid, against the peace of our Lady the Queen, her Crown and dignity."

And the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, say that they were tried on the 15th day of November 1838, of the said felonies and murders, and in due manner of law, acquitted of the premises in and by the said information above specified and charged upon them, as by the record thereof more fully and at large appears, which said judgment still remains in full force and effect, and not in the least reversed or made void. And the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, in fact, say that the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, so informed against by the said Attorney-general, and acquitted at last as aforesaid, are one and the same persons, and not other and different persons; and that the felonies and murders of which the said Attorney-general so laid information against them the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, and of which they were so acquitted as aforesaid, and the felonies of which the said Attorney-general now lays information against them in the said sixth, seventh, eighth, ninth, and tenth counts of the said information, are one and the same, and not other and different felonies and murders; and this they the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, are ready to verify, wherefore they pray judgment, &c. And as to the felonies and murders of which information is laid against them the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, in the said 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, and 20th counts of the said information now filed against them, the said Charles Kilmeister, William Hawkins, John Johnstone, James Oates, James Parry, Edward Foley, and John Russell, say that they are not guilty thereof; and of this they the said Charles Kilmeister, William Hawkins, John Johnstone, Edward Foley, James Oates, James Parry, and John Russell, put themselves upon their country, &c.

The Attorney-general joined in the demurrer, and took issue on the plea of *autrefois acquit* thus pleaded *ore tenus*.

The judgment of the court on the demurrer was for the Crown (overruling the prisoners' objection as to those counts to which it referred), and that the prisoners should answer over, as they then pleaded not guilty to them.

A juror was returned instantler, and sworn to try the issue taken on the plea of *autrefois acquit*.

The evidence given upon that issue is annexed hereto, and the charge which I delivered to the jury thereon was briefly whether the prisoners had been previously tried for and acquitted of the same offence as that to which their plea applied, which I explained to be the murder of an aboriginal male child.

The jury returned a verdict for the Crown, negating the prisoners' plea "that the felonies and murders of which the Attorney-general so laid information against them (the prisoners as aforesaid), and of which they were so acquitted as aforesaid, and the felonies of which the Attorney-general then laid information against them in the sixth, seventh, eighth, ninth, and tenth counts of the said information, were one and the same, and not other and different felonies and murders."

The judgment of the court, in consequence of this verdict, was, that the prisoners should answer over, and they severally pleaded accordingly "not guilty" to those counts to which their plea of *autrefois acquit* had applied.

The trial then proceeded upon the issue, guilty or not guilty, and the result of that trial was that the prisoners were all convicted upon the first five counts of the information only, which charged them with the murder of an aboriginal male black child, name unknown, and to which their demurrer had applied, and acquitted upon all the other counts of the information, including of course those counts to which they had confined their plea of *autrefois acquit*.

It only remains for me to state that the circumstances of the prisoners' plea of *autrefois acquit*, and the verdict thereon and their conviction, as above stated, were afterwards brought by me under the consideration of the other judges, Chief Justice Dowling and Mr. Justice Willis; both of whom concurred with me in opinion that the former acquittal of the prisoners afforded no ground of objection to their subsequent conviction; and the Chief Justice stated that the prisoners had not in fact been tried before him for the murder

Enclosure 2,  
in No. 8.

of a child, but that he applied the evidence entirely to the case of one of the blacks named Daddy, or a black adult, name unknown, although the same circumstances were necessarily in evidence upon both occasions, the transaction having occurred at one and the same time.

To his Excellency the Governor,  
&c. &c. &c.

I have, &c.  
(signed) W. W. Burton.

NOTES of Evidence taken in the Trial, before Mr. Justice Burton, of the Issue joined in the case of The Queen *versus* Charles Kilmeister and Others, on the Plea of *Autrefois Acquit*.

Mr. Gurner, Chief Clerk, Supreme Court.

I produce the record on an information for murder against Charles Kilmeister, William Hawkins, John Johnstone, Charles Toulouse, James Lamb, Edward Foley, James Oates, James Parry, George Pallister, John Russell, and John Blake.

They pleaded severally not guilty.

Tried 15th November 1838, before his Honor the Chief Justice and a civil jury, and all found not guilty.

Record read. It was here admitted by the Attorney-general that the prisoners are part of the persons who were tried and acquitted on that information.

Mr. Edward Dormer O'Reilly, Attorney for the Prisoners.

I recollect their being tried on the 15th November last (10 or 12 days past); the witnesses on that occasion were ordered out of court. I heard the opening speech of the Attorney-general; he said that several persons were killed on the same day, and at the same place, men, women, and children; bones were produced on that occasion, and a question was asked; I understood Mr. Day to call one the rib of a child. Mr. Foster afterwards examined upon the same point; it was elicited in the evidence, by a witness named Hobbs, that seven or eight and twenty persons were killed.

Cross-examined by the Attorney-general.

It came out in evidence that bones of children were found; that bodies were found, whether male or female not known, and some known to be males. I do not think that the evidence was confined to the man named Daddy. Evidence came out that men, women, and children were murdered; I think the circumstances embrace them all, men, women, and children, all killed under one and the same state of circumstances. I recollect that it was objected, that it was not certain if a man named Daddy was killed; attention was called to the circumstance of a head with a beard being found; by the evidence, as it appeared to me, there had been men, women, and children murdered; the bones produced by the magistrate he stated were all he found, a rib, some teeth, a jaw-bone.

Mr. Charles Kemp.

I was present at the trial of the prisoners on the former occasion; I remember counsel taking an objection to the sufficiency of the evidence; no proof of the identity of Daddy; that a large body found was Daddy, or even a male.

The Chief Justice said, I must leave the case to the jury.

The Attorney-general observed that there were heads with beards on, and that Chief Justice turned back to his notes, and remarked that Foley had said they were all killed, except one woman.

By Therry.

It was contended that there was no proof that Daddy was killed, or a male; the objection was confined to the fact of Daddy being killed, or a male; the evidence went to all the blacks being taken away; Daddy was the great strength of the case.

By the Court.

Daddy was described as an old man, very large; the largest man seen.

By A'Beckett.

The Chief Justice told the jury that if they were satisfied that a male black was murdered, then the information in point of law was sustained.

By Therry.

I understood the Chief Justice alluded to Daddy particularly; and whether also any male black was killed. No proof of any particular male black being killed was alluded to, except with beards upon them.

(signed) W. W. Burton.

Enclosure 3, in No. 8.

EXTRACTS from Minutes, No. 49 and No. 51, of the year 1838, of the Proceedings of the Executive Council, dated 7th December and 14th December 1838 respectively, relative to the cases of Seven Men under Sentence of Death, for the Wilful Murder of an Aboriginal Child.

Enclosure 3, in No. 8.

Extract from Minute No. 49.

Present:—His Excellency the Governor, the Honourable Major-general Sir Maurice Charles O'Connell, K.C.H., the Honourable the Colonial Secretary, the Honourable the Colonial Treasurer.

His Excellency the Governor laid before the Council the report of Mr. Justice Burton on the cases of the under-mentioned seven prisoners, convicted before him, at the late criminal sessions of the Supreme Court, of the wilful murder of an aboriginal child, and sentenced to suffer death, viz., Charles Kilmeister, James Oates, Edward Foley, James Parry, John Russell, William Hawkins, and John Johnston.

Appendix A. 1, to Minute No. 49.

His Honor being introduced, explained the circumstances attending the cases above-mentioned.

The Council, after an attentive and mature consideration of the same, unanimously advised that the sentence of the law should take its course.

Extract from Minute No. 51.

Present as on the former occasion.

The Council having met pursuant to summons, his Excellency the Governor, with reference to the proceedings on the 7th instant, and the advice then given by the Council that the sentence of the law should be allowed to take its course upon the seven men then under sentence of death for the wilful murder of an aboriginal child, now laid before the Council,

Petitions addressed to his Excellency for the extension of mercy towards those men; first, from eleven of the jurors who had tried and acquitted those individuals on a charge of murder of one or more aborigines; second, from ten of the jurors who had tried the same persons and found them guilty of the crime for which they were now to suffer; and third, by a considerable number of the inhabitants of Sydney, Parramatta, and Windsor.

Appendix A. 1, to Minute No. 51.

Appendix A. 2, to Minute No. 51.

The Council having fully considered the petitions now laid before them, see no reason to doubt that full justice was done to the unhappy prisoners in their trial at which they were found guilty; and, consequently, that there is no reason for altering the decision at which the Council have previously arrived, namely, that the sentence of the law should be allowed to take its course.

Appendix A. 3, to Minute No. 51.

(A true Extract.)

Sydney, 14 January 1839.

William Macpherson,  
Clerk of Councils.

EXTRACT from Enclosure A. 1, to Minute No. 49, of 1838.

Charles Kilmeister, James Oates, Edward Foley, James Parry, John Russell, William Hawkins, and John Johnston.

Murder—Sentence of death passed.

The prisoners were convicted of the murder of a black aboriginal child, name unknown, at Dangar's Myall Creek station, on the 9th of June 1838, under the circumstances stated in the following evidence by

George Anderson, an assigned servant to Mr. Dangar, who stated, "I was in his employment at the Myall Creek in the month of June, and since April; Mr. Hobbs was superintendant; I remember his leaving the station to go to the Big River; Reed and Burroughes went before him; I can't say how many days—not many; there were a number of blacks there; I never counted them; I know there were upwards of 20; they stopped there about three weeks before they were taken away, as near as I can recollect; there were two old men, Joey and Daddy; two young men, Tommy and Sandy by name; two whose names I don't know; there were a good many women and children. About ten men, armed and mounted, came there; I did not count them. I recollect Mr. Foster coming there; he went away in the morning with 10 blacks, and those men came in the evening, about an hour and a half before sundown; they galloped up together, with swords and pistols; the blacks were all sitting down by their fire, about two yards from the back of the hut, encamped for the night, having a lot of wood collected; the men dismounted. Kilmeister was there when they came; I cannot say if Parry was there; I recollect the others quite well. Russell had a tether rope in his hand, used to tether a horse at night to

Enclosure 2,  
in No. 8.

feed; he went into the hut where the blacks had run as soon as they saw the party ride up. They desired me to fetch a drink of milk, and I did so; I can't say I knew any of the men before; two of the blacks made their escape, boys eight or nine years old; they ran into the creek. When I returned with the milk, I found the blacks tied by the hands to the rope; I saw a pair of handcuffs on one of those blacks (Tommy); one of the horse-men outside took the rope from Russell when they brought the blacks out. They were all crying in the hut whilst they were tying them, men, women, and children; they were led off, the horsemen with them, some before and some behind; some of the children walked; I remember little Charlie amongst them; no one prevented his going; he went into the hut along with them, and came out with them. They were all taken away except Davy and his brother, and two black gins, and a little black boy; he was at the back of the hut as they went away, and followed them; I took hold of him and put him back again into the hut; one of them, I don't know which, said, "this little gin is a good-looking gin, and we won't take her, but leave her with you," meaning me; as to the other gin, they said, they would leave Davy a black gin; they went up the roadway towards the sun going down. Kilmeister had been out all that day, and was taking his supper; he appeared to know the party, by shaking hands with them, and appearing friends. They were there altogether 20 minutes, or half an hour at farthest; they got away as quickly as they could; Kilmeister went off with the party, mounted on his horse, and his pistol in a belt which he wore round his waist. I kept them in sight three or four minutes; in about a quarter of an hour after, I heard two shots fired in the same direction as they went; I saw no more of the party that night. Kilmeister said nothing to me when he went away; I did not hear any complaint of the blacks having rushed his cattle; I saw the blacks who went with Mr. Foster come back again at night, frightened, out of breath with running; they cooied before they came up; I was in bed; the blacks who were with me answered them, and talked with them; I turned them away directly, because I did not like to keep them; I thought the men might return and kill them. The next I saw of the party who took the blacks away was, they came to my place again next evening, ten minutes or a quarter of an hour before sundown. They were talking about the blacks all night, about a black gin they had in the camp with them the night before. I did not ask what they had done with the blacks that evening; I partly knew. In the morning they got up after sunrise. I asked Russell if he was going to bury the blacks, he said "Yes, he was going to bury them with a good fire." They had their breakfasts, then they took fire-sticks; one named Fleming had one and Russell another. Fleming asked Kilmeister to get the leg-rope; I gave it to him, and he took the leg-rope and a fire-stick, and they all went but one in the direction they took the blacks; that was Foley, he remained as guard; he told me he was to guard the place; the arms were left there, pistols and swords and muskets. Foley drew out a sword covered with blood, in the hut, when they were all gone; I asked him whether they were all killed; I asked whether any escaped; he said "None that he saw; they were all killed but one black gin they saved." They remained away about an hour; I observed a smoke, as from a fire, in the direction they went; there was a good deal of smoke all day. I recollect Fleming saying to Kilmeister, "Go up there by-and-by, and put the logs together, and be sure that all is consumed." Kilmeister told me that his horse was knocked up, and he had left him down by the creek; he went away in the direction of the smoke, as he said, to get up his horse, and was absent from the forepart of the day till the afternoon. Mr. Hobbs came home three, four, or five days after. I recollect Mr. Day coming. Kilmeister was in the stock-yard, he told me "For God's sake to mind what I said about him, and to say that he did not go away with the party, but that he went away a quarter of an hour after." I told him I should speak the truth, I was not going to get myself into trouble. The handle of a sword was left in the hut; I never took notice of it till I gave it to Mr. Hobbs. I did not go to the place where the fire was; I did not like to go in consequence of what the black fellow said to me.

The evidence of this witness was sought to be impeached upon his cross-examination, and by the evidence of Mr. Henry Dangar, his master, and the master of one of the prisoners, but there was nothing elicited which went to contradict his statement, and nothing disparaging to his character beyond what might with equal truth be alleged against any person in the station of the witness (namely, a prisoner of the Crown) in this colony; and his credit was upheld by the evidence of a person, Mr. Hobbs, of whose character, conduct, and respectability, as appeared in evidence, and especially his conduct relating to this transaction, I cannot speak in terms of too high praise.

In corroboration of the testimony of Anderson, respecting the blacks having been taken away by some such party as he described, and as to the numbers so taken, it was proved by Mr. Thomas Foster, superintendent to Dr. Newton, at Big River, about 16 miles from Dangar's station, who had occasion to visit it on Saturday the 9th of June, and left it on Sunday morning about 10 o'clock, with 10 native blacks, that when he arrived at the station there were between 30 and 40 natives, men, women, and children, then about the overseer's place and the men's huts (Mr. Hobbs estimated the number as being between 40 and 50). It was on that night, according to the evidence of Anderson, that all the blacks were led away by a party of armed horsemen, except those taken away by Mr. Foster, and Davy and his brother, two women, and a little boy; and on the following morning 12 or 13 men, all mounted, came to Newton's place, of whom Kilmeister, Oates, Russell, Hawkins, and Johnstone were identified; they were then inquiring after the blacks, no doubt meaning those who had been taken away by Mr. Foster the day before, and in pursuit

pursuit of whom, it was shown in another part of the evidence, they returned to Dangar's station, and from thence, still in pursuit of them, towards M'Intyre's, Mr. Foster having bid them make their escape, in consequence of his suspicion that they were sought for the purpose of destroying them.

Some of the party were also shown by the evidence of two men, Burrowes and Reid, to have been preparing arms two or three days before the Sunday on which the blacks were led away from Dangar's, at the distance of 40 miles from that place, and were inquiring after blacks; and particularly if the blacks were at Dangar's place, inquiring how long they had been there, speaking of depredations having been committed down the river by blacks on the cattle of some stock-men, and saying they were going after the blacks; there were eight or nine men of that party, of whom Hawkins, Russell, and Foley were identified; A party of about 12 men, of whom Johnston, Hawkins, Russell, and Parry were identified, were at Newton's on Saturday morning, in the absence of Mr. Foster, inquiring for the blacks. There was a heavy fall of rain on that day, and both Hobbs and Foster distinctly traced the horses' hoofs of a party of men going from Newton's to Dangar's, almost all the way; and at Dangar's station were similar tracks about the huts, and from thence to a place about half a mile distant, on the side of a ridge, there were the same impressions on the ground, intermingled with the impressions of the naked feet of blacks of all ages, between two lines of horsemen. At that place were the remains of a large fire; there were no marks of naked feet going away from it, all round in any direction; but there were the marks of feet with shoes on of persons who had evidently been rolling logs down from the upper part of the ridge to the fire.

On the 15th of June Mr. Hobbs returned to his home, it being then five days since the blacks were led away, as stated by Anderson, and the place where the fire had been was first visited by him alone that evening, and by himself and Foster next morning.

On the first occasion Mr. Hobbs was engaged from a quarter of an hour to 20 minutes in examining the place, and he found the remains of several bodies of blacks, some with flesh on them, all in a disfigured state, partly consumed by fire and torn by native dogs and birds of prey; he counted at one time 28 skulls, of whom from 10 to 12 were those of children, but from the stench and feelings occasioned by such a scene, he was not able to make a very accurate calculation of the numbers which had been there destroyed; counting the skulls and mutilated remains as well as he could several times, he varied each time in his number, the smallest number he counted being 20, and the greatest 28. It is to be feared, considering the bodies of the persons destroyed had been exposed to the action of a large fire, that their numbers must have exceeded even his highest calculation.

But there was afforded the strongest corroboration to the evidence of Anderson, as to the fact of the blacks having been taken away from his hut, and the strongest evidence that they had been destroyed by the party who took them away; of that party, Anderson stated, were all the prisoners, except that he did not identify Parry as one of them. Respecting this man, however, the evidence of another witness, Bates, showed him to be of the party seeking for blacks at Newton's, on the Saturday; that he was of the same party on Monday, when he made use of the expression to that witness, "We have settled the blacks;" and upon another occasion, being spoken to by Mr. Hobbs, who said to him, a few days after his return to Dangar's, "Jemmy, this is a bad job, and I am sorry that you are one of the number;" he said, "It is, sir, but I hope there will be nothing more about it."

There could be no doubt, therefore, that a large number of blacks, consisting of men, women, and children, were taken away from Dangar's by a party of armed horsemen, and put to death, and that the prisoners were of that party.

With respect to the motives which led to the commission of so great a crime, none appeared in evidence, except that it was alleged by some of the prisoners that depredations had been committed by blacks upon cattle lower down the river, at the distance of from 40 to 60 miles from where the unfortunate objects of their vengeance had resided for at least 12 or 14 days, having also come to that station from M'Intyre's, further up the river, and more remote from the place where the depredations were alleged to have been committed. At M'Intyre's they had resided for a considerable period, two months at least, so that there was not the slightest reason for supposing that the blacks who were put to death were concerned in any depredation complained of.

The encampment from which they were taken was inspected by Mr. Hobbs on his return, and bore evident marks of having been hastily left by them, as described by Anderson. A number of those little things which are valuable in their sight, and which they always carry with them when they remove voluntarily, being found scattered about in their encampment, and there was not a single weapon of offence there; they had indeed, according to the evidence, lived quietly and peaceably at the station at least ten days or a fortnight, subsisting upon such wild animals as they could catch during the day, and such trifling assistance as the superintendent of the station could afford to give in aid of their own exertions, but which means of support were so scanty, that not a single article of food was left behind them.

Sydney, 7 December 1838.

(signed) W. W. Burton.

Enclosure 3,  
in No. 8.

Enclosure A. 1, to Minute No. 51, of 1838.

TO his Excellency Sir *George Gipps*, Knight, Governor of New South Wales, &c. &c. &c.

The Memorial of the undersigned, being the Jury on the late Trial of eleven Men charged with the alleged Murder of one or more of the Aborigines at Liverpool Plains,

Humbly sheweth,—That your memorialists, on the 15th day of November last, were empannelled as a jury to try the charge preferred by Her Majesty's Attorney-general against 11 men for the alleged murder of one or more of the aborigines of this colony, to the authorities unknown, at Liverpool Plains, in June last.

That after the most attentive, impartial, and patient investigation of the whole case, from 11 o'clock in the morning till 10 o'clock at night, and after hearing the luminous recapitulation of the evidence and charge by the learned judge who presided at the trial, your memorialists pronounced, unanimously, a verdict of acquittal of all the prisoners on all the counts.

That your memorialists were led to pronounce this verdict of acquittal, because they were not convinced by the evidence that any positive proof of guilt had been adduced to criminate the prisoners, and as a jury of their country, on oath, they could not conscientiously find them guilty, such verdict involving the lives of the parties, and common equity requiring that the accused should have the benefit of any doubts arising from a defect in the evidence.

That your memorialists, from their experience of the laws of England, were led to hope that their verdict was final and conclusive, in the absence of proof or identity of any male or female black being murdered, known or unknown, neither could the witnesses for the Crown swear that the parties taken from the hut "roped together" were not then living.

That your memorialists have reason to believe that seven of these unhappy men have been arraigned a second time for the same crime (as it appears to your memorialists), and that they have been convicted on the same evidence on which they had been acquitted by memorialists.

That your memorialists beg to vindicate the propriety of their prior verdict, and to urge upon your Excellency that the discrepancy existing between the two verdicts of the successive juries is such as to justify your memorialists in imploring that mercy and mitigation of the sentence of the law, which it must ever be gratifying to your Excellency to dispense, when the lives of so many persons are involved; or should your Excellency think their case peculiar in point of law, we humbly pray that you would be graciously pleased to give to the unhappy men the benefit of an appeal to the fountain of mercy, and submit their case to Her Majesty in Council. And your memorialists will ever pray.

|          |                                 |                          |
|----------|---------------------------------|--------------------------|
| (signed) | <i>Thomas Holmes</i> , foreman. | <i>George Humphrey</i> . |
|          | <i>John Harris</i> .            | <i>Thomas Harper</i> .   |
|          | <i>Joseph Hangon</i> .          | <i>William Howard</i> .  |
|          | <i>M. Hooper</i> .              | <i>Charles Hensley</i> . |
|          | <i>John Hall</i> .              | <i>A. Higgins</i> .      |
|          | <i>David Hill</i> .             |                          |

Enclosure A. 2, to Minute No. 51, of 1838.

TO His Excellency Sir *George Gipps*, Governor, &c., &c., &c.

The Memorial of the undersigned, being Jurymen on the trial of the seven Men convicted of the Murder of an Aboriginal Native,

Humbly sheweth,—That memorialists were jurors on the trial of seven men arraigned for the murder of an aboriginal child, to the authorities unknown, and convicted by memorialists, and subsequently condemned to death.

That memorialists believing that there are circumstances connected with the case of these unhappy men to justify an appeal for mitigation of sentence to your Excellency as the fountain of mercy in the colony, venture to approach your Excellency with a humble recommendation that you would be pleased to take their case into your favourable consideration, and grant to them such an extension of mercy as will preserve their lives, in the hope that their future conduct will in some degree atone for the crime of which they have been convicted.

That memorialists, in consideration that the said unhappy men have received the highest characters for good conduct, humanity, and attention to their masters' interests; that public sympathy has been very generally expressed on their behalf; and that the jury who tried the case for the first time have made a similar appeal to your Excellency, fervently trust, and individually pray, that your Excellency would consider that the ends of justice have been satisfied by their condemnation and long imprisonment, and that their

MASSACRE OF AUSTRALIAN 'ABORIGINES.

35 NEW SOUTH WALES.

their lives may be spared, by a mitigation of the last penalty of the law. And memorialists will ever pray.

|          |                          |                          |
|----------|--------------------------|--------------------------|
| (signed) | <i>William Knight.</i>   | <i>William Johnston.</i> |
|          | <i>R. Leworthy.</i>      | <i>William Jones.</i>    |
|          | <i>John Little.</i>      | <i>Edward Small.</i>     |
|          | his                      | <i>Benjamin Lee</i>      |
|          | <i>Henry x Lenden,</i>   | <i>John Leary.</i>       |
|          | mark.                    |                          |
|          | his                      |                          |
|          | <i>Alexander x Long,</i> |                          |
|          | mark.                    |                          |

Enclosure 3,  
in-No. 8.

Enclosure A. 3, to Minute No. 51, of 1838.

TO His Excellency Sir *George Gipps, &c.*, Governor-in-Chief of the Territory of New South Wales, &c. &c. &c.

The Memorial of the Undersigned,

Humbly Showeth,—That we, the undersigned inhabitants of Sydney, and others, taking into consideration the unhappy case of the seven men who are now under sentence of death for the alleged murder of an aboriginal child, to the authorities unknown, humbly venture to approach your Excellency to implore that mercy on their behalf which it is your Excellency's prerogative to exercise, and which it must ever be gratifying to your Excellency to dispense, when proper grounds are presented for its display.

That while the undersigned are unwilling to call in question the verdict which has consigned these unhappy men to an ignominious death, they cannot but express their opinion that the discrepancy between the verdicts of the juries who tried the cases for the first and second times, supported by precisely the same evidence, is such as to afford a justifiable plea for imploring mercy from your Excellency, and on your Excellency's part for extending the same to them.

That the undersigned take the liberty to impress on your Excellency's mind the sovereign principle of leaning to the side of mercy in all cases in which a doubt can exist in favour of the accused: that the persons referred to have been convicted on circumstantial evidence solely: that it is possible that the aboriginal native, for the murder of whom these unhappy men have been found guilty, may have met with death from other hands than those of the unfortunate men now under sentence, no direct evidence being furnished of their guilt: that it is possible the other aboriginal native referred to by name, for whose alleged murder they were tried and acquitted, may be still at large, no evidence having been furnished of his death; and, therefore, knowing the extreme liability to error in such cases, and the deplorable consequences arising from a sudden and precipitate execution of the law upon persons who may afterwards be proved innocent, we trust that your Excellency will feel justified in complying with the prayer of this memorial.

That great differences between the blacks and whites in the interior have existed for a long period, many white persons having suffered death by the hands of savages while defending their masters' property, and protecting the numerous herds and flocks of their employers, the murderers of whom have not been brought to justice.

That in addition to these circumstances which have excited the sympathy of the public, the undersigned have to urge upon your Excellency's favourable consideration, that the unfortunate men have received from their employers and others the highest characters for fidelity to their masters' interests, general good behaviour, humanity, and attention to their duty.

Your memorialists, therefore, fervently trust, that for these and other reasons, your Excellency, with the advice of the Executive Council, will be graciously pleased to extend to the persons referred to now under sentence of death, that mercy and mitigation of punishment which you may deem expedient and consistent with your Excellency's sense of public duty.

The number of names attached to the foregoing petition is 227.

A petition in precisely similar terms, with 77 signatures, from Parramatta; and a petition also, in similar terms, from Windsor, with 186 signatures.

Sydney, December 1838.



No. 9.

— No. 9. —

(No. 95.)

EXTRACT of a DESPATCH from the Marquess of *Normanby* to Governor *Sir George Gipps*, dated Downing-street, 17 July 1839.

Marquess of Normanby to Sir G. Gipps, 17 July 1839.

I HAVE received your despatch, No. 200, of the 19th December last, reporting the conviction and subsequent execution of seven men concerned in the murder of aborigines.

The whole of these proceedings point out strongly the necessity of pursuing, in the most firm and decided manner, such measures as may be best calculated to check that system, which has unfortunately arisen, of atrocities committed both by the settlers and by the aborigines against each other. The measures which you have adopted with a view to that end have met the unqualified approbation of Her Majesty's Government; and I trust that the fate of those men, who have recently suffered the extreme penalty of the law for the murder of natives will serve to check that feeling of recklessness in sacrificing the lives of the natives, which has shown itself to a lamentable extent on this occasion.

The attention of Her Majesty's Government has been recently called to the necessity of making provision for receiving the evidence of aboriginal natives in courts of justice. This, however, is a question which I consider it better to leave to you to bring before the local legislature, convinced that it will receive that consideration which so important a question demands.

No. 10.

— No. 10. —

(No. 8.)

COPY of a DESPATCH from Governor *Sir George Gipps* to Lord *Glenelg*.

Government House, Sydney, 8 January 1839.

Sir G. Gipps to Lord Glenelg, 8 January 1839.

WITH reference to my despatch of the 19th December last, No. 200, in which I announced to your Lordship that the sentence of the law had taken its course on seven unhappy men who had been engaged in a most atrocious massacre of the aborigines of this country, I think it right to enclose to your Lordship a copy of a letter written by the principal gaoler of Sydney to the sheriff, in which the gaoler (Mr. Henry Keck) states that each and all of these men, at different times during their confinement, acknowledged to him their guilt.

21 Dec. 1838

I have, &c.  
(signed) *George Gipps*.

Enclosure in No. 10

Her Majesty's Gaol, Sydney, 21 December 1838.

Enclosure in No. 10.

In compliance with your suggestion to me yesterday, respecting the seven men executed on Tuesday morning, I have the honour to inform you, that frequently, during their confinement here, they each and all, at different times, acknowledged to me their guilt; but implied, that as it was done solely in defence of their masters' property, that they were not aware that in destroying the aborigines they were violating the law, or that it could take cognizance of their having done so, as it had (according to their belief) been so frequently done in the colony before.

I have, &c.  
(signed) *Henry Keck*,  
Principal Gaoler.

The High Sheriff,  
&c. &c. &c.

ALPHALIAN ABORIGINES.

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COPIES OF EXTRACTS OF DESPATCHES RELATIVE  
TO THE MASSACRE OF VARIOUS ABORIGINES  
IN AUSTRALIA, IN THE YEAR 1838, AND RESPECTING  
THE TRIAL OF THEIR MURDERERS.

(*Mr. Charles Lushington.*)

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Ordered, by The House of Commons, to be Printed,  
17 August 1839.

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P A P E R S.

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ABORIGINES,

Australian Colonies.

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*Ordered, by The House of Commons, to be Printed,  
9 August 1844.*

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ABORIGINES (AUSTRALIAN COLONIES).

RETURN to an ADDRESS of the Honourable The House of Commons.  
dated 5 August 1844 for,

COPIES or EXTRACTS from the DESPATCHES of the Governors of the AUSTRALIAN COLONIES, with the REPORTS of the PROTECTORS of ABORIGINES, and any other CORRESPONDENCE to illustrate the Condition of the ABORIGINAL POPULATION of the said Colonies, from the Date of the last Papers laid before Parliament on the subject, (Papers ordered by The House of Commons to be printed, 12 August 1839, No. 526.)

Colonial Office, Downing-street, }  
9 August 1844.

G. W. HOPE.

2

(Mr. Aldam.)

Ordered, by The House of Commons, to be Printed,  
9 August 1844.

## SCHEDULE.

### NEW SOUTH WALES.

| No. | DATE.         | SUBJECT.   | PAGE.  |
|-----|---------------|--|--------|
| 1.  | 20 Feb. 1839  | Depredations by Aborigines on Flocks of the Colonists; (with Enclosures) - - - - -   | 1      |
|     |               | Bill to restrain the unauthorized Occupation of Crown Land - - - - -   | 2      |
| 2.  | 26 Feb. 1839  | Course pursued in the case of four Men charged with Murder of the Aborigines - - - - -   | 7      |
| 3.  | 22 July 1839  | Encounter between a party of the Mounted Police and the Aborigines; (with Enclosures) - - - - -  | 7      |
|     |               | Proclamation, 22 May 1839, fixing the Boundaries of the Commissioners of Crown Lands; Government Notice, 21 May 1839, Protection of the Aborigines; Standing Orders for the Border Police - - - - -                | 19, 20 |
| 4.  | 21 Dec. 1839  | Reply to the preceding Despatch - - - - -  | 25     |
| 5.  | 14 Oct. 1839  | Transmitting Act to allow Aboriginal Natives to be received as competent Witnesses in Criminal Cases - - - - -   | 26     |
| 6.  | 11 Aug. 1840  | Communicates Her Majesty's disallowance of the Act above mentioned - - - - -   | 27     |
| 7.  | 10 Nov. 1838  | Mission to the Aborigines of New Holland; (with Enclosures) - - - - -  | 27     |
| 8.  | 7 May 1840    | In reply; State of the Mission to the Aborigines at Wellington Valley; (with Enclosures and Maps) - - - - -  | 38     |
| 9.  | 7 May 1840    | Transmitting Documents in reference to steps taken for the Protection and Civilization of the Aborigines - - - - -   | 51     |
|     |               | Instructions relative to Reserves for Aborigines. Estimate of the annual Expense incurred for the Protection and Civilization of the Aborigines; viz. charge for Protectora, Missions, and Border Police - - - - - | 56     |
| 10. | 6 Aug. 1840   | Claims of the Church Missionary Society to further Aid of the New Holland Mission; (with Enclosures) - - - - -   | 57     |
| 11. | 5 April 1841  | Reply to the preceding Despatch; (with Enclosures) - - - - -   | 66     |
| 12. | 25 Aug. 1840  | Remarks and Instructions in reference to the Evils which affect the Aboriginal Natives, and as to the best means of supplying their Wants and promoting their Civilization - - - - -                               | 73     |
| 13. | 10 Sept. 1840 | Enclosing Despatches to Lieutenant-Governors of British Settlements at New Zealand and Port Phillip, directing the transmission of Periodical Reports on State of the Aborigines - - - - -                         | 75     |
| 14. | 19 Sept. 1840 | Transmitting Minute of Executive Council, in case of an Aboriginal Native named Tolboy or Jacky, convicted of Murder - - - - -   | 75     |
| 15. | 26 April 1841 | Reply to the above; communicates Her Majesty's approval of the course recommended by the Governor - - - - -  | 77     |
| 16. | 22 Dec. 1840  | Proceedings before the Executive Council in case of an Aboriginal Native named Billy, found guilty of Murder; (with Enclosures) - - - - -  | 78     |
| 17. | 21 May 1841   | In reply; signifying Her Majesty's assent to a conditional Pardon - - - - -  | 85     |
| 18. | 3 Feb. 1841   | Aggressions by Natives on Flocks and Herds of Settlers, and acts of Reprisal on part of the latter; (with an Appendix of Papers) - - - - -   | 85     |
| 19. | 11 Aug. 1841  | Reply to the preceding Despatch - - - - -  | 96     |

| NO. | DATE.                      | SUBJECT.   | PAGE. |
|-----|----------------------------|--|-------|
| 20. | 29 June 1842               | Transmitting Letter from the Church Missionary Society, stating the withdrawal of the Society's Agency in the Mission at Wellington Valley                   | 97    |
| 21. | 5 April 1841               | Progress of the German or Lutheran Mission at Moreton Bay; (with Enclosures)   | 97    |
| 22. | 24 Oct. 1841               | Reply to the preceding Despatch  | 99    |
| 23. | 8 Oct. 1840                | Transmitting Report of Captain Grey on best means of promoting the Civilization of the Aborigines of Australia   | 99    |
| 24. | 7 April 1841               | In reply; Remarks on Captain Grey's Report   | 104   |
| 25. | 9 April 1841               | Transmitting Papers in reference to an Attack made by Aborigines on Dr. Mackay's Station, May 1840   | 106   |
| 26. | 5 Oct. 1841                | Reply, on subject of the preceding Despatch  | 113   |
| 27. | 3 June 1841                | Application by a Settler for Compensation for Loss sustained by an Attack of the Aborigines; and transmitting Memorial                                       | 113   |
| 28. | 29 Oct. 1841               | Reply to the above, rejecting the Claim  | 117   |
| 29. | 6 June 1841                | Special Surveys; that no Land set apart for Aborigines shall be included therein; (with Enclosures)  | 117   |
| 30. | 29 Oct. 1841               | In reply; approves step taken by Governor in reference to Special Surveys  | 118   |
| 31. | 9 June 1841                | Transmitting Address on opening ordinary Session of the Legislative Council  | 118   |
| 32. | 24 <sup>th</sup> Jan. 1840 | Transmits Suggestions of Mr. Wedge for the amelioration of the Condition of Natives of Port Phillip, and requests opinion on their practicability            | 119   |
| 33. | 1 Sept. 1840               | Further communication by Mr. Wedge, on Depredations committed by Native Tribes   | 121   |
| 34. | 15 Dec. 1840               | Calling for a report of the Circumstances attending the murder of Mr. Codd, a Settler at Port Phillip, by the Natives; (with Enclosures)                     | 122   |
| 35. | 29 Dec. 1840               | Transmitting, for report thereon, copy of an Anonymous Statement alleging the frequent Destruction of Natives by Settlers                                    | 124   |
| 36. | 20 Feb. 1841               | Enclosing Letter of Mr. Wedge on the subject of the Murder of Mr. Codd by the Natives  | 124   |
| 37. | 19 July 1841               | Transmitting Report of Mr. Latrobe on the Murder of Mr. Codd; and replying on the subject of the Anonymous Statement above-mentioned                         | 126   |
| 38. | 25 July 1841               | Forwarding Communications from Mr. Latrobe relating to Homesteads for Protectors of Aborigines in Port Phillip District                                      | 128   |
| 39. | 26 Sept. 1841              | Forwarding Report of Mr. Latrobe on Mr. Wedge's Suggestions for the Improvement of the Aborigines  | 130   |
| 40. | 26 Sept. 1841              | Further Reports and Documents from Mr. Latrobe in regard to Collisions between Natives and Settlers  | 133   |
| 41. | 24 Jan. 1842               | Legal Question, how far the Aborigines of New South Wales are amenable to British Law; (with Enclosures)   | 143   |
| 42. | 2 July 1842                | Reply to the preceding Despatch  | 156   |
| 43. | 11 Mar. 1842               | Forwarding Reports from Protectors of Aborigines, and Heads of Missions Boundaries of the Districts of the Protectors, and Expense of Establishment for 1841 | 172   |
| 44. | 11 Mar. 1842               | Enclosing Documents in regard to alleged Acts of Outrage committed by Settlers in the neighbourhood of Portland Bay  | 183   |
| 45. | 11 Mar. 1842               | Proceedings in the case of two Aborigines executed in January last, for the Murder of two European Sailors   | 193   |
| 46. | 17 Mar. 1842               | Transmitting Report and Affidavit in relation to the Aborigines of the Portland District   | 201   |

| No.                                    | DATE.           | SUBJECT.   | PAGE.      |
|--|-----------------|--|------------|
| 47. Sir George Gipps to Lord Stanley - | - 1 April 1842  | Forwarding Correspondence on the subject of certain Misstatements respecting the Treatment of the Aborigines in the District of Portland Bay - - -   | 203        |
| 48. Sir George Gipps to Lord Stanley - | - 4 April 1842  | Attacks by Natives on Stations near Port Fairy; (with Enclosures) - - - - -  | 205        |
| 49. Sir George Gipps to Lord Stanley - | - 16 May 1842   | Forwarding Report of Protector of Aborigines on Outrages committed by Natives at Port Fairy - -  | 208        |
| 50. Sir George Gipps to Lord Stanley - | - 16 May 1842   | Further Papers on the same subject; Inefficiency of the Protectors of Aborigines - - - - -   | 212        |
| 51. Sir George Gipps to Lord Stanley - | - 16 May 1842   | Additional Information in reference to the Inefficiency of the Protectors - - - - -  | 216        |
| 52. Sir George Gipps to Lord Stanley - | - 16 May 1842   | Proceedings in the case of the Murder of three Aboriginal Women and a Child - - - - -  | 217        |
| 53. Sir George Gipps to Lord Stanley - | - 20 May 1842   | Transmitting Reports from Commissioners of Crown Lands relating to the Condition of the Aborigines -   | 220        |
| 54. Lord Stanley to Sir George Gipps - | - 20 Dec. 1842  | General Remarks on the Obstacles to the Civilization of the Natives; ill Success of the Missions, and of the System of Protectors - - - - -  | 221        |
| 55. Sir George Gipps to Lord Stanley - | - 30 July 1842  | Enclosing Report of the Rev. Mr. Tuckfield, Wesleyan Missionary to the Aborigines - - - - -<br>Specimen of the difference of Dialects spoken by the Native Tribes of Port Phillip - - - - -            | 223<br>227 |
| 56. Sir George Gipps to Lord Stanley - | - 1 Aug. 1842   | Forwarding Reports of Commissioners of Crown Lands on Condition of Aboriginal Natives - - - - -  | 228        |
| 57. Lord Stanley to Sir George Gipps - | - 30 Jan. 1843  | Acknowledging the preceding Despatch - - - - -   | 231        |
| 58. Sir George Gipps to Lord Stanley - | - 22 Dec. 1842  | Reporting continued Acts of Violence on the part of Natives; (with Enclosures) - - - - -   | 231        |
| 59. Sir George Gipps to Lord Stanley - | - 4 Dec. 1842   | Cannot report on the Homicide of a Native named Mickey, the Chief Protector having neglected to make the Inquiry directed into the Circumstances of the case; (with Enclosure) - - - - -               | 237        |
| 60. Sir George Gipps to Lord Stanley - | - 22 Dec. 1842  | The same subject; enclosing Report of Chief Protector, and other Documents - - - - -   | 237        |
| 61. Sir George Gipps to Lord Stanley - | - 28 Dec. 1842  | Habits of the Aborigines in Port Phillip District; (with Enclosures) - - - - -   | 239        |
| 62. Sir George Gipps to Lord Stanley - | - 4 Jan. 1843   | Missionary Establishments; Failure of the Mission at Bunting Dale; (with Enclosures) - - - - -   | 242        |
| 63. Sir George Gipps to Lord Stanley - | - 5 Jan. 1843   | Native Station at Mount Rouse, Port Phillip District; (with Enclosures) - - - - -  | 245        |
| 64. Sir George Gipps to Lord Stanley - | - 3 April 1843  | Forwarding Reports for 1842 of Officers employed in Civilization or Protection of Aborigines, and also from Missionary Establishments - - - - -  | 246        |
| 65. Lord Stanley to Sir George Gipps - | - 29 Sept. 1843 | Acknowledging receipt of the above Reports, with Remarks - - - - -   | 261        |
| 66. Lord Stanley to Sir George Gipps - | - 6 July 1843   | Transmitting Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the admission, in certain cases, of unsworn Testimony in Civil and Criminal Proceedings - - - - - | 261        |
| 67. Lord Stanley to Sir George Gipps - | - 10 July 1843  | Success of the Attempts made by the Government of Western Australia to protect and civilize the Natives -  | 262        |
| 68. Sir George Gipps to Lord Stanley - | - 11 Sept. 1843 | Transmitting Report of the Trial of three White Men for the Murder of three Aboriginal Women and a Child, described in Despatch 16 May 1842 - - -  | 262        |
| 69. Lord Stanley to Sir George Gipps - | - 2 Mar. 1844   | Reply to the preceding Despatch - - - - -  | 272        |
| 70. Sir George Gipps to Lord Stanley - | - 21 Mar. 1844  | Forwarding Reports for 1843 of Officers employed in the Protection or Civilization of the Aborigines -   | 273        |

| No. | DATE.        | SUBJECT.  | PAGE.    |
|-----|--------------|---|----------|
| 71. | 21 Mar. 1844 | Arrangements in regard to the Protectors of Aborigines at Port Phillip, and "Native Police" Establishment; (with Enclosures)                    | 286      |
| 72. | 2F Mar. 1844 | Transmitting Documents to illustrate the nature of the Intercourse between the Europeans and Aborigines   | 295      |
|     |              | (Nos. 1 & 2.)—Papers relative to a report that certain Aboriginal Natives had been poisoned, in the Port Phillip and Moreton Bay Districts      | 295, 296 |
|     |              | (No. 3.)—Journal of an Excursion to the Bunya Country, and description of the Bunya Tree and Nut, by Dr. Simpson                                | 299      |
|     |              | (No. 4.)—Papers printed by the Legislative Council of New South Wales, relative to the Aborigines; viz.   |          |
|     |              | No. 1.—Return of the Expenses of the Protectors, and Mission to the Aborigines, from 1821 to 1842   | 304      |
|     |              | No. 2.—Return of all Trials of Aborigines   | 305      |
|     |              | No. 3.—Letters from the Superintendent of Port Phillip, from the Chief Protector, Mr. Robinson, and from Protectors Dredge, Parker, and Thomas  | 306-311  |
|     |              | Appendix 1.—Census of the Aborigines in Protector Parker's District   | 312      |
|     |              | Appendix 2.—Specimens of Five Dialects spoken by the Aborigines in the North Western District   | 317      |
|     |              | Appendix 3.—Return of the Number of Homicides committed respectively by Blacks and Whites, within the limits of the North Western District      | 318      |
|     |              | Appendix 4.—Return of the Number of Offences committed by Aborigines in the North Western District  | 319      |
|     |              | Appendices 5 to 9.—Return of Aborigines attending Divine Service; Number who have visited the Station; Buildings, &c.                           | 319-321  |
| 73. | 22 Mar. 1844 | Reply to Lord Stanley's Despatch of 29 September 1843; Punishment of Natives for Crimes committed on each other                                 | 327      |
| 74. | 10 May 1844  | Project of a Mission for the religious Instruction of the European Population and Aborigines in the District of Port Phillip; (with Enclosures) | 327      |
| 75. | 9 May 1844   | Forwarding further Reports for 1843, from Commissioners of Crown Lands relating to the Condition of Aborigines                                  | 333      |
| 76. | 3 April 1844 | Transmitting General Letter of Instructions given to Crown Commissioners beyond the Boundaries of Location, dated 30 September 1843             | 336*     |

MAP OF NEW SOUTH WALES AND SOUTH AUSTRALIA,

Showing the Principal Sites referred to in the Correspondence relative to the Aborigines.

SOUTH AUSTRALIA.

|    |                               |               |   |     |
|----|-------------------------------|---------------|---|-----|
| 1. | Governor Grey to Lord Stanley | 4 Mar. 1843   | Requesting to be permitted to give trial to the plan of allowing the remission of part of the Purchase-money of Land to persons who may reclaim and civilize the Aborigines; (with Enclosure) | 335 |
| 2. | Lord Stanley to Governor Grey | 6 Sept. 1843  | Reply to the preceding Despatch   | 336 |
| 3. | Governor Grey to Lord Stanley | 21 April 1843 | Injuries inflicted on the Natives by recent Financial Difficulties; by way of Compensation, suggests a small Annual Grant from Parliament for their further Protection                        | 336 |
| 4. | Lord Stanley to Governor Grey | 8 Nov. 1843   | In reply, cannot acquiesce in the validity of the Claim, as against the Imperial Treasury   | 336 |



| No. | DATE.  | SUBJECT.  | PAGE. |
|-----|--|---|-------|
| 5.  | Governor Grey to Lord Stanley - - 26 May 1843                          | Explanation in regard to the Sale of a particular Lot of Land in 1841, and a Free Grant of Land, in 1842, to a Trustee for the Aborigines; (Enclosure) - - -                | 337   |
| 6.  | Lord Stanley to Governor Grey - - 14 Nov. 1843                         | In reply, declares both Proceedings illegal and invalid -   | 339   |
| 7.  | Governor Grey to Lord Stanley - - 26 May 1843                          | Transmitting a Vocabulary of the Language of the Aborigines, and Map in reference thereto - - -   | 339   |
| 8.  | Lord Stanley to Governor Grey - - 10 July 1843                         | Calling attention to the Measures successfully adopted by the Government of Western Australia for Protection and Civilization of the Natives - - -                          | 341   |
| 9.  | Governor Grey to Lord Stanley - - 24 July 1843                         | Transmitting Report of Protector of Aborigines for Quarter ending 30th June - - - - -   | 341   |
| 10. | Governor Grey to Lord Stanley - - 17 July 1843                         | Transmits copy of Proceedings of Council on the Trial of two Aboriginal Natives for a Murder committed at Port Lincoln - - - - -  | 343   |
| 11. | Governor Grey to Lord Stanley - - 3 Aug. 1843                          | Ultimate Decision in the above case; enclosing Notes of the Judge - - - - -   | 345   |
| 12. | Lord Stanley to Governor Grey - - 9 Mar. 1844                          | Reply on subject of the preceding Despatch - - -  | 347   |
| 13. | Governor Grey to Lord Stanley - - 3 Aug. 1843                          | Proceedings in another case of Murder by a Native at Port Lincoln; (with Enclosure) - - - - -   | 347   |
| 14. | Lord Stanley to Governor Grey - - 6 Mar. 1844                          | Acknowledging the preceding Despatch - - -  | 350   |
| 15. | Governor Grey to Lord Stanley - - 2 Jan. 1844                          | Acknowledges receipt of a Despatch of 10 July 1843, in reference to the Measures successfully adopted in Western Australia for the Civilization of the Aborigines - - - - - | 350   |
| 16. | Governor Grey to Lord Stanley - - 4 Jan. 1844                          | Report of Protector of Aborigines for last Quarter; (Enclosure) - - - - -   | 350   |
| 17. | Lord Stanley to Governor Grey - - 1 July 1844                          | Reply, on subject of the above - - - - -  | 352   |
| 18. | Governor Grey to Lord Stanley - - 6 Feb. 1844                          | Annual Report of Resident Magistrate on the River Murray, for the Year 1843; (Enclosure) - - - - -  | 352   |
| 19. | Governor Grey to Lord Stanley - - 16 Feb. 1844                         | Annual Report of Protector of Aborigines for the Year 1843; (Enclosure) - - - - -   | 355   |
| 20. | Governor Grey to Lord Stanley - - 10 April 1844                        | Report of Protector of Aborigines for Quarter ending March 1844; (Enclosure) - - - - -  | 361   |
| 21. | Lord Stanley to Governor Grey - - 9 Oct. 1844                          | Acknowledging the preceding Despatch - - - - -  | 362   |
|     | MAP, showing the Range of the Southern Dialects of Australia - - - - - |   | 340   |

### WESTERN AUSTRALIA.

|    |   |   |     |
|----|---|---|-----|
| 1. | Governor Hutt to Lord Glenelg - - 3 May 1839        | Character of the Aborigines; suggests the appointment of a Protector of the Natives, and the formation of a Missionary Establishment; encloses Draft of a Bill to enable Magistrates to receive Evidence of Aborigines in certain cases - - - - - | 363 |
| 2. | Lord John Russell to Governor Hutt - - 29 Oct. 1839 | In reply assents to the principle of the proposed Bill -  | 367 |
| 3. | Governor Hutt to Lord Glenelg - - 17 May 1839       | Cruelties alleged to have been committed against Natives; (with Enclosures) - - - - -   | 367 |

| No. | DATE.         | SUBJECT.   | PAGE.  |
|-----|---------------|--|--------|
| 4.  | 20 Jan. 1840  | Lord John Russell to Governor Hutt - Reply to the preceding Despatch   | 370    |
| 5.  | 16 Jan. 1839  | Lord Glenelg to Governor Hutt - Appointment of two Protectors of Aborigines; Instructions for their guidance   | 370    |
| 6.  | 11 Feb. 1840  | Governor Hutt to the Marquis of Normanby. - Arrangements in regard to the two Protectors of Aborigines; (with Enclosure)   | 371    |
| 7.  | 1 Sept. 1840  | Lord John Russell to Governor Hutt - Acknowledges preceding Despatch   | 373    |
| 8.  | 19 Aug. 1840  | Governor Hutt to Lord John Russell - Enclosing copies of Acts to constitute the Island of Rottneest a Legal Prison, and to admit the Evidence of Natives in Criminal Cases, &c.  | 373    |
| 9.  | 30 April 1841 | Lord John Russell to Governor Hutt - In reply; Reasons for the disallowance by Her Majesty of the two Acts   | 377    |
| 10. | 4 Sept. 1840  | Lord John Russell to Governor Hutt - Transmitting copies of a Communication from the Church Missionary Society, and a Report from the Land and Emigration Commissioners, relative to the Provision to be made for the Wants and Civilization of the Aborigines; requests periodical Reports on their Condition | 379    |
| 11. | 15 May 1841   | Governor Hutt to Lord John Russell - Nature of the Intercourse between the Aborigines and Settlers of Western Australia; Periodical Report on the Arrangements for their Protection and Civilization; (with Enclosures)  | 380    |
| 12. | 30 Oct. 1841  | Lord Stanley to Governor Hutt - Acknowledging the preceding Despatch   | 391    |
| 13. | 8 Oct. 1840   | Lord John Russell to Governor Hutt - Forwarding Report of Captain Grey, containing Suggestions for the Improvement of the Aborigines   | 392    |
| 14. | 10 July 1841  | Governor Hutt to Lord John Russell - Has received Captain Grey's Suggestions with regard to the Treatment of the Aborigines; how far they are applicable to the Settlement, and in what cases adopted  | 392    |
| 15. | 21 July 1841  | Governor Hutt to Lord John Russell - Further Remarks on the same subject; (with Enclosure)   | 394    |
| 16. | 10 Nov. 1841  | Governor Hutt to Lord John Russell - Proceedings in a case of Murder committed on the Wife and Child of a Settler, by a Party of Aborigines; (with Enclosure)  | 395    |
| 17. | 2 July 1842   | Lord Stanley to Governor Hutt - Remarks on the above   | 397    |
| 18. | 20 Jan. 1842  | Governor Hutt to Lord John Russell - Submitting amended Acts for constituting Rottneest a Legal Prison, and for allowing the Evidence of Natives without Oath  | 398    |
|     |               | PLAN of the Native Establishment at Rottneest Island, <i>to face</i>   | p. 400 |
| 19. | 15 Feb. 1843  | Lord Stanley to Governor Hutt - In reply, announces Her Majesty's disallowance of the latter Act   | 401    |
| 20. | 1 Mar. 1842   | Governor Hutt to Lord John Russell - Second Annual Report on the State and Condition of the Aborigines; (with Enclosures)  | 402    |
| 21. | 8 April 1842  | Governor Hutt to Lord Stanley - Transmitting Letter of Mr. Clark, soliciting the appointment of Protector of Aborigines in King George's Sound District  | 411    |
| 22. | 11 Oct. 1842  | Lord Stanley to Governor Hutt - Reply to the above; cannot sanction the Appointment  | 415    |
| 23. | 21 Jan. 1843  | Governor Hutt to Lord Stanley - Report on Condition of Natives, for the Year 1842; (with Enclosures)   | 415    |
| 24. | 10 July 1843  | Lord Stanley to Governor Hutt - Acknowledging the preceding Despatch   | 421    |
| 25. | 6 April 1843  | Governor Hutt to Lord Stanley - Explanations in reference to certain allegations as to the performance of their Duties by Officers employed for Protection of the Natives  | 422    |

| No.                               | DATE.             | SUBJECT.   | PAGE.     |
|-----------------------------------|-------------------|--|-----------|
| 26. Lord Stanley to Governor Hutt | - - 29 Sept. 1843 | Reply to the preceding Despatch  | - - - 423 |
| 27. Lord Stanley to Governor Hutt | - - 8 Sept. 1843  | Remissions in the Purchase of Land to Persons who shall reclaim and civilize the Natives   | - - - 423 |
| 28. Governor Hutt to Lord Stanley | - - 19 June 1843  | Transmitting a Letter from Mr. Clark, containing Suggestions respecting the System in force for the Civilization of the Aborigines                                     | - - - 423 |
| 29. Lord Stanley to Governor Hutt | - - 4 July 1843   | Transmitting Act to enable the Colonial Legislatures to pass Laws, authorizing the admission of the Testimony of Natives in Civil and Criminal Cases, although unsworn | - - - 426 |
| 30. Lord Stanley to Governor Hutt | - - 26 July 1843  | Requests a Report on the Allegations contained in two Letters addressed by Mr. W. N. Clark to the Aborigines Protection Society; (with Enclosures)                     | - - - 427 |
| 31. Governor Hutt to Lord Stanley | - - 9 Feb. 1844   | Reply to the above   | - - - 429 |
| 32. Lord Stanley to Governor Hutt | - - 31 July 1844  | Acknowledging the preceding Despatch   | - - - 433 |
| 33. Governor Hutt to Lord Stanley | - - 19 Feb. 1844  | Annual Report on Aborigines; (with Enclosures)   | - - - 433 |
| 34. Lord Stanley to Governor Hutt | - - 19 July 1844  | Acknowledging receipt of the above   | - - - 437 |

## MAP OF WESTERN AUSTRALIA.

Enclosure N<sup>o</sup> 4

Sketch of PROPOSED MILITARY POSTS. between SYDNEY AND PORT PHILLIP.

Distances

|                          |           |
|--------------------------|-----------|
| From Sydney to Yass      | 175 Miles |
| Yass to Gundagai         | 54        |
| Gundagai to Billabong    | 75        |
| Billabong to Murray      | 47        |
| Murray to Violet         | 45        |
| Violet to Goulburn       | 44        |
| Goulburn to Port Phillip | 75        |
| Sydney to Port Phillip   | 553 Miles |



**NOTE**  
 The part coloured Red describes the present boundaries for location, except Port Phillip.  
 Intended Towns along the Road to Port Phillip

This Lake is 50 miles long & 40 broad & is in some places 100 feet deep its water is brackish it communicates with the sea by a passage impracticable even for the smallest boats. The rim of the Lake does not exceed 8 inches.

Some of the Mountains visible 20 or 30 leagues in clear weather  
 The Land for several miles beyond the Snowy Mountains is low & fertile & well watered

Longitude East from Greenwich.

COPIES of, or EXTRACTS from, DESPATCHES of the Governors  
of the Australian Colonies, with the REPORTS of the PROTECTORS  
of ABORIGINES, &c. &c.

NEW SOUTH WALES.

NEW SOUTH  
WALES.

— No. 1. —

(No. 32.)

Copy of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

No. 1.  
Sir George Gipps  
to Lord Glenelg.  
30 Feb. 1839.

My Lord, Government House, Sydney, 20 February 1839.  
I BEG leave to report to your Lordship, that in consequence of the numerous depredations which have of late been committed by the aboriginal inhabitants of this country, on the flocks and herds of the colonists depastured beyond the settled limits of the colony, and of the atrocities which in return have been committed on the aborigines by the shepherds and stockmen in charge of those flocks and herds, I have deemed it proper to call an extraordinary meeting of the Legislative Council, for the purpose of submitting to it a Bill for the establishment of a police force in those distant districts.

I enclose for your Lordship's information a copy of the address which I delivered at the opening of the extraordinary sitting; and also a copy of the Bill which I then laid upon the table of the Council.

I have, &c.  
(signed) *Geo. Gipps*.

14 Feb. 1839.  
No. 1.  
2 Vict. 1838.  
No. 2.

Enclosure 1, in No. 1.

Copy of Address on the Opening of the Session of Council.

Encl. 1, in No. 1.

Gentlemen of the Legislative Council,

I HAVE called you together at this unusual season of the year, in order to propose to you a measure for the establishment of a police force beyond the settled districts of the colony.

The vast interests which have grown up in those distant parts of the territory, and the numbers of persons of all classes now engaged in depasturing sheep and cattle beyond what are called the boundaries of location, might be sufficient of themselves to call for the protection of a police force; but the necessity for it is rendered far more urgent by the frequent aggressions made of late by the aboriginal natives upon the flocks and herds of the colonists, as well as on the lives of their stockmen, by the outrages which have been committed on the aborigines as well as by them; and particularly by one atrocious deed of blood, for which seven unhappy men have suffered on the scaffold.

The Bill which I shall lay before you proposes to accomplish its objects by giving to the Crown commissioners, who already perform certain functions in those districts, far more ample power than they now possess; and by providing that each commissioner shall be accompanied by a moving police force sufficient to repress the predatory attacks of the natives, and to keep order amongst all classes.

As it appears to me perfectly just, that the persons who are to be protected by this force should bear the expense of maintaining it, the Bill provides for this object, by means of an assessment on cattle and other stock.

In proposing, however, a new tax upon any portion of the people of this colony, it is not sufficient, I think, to show that it falls upon persons who may properly bear it; it is further necessary to prove that the tax itself cannot be dispensed with. Without, therefore, entering into any elaborate statement of finance, which at the present season of the year would be premature, I will request the attention of the Council to a few facts, tending to show that it would be highly unwise in the present state of our finances to incur any new expenses without providing at the same time the means of defraying them.

The total revenue of the year 1838, exclusive of Crown lands, was 202,960 *l. 7s. 5d.*, being 26,739 *l. 12s. 7d.* less than it was estimated at by Sir Richard Bourke. The total expense for the same year, 1838, (exclusive of immigration,) cannot yet be exactly ascertained; but it may be taken at about 295,000 *l.*, being an excess over the revenue of the year of upwards of 92,000 *l.*

NEW SOUTH  
WALES.

Encl. 1, in No. 1.

The excess of expenditure over income for the present year must be taken, I am sorry to say, at a still higher sum.

In the financial minute which I laid before the Council on the 7th August last, it was estimated at 100,798 *l.* 6 *s.* 4 *d.*; since that time, however, new charges have arisen which are to be provided for; and the increased price of provisions of every description has caused all our contracts to be made at a higher rate than that which is set down in the estimates. The excess of expenditure over income for the year 1839, will therefore, I now apprehend, be much greater than what I considered probable in August last.

This excess of ordinary expenditure over ordinary income, though greatly increased within the last two years, is not one altogether of sudden growth; for, from the most accurate accounts I have been able to procure of the three preceding years, viz. 1835, 1836, and 1837, I find there was an aggregate excess of expenditure over income in those three years of about 100,000 *l.*; so that in no year since 1834 would it have been possible to keep the expenditure of the year within its income, without either stopping the public works, or adding to the taxation of the people.

Gentlemen, I have thought it right that these circumstances should fairly be placed before you, though there is nothing in them that ought, in my opinion, to occasion the slightest degree of alarm; and I am fully persuaded that, by cautious and prudent measures, the appearance even of embarrassment may be avoided. Economy, however, is necessary—not descending to parsimony, which would be unwise in a new and rising state—but an economy which will tend rather to call forth the energies of the people than to repress them.

I have never ceased, since I entered on the Government, to express my determination to enforce such an economy; and however arduous and unpleasant the task, I trust, gentlemen, with your assistance, to be able to accomplish it.

(signed) G. Gipps.

## Enclosure 2, in No. 1.

2 VICTORIA, 1838.

Encl. 2, in No. 1. A BILL to amend an Act, intituled "An Act to continue and amend an Act, intituled 'An Act to Restrain the Unauthorized Occupation of Crown Lands.'"

Preamble.

WHEREAS the unauthorized occupation of the unalienated lands of New South Wales is derogatory to the rights of the Crown, and conducive to many illegal and dishonest practices; and whereas an Act was passed by the Governor and Council of New South Wales, in the seventh year of the reign of his late Majesty King William the Fourth, intituled, "An Act to restrain the Unauthorized Occupation of Crown Lands," which has been found beneficial in its operation; and whereas another Act was passed in the second year of her present Majesty, intituled, "An Act to continue and amend an Act intituled, 'An Act to restrain the Unauthorized Occupation of Crown Lands,'" and it is expedient to amend the same in manner hereinafter provided: be it therefore enacted, by his Excellency the Governor of New South Wales, with the advice of the Legislative Council thereof, that from and after the day of 1839, any person who shall be found occupying any Crown lands lying waste in New South Wales, within the limits which have been of shall hereafter be allotted for location to settlers, by any proclamation or order of the Governor published in that behalf, either by residing or by erecting any hut or building thereon, or by clearing, enclosing, or cultivating any part thereof, and shall not hold a valid lease from the government of New South Wales for the occupation of such lands, shall, on conviction thereof, forfeit and pay the following penalties; that is to say, for the first offence, any sum not exceeding 10 *l.*, at the discretion of the justice or justices before whom the complaint shall be heard; for the second offence, 20 *l.*; and for the third, and any subsequent offence, 50 *l.*; to be recovered in a summary way before any one or more justice or justices of the peace, upon the information and complaint on oath of any justice of the peace, any commissioner of Crown lands, any proprietor or lessee of lands, or the chief constable of any district; provided always, that no information shall lie for any second or subsequent offence until 14 clear days after a conviction for the former offence.

Penalties for unauthorized occupation of Crown lands.

Proviso as to subsequent offences.

Penalty for occupying Crown lands beyond the limits of location without a licence.

II. And be it declared and enacted, that from and after the day of next ensuing, it shall not be lawful for any person to occupy any Crown lands in New South Wales beyond the limits allotted as aforesaid, without having first obtained a lease or licence for such purpose; in conformity with the government regulations in such case made and provided; and that any person who shall be found occupying, as aforesaid, any Crown land in New South Wales beyond the limits allotted as aforesaid, and shall not hold a valid licence from the government of New South Wales for depasturing cattle and other animals beyond the limits as aforesaid, every such person, on conviction thereof, shall forfeit and pay the penalties hereinbefore imposed in the case of persons unlawfully occupying waste lands of the Crown within the said limits of location, to be recovered in a summary way before any one or more justice or justices of the peace, upon the information and complaint on oath of any justice of the peace, or of any person holding any such licence for the occupation

pation of Crown lands, or the overseer or manager of any station belonging to any such licensed person, or any constable duly appointed for any district beyond the limits as aforesaid.

Encl. 2, in No. 1.

III. And be it declared and enacted, that it shall not be lawful for any person to cut, saw, split, or remove any timber, the produce of any Crown land, whether within or beyond the limits allotted as aforesaid, upon or from the same, without having first obtained a licence for such purpose, in conformity with the government regulations in such case made and provided; and that any person who, without having such licence, shall cut, saw, split, or remove any timber, the produce of such Crown land, upon or from the same, on conviction thereof shall forfeit and pay the penalties hereinbefore imposed in the case of persons unlawfully occupying waste lands of the Crown within the said limits of location; provided that nothing herein contained shall be construed to prevent any licensed occupier of land, or his or her overseer, or manager, from cutting such timber as is ordinarily used, and as may be necessary for the domestic uses of such station, for fire-bote, fencing, stock-yards, or other conveniences for the enjoyment of the same, and which shall be actually used thereon.

As to cutting timber on Crown lands.

IV. And be it enacted, that if any person shall forge, counterfeit, or alter, or shall utter, or make use of, knowing the same to be forged, counterfeited, or altered, any lease, licence, or other document purporting to be an authority from the government of New South Wales to occupy any Crown lands within the same, with intent to evade any of the provisions of this Act, such person shall, if free, be guilty of a misdemeanor, and being convicted thereof, shall be liable to be transported for any term not exceeding seven years, or to be imprisoned for any term not exceeding four years, at the discretion of the court; and if such offender be a convict under sentence of transportation, he shall be liable to be transported for any term not exceeding seven years, or to be worked on the roads or public works for any term not exceeding four years.

Penalty for forging any lease or licence to occupy Crown lands.

V. And be it enacted, that it shall be lawful for any justice or justices before whom any person holding a lease or licence, for any of the purposes aforesaid, shall be convicted on the oath of any one or more credible witness or witnesses, of any offence which is likely to endanger the peace and good order of any district, and which in the opinion of such justice or justices shall render such person unfit to continue to hold such lease or licence, to declare the same to be null and void, and such lease or licence shall thereupon become null and void accordingly, and shall not be pleaded in justification of any offence committed against any of the provisions of this Act.

A justice may declare a lease or licence void.

VI. And be it enacted, that in case any such person or persons, after being served with notice of cancellation of his or her lease or licence, and shall refuse or neglect to deliver up and quit the possession of such lands, for the space of 10 days after service of such notice upon him, her, or them, or upon his, her, or their agent or agents, overseer or overseers, it shall and may be lawful for any commissioner of Crown lands, being a justice of the peace for the district in which such lands shall be situated, to enter upon such lands, and to take possession of the same, for and on behalf of the Crown, together with any houses or other improvements that may have been made thereon, and the same to deal with as he or they shall deem most expedient for the purpose of expelling such person or persons therefrom, and also to drive off and impound any cattle that may be found thereon.

Commissioner to dispossess such disqualified person from occupancy of Crown lands.

And may drive off and impound cattle found on land occupied by such person.

VII. And be it enacted, that the holder of any licence to occupy Crown lands as aforesaid, shall make a report once a quarter, on or before the day of in every year, of all stock kept upon the lands occupied by him, with the names and descriptions, and particular brands of the respective proprietors; and no such licensed persons shall have or keep any stock upon such lands belonging to any other person than such as shall be reported to the commissioner, upon pain of forfeiting for every head of stock so kept contrary hereto, the sum of for every month any such stock shall have been so kept without being reported.

Licensed persons to report stock, proprietors, and brands, yearly, under a penalty.

VIII. And be it enacted, that for the protection of the rights of the Crown, and for the mutual protection and security of all persons lawfully occupying, resorting to, or being upon the Crown lands of this colony beyond the limits allotted for location, and for keeping the peace and maintaining order and regularity amongst them, and for the adjustment of differences between individuals respecting the occupation of their respective stations; the Crown lands of this colony, adjacent to, and beyond the limits aforesaid, shall be divided into so many districts, and each district shall extend to, and be comprised within such boundaries as the Governor shall from time to time appoint, by any proclamation to be by him made and published in the Government Gazette, and for each of such districts there shall be appointed, by the Governor for the time being, some fit and proper person, being a justice of the peace, and not holding any stock or lands in his own or any adjoining district, who shall be called the commissioner of such district, and so many men mounted, armed, and accoutred, in such manner as shall be appointed by the Governor, as and for a border police force, to be under the orders of, and attached to the said commissioner.

Border districts beyond the limits of location, and commissioner and policeman to be appointed.

IX. And be it enacted, that it shall be the duty of every commissioner of a district to be constantly within his district, except by the permission of the Governor, when unavoidably absent therefrom for temporary and necessary purposes in the performance of his duty under this Act, or under process of any competent court in this colony; and he shall keep the peace in his district, and protect all persons being therein, in their persons and properties, and

Duty and powers of commissioner of border districts in ordinary cases.

4  
PAPERS RELATIVE TO THE

NEW SOUTH  
WALES.

Encl. 2, in No. 1.

The commissioner may at his discretion, or where it can be conveniently done, appoint boundaries.

Power of commissioners of districts on extraordinary emergencies.

Commissioner and policemen on duty to be supplied with rations at a fixed price.

Provisions of the Impounding Act to be applied as modified beyond the limits of location.

All persons resident or employed at any station to be reported to the commissioner.

and in their just rights and privileges; and for that purpose he shall make perambulations of his district, and visit the several stations therein as occasion may require; and as often as any complaint shall be made to him, by any person licensed to occupy Crown lands as aforesaid, that any dispute has arisen, he shall, being required so to do, visit such station and inquire into the matter of the said complaint, and shall, being thereto required by the parties in dispute, or either of them so to do, by writing under their or either of their hands, hear and finally determine the matter of the said complaint; and the said commissioner shall and may appoint, fix, and determine the boundaries between parties occupying lands as aforesaid, where it can be conveniently done; and he shall enregister every determination made by him, and shall and may carry into effect and enforce such determination, by removing, or causing to be removed, the cattle and sheep, and servants of any licensed person so found and determined by the said commissioner to be encroaching as aforesaid; from one place to another in the said district; and the said commissioner shall and may remove and drive away the cattle and sheep of unlicensed persons within his district, and impound the same in the nearest pound within the limits of location.

X. And be it enacted, that it shall and may be lawful for the commissioner of any district, as aforesaid, at any time when he shall in his discretion consider the circumstances of any emergency to require it, to summon and call to his assistance, verbally, or by writing under his hand, such and so many persons within his district, and mounted and armed in such manner as he shall desire, to attend upon and aid the said commissioner for so long as he shall require them in the prevention or suppression of any attack or aggression which he shall have reasonable grounds for believing to be contemplated or intended, or which shall be in course of commission by or against any persons whatsoever, in or near to his said district, and for the purpose of pursuing and apprehending, and bringing to justice any person or persons whom he shall have reasonable cause to believe to have committed any felony; and every person so summoned and attending, shall be paid and allowed the sum of 5 s. a day for his maintenance during the time he shall be necessarily in attendance upon the said commissioners; and if any person, being so summoned or called to the assistance of the commissioner, shall wilfully neglect or refuse to attend accordingly, or shall depart from the said commissioner without his permission, or wilfully neglect or refuse to do or perform any lawful act which the said commissioner shall require him to do or perform, such person being free, shall forfeit and pay for every such offence, the sum of 10 l., to be recovered in a summary way before any one or more justice or justices of the peace, other than the said commissioner, and being the servant of another, shall also forfeit any wages which may accrue or be due to him for the time he shall be absent from his employment, in and about his trial for such offence; and being a felon or offender under sentence of transportation, shall be deemed thereby to have committed a misdemeanor, and shall be punished accordingly.

XI. And be it enacted, that every such commissioner and policeman, whilst absent from their fixed station, and all persons acting in their aid, shall be entitled to demand and receive from the person in charge of any station, beef or mutton, flour, tea and sugar, as rations, upon paying for the same such price as shall be assessed annually by the justices of the peace nearest to their district; and if any settler or person in charge of any station, having such articles or supplies on his establishment beyond the immediate wants of himself, his family and servants, shall wilfully refuse to supply such ration as aforesaid, upon the same being demanded and payment offered at and after the price assessed, he shall forfeit and pay for every such offence the sum of 5 l.

XII. And be it enacted, that it shall and may be lawful for the commissioner of any district as aforesaid, to appoint one or more convenient place or places within the same, whereof one shall be at or near his fixed station, for a public pound or pounds in the said district, and also a fit and proper person to be the keeper of such pound, in such manner to all intents and purposes as justices assembled at any court of petty sessions holden within any district of the colony, or the major part of them, may lawfully do; and the provisions of a certain Act made and passed by the Governor of this colony, with the advice of the Legislative Council, in the fourth year of the reign of his late Majesty King William the fourth, intituled "An Act to repeal an Act of the Governor and Council of New South Wales, intituled 'An Act to authorize the erection of Pounds, and for regulating the impounding of Cattle, and to make further and other provisions in lieu thereof,'" shall, except as hereinafter provided, be applicable to and applied respecting all acts, matters and things relating to pounds and pound keepers, and cattle trespassing in any district beyond the limits of location as aforesaid; provided always, that all acts, matters and things in the said recited Act mentioned, which are authorized or required to be executed or done by or by order of any justice or justices of the peace, or clerk of petty sessions, shall and may be executed and done respectively by or by order of the commissioner of such district as aforesaid.

XIII. And be it enacted, that every person licensed to occupy lands in any such district, shall within one month, or sooner if demanded, after obtaining any licence and coming to occupy any lands in the said district, by himself or his servants, deliver or cause to be delivered to the commissioner thereof, a list of the names and descriptions of all persons residing with or employed by him in the said district; and shall also notify or cause to be notified, in writing, every change which shall take place in the persons on his establishment, within



within 14 days after the same shall happen, upon pain of forfeiting for every neglect so to do, the sum of 5 l. for not furnishing a list of the names and descriptions of all persons residing with or employed by him as aforesaid, and the sum of 1 l. for not notifying any change in the persons on his establishment.

NEW SOUTH WALES.

Encl. 2, in No. 7.

XIV. And be it enacted, that every person licensed to occupy lands as aforesaid, shall have a separate and distinct permanent brand for cattle, sheep, and horses, and shall register such brands respectively with the commissioners; and it shall and may be lawful for the said commissioner to make order for any proprietor last coming into his district, whose proper brand may be similar to that of a prior occupant therein, to make such difference in his brand as may be necessary to prevent mistake or confusion therefrom; and if any person shall refuse to make such difference, or shall neglect to do so for one month after receiving notice of such order, unless further time be given by the commissioner upon reasonable cause shown to the satisfaction of the said commissioner, he shall forfeit and pay the sum of 5 s. each for every head of stock the brand of which shall not be altered accordingly.

Brands, &c. of different proprietors to be distinct and registered with the commissioners.

XV. And be it enacted, that it shall and may be lawful for any such commissioner, or any person by his order, at and after the expiration of one year after this Act taking effect, to kill and destroy any unbranded beasts in his district above one year old.

Unbranded beasts above a year old to be killed and destroyed.

XVI. And whereas, in order to defray the expenses of the payment of the salaries of the said commissioners and police officers necessary to carry the objects aforesaid into due execution, it is expedient that a tax or duty should be raised and levied upon and off the sheep, cattle, and horses, in the possession of the persons so licensed as aforesaid to keep and depasture the same on lands situate without the located parts of the said colony; be it therefore enacted, that from and after the passing of this Act there shall be paid and levied; in each and every year, upon, for, and off, the sheep, cattle, and horses of every person depasturing or keeping the same upon any lands without the located boundaries of the said colony, the tax or duty following; that is to say, for each and every ram, ewe, wether, and Jamb, the sum of 1 d.; and for each and every bull, ox, cow, steer, heifer and calf, above the age of six months, the sum of 1 ½ d.; and for every horse, gelding, mare, and foal above the age of six months, the sum of each.

Yearly tax or duty to be levied upon stock depastured beyond the boundaries.

XVII. And be it further enacted, that the said tax or duty shall be payable and paid to the respective commissioners in the several districts to which they shall be respectively appointed as aforesaid, who are hereby authorized and empowered to demand, enforce, and receive the same, and to give and execute receipts for the payment thereof.

Payable to the commissioners.

XVIII. And it is hereby further enacted, that the said several commissioners, in their respective districts, shall, days previous to the said days or times hereinbefore appointed for the payment of the said tax or duty, cause a notice in writing to be served upon the person or persons subject and liable to pay the same, or to be left at the residence of such person (if within the district), or with the superintendent or person having the charge of the said sheep, cattle, or horses, if the owner or owners thereof shall not reside within the said district, requiring him or them on a certain day to be therein stated, to pay the amount of the said tax or duty in the said notice mentioned, to the said commissioner, at his residence in the said district.

Who shall serve a written notice upon the parties liable thereto, requiring them to pay the same.

XIX. And be it further enacted, that in case the sum mentioned in the said notice so served on any person or persons required to pay the same, shall appear to such person or persons an overcharge, or more than he is legally bound to pay, such person or persons shall cause a notice of his objection to pay the same to be served upon the said commissioner, who thereupon shall refer the same to be inquired into by two other justices of the peace residing in or nearest to the said district, who are hereby authorized to hear and inquire into the matter, and decide the amount of the tax or duty which the party complaining shall be liable and bound to pay.

Parties objecting to serve notice upon commissioner, who shall thereupon refer the matter to the two other justices nearest to his district, who shall decide upon the amount.

XX. And be it further enacted, that in case any person or persons so liable to pay the said tax, and upon whom or upon whose superintendent or agent in the district, such notice shall have been so served as aforesaid, shall refuse or neglect to pay the said tax or duty upon the day therein mentioned, it shall and may be lawful for the said commissioner, within six days after the time so appointed for the payment of the said tax or duty, to issue a warrant or warrants under his hand and seal, directed to some one or more constable or constables of the district, to levy the amount of the tax so due, by a distress of a sufficient part of the sheep, cattle or horses of the defaulter or defaulters; and such constable or constables to whom such warrant or warrants shall be so directed, is and are hereby authorized, under and by virtue thereof, to distrain, take, and drive to the nearest pound within such district, such and so many of the sheep, cattle, or horses of the party in said warrant mentioned, as shall be sufficient (when sold) to pay the amount of such tax, and the costs and expenses of making such distress, and the payment of the maintenance of such sheep, cattle, or horses till sold; and that within 20 days after such sheep, cattle, or horses shall have been so distrained and lodged in pound as aforesaid, the same (or a sufficient part thereof) shall be sold and disposed of by public auction (unless previous thereto the said tax, costs, and expenses shall be paid), and the proceeds thereof shall be applied to the payment of the tax, or duty, costs, and expenses aforesaid, and the surplus (if any) shall be paid and returned to the owner or superintendent of the said sheep, cattle, or horses: provided, how-

In case parties neglect or refuse to pay, commissioner to issue warrant to levy the same by distress of sufficient part of defaulter's stock.

NEW SOUTH  
WALES.

Encl. 2, in No. 1.

Fees chargeable by  
commissioner.Mode of recovering  
penalties under this  
Act.Protection of per-  
sons acting in  
execution of this  
Act.Appropriation of  
sums payable under  
this Act.

ever, that when such warrant shall be so issued as aforesaid, in case the owner or superintendant of the sheep, cattle, or horses so directed to be thereby distrained, shall pay or tender to the constable or constables authorized to execute the same, the amount of the said tax or duty therein mentioned, then and in such case the said constable or constables shall and are hereby authorized to accept and receive the same, and give a receipt or receipts for the money so received, and to refrain from making and executing the said distress.

XXI. And be it enacted, that it shall and may be lawful for the said commissioner to charge and receive for any matter or thing done by him at the request of any particular parties, the fees and sums of money in the schedule to this Act annexed: and he shall render an account of all sums of money so chargeable and received by him, and all taxes and duties, and all fines and forfeitures payable and receiveable by him under this Act, verified by his affidavit, to the colonial treasurer, quarterly, on the 1st day of January, the 1st day of April, the 1st day of July, and the 1st day of October, in each year, and shall at the same time pay over to the colonial treasurer all sums so received by him.

XXII. And be it enacted, that all penalties, fines, and forfeitures incurred or imposed under this Act, shall and may be sued for and recovered in a summary way, before the said commissioner or any one or more justice or justices of the peace (except as hereinbefore specially provided for), under and according to the provisions of an Act made and passed by the Governor of New South Wales, with the advice of the Legislative Council thereof, in the fifth year of the reign of his late Majesty King William the Fourth, intituled, "An Act to regulate summary proceedings before Justices of the Peace."

XXIII. And for the protection of persons acting in execution of this Act, be it enacted, that all actions for anything done under this Act, shall be commenced within six calendar months after the fact was committed, and not otherwise; and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action, and in every such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought; or, if a sufficient sum of money shall have been paid into court, after such action brought, by or on behalf of the defendant, together with costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited or discontinue such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and although a verdict shall be given for the plaintiff in such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

XXIV. And be it enacted, that all sums of money payable under and by virtue of this Act, shall be applied and appropriated, in the first place, in the establishment, maintenance, and support of a border police, consisting of the commissioner and so many mounted men as shall from time to time be appointed by the governor for the time being, in every district adjacent to and beyond the limits of location appointed as aforesaid, for the mutual protection and security of all persons lawfully occupying or being upon the Crown lands beyond the limits allotted for location; and the residue thereof shall be applied and appropriated in like manner as other revenues of the Crown.

XXV. And be it enacted, that from and after passing of this Act, the said recited Act of the Governor and Council, intituled "An Act to continue and amend an Act, intituled, 'An Act to restrain the unauthorized occupation of Crown Lands,'" be hereby repealed.

## SCHEDULE REFERRED TO.

TABLE of FEES chargeable by the Commissioner of any District.

|   | £. | s. | d. |
|---|----|----|----|
| For every visit of the commissioner specially made, at a greater distance from his fixed station than five miles, and not whilst on his perambulation, at the special request of any party, to view encroachments, or place in dispute, to be paid by the party | 2  | -  | -  |
| And for every five miles in addition, the sum of  | 1  | -  | -  |
| For the determination of any matter referred to him by parties in dispute, by each party  | 1  | -  | -  |
| For removing stock from one place to another, when performed by the commissioner, or police under his orders, per head for every mile, for sheep; and per head for every mile, for cattle and horses  | -  | -  | -  |
| For every summons issued at the request of any party for another party as witness to attend before the commissioner in any dispute  | -  | -  | -  |
| For registering licence   | -  | -  | -  |
| For registering brand   | -  | -  | -  |

— No. 2. —

(No. 36.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

My Lord, Government House, Sydney, 26 February 1839.

WITH reference to my despatch of the 19th December last, No. 200, in which I reported that seven men had been executed for an atrocious massacre of the aborigines of this country, and that four more were detained upon the same charge, I have the honour to inform your Lordship, that the Attorney-general finding that he had hardly sufficient evidence to put these men on their trial, moved on the 14th instant, with my full approbation and concurrence, that they should be discharged; and that accordingly, two of them, who were free by servitude, were discharged on bail, and the other two, who were convicts, already under sentence of the law, were returned into the service of Government.

I think it right to explain to your Lordship, that in assenting to the course proposed by the Attorney-general, with respect to these four men, I was not so much moved by any doubt of their guilt, as by the hope that the law might be considered as sufficiently vindicated by the executions which had already taken place.

I have, &c.

(signed) *George Gipps*.

NEW SOUTH WALES.

No. 2.

Sir George Gipps to Lord Glenelg. 26 Feb. 1839.

Sir George Gipps' Despatch, 19 Dec. No. 200. *Vide* Papers ordered by the House of Commons to be printed, 12 Aug. 1839, No. 526, p. 34.

— No. 3. —

(No. 106.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Glenelg*.

My Lord, Government House, Sydney, 22 July 1839.

WITH reference to the correspondence noted in the margin on the subject of an encounter in January 1838, between a party of the mounted police, under Major Nunn, and a tribe of the aborigines of this country, as well as to other matters connected with the treatment of the aborigines, I have now the honour to forward to your Lordship extracts from the minutes of the proceedings of the Executive Council on the 7th ultimo and 9th instant, whereby the nature of the inquiry which has been instituted into Major Nunn's case, will be explained to your Lordship, as well as the reasons which have induced the Council to consider that no further proceedings in it are necessary.

The cause of the long delay which has occurred in the disposal of this case, is also, I hope, sufficiently explained in the minutes now forwarded; but I beg leave further to add, that it was scarcely desirable for the investigation at Merton to have taken place earlier, even if it had been possible, on account of the excitement produced in the colony by the proceedings which terminated in the execution in December last of seven men, for a massacre of the aborigines, as reported in my despatch of the 19th of that month, No. 200.

I beg further to report to your Lordship, that the same causes which prevented the earlier disposal of Major Nunn's case, prevented also my publishing until the 21st May last the long-contemplated notice on the subject of the aborigines, which was first mentioned in my despatch, No. 68, of the 27th April 1838.

No fitting opportunity for the publication of this notice presented itself until after the Act (2 Vict. No. 27) for the Establishment of a Border Police had passed the Legislative Council. Indeed I am so fully persuaded that it would have been ill-timed had it appeared earlier, that I should scarcely think any explanation on the subject necessary, were it not for an expression in respect to it in your Lordship's despatch of the 16th November 1838, No. 244, replying to mine of the 27th April 1838, already referred to.

I trust that the proceedings which ended in the execution of the seven men in December last, and the subsequent exertions made to establish a border police, will have satisfied your Lordship that this government has been in no way neglectful

No. 3.

Sir George Gipps to Lord Glenelg. 22 July 1839.

*Vide* Papers ordered by the House of Commons to be printed, 12 Aug. 1839, No. 526.

No. 1.

*Ditto, ditto, p. 34.*

*Ditto, ditto, p. 24.*

*Ditto, ditto, pps. 24 and 26.*

NEW SOUTH WALES.

neglectful of its duty to the aborigines, or of the respectful obedience which it at all times ought to pay to the expressed wishes of your Lordship, and of Her Majesty's Government in regard to the treatment of them.

In the immediate case under consideration (that of Major Nunn), I trust also your Lordship will agree with myself and the Executive Council in thinking that no further proceedings could, with propriety, be adopted; and that if any of the parties were placed on their trial, the result would inevitably be an acquittal.

It appears to me that the worst feature in the case was the renewal of the pursuit of the blacks, and of the firing, after a pause of about two hours. (See Mr. Cobban's Evidence, page 16). When, however, it is borne in mind, that Major Nunn was a military man, acting under military orders, and that he knew there was still assembled before him a large body of the people, whose aggressions he had been sent 300 miles to repel, it may not be deemed extraordinary that he should have considered it his duty to disperse them, or that he should have thought, if he had failed to do so, that the object of his expedition would not have been accomplished.

I further enclose for your Lordship's information, a copy of the notice which I issued on the 21st May last, and also a copy of the Standing Orders, which I have desired may be read once a month at least, by each Crown commissioner to the men of the border police under his orders.

I have, &c.

(signed) *George Gipps.*

21 May 1839.  
No. 2.  
Standing Orders.  
No. 3.

Encl. 1, in No. 3.

Enclosure 1, in No. 3.

NEW SOUTH WALES.

EXTRACTS from Minutes, No. 20 and No. 22, of the Year 1839, of the Proceedings of the Executive Council, dated 7th June and 9th July respectively, relative to Depositions taken before the Magistrates of the Bench at Merton, in reference to a Collision which took place in January 1838 between a party of Mounted Police under Major Nunn, and a Tribe of Aboriginal Natives.

Present:—His Excellency the Governor; his Excellency Major-general Sir Maurice Charles O'Connell, K.C.H.; the Right Reverend the Lord Bishop of Australia; the Honourable the Colonial Secretary.

His Excellency the Governor, with reference to the proceedings of the Council on the 27th of March 1838, and 6th April, and 22d May following, on the subject of the measures which were to be adopted in consequence of a collision which took place in January 1838, between a party of the mounted police under the command of Major Nunn, and a tribe of the aboriginal natives, now laid before the Council certain depositions which had been taken in this case by the magistrates of the bench at Merton, and also a letter from the Attorney-general to the Colonial Secretary commenting on the same.

His Excellency stated that this investigation had been made in pursuance of the recommendation of the Council, by their minute of 27th March 1838, above referred to; and in laying the papers in question before them, his Excellency was anxious to make known to them the causes which had prevented that investigation from taking place at an earlier period.

Two officers, and twenty-two non-commissioned officers and privates of the mounted police having been engaged in the affair to be inquired into, it was deemed proper that a considerable portion, if not all, of those individuals should attend the investigation. Scarcely, however, were the orders given for the party to proceed to Merton, when, in consequence of an outrageous attack by the blacks on a convoy of sheep and cattle, the property of Mr. William Pitt Faithfull, proceeding towards Port Phillip, the services of every man who could be spared of the mounted police were called for in that direction, being the directly opposite one to that in which Merton is situated.

As soon as this service terminated, an order was again given (on the 20th of June 1838) for Major Nunn to repair to Merton; and a letter was written to the magistrates, instructing them to commence the investigation.

On the 9th of July, however, and before anything could be done, it was necessary to send the police-magistrate of Merton, Mr. Day, with as many of the police as could be collected in search of the parties who were then reported to have massacred between 20 and 30 helpless and unoffending blacks in the neighbourhood of the River Bogy; the events which followed are sufficiently known to the Council and to the whole colony.

Mr. Day,

Mr. Day, after an absence of 53 days, returned with 11 out of the 12 men who had been concerned in this atrocious deed; and of them, seven, after a protracted course of legal investigation, paid the forfeit of their lives upon the scaffold.

Encl. 1, in No. 3.

During the whole of these proceedings, which did not terminate until the middle of December last, the inquiry could not be proceeded with; for not only was it deemed inexpedient to hold it while the public mind remained in a very excited state in respect to the blacks, but the police magistrate of the district where the investigation was to be held, was occupied during almost the whole of the time in the pursuit, capture, and subsequent trials of the offenders on the River Bogy.

On the 7th of February last, an order was again given for Major Nunn, and as many of his party as could be collected, to proceed to Merton.

It was only however on the 4th of April that he, accompanied by Sergeant John Lee and Corporal Patrick Hannan, out of the whole party, arrived there, and were examined by the bench, and the attendance of Mr. Cobban could not be procured before the 17th of the following month.

The whole of the evidence then taken has since been laid before the Attorney-general, and it is now submitted to the Council, with the Attorney-general's Report.

The further consideration of the subject was then deferred.

EXTRACT from MINUTE No. 22, of the Year 1839, dated 9th July.

Present:—As on last Occasion.

THE Council resumed the consideration of the papers submitted to them by his Excellency the Governor, relating to the encounter between the aborigines and the mounted police, under command of Major Nunn, at the River Bogy, in January 1838.

The Council having attentively considered the depositions taken in this important case, together with the letter of the Attorney-general in reference to the same, and having also carefully reviewed their own proceedings in connexion with this inquiry, on the 27th of March, 6th of April, and 22d of May 1838, they are of opinion that no object, either of justice or humanity, could be attained by making the transactions in question the subject of further judicial inquiry.

In coming to this conclusion, the Council are anxious to record the grounds upon which it rests, and to show that they have not failed to bestow the most earnest consideration upon the difficult and trying nature of the service upon which the military were employed, as well as upon the acknowledged claims of the native tribes to the utmost degree of forbearance and protection which can be extended to them compatibly with the general safety.

It does appear that whatever compassionate allowance may be made for the ignorance of the savage tribes, or for provocations which it is possible they may on other occasions have received, they were unquestionably the aggressors in the present instance. The Council are compelled to admit that their acts of violence, rapine, and murder, reported to this government in December 1837, were such as to authorize and require the employment of an armed force to repress them, and to secure the lives and properties of the settlers occupying stations beyond the limits of location, and having servants necessarily in a state of much exposure employed in charge of the same.

The first act of bloodshed attendant on the employment of the military in these transactions, arose from the attempted escape of a black native, who had been identified as having been a leading accomplice in the murder of a white man, and who was shot in endeavouring to escape from what must be regarded as legal custody; the officers by whose directions he was arrested, and under whose charge he was detained, being also magistrates of the territory.

In the main encounter in the month of January 1838, the Council find the strongest reason to deplore the numbers of the native tribe who, even according to the lowest estimate, fell under the fire of the police. They have most assiduously sought to arrive at an accurate view of these transactions, derived from the depositions of Major Nunn, Lieutenant Cobban, and the other parties who were examined before the bench of magistrates at Merton. These statements appear to be sufficiently candid and consistent, and from them the Council believe they may safely deduce the conclusion that the firing on the part of the soldiery commenced under a persuasion that it was necessary in self-defence.

Having given the most attentive and impartial consideration to the entire question under every aspect in which they conceive it can possibly be regarded, the Council are now enabled to advise his Excellency, that there are not sufficient grounds for preferring a charge of wilful misconduct against any of the parties engaged against the natives in this lamentable casualty; and that accordingly all proceedings connected with it should now be allowed to terminate.

The Council, however, in justice to themselves, and to the government, cannot forbear annexing the following observations upon a few collateral points.

First, they are persuaded that no imputation can justly lie against the executive government, of insensibility to the protection of the native tribes, or of disinclination to avenge

NEW SOUTH  
WALES.

Encl. 1, in No. 3.

their injuries, when it is considered how marked and severe an example of justice has been recently executed upon offenders convicted of a barbarous outrage against them. At the same time the Council are sensible of a duty incumbent on them to draw the widest distinction between the case of those murderers of men, women, and children, without personal provocation, and in cold blood, and that of officers and men repelling an attack made upon them while acting under orders in execution of their duty.

Secondly, the Council cannot but advert to that paragraph in the letter of the Attorney-general relating to these transactions, in which surprise is apparently expressed that no inquiry in the nature of an inquest was held upon the bodies of the natives who fell in the skirmish with the military, the officers who commanded on the occasion both holding the commission of the peace. Entirely as the Council approve of the practice of holding an inquest in every case wherein it may be practicable, of violent death befalling any of the aborigines, they are unable in the present instance to discover any mode in which such an investigation could have been entered into with consistency, the officers by whom it is presumed the inquest might have been held, being themselves the principals in the transaction upon which they would have had to sit in judgment. The military having been the only persons present, and therefore alone capable of being examined as witnesses, were all either principals or accessories; and it appears to be admitted by the Attorney-general that any evidence they might thus have furnished against themselves would have had no legal effect, while as a means of self-exculpation, it is plain that their own testimony could have availed but little.

With reference to the opinion expressed, or implied, by the Attorney-general, that a different result might have ensued, if the investigation had been, as it ought, undertaken in January 1838, the Council cannot but observe, that the transaction itself occurred only in that month, beyond the borders of location; and that official intelligence of it was not received until the 6th of March next ensuing. Subsequently to this, the question as to what measures were proper to be taken was brought before the Council by his Excellency the Governor, on as early a day within the same month as the due order of the public business permitted; and their advice was at once given, that precisely the same steps should be taken for the attainment of justice, if it should appear that aggression had been committed against the natives, as would according to law have been directed, upon the supposition that a similar injury had been sustained by persons of European origin. The Council therefore are of opinion, that the great distance of the scenes of operation and investigation, coupled with the wide dispersion of the mounted police on duty, and the consequent difficulty of assembling at one point, those whose depositions were to be taken, sufficiently account for the length of time which has been occupied in the inquiry; and that no blame, so far as they are aware, can justly be imputed to any individual on this account.

(True extracts.)

Sydney, 27 July 1839.

(signed) *William Macpherson*, Clerk of Councils.

Enclosure A. 1, to Minute No. 20 of 1839.

Sir,

Police Office, Muswell Brook, 24 January 1839.

In reference to your letter of the 9th of this month, directing me to proceed with the inquiry, ordered in June last, into the circumstances attending the death of certain aboriginal natives, I beg leave to inform you that I have to attend the Supreme Court in Sydney on the 11th of next month, being subpoenaed as a witness, and as I consider that the investigation cannot be brought to a close before that time, it may perhaps be advisable to inform Major Nunn that it will not be necessary for him to proceed to Lavermein until my return to the district.

It would, perhaps, save much unnecessary delay, if Major Nunn were directed to send me a list of the witnesses he may require, at least of such of them as are in this neighbourhood who can then be collected by a certain day of which he can be apprised.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) *Edw. D. Day*,  
Police Magistrate.

Enclosure A. 2, to Minute No. 20 of 1839.

Sir,

Colonial Secretary's Office, Sydney, 1 February 1839.

REFERRING to my letter of the 9th ultimo, relative to the inquiry ordered to be instituted into the circumstances attending the death of certain aboriginal natives, I am directed by his Excellency the Governor to request that you will send in a list of the witnesses whose attendance will be required, with a statement of where they are to be found.

I am

ABORIGINES, AUSTRALIAN COLONIES.

11

I am also instructed by his Excellency to inform you, that Mr. Day, the police magistrate of Muswell Brook, before whom the inquiry is to take place, will be in Sydney by the 11th instant to attend the Supreme Court; and that the inquiry may take place here, if the witnesses can be collected.

NEW SOUTH WALES.

Encl. 1, in No. 3.

I have, &c.

The Commandant of the Mounted Police.

(signed) \_\_\_\_\_

Enclosure A. 3, to Minute No. 20 of 1839.

Sir,  
Colonial Secretary's Office, Sydney, 1 February 1839.  
In acknowledging the receipt of your letter of the 24th ultimo, I do myself the honour to inform you, the commandant of the mounted police has been called on for a list of the witnesses who will be required on the investigation ordered to be made into the circumstances attending the death of certain aboriginal natives, with a statement where the witnesses are to be found.

I am at the same time instructed by his Excellency to inform you, that as you are required to attend the Supreme Court on the 11th instant, the investigation may take place in Sydney, if the witnesses can be collected, of which Major Nunn has been apprised.

I have, &c.

The Police Magistrate, Muswell Brook.

(signed) \_\_\_\_\_

Enclosure A. 4, to Minute No. 20 of 1839.

Sir,  
Police Office, Muswell Brook, 28 February 1839.  
In reference to your letter of the 7th instant, I beg to inform you that I have received from Major Nunn a list of the witnesses required by him to attend at the investigation ordered to be made into the circumstances attending the death of certain aboriginal natives near the Gwyder. Four of those witnesses belong to the mounted police, and are at present attached to Mr. Mayne's party at the Big River; two more are stockmen residing in the same neighbourhood; I therefore wrote yesterday to Mr. Mayne to request him to order these people to attend here, with the least possible delay; but as many days must elapse before they can possibly reach this, and as his Excellency the Governor is most anxious that the investigation should be commenced at once, and is also of opinion that it is not necessary that Major Nunn's examination should be postponed until all the witnesses can be assembled, I write to Major Nunn by this post to request that he may attend at Merton as soon as may be convenient to him, for the purpose of being examined.

Doctor Little is the only magistrate at present in the Invermein district, and he has, I am informed, declined to act until he shall have taken the necessary oaths under the new commission.

I therefore suggested that it would be advisable that the investigation should take place at Merton, and that Messrs. Ogilvie and Bettington, and Captain Pike, the magistrate of that district, should be requested by letter to assist in it.

I have, &c.

The Honourable the Colonial Secretary, &c. &c. Sydney.

(signed) *Edw. D. Day*, Police Magistrate.

Enclosure A. 5, Minute No. 20 of 1839.

Sir,  
Court House, Merton, 9 April 1839.  
In compliance with the desire of his Excellency the Governor, communicated to us in the letters we had the honour to receive from you, that we should inquire into the circumstances relative to the collision between the mounted police under the command of Major Nunn and the black natives, on the Namoi and Gwyder Rivers, wherein some of the latter were unfortunately killed, in the month of January 1838, we attended at the Court-house for that purpose on Thursday the 4th instant, and took depositions and examinations of all the parties presented to us for that purpose; namely, Major Nunn, Sergeant Lee, and Corporal Hannan of the mounted police, and "Major Fitton," a stockman of Mr. Hall's, copies of which we have now the honour to enclose.

We have, &c.

The Honourable the Colonial Secretary.

(signed) *Edw. D. Day*, J. P. Police Magistrate,  
*W. Ogilvie*, J. P.  
*J. Pike*, J. P.

NEW SOUTH  
WALES.

Enclosure A. G, to Minute No. 20 of 1839.

Encl. 1, in No. 3.

Court House, Merton, 4 April 1839.

DEPOSITIONS taken before Edward Denny Day, Police Magistrate, and William Ogilvie, and John Pike, Esquires, of the District of Merton, in an Investigation ordered to be instituted into the circumstances attending the Death of certain Aboriginal Natives, in a collision with the Mounted Police under the command of Major Nunn.

Major *J. W. Nunn*, commandant of the mounted police, being duly sworn, deposes:— About the 19th of December 1837, Colonel Snodgrass, the acting governor, sent for me to go to Government-house; on arriving there, I found Mr. Thomson, the colonial secretary, with Colonel Snodgrass. The substance of a report made by Mr. Paterson, the commissioner of Crown lands in the Liverpool Plains district, was made known to me. A copy of this report, which was given to me then, or afterwards, I now produce; it contains a statement of murders and other outrages committed by the blacks on the Namoi, Gwyder, and Big Rivers. Colonel Snodgrass ordered me to proceed in consequence of that report to the scene of these outrages with a party of mounted police. I asked Colonel Snodgrass if he had any orders or instructions to give me; he said, "You must lose no time in proceeding; you are to act according to your own judgment, and use your utmost exertion to suppress these outrages. There are 1,000 blacks there, and if they are not stopped, we may have them presently within the boundaries," or words to the same effect.

In consequence of these instructions, I gave immediate orders to assemble a party at Jerry's Plains, from which place I proceeded on or about the 29th of the same month (December) with a detachment consisting of one subaltern, two sergeants, and 20 troopers. I marched direct for the Namoi; on my arrival there I heard very distressing accounts from the stockmen in the neighbourhood of the outrages committed by the blacks. On the evening of my arrival I sent Sergeant M'Nally to Mr. Baldwin's station, to ascertain of the people there if these reports were correct. He returned shortly after in a great hurry, and informed me that the reports were quite correct, and that the blacks were at that time assembled in great numbers at a place lower down the River Namoi. I immediately ordered the party to mount, and guided by Mr. Baldwin's stockman, proceeded at once towards the place mentioned. After marching all night we came upon a tribe of blacks on the river bank. After disposing of my men so as to prevent the escape of the blacks, and giving them orders not to fire at all, but if necessary to defend themselves with their swords, I succeeded in capturing the whole tribe without any violence. With the assistance of a black boy who went with us I communicated to the tribe that they were charged with murder, spearing cattle, and all manner of outrages, and demanded that the actual perpetrators of these acts of violence should be delivered up to me; on this, 15 men of the tribe were pointed out to me by their comrades as the guilty parties; these were taken into custody, and the rest of the tribe, amounting to about 100 persons, were set at large, and treated kindly by me; so much so, that they remained with the party until evening. Amongst the 15 prisoners two were pointed out to me by the tribe as the murderers of Mr. Hall's man, some time before. Above two hours before sunset I returned to my former camp with the 15 prisoners; the two men charged with murder were secured by handcuffs, and placed in charge of two sentries. It was my intention to leave these two men under a guard until Mr. Hall could see them and identify them, but I regret to say that they succeeded in slipping their handcuffs after nightfall, and attempted to escape, in which one succeeded, but the other was shot by the sentry while in the act of running away; it is however satisfactory to know that the tribe admitted that the man who was shot was the actual murderer of Mr. Hall's servant. The other 13 prisoners were subsequently liberated, all except one, whom I retained with me as a guide. From this camp I proceeded to Mr. Bell's station on the Gwyder; Mr. Bell was at the station, and begged of me to remain a few days at the station for their protection, and was in a state of great alarm from the depredations the blacks had been committing; I remained there two days, and then proceeded to Mr. Cobb's station, where I was very anxious to arrive, in consequence of the reports I had received of the outrages of the black natives in that direction; on arriving there I found everything in the greatest confusion, the shepherds and people all afraid to leave the vicinity of their huts, and the sheep all crowded round about, and not a man could be induced to take them out to pasture until I had sent parties out to scour the country and ascertain that the blacks were not in the neighbourhood. Lamb, the superintendent at the station, informed me of the particulars of the murder of the two men by the blacks at this station, and to d me that after the murder the blacks had taken off 28 sheep and some articles from the station; on hearing this information, I considered it to be my duty to pursue the tribe who had committed these outrages, and having provisioned the party for 15 days, I began my march. On the fourth day after leaving Marshall's station, which was then the lowest station on the Big River, I came upon a native black, asleep under a tree, against which I saw four spears leaning; the black man got up the tree, but we succeeded in getting him down; after explaining to him, through our black boy, that we did not intend to hurt him, he told us that his party consisted of four more black men, three women, and some children; these blacks we found the same day; they were all brought to me to the camp. From these people I obtained all the information relative to the murder of Mr. Cobb's men. They confessed they had been present at it with the rest of their tribe, and had partaken of the sheep



sheep that had been driven off. They offered to remain with us and conduct us to the tribe. The next morning, under the guidance of the blacks, the direction of our march was quite changed; we were led by them for two days. About noon of the second day I was riding in the rear of the party, when I heard, on a sudden, the words "black fellows" in front; I was perhaps about 50 yards in the rear at the time; I rode up immediately, and the first thing I noticed was Corporal Hannan returning from the front, speared through the leg; he appeared to be in very great agony, and cried out, "I am speared, I am speared;" at the same moment I heard several shots fired in rapid succession; Mr. Cobban was in the front at the time; the men charged, and separated in such a manner that I was perfectly unable to collect them at the moment; I did so as soon as possible, and we succeeded in extracting, with the assistance of a black man, the spear from Hannan's leg; the wound was a very bad one, and I apprehended that mortification would ensue from the very great heat of the weather at the time. I am quite satisfied Hannan was wounded before a shot was fired, and that if he had not been wounded not a shot would have been fired. I certainly never gave my men any orders that could warrant their firing upon the blacks, unless in self-defence. After the firing ceased, I rode through the wood, and saw four or five dead bodies of the blacks; I am positive that I saw four. Lamb recognized a tomahawk and knife, which were found in the blacks' camp, as some of the articles that were taken from his master's station when the two men were murdered there. From this and other circumstances, I have no doubt whatever of this tribe having been guilty of the outrages at Mr. Cobb's station. My guides remained with me after the collision, and showed me a more direct way back; on quitting me afterwards, I rewarded them with presents I had taken with me from Sydney for the purpose. I explained to them that our intentions towards them were friendly, and that the loss the tribe had suffered had not been intended; that our object in coming had been to take the parties who had been guilty of murders and other outrages against the whites. The guides left me perfectly satisfied with my treatment to them. I am sure they perfectly understood the explanation I gave them of our motive in coming.

(signed) *J. W. Nunn,*  
Major Commandant Mounted Police.

Sworn before us, at Merton, this 4th day of April 1839,

*Edward D. Day, J. P.*

*William Ogilvie, J. P.*

*J. Pike, J. P.*

Sir,

Bell's Station, Manilla River, 6 December 1837.

I AVAIL myself of the opportunity of a stockman going from here to Invermein to state, for the information of his Excellency the Governor, that I proceeded on another survey of my district on the 20th of October last, and traced the Namoi down, taking returns of inhabitants, stock, and fire-arms, and I will immediately on my return forward to you, in duplicate, my itinerary and census.

On my route, I heard of many outrages committed by the natives on stock, at a number of the stations, and also of their having murdered five men; and I made it my business to make every inquiry to find out the cause of this increasing evil.

This evil is not confined to the stock actually killed by the blacks; but a herd of cattle that has been harassed and speared by them, wander away in all directions from their run, and though the pasture is most luxuriant, the cattle are invariably in poor condition wherever this evil exists.

On the Namoi River, the stations below Sir John Jamison's run are more or less subject to their depredations; and at Loder's, which is the farthest down station, the blacks are so numerous and daring, that the men have all quitted the station from fear, and left the cattle to their fate.

It was when on this river that I heard of the blacks murdering two men belonging to Mr. Bowman, and two of Mr. Cobb's men.

Mr. Bowman's station is situate on a creek about 60 miles from the Namoi, called Bowman's Creek; and Mr. Cobb's station, 60 miles from it, on a river called the Big River, into which the Gwyder empties itself.

Although this part does not belong to my district, still I thought that information that could be depended on, respecting these outrages and their probable cause, would be acceptable to his Excellency the Governor; I therefore proceeded there across the country, and arrived at Bowman's at 10 o'clock at night of the second day after leaving the Namoi.

The whole of this country is of the richest description, almost free from timber of any sort, abounding with wild carrot and thistle; in short, if it was better watered, it would be the finest grazing land in the world; it is, however, sadly deficient in this necessary article, as we travelled from 6 in the morning till 10 at night before we fell in with it, all the creeks in the intermediate space being dry.

At Bowman's station, two out of the three men that were there had newly arrived, so they could give no account of the natives; the other man stated that, previous to the murder, the

NEW SOUTH  
WALES.

Encl. 1, in No. 3.

natives had not been there for four months, but before then they were frequently in the habit of coming to the hut, and that the men were always kind to them. The same account was given by Cobb's men, and they were seemingly on such friendly terms, that they apprehended no danger even after the murder of Bowmau's men.

When at Mr. Cobb's hut, and while I was making these inquiries, and at the time one of the men was showing me boomerangs and spears he had picked up where the men were murdered, another man took up a musket, saying "This is the sort of spear," and shot the other man through the breast; the ball entered the left breast, and lodged in the back close to the backbone, near the surface.

The harassing and killing of cattle is even greater here than on the Namoi, and seems getting worse every day. The remains of six bullocks have been found at one of their encampments, used at one feast. On another occasion when a party went in pursuit of them, after they had murdered Mr. Cobb's men, they found the remains of 28 sheep, at the place where they had encamped the first night after the murder. It was a black boy belonging to the tribe that traced them. They found 250 fires, and the boy said there might be four at each fire. There is little doubt that it is most imprudent in the men to harbour and encourage the natives about the stations, and I have no doubt part of the present evils existing can be attributed to this cause.

The main cause, however, I imagine to arise from white men being with them, urging them on to these outrages.

The black boy who traced them says, that there are three white men with them painted like the blacks, and this statement is corroborated by his taking the party to a hut in the mountains constructed evidently by white men. The wall-plates were morticed and pegged down, the bark put on with green hide, the door hung with hide hinges, and berths for sleeping in put up.

If Government mean to take any steps to suppress these outrages, it would be a material point to secure the black boy above alluded to. He is staying at Mr. Fleming's station, the lowest but one on the Big River; he is intelligent, and can make himself understood, and says he has no wish to join his tribe again, as they would kill him.

I have, &c.

(signed) *Alexander Paterson.*

*John Lee*, Sergeant in the Mounted Police, being duly sworn, deposes:—I belonged to the party that went with Major Nunn to the Namoi and Big Rivers; I marched with them from Invermein (my station) on the 2d January 1838; I was present when the first prisoners were given up by their tribe to Major Nunn, as the persons who had been guilty of outrages against the whites; there were 15 of them; two were pointed out as the murderers of Mr. Hall's man. These two were handcuffed; they both attempted to escape that night; one of them, who was called "Doherty," was shot by one of the sentries while in the act of escaping; we buried the body the following day, by Major Nunn's orders.

I was present when Hannan was speared by the black; I was about 100 yards from him. My attention was drawn towards him by his crying out; I looked at him, and saw the spear sticking in his leg, it was quite through the calf of the left leg; I saw Hannan break the spear in two. I saw the black who wounded him; he was in the act of throwing a second spear at myself, on which I fired at him, and shot him; the spear was levelled at me at the time I fired. The first shot was fired by me; it was fired in self-defence, and without orders. If I had not fired the instant I did I must have been speared, as the blacks throw their spears with great precision, and I was not more than nine yards from him when he aimed the spear at me. The firing was then taken up by the rest of the men, and continued for some time; the blacks fled from their camp and we pursued them; they were overtaken in about an hour, when some more were shot; Mr. Cobban was with the party when the last were shot. Major Nunn was not present with us at the time; I did not see Major Nunn until I returned to the place where Hannan was wounded; the confusion was so great, and the scrub so thick, that I had enough to do to take care of myself and my horse; I could not see all that was done. It was impossible for the party to act in a body, every man had in fact to act for himself; the men had spread out so much, that it was impossible for any one person to put a stop to the firing at once. From what I saw myself, I should say that from 40 to 50 blacks were killed when the second firing took place. The troopers were very much exasperated when Hannan was speared; they scattered as soon as it was done, and after that it was quite impossible to restrain the firing; I do not think that a shot would have been fired but for that circumstance; I am certain the men would not have fired without orders had it not taken place. In all our previous communications with the blacks, Major Nunn had been extremely kind to them. I was senior sergeant of the party, and the orders I received from Major Nunn, and gave to the detachment, were, that they were not in any case to fire upon the blacks, unless it was necessary for their own defence; this was a standing order with the party. There was no remission of the pursuit from the time the firing began, until it ceased altogether; we followed them about a mile and a half from where it began. Two iron bolts and a tin dish were found in the blacks' camp, which, I heard Lamb say, were taken from Mr. Cobb's station when the men were murdered.

The

The black boy, Jacky, our interpreter, told me the guides who were with us, undertook to lead us to the tribe that murdered Mr. Cobb's men.

NEW SOUTH  
WALES,

(signed) <sup>his</sup> John + Lee.  
mark.

Encl. 1, in No. 3.

Sworn before us at Merton, this 4th day of April 1839,

*Edward D. Day, J. P.*  
*William Ogilvie, J. P.*  
*J. Pike, J. P.*

Corporal *Patrick Hannan*, of the mounted police, being duly sworn, deposes:—I belonged to the party that went out with Major Nunn to the Gwyder and Namoi Rivers in the beginning of last year. After leaving Mr. Marshall's station we met with four blacks, who undertook to lead us to the tribe that murdered Mr. Cobb's men; about two days after we came upon them near a creek. I rode through the scrub, and attempted to apprehend the first black man I saw; when I came near, before I could take hold of him, he turned suddenly round and thrust a spear through the calf of my leg; I was quite close to him at the time. I turned round and saw Sergeant Lee coming up; I called to him that I was speared; I heard a shot immediately after, but the pain of my wound was so great that I cannot speak of anything that occurred. My horse sprang on one side when I received the wound, and the spear was hanging from my leg; it must have been seen by the other men. I saw that the black who wounded me had another spear; I could easily have shot him before he wounded me, but I wanted to capture him, as our orders from Major Nunn were to take prisoners, but not to fire unless in self-defence. I saw Major Nunn very soon after I was speared; he assisted me in getting the spear out of the wound. I heard firing after, which appeared retiring from me, as if the men were in pursuit. I am certain no shot was fired before I was speared.

(signed) *Patrick Hannan.*

Sworn before us at Merton, this 4th day of April 1839,

*Edward D. Day, J. P.*  
*William Ogilvie, J. P.*  
*J. Pike, J. P.*

*Major Fitton*, being duly sworn, deposes:—I am a stockman in Mr. Hall's service; I have been employed at the Big River. I accompanied Major Nunn, last January twelvemonth, in pursuit of a tribe of blacks, who were stated to have murdered two men at Mr. Cobb's station. I was with the pack horses when the troopers went after the blacks, after Hannan had been wounded; up to that time, the blacks in that part of the country had been very troublesome; five stockmen and shepherds had been murdered by them about the same time, and a great many cattle had been killed and speared, and sheep also. These outrages caused a very hostile feeling against them; in fact, no one considered it safe to go about, spears and boomerangs were constantly thrown at us. The black guides promised to take us to the tribe who had murdered Mr. Cobb's men; and I heard Major Nunn order the police to take the tribe prisoners, but they were not to fire upon them. Some articles taken from Mr. Cobb's station by the tribe that murdered Mr. Cobb's men, were found in the blacks' camp; among these was a tin dish and a tomahawk, and a knife, also pieces of shirts and half a blanket, and a bullock's tail was also found in their camp.

(signed) *Major Fitton.*

Sworn before us at Merton, this 4th day of April 1839,

*Edward D. Day, J. P.*  
*William Ogilvie, J. P.*  
*J. Pike, J. P.*

Enclosure A. 7, to Minute No. 20 of 1839.

Sir,  
We had the honor to receive your letter of the 4th instant, communicating to us the desire of his Excellency the Governor, that the examination of Lieutenant Cobban should be taken relative to the circumstances attending the death of certain aboriginal natives in collision with the mounted police.

We beg to state that Mr. Cobban attended at this Court-house on the 17th instant, when he made before us the deposition of which a copy is enclosed.

We have, &c.

(signed) *Edward D. Day, J. P.*  
*W. Ogilvie, J. P.*  
*J. Pike, J. P.*

The Honourable the Colonial Secretary.

NEW SOUTH  
WALES.

Enclosure A. 8, to Minute No. 20 of 1839.

Encl. 1, in No. 3.

Court House, Merton, 17 May 1839.

Lieutenant *George Geddes McKenzie Cobban*, of the 50th Regiment, attached to the mounted police, being duly sworn, deposes:—In the month of December 1837, I was commanding the mounted police in this district, and stationed at Jerry's Plains; on the 29th of that month I left the station with a party of mounted police for the Big River, under the command of Major Nunn. I understood that the object of our expedition was to drive away certain tribes of blacks who were murdering some white people, and committing outrages on their runs, spearing the cattle and driving away sheep in that part of the country. On reaching the Namoi we encamped there at a station called Green Hatches, where several stockmen came riding in and reported to Major Nunn, in my presence, that some wild blacks had the day before crossed their runs and speared several cattle; I think they said eight or nine head. They further said that they were the same blacks who had some time before murdered a man of Mr. Hall's, and attacked the hut. Mr. Hall's stockman, who had himself been wounded in that attack by the blacks, stated this information to Major Nunn. They also reported that they could guide the party to the place where the wild blacks were encamped with a tame tribe, whom they had gone to visit. We marched from Green Hatches that night, about nine o'clock, with the view of surrounding the wild tribe at daylight on the next morning, before they dispersed in search of food. We saw the blacks' fire about daylight the next morning; they were encamped on the banks of the River Namoi, with a deep reach in front, and a brush at some distance in the rear. We walked our horses quietly along by my orders (Major Nunn being then a little in the rear); my orders were to ride quietly on until we should be observed, and then to charge in upon them, so as to capture the whole tribe. Some troopers had been before that sent across the river to prevent their escape, if they should take to the water in front and swim across. Major Nunn had before that given orders to the party on no account to use fire-arms, but if necessary in self-defence, to use their swords. The impression on my mind is, that the men were to use fire-arms if absolutely necessary for the protection of their lives, and also for the purpose of securing any prisoners they may be sent to apprehend, and for preventing the escape of any person who may have been captured.

This is the principle on which the mounted police have always acted, as far as I am aware, when sent on duty. The greater part of the blacks were surrounded and taken; but some few got into the water, who were afterwards taken too. They came out by a great deal of persuasion, and some were dragged out by one of the men who swam his horse in. There were one or two shots fired on this occasion, but no life was lost, nor was any person wounded. The shots were fired to intimidate the blacks, who had got into the river, and to frighten them out of it. After we got all the blacks together, one of the tame ones, who had been at Mr. Hall's station when the man was murdered there, pointed out one man who had been concerned in the murder. He also said that all the other wild blacks had been guilty of spearing cattle, as the stockmen had represented to us at Green Hatches. We took all those who were pointed out to us by the tame blacks as having committed depredations on the whites, back to encamp at Green Hatches the same night. The man who was said to have murdered Mr. Hall's man showed great fear and uneasiness, and made several attempts to escape on the way; after the blacks were given over in charge to the sentries at the camp, they made an attempt to escape. The murderer was the first to rush; he ran past me towards the bed of the river, which was full of swamp oaks. I started after him, but while pursuing him two other prisoners who were handcuffed together ran nearer to me, and I turned after them; they fell in the flight, and it being nearly dark I tumbled over them; one of them immediately fastened his teeth in one of my arms, the other clung with all his force to one of my legs, and caught my boot with his teeth. I kept hold of them, however, by their hair, until they were secured again. Major Nunn and myself first became aware of this attempt of escape, by hearing the sentries fire. After the two blacks whom I caught were secured, one of the men stumbled on the body of the man who was accused of murder. He was lying dead in the bed of the river, with a wound in his back, which he must have received in the act of running away. The black boy, who acted as interpreter, told me that one black present knew the blacks of the Big River who had been committing the murders in that neighbourhood, and their country, and I suggested to Major Nunn that it would be desirable to take one of them with us as a guide, and let the others go, as the death of the man who had been shot may deter them from committing further outrages on the whites. A guide was accordingly kept; and the others having first received some food and presents, were let go.

We then proceeded towards the Big River; on making Mr. Bell's cattle station we received further complaints against the blacks; we were told that they were continually spearing the cattle and intimidating the shepherds; one of the shepherds then told us that he had met the blacks the day before in his way from an out station; that they stopped him and would have killed him if he had not told them that the soldiers (as the blacks call the mounted police) were on their way up. They brandished their tomahawks and spears about his head, and searched all his pockets. When they let him go they said they did not care for the soldiers, that they were not afraid of them. I was ordered out by Major Nunn to look for these blacks, and I searched all that night for their fires and all the next day; when I got upon their tracks, and traced them to a gully, where I found them perched upon ledges and rocks quite inaccessible to us. They shouted out defiance at us, as I understood, but we could

could not get near them at all. When all our efforts to take these people failed, I followed Major Nunn and the rest of the party, according to his orders, to Mr. Cobb's station on the Big River. On arriving there I found all the people at the station in the greatest alarm from the blacks. The shepherds were afraid to move out of sight of the hut, and the sheep were in a wretched state for want of food. We refreshed our horses here for one or two days, and were made acquainted with all the particulars of the brutal murder of Mr. Cobb's two men at that station some time before. The direction the blacks took after committing the murder was pointed out, and we found that the story of our black guide was correct in this respect. We proceeded in the direction, and after two or three days' journey we came on old traces where they had been. We followed up these marks for four or five days.

The marks were permanent, from the nature of the country, and from some rain having fallen when the blacks passed over it; by this time we came on fresh marks, made a day or two before. I kept in front of the party with the black boy (our interpreter) and the guide we brought from Green Hatches. We followed up these marks until they led to a spot where the guide pointed out some spears leaning against a tree. A black fellow had been lying asleep under the same tree, he ran up the tree on our coming up in great alarm; he was got down with great difficulty. This man was one of a small party of three or four, for whom I was ordered to search by Major Nunn; the old black man who had been found with the spears and the black boy, went with me; while looking out he told me, through the interpreter, that he could guide us to the rest of his party, who were out getting honey. We got them one by one with much trouble. I took the four to Major Nunn the same night. We questioned them about the tribe who committed the murder, and asked them where they were. They pointed to a creek at some distance, for which we started early the next morning, and reached it the same night. There we found marks of the blacks having been lately encamped. These marks were quite fresh; the blacks were not found that night. We started next morning at daybreak, and followed the tracks of a very numerous tribe for some distance until we saw smoke ahead. I was then in front, and passed the word to the men that we were close upon them, and ordered them to prepare. On reaching the smoke nearer we found it to be from a burning log, and concluded from it, that the blacks were still a day's journey ahead of us. We were consequently thrown off our guard; but on proceeding a few hundred yards farther, and in turning an angle of the creek, we came suddenly on a great number of blacks apparently encamped on the opposite side from us, with a large body of water in between us and them, and a thick scrub close behind them, for which they made instantly on observing us. The five or six men who were in front with me were the best mounted in the party, and I ordered them to return a little distance with me to a crossing place, where we crossed; on crossing we opened out and drew our swords and galloped into the scrub. We entered the scrub in a direction to cut off the retreat of the blacks, and drive them back on the water, where they would be placed between my men and those on the opposite side who had not crossed. The scrub was extremely thick at this place; we encountered the blacks face to face; before we saw each other we were quite close. They had each two spears; I made an attempt to ride down one who was immediately in front of me; he stooped so low that I went over him and turned short to the right into a thick bush; while I was wheeling my horse round, I heard the next man, who was a little on my right, say, "Take care, sir, he is spearing you;" he fired a pistol shot at the same moment. The black ran; about the same moment I heard a cry to my left from our men. I heard the men say, "D—n them they have speared Hannan" (one of the troopers), and others said, they have also speared the officer. The scrub was so thick there that I could not see what was going on; each man was acting for himself. The firing then became general. I am quite positive that no shot was fired before I heard the caution from the man who was near me on my right, and Hannan was said to have been speared, from which, at the time, I understood that he had been killed, and I heard from the men around me afterwards, that this was the impression on their minds at the time. This showed me that our swords were no protection against spears; after this I heard some more shots fired, but did not see any more blacks in the scrub, and only one of the troopers, who kept close to me; about the same time, and a little after, I heard firing on the left, I suppose from the rest of the party who were in the rear. I rode about the scrub for some time, but did not see any more blacks; the firing at this time lasted but a very short time, not many minutes; Major Nunn and myself rode round the scrub to see what number had been killed. I certainly did not see more than four or five, if so many; after this some black gins were found in various hiding places; on questioning them, through the interpreter, we found the party we had fallen in with was only a small detachment of the tribe, and they told us that the rest of the tribe, which was very numerous, were at a short distance from us on the same creek, and they undertook to guide us to them; our interpreter seemed in great alarm from the formidable account of the tribe, their great number, and the manner in which they were armed; after refreshing our horses for an hour or two we proceeded down the creek; after we had gone a short distance I proposed to Major Nunn to send a small party on the opposite side of the creek to cut off their retreat on that side, which was done, and they were ordered to proceed in a direction parallel to the creek, but at some distance from it, and to fire a shot as the signal if they saw the blacks. After this we had proceeded but a short distance when we heard a shot from the opposite side; I immediately galloped down the creek, accompanied by one man, expecting the blacks would retreat from the party on the other side, and to cover as much ground as possible, in hope of surrounding the blacks, the rest of the party following. After galloping some distance two blacks sprung up in front of us, and we tried to take them, but they jumped into the creek, which was deep,

NEW SOUTH  
WALES.

Encl. 1, in No. 3.

with steep banks; myself and the trooper who was with me fired at them, but did not hit them; while we were reloading some of the other troopers came up and commenced firing, but I desired them to stop and ride into the scrub to drive the blacks into the creek, as I considered that if we got them there we could secure them. The two blacks who got into the creek, I cannot say whether they were shot or not. The chief part of the party rode into the scrub, and I with the rest, rode down the side of the creek to co-operate with them; in going down the creek Sergeant Dean came upon their camp, and found a great number of spears and other weapons; I should suppose 300 or 400 in all, and fortunately secured them. I had ridden past the camp without noticing the arms, but on hearing a firing behind me in the camp, I returned, and Sergeant Dean informed me, that while securing the arms a body of blacks came upon him to seize the arms, when he fired on them and they retreated; while I was with Dean I heard a straggling fire to the right at a considerable distance in the brush from the party I had sent in that direction. I also heard some firing down the creek from the party that had proceeded in that direction, when I returned to Sergeant Dean; when I rejoined this party I was informed they had shot one or two blacks, who had attempted to escape through the creek; I afterwards understood that the party on the opposite side of the creek did not fall in with any of the blacks, except when they fired the shot which gave us warning. The firing was very desultory, the party being very much scattered, there being a shot fired now and then; there was nothing like a regular firing; I cannot say what precise time occurred between the first and last shot. I cannot say positively how many were killed and wounded; I only saw three or four bodies, although I rode over a great deal of ground. It appears that when we first met the blacks we were placed between them and the camp, where their arms were, which I consider the chief cause of the firing, and I am satisfied if we had not been fortunate enough to secure their arms a number of our people would have been killed; it was nearly dark when this affray terminated, and I considered the blacks so formidable that it was necessary to look for a secure position, and to take precaution for the safety of the people during the night, which was done; the appearance of the blacks' camp indicated a much larger number of men than I had ever seen together before.

(signed) *G. G. M'Kenzie Cobban,*  
Lt. 50th Regt. Comg. 1st Div. Mt. Police.

Sworn before us at Merton, this 17th May 1839,

*Edw. D. Day, J. P.*  
*W. Ogilvie, J. P.*  
*J. Pike, J. P.*

(A true copy.)

(signed) *Edw. D. Day, Police Magistrate.*

Enclosure A. 9, to Minute No. 20 of 1839.

Sir,

Attorney General's Office, 6 June 1839.

I HAVE the honour to acknowledge the receipt of your letter, 39/345, transmitting certain papers relative to the circumstances attending the death of some aboriginal natives, in a collision with the mounted police on the Rivers Namoi and Gwyder, and requesting my opinion, whether any further proceedings are necessary in the case, and at the same time offering such remarks on the whole subject as I might deem proper. Also stating you were directed to explain to me, that the inquiry in the case having been held by the express orders of the government, the proceedings were forwarded by the magistrates to you, but, that as a notice has been issued in the Government Gazette of the 29th instant, that in every case in which an aboriginal native may meet with a violent death in consequence of a collision with white men, an inquest or inquiry is to be held in the same way as if the deceased had been of European origin, the proceedings in similar cases will in future be forwarded to me by the magistrates themselves.

Before I allude to the particular case now before me, I beg leave to observe, that from the last paragraph in your letter, I infer that you cannot be aware that the practice has always been, since I have had the honour to hold office, in accordance with the terms of the notice, which you state has been issued on the 29th instant, and in whatever part of the colony within reach of a magistrate, an aboriginal native met with a violent death, the same inquiry was caused as if the deceased were of European origin; and I have invariably, in my official communications with the magistrates in different parts of the colony, impressed upon them the necessity of acting in all such cases without any distinction between black and white, and as far as I had an opportunity of judging the magistrates have invariably done so.

Although there is but too much reason to apprehend that many of the aboriginal natives have met with death from violent means, such instances I believe have only occurred beyond the located limits of the colony, where no magistrate was within reach.

In the present case it is much to be regretted that this practice was not followed by Major Nunn and Lieutenant Cobban, who were both magistrates of the territory, and were, I presume,

I presume, at least ought to have been aware of it. If they had discharged that duty at the time, the proceedings would have come in the usual course to this, the proper office for them, and whatever other proceedings might have become necessary would have been taken without delay.

At this distance of time (it being according to the papers sent to me, one year and nearly five months) since the unfortunate collision took place, I see the whole case surrounded with so many embarrassing circumstances, that it is difficult for me to determine what course should now be taken.

None of the documents transmitted to me, are such as I could act upon as public prosecutor; there are no original depositions among them, there are only copies of depositions purporting to have been made before the bench of magistrates at Invermein by Major Nunn, on the 4th April 1839; Sergeant Lee, on the same day; Corporal Hannan, ditto; Felton, (Mr. Hall's, stockman) ditto, and Lieutenant Cobban, on the the 17th May 1839.

It appears from the copy of Major Nunn's deposition (which I presume to be a correct copy), that his party consisted of one subaltern, two sergeants, and 20 troopers, making in the whole (including Major Nunn himself) 24, besides some stockmen that accompanied them.

There being so many other persons to give an account of the transaction, if these depositions had been taken in due time, and forwarded to this office regularly, I would have immediately returned them to the magistrate, in order that the greater number, if not the entire of the party, should be examined.

The depositions taken could not be given in evidence against the parties making them, as the law does not allow an admission made under the sanction of an oath, in this way, to be legal evidence, neither do they mention the names of the others of the party.

Before a correct legal opinion can be formed on the case, it would be necessary to examine the rest of the party, and then the bench of magistrates should, as in all other cases, exercise their discretion in it, and after that, the whole proceedings should be forwarded to me; until then, it would be premature in me to form an opinion on the case.

As however his Excellency is desirous that I should offer such remarks on the whole subject as I might deem proper, I think it right to suggest that in the present state of the case, it belongs rather to the Executive Council to advise his Excellency as to the policy and expediency of instituting at this late period such an inquiry as that which in my opinion ought to have taken place in January 1838; the Council taking into its consideration the great excitement which would undoubtedly be created by it, in all parts of the colony, and balancing against each other the evils which must obviously exist, whatever course may now be determined on.

I have, &c.

(signed) *John H. Plunkett*, Attorney-general.

The Honourable the Colonial Secretary.

Enclosure 2, in No. 3.

Encl. 2, in No. 3.

New South Wales Government Gazette; Published by Authority; Wednesday, 22 May 1839.

PROCLAMATION,

By his Excellency Sir George Gipps, Knight, Captain-general and Governor-in-Chief of the Territory of New South Wales, and its Dependencies, &c. &c.

WHEREAS, by an Act of the Governor of New South Wales, with the advice of the Legislative Council, passed in the present year of Her Majesty's Reign, intituled "An Act further to Restrain the unauthorized Occupation of Crown Lands, and to provide the means of Defraying the Expense of a Border Police," it is amongst other things enacted, that for the purposes therein stated, the Crown lands of this colony adjacent to, and beyond the limits at present allotted for location, shall be divided into so many districts, and that each district shall extend to, and be comprised within such boundaries as the Governor shall from time to time appoint, by any Proclamation by him made and published in the Government Gazette: Now I, the Governor aforesaid, in virtue of the authority in me vested, do hereby proclaim that the said lands have been divided into nine districts, and that the following are the boundaries of the same, respectively, namely:—

1. *Port Macquarie District*.—Bounded on the west by a line north by compass from the top of Werrikimber Mountain; on the south by the range extending from Werrikimber to Crescent Head, a point on the coast; on the east by the sea coast; and on the north the boundary is indefinite.
2. *New England District*.—Bounded on the east by a line north by compass from the top of the Werrikimber Mountain, which is at the head of the Hastings River; on the south by a line west by compass from the top of Werrikimber to the great dividing range; on the west by the western extreme of the great dividing range, so as to include the table land; and on the north the boundary is indefinite.

NEW SOUTH  
WALES.

Encl. 2, in No. 3.

3. *Liverpool Plains District*.—Bounded on the south by the Liverpool or great dividing range; on the east by the western extreme of the same great dividing range; and on the north and west the boundaries are indefinite.

4. *Bligh District*.—Bounded on one side by the Macquarie River; and on the north by the Liverpool Range, as it extends to Warrabangle Range.

5. *Wellington District*.—Adjacent to the counties of Bathurst and Wellington, between the Rivers Lachlan and Macquarie.

6. *Lachlan District*.—Having for its boundary to the southward the right bank of the Morumbidgee, as far as any stations extend down that river, and bounded on its right by the left bank of the River Lachlan.

7. *Morumbidgee District*.—Bounded by the left bank of the Morumbidgee, and being conterminous on the east with District No. 6.

8. *Monaroo District*.—Adjacent to the counties of Saint Vincent and Murray, keeping the right bank of the Morumbidgee, but extending over the whole of the district known by the name of Monaroo Plains.

9. *Port Phillip District*.—The whole of the lands comprised in the district lying to the south of the main range, between the Rivers Ovens and Goulburn, and adjacent to Port Phillip.

Given under my hand and seal, at Government-house, Sydney, this 21st day of May, 1839, and in the second year of Her Majesty's Reign.

(L. S.)

(signed) *George Gipps.*

By His Excellency's command,

(signed) *E. Deas Thomson.*

GOD SAVE THE QUEEN !

Colonial Secretary's Office, Sydney, 21 May 1839.

THE Governor, with reference to his Excellency's Proclamation of this date, has been pleased to appoint the following gentlemen to be commissioners of Crown lands beyond the boundaries of location, under the Act of the Governor and Council, passed in the present year of Her Majesty's reign, intituled "An Act further to Restrain the unauthorized Occupation of Crown Lands, and to provide the means of defraying the Expense of a Border Police," and directs that the towns at which they are severally to be addressed be also notified, namely :—

No. 1. *Port Macquarie District*.—Henry Oakes, esq. Post Town, Macquarie.

No. 2. *New England District*.—George James Macdonald, esq. Post Town, Page's River.

No. 3. *Liverpool Plains District*.—Edward Mayne, esq. Post Town, Page's River.

No. 4. *Bligh District*.—Graham Hunter, esq. Post Town, Cassillis.

No. 5. *Wellington District*.—Laurence Vance Dulhunty, esq. Post Town, Wellington.

No. 6. *Lachlan District*.—Henry Cosby, esq. Post Town, Yass.

No. 7. *Morumbidgee District*.—Henry Bingham, esq. Post Town, Yass.

No. 8. *Monaroo District*.—John Lambie, esq. Post Town, Queanbeyan.

No. 9. *Port Phillip District*.—Henry Fysche Gisbourne, esq. Post Town, Melbourne.

By His Excellency's command,

(signed) *E. Deas Thomson.*

## ABORIGINES.

Colonial Secretary's Office, Sydney, 21 May 1839.

HIS Excellency the Governor desires to draw the attention of owners of stock throughout the colony, and the public in general, to the extensive powers by which an Act passed in a recent extraordinary session of the Legislative Council, (2 Vict. No. 27) are now vested in the commissioners of lands acting beyond the boundaries of location, as well as to the fact that these commissioners are now magistrates of the territory; and as one of the principal objects which the Council had in view in passing the Act referred to, was to put a stop to the



the atrocities which have of late been so extensively committed beyond the boundaries, both by aborigines and on them. His Excellency deems the present a proper occasion to notify to the public, that he has received distinct instructions from Her Majesty's Government, to cause an inquest or inquiry to be instituted in every case wherein any of the aboriginal inhabitants may have come to a violent death in consequence of a collision with white men; and that his Excellency is determined to make no distinction in such cases, whether the aggressors or parties injured be of one or the other race or colour, but to bring all, as far as may be in his power, to equal and indiscriminate justice.

As human beings partaking of our common nature—as the aboriginal possessors of the soil from which the wealth of the country has been principally derived—and as subjects of the Queen, whose authority extends over every part of New Holland—the natives of the colony have an equal right with the people of European origin to the protection and assistance of the law of England.

To allow either to injure or oppress the other, or to permit the stronger to regard the weaker party as aliens with whom a war can exist, and against whom they may exercise belligerent rights, is not less inconsistent with the spirit of that law, than it is at variance with the dictates of justice and humanity.

The duties of the commissioners of Crown land, in respect to the aborigines, will be to cultivate at all times an amicable intercourse with them; to assist them in obtaining redress for any wrong to which they may have been exposed, and particularly to prevent any interference on the part of white men with their women. On the other hand, they will make known to them the penalties to which they become liable by any act of aggression on the persons or properties of the colonists. They will endeavour to induce the chiefs in their respective districts to make themselves responsible for the good conduct of their tribes, and they will use every means in their power to acquire such personal influence over them, as may either prevent aggression or ensure the immediate surrender of the parties who may be guilty of it.

His Excellency thinks it right, further to inform the public, that each succeeding despatch from the Secretary of State, marks in an increasing degree the importance which Her Majesty's Government, and no less the Parliament and the people of Great Britain, attach to the just and humane treatment of the aborigines of this country; and to declare most earnestly, and solemnly, his deep conviction that there is no subject or matter whatsoever in which the interest as well as the honour of the colonists are most essentially concerned.

By His Excellency's command,

(signed) *E. Deas Thomson.*

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Colonial Secretary's Office, Sydney, 21 May 1839.

His Excellency the Governor has been pleased to direct the republication of the following notice, respecting the detention by force of the black women of the native tribes, by overseers, and other persons in charge of cattle and sheep, in the districts beyond the limits of location.

By his Excellency's command,

(signed) *E. Deas Thomson.*

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(COPY.)

Colonial Secretary's Office, Sydney, 18 September 1837.

THE Governor having been informed by the reports of certain of the commissioners of Crown lands, that, at the stations beyond the limits of location, overseers and other persons in charge of cattle and sheep in those remote districts, are not unfrequently guilty of detaining by force, in their huts, and as their companions abroad, black women of the native tribes resorting to their neighbourhood, an offence, not only in itself of a most heinous and revolting character, but, in its consequences, leading to bloodshed and murder; his Excellency has been pleased to direct the commissioners to report the names of all persons whom they shall find in any manner concerned in so abominable and unchristian a proceeding, in order that their licences may be immediately cancelled, and that they may be prosecuted under the Act, as illegal occupiers of Crown lands, or otherwise, as the law directs.

By his Excellency's command,

(signed) *E. Deas Thomson.*

NEW SOUTH  
WALES.

Encl. 2, in No. 3.

## CROWN LANDS.

Colonial Secretary's Office, Sydney, 21 May 1839.

IN pursuance of the Act of the Governor and Council passed in the second year of Her Majesty's reign, intituled "An Act further to restrain the unauthorized Occupation of Crown Lands, and to provide the means of defraying the Expense of a Border Police," his Excellency the Governor directs it to be notified, that from and after the 1st day of July next, any persons who shall be found occupying any Crown lands within the limits of location fixed by the government order of the 14th day of October 1829, or that may hereafter be allotted for location by any proclamation or order of the Governor published in that behalf, either by residing or by erecting any hut or building thereon, or by clearing, enclosing, or cultivating any part thereof, without holding a valid lease from the government for the occupation of such lands; and any person who shall be found so occupying any Crown lands beyond the said limits of location without holding a valid licence for depasturing cattle and other stock under these regulations, or a valid licence to cut cedar or other timber under the separate notice of this date, will be respectively liable to the penalties imposed by the said Act; namely, for the first offence, any sum not exceeding 10*l.*, at the discretion of the justice or justices before whom the complaint shall be heard; for the second offence, 20*l.*; and for the third or any subsequent offence, 50*l.*; the penalties to be recovered, within the boundaries, in a summary way, before any justice of the peace, upon information and complaint on oath of any justice of the peace, commissioner of Crown lands, or proprietor or lessee of lands, or the chief constable of any district; and, without the boundaries, upon the like information of any justice of the peace, licensed person, or his overseer, or manager, or of any constable duly appointed for such purpose.

Leases of vacant Crown lands within the limits of location will continue to be given in the terms and under the regulations prescribed by the government order of 1st August 1831, the proper officer being instructed not to permit any person to become a lessee of Crown lands unless he shall be satisfied that such person is of honest and respectable character.

Applications for licences to depasture the vacant Crown lands beyond the limits of location are to be made to the commissioner of the district in the form marked (A.) annexed, and that officer, if he approve of the same, will forward them to the colonial treasurer in Sydney, or, if required for the district of Port Phillip, to the sub-collector of customs at Melbourne, in order that the licence may be prepared.

Each licence will be chargeable with a fee of 10*l.*, to be paid to the colonial treasurer in Sydney, or, if for the district of Port Phillip, to the sub-collector at Melbourne, previously to its issue, and will be in the form annexed marked (B).

Persons desirous of depasturing in more districts than one must make separate applications, and take out separate licences for each, but the fee will be chargeable to the same party for the same period upon one licence only, for two contiguous districts.

The licences will be granted for one year, commencing on the 1st July next, and renewable for the ensuing years in the months of May and June preceding, upon the application of the holder, in the same form and manner as for an original licence; and any licence not renewed by the 1st day of July in each year will be renewable only on payment of a double fee.

Such new licences as may be granted to persons desirous of depasturing subsequently to the 1st January in any year, will be chargeable with half the amount of the regulated fee, but will determine in like manner as other licences on the 30th June next ensuing. It is to be distinctly understood that no applicant for a licence will be entitled to any benefit or protection from the same, until the fee for the current period be actually paid, and the licence issued in his favour by the colonial treasurer, or sub-collector at Melbourne. The names of the persons so licensed will be published in the Government Gazette for the information and guidance of the commissioners and other persons entrusted with the execution of the Act. Applicants will be held responsible for any omission of their agents to take out the licences after their applications shall have been transmitted by the commissioners to the colonial treasurer, or sub-collector, and will therefore be careful to cause them to be furnished with the necessary instructions accordingly.

Any improvement effected upon Crown land depastured under the authority of a licence will be at the risk of the party holding the same; as such land, whenever it may be deemed expedient to extend the boundaries of location, will be liable to be put up to competition at public auction in the same manner as other unalienated Crown lands.

Any justice of the peace has power to cancel such licence, if the person holding the same be convicted on the oath of any one or more credible witness or witnesses of any felony, or of illegally selling fermented or spirituous liquors, or of wilfully harbouring any convict or felon illegally at large, or of any malicious injury committed upon or against any aboriginal native or other person, or of any other offence which shall actually endanger the peace and good order of any district, or tend to obstruct the due execution of this Act; subject, however, to a right of appeal to the nearest court of petty sessions within one month. And the superintendent, overseer, manager, or servant, resident on any station, will be subject to a penalty of a sum not less than 5*l.* nor more than 30*l.*, on conviction of any offence which would render a licensed person liable to have his or her licence cancelled.

The commissioners have also been instructed not to recommend the renewal of the licence of any person who has not kept a sufficient number of servants at his station, or whose servants have misbehaved in any way, or at whose stations native women have been harboured,

boured, or where spirits in improper quantities are kept, or who have in any way infringed the regulations of the government, or where the residents refuse to furnish the commissioner with such particulars as he may require for the information of the government in the due performance of his duties.

All persons who may be desirous of obtaining a licence to depasture are required by the 8th clause of the Act to make a report on or before the 1st day of July next, to the commissioner of the district, according to the form (C.) hereunto annexed, of all stock kept upon the lands occupied by him or her, with the names and descriptions and particular brands of the respective proprietors, and to renew such report half-yearly in future; namely, on the 1st January and 1st July in each year.

In default of such report being furnished, or in the event of false statements being given therein, the party will be subject, upon conviction in a summary way before any justice, to a penalty of not less than 40 s. nor exceeding 100 l. A similar return is to be made to the commissioner immediately after any person shall occupy lands by himself or his servants, and all changes of persons on the establishment are to be communicated to him in writing, on all occasions when the stations shall be visited by the commissioner.

No person in future will be allowed to take up a new station without having first obtained a licence under these regulations, and the permission of the commissioner of the district, in order that he may previously ascertain that no encroachment will thereby be made upon any station previously occupied, contrary to the established usage of the colony, and no station is to be transferred from the occupation of one licensed party to another without notice to that effect being first given to the commissioner of the district.

Forms of application necessary for the licence are obtainable on application at this office; at either of the benches of magistrates; or from the respective commissioners; as well as of the form of return (C.) to be made up previously to the 1st July next.

Respecting the boundaries of the several districts, persons are referred to the proclamation of this date.

All parties who have made application for a depasturing licence during the present year, under the former regulations, will, of course, be required to renew the same in accordance with these regulations.

By his Excellency's command,

(signed) *E. Deas Thomson.*

(A.)

Application for a Licence to depasture Crown Lands beyond the limits of Location.

I, A. B., grazier (or other trade or calling), residing at \_\_\_\_\_ apply to the commissioner for the district of \_\_\_\_\_ for a licence to depasture sheep, cattle, and other stock, upon the vacant Crown lands situats within the said district, and known as [here describe the locality], for one year from the 1st day of July next ensuing. And I, the said \_\_\_\_\_ declare that I am free; that I intend to depasture my stock under my own charge (or under that of a free overseer, or ticket-of-leave holder, to be specially authorized under section 10 of the regulations of 25th May 1835, stating the name of such overseer), and that I am lawfully possessed, amongst other property, of the following real or personal estate [here the applicant is to particularise so much of his property as will be sufficient to show that he has visible lawful means of support].

My agent, Mr. \_\_\_\_\_ of \_\_\_\_\_ has been duly instructed to pay the stipulated fee to [the colonial treasurer in Sydney; or sub-collector at Melbourne, as the case may be], and receive the same when ready.

To the Commissioner of Crown Lands, } (Signature of Applicant.)  
for the District of \_\_\_\_\_ }

I, \_\_\_\_\_, being a commissioner of Crown lands for the district of \_\_\_\_\_, do certify that I have reason to believe this applicant to be of sober, honest, and industrious character and habits, and a person to whom a licence to depasture stock beyond the limits of location may with safety and propriety be given.

(Signature of Commissioner.)

(B.)

Licence to depasture Crown Lands beyond the Limits of Location.

No. \_\_\_\_\_ of \_\_\_\_\_, has made application, duly certified by the commissioner of Crown lands for the district of \_\_\_\_\_, for a licence to depasture cattle, and other stock, upon the vacant Crown lands situate within the said district, and known as \_\_\_\_\_, and the said \_\_\_\_\_ has this day paid into my hands the sum of \_\_\_\_\_ pounds, I, \_\_\_\_\_ do hereby license the said \_\_\_\_\_ to depasture cattle and other stock upon the said Crown lands, under the regulations contained in the government notice dated \_\_\_\_\_

NEW SOUTH  
WALES.

21st May 1839. This licence to be in force from the date hereof until the 30th day of June next, unless previously cancelled under the provisions of the Act of Council 2d Vict. No. 27.

Encl. 2, in No. 3.

Given under my hand, at

the day of

Colonial Treasurer.

Enclosure 3, in No. 3.

Encl. 3, in No. 3.

STANDING ORDERS FOR THE BORDER POLICE.

1. EVERY individual employed in the border police is expected to pay implicit obedience to the orders of the commissioner, in the same way as troopers of the mounted police, or soldiers in any regiment of the line, are bound to obey the orders of their commanding officer.
2. Non-commissioned officers and troopers of the mounted police are in an equal degree bound to pay implicit obedience to the Crown commissioner during the time they are placed under his orders.
3. The commissioner of each district will keep a very accurate register of the conduct of every man who is attached to him, and will report monthly the behaviour of each individual, for the Governor's information.
4. The Governor will consider good conduct in the border police to constitute the greatest recommendation which any man can have in this country to his favourable notice, and he will be happy to grant the highest rewards which it is in his power to bestow, and at the earliest periods, which he is by law or regulation empowered to grant them.
5. On the other hand, the Governor desires it to be distinctly understood that he will instantly remove from the border police any man of whom he may receive an unfavourable report; and that any person removed for his misconduct will be retained in Hyde Park Barracks, or in government employment at some other station, for the whole of the time he may have to serve in the colony.
6. The means by which every border policeman will have it most in his power to obtain the approval and favourable consideration of the Governor, will be by behaving in a kind and humane manner to the natives, and by endeavouring to gain their confidence and esteem, as well as to civilize and improve them.
7. The offences, on the other hand, which the Governor will never overlook or forgive are, any harsh or unkind treatment, or ill usage of the natives; any attempt to teach them bad language, or to lead them into vicious practices, or to mock or laugh at them.
8. Any person whatsoever giving or offering to give spirits to a native, or encouraging in any way a native to drink spirits, will be immediately dismissed.
9. Any person whatsoever having improper intercourse, or attempting to have improper intercourse with a female native, even with her own consent or the consent of her friends, will in like manner be immediately dismissed, and otherwise punished to the extent of the Governor's power.
10. The troopers of the mounted police attached to the border police will, for the first three months, act as non-commissioned officers.
11. The commissioners will subsequently recommend the best behaved men to succeed them; and should there be none whom they can recommend, they will report the circumstance, in order that deserving men from other districts may be sent to them.
12. These orders are to be read at least once a month to every man in the border police by the commissioner of the district.

With a view to have a mark by which each man and horse belonging to the border police may be easily distinguishable, it is proposed to assign particular letters to each district; viz.—

|                         |                     |
|-------------------------|---------------------|
| Port Macquarie, P. M.   | Lochlan, L.         |
| New England, N. E.      | Morumbidgee, M. E.  |
| Liverpool Plains, L. P. | Monaroo, M. O.      |
| Bligh, B.               | Port Phillip, P. P. |
| Wellington, W.          |                     |

Each man and horse is also to be numbered, commencing with a new arithmetical series for each district; each man is to have sown into his cap, in legible characters, the letter of his division, and his own number, and also on the right arm of the coat. Every article of dress and equipment is also to be similarly marked, but not in such a manner as to be apparent except on examination.

The horses are each to be named, and branded with a Crown on the right shoulder, and the letters of the district, with its own number on the left shoulder. Horses bought to replace others are to be numbered with a continuation of the arithmetical series after the last branded.

A return is to be sent in half-yearly of the state of the horses, with columns, showing the name, date of purchase, from whom purchased, members of the Board who approved the purchase, colour, age, description, old brand, government brand, peculiar marks, and present state.

-- No. 4. --

NEW SOUTH  
WALES.

(No. 62.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.No. 4.  
Lord J. Russell to  
Sir George Gipps.  
21 Dec. 1839.

Sir,

Downing-street, 21 December 1839.

I HAVE received your despatch of the 22d July, No. 106, enclosing your final report of the collision which took place between the mounted police of New South Wales, under Major Nunn, and a party of the aborigines of that colony.

After an attentive consideration of all the documents which you have transmitted to me, I cannot but avow my concurrence in the opinion which you adopted on the advice of the Executive Council, that there was no adequate motive for prolonging the investigation of this occurrence, or for instituting at a period so distant from the event as one year and five months, any judicial inquiry into the causes which led to the death of the aborigines. In this case it may have been impossible to have summoned an impartial jury. I agree, however with the Attorney-general, that it is much to be regretted that the practice of holding an inquest in every case in which an aboriginal native meets with a violent death in consequence of a collision with white men in the same way as if the deceased had been of European origin, is not usually observed.

The worst feature in the case was, as you most properly state, the renewal of the pursuit of the blacks, and of the firing after a pause of about two hours; and though you add some reasons in mitigation of this conduct on the part of Major Nunn, I wish, without giving you any positive instructions upon the subject, to draw your attention to the question, how far it is necessary that the force employed upon similar services should be always entrusted with the use of fire-arms. In the case now before me the object of capturing offenders was entirely lost sight of, and shots were fired at men who were apparently only guilty of jumping into the water to escape from an armed pursuit. I am, however, happy to acknowledge that you appear to have made every practicable exertion for the prevention of similar calamities in future, and I approve the measures adopted by you for that purpose.

You cannot overrate the solicitude of Her Majesty's Government on the subject of the aborigines of New Holland. It is impossible to contemplate the condition and the prospects of that unfortunate race without the deepest commiseration. I am well aware of the many difficulties which oppose themselves to the effectual protection of these people, and especially of those which must originate from the exasperation of the settlers, on account of aggressions on their property, which are not the less irritating because they are nothing else than the natural results of the pernicious examples held out to the aborigines, and of the many wrongs of which they have been the victims. Still it is impossible that the Government should forget that the original aggression was our own; and that we have never yet performed the sacred duty of making any systematic or considerable attempt to impart to the former occupiers of New South Wales the blessings of Christianity, or the knowledge of the arts and advantages of civilized life. It is, I know, superfluous to stimulate your zeal in this service; yet I cannot be satisfied to quit the subject without commending it to your renewed attention. I am convinced that you may confidently reckon on the advice and co-operation of the ministers of religion of every Christian denomination; and you may calculate with the utmost confidence on the cordial support of the Ministers of the Crown in every well-directed effort for securing to the aboriginal race of New Holland protection against injustice, and the enjoyment of every social advantage which our superior wealth and knowledge at once confer on us the power, and impose on us the duty of imparting to them. For this purpose you will use every effort to afford instruction to their children and young men: you will seek out persons whose humanity leads them to be kind to the native races; and you will take means to reward the missionaries who may engage in this good work.

I have, &c.  
(signed) *J. Russell.*

NEW SOUTH  
WALES.

— No. 5. —

(No. 137.)

No. 5.  
Sir George Gipps  
to the Marquis of  
Normanby.  
14 October 1839.

COPY of a DESPATCH from Governor Sir *George Gipps* to the Marquis of  
*Normanby*.

Government House, Sydney,  
14 October 1839.

My Lord,

HEREWITH I have the honour to transmit to your Lordship an Act passed in the present session of the Legislative Council, to allow the aboriginal natives of New South Wales to be received as competent witnesses in criminal cases, notwithstanding that they have not at present any distinct idea of religion, or any fixed belief in a future state of rewards and punishments.

This Act is transmitted separately to your Lordship in consequence of a clause having been added to it by the Council, preventing its taking effect in the colony until it shall have been approved by Her Majesty.

The measure was introduced at the desire of the Attorney-general, in consequence of the difficulty in obtaining convictions which he experienced in several cases, wherein native blacks have been concerned, either as the accused or the injured party, and the dissatisfaction which has been expressed in the colony when a criminal has escaped.

The clause preventing the Act from coming into operation until Her Majesty's pleasure shall be known, was added at the request of the Chief Justice, who, though friendly to the measure, would otherwise have felt himself, as probably would also his brother judges, compelled to remonstrate against the Act, as repugnant to the laws of England.

I have, &c.  
(signed) *Geo. Gipps*.

Enclosure in No. 5.

ANNO TERTIO VICTORIÆ REGINÆ.

(No. 16.)

Encl. in No. 5.

BY his Excellency Sir *George Gipps*, Knight, Captain-general and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the advice of the Legislative Council.

An Act to allow the Aboriginal Natives of New South Wales, to be received as competent Witnesses in Criminal Cases.

Preamble.

WHEREAS it is found expedient and necessary for the purposes of justice, and the more effectual prosecution of crimes and misdemeanors, that the evidence of the aboriginal natives of the colony of New South Wales should be receivable in all courts of criminal jurisdiction: and whereas, they have not at present any distinct idea of religion or fixed belief in a future state of rewards and punishments, and therefore cannot be admitted as competent witnesses in any court of law, without the authority of the legislature of the said colony; be it enacted by the Governor of said colony, with the advice of the Legislative Council thereof, that every aboriginal native, or any half-caste native brought up and abiding with any tribe of aboriginal natives of the said colony, shall be permitted to make an affirmation or declaration, to tell the truth, the whole truth, and nothing but the truth, or in such other form as may be approved of by the court, instead of taking an oath, in any criminal proceedings that shall be instituted in said colony; and that the evidence so given shall be of so much weight only as corroborating circumstances may entitle it to; and if any such aboriginal native making such affirmation or declaration, shall be lawfully convicted, wilfully, falsely, and corruptly, to have affirmed or declared any matter or thing which, if the same had been on oath in the usual form, would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of England are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding.

Aboriginal or half-caste Natives to make affirmation or declaration, instead of an oath, in all criminal proceedings. Evidence so given to have such weight only as corroborating circumstances may entitle him to.

Aboriginal natives making false affirmation or declaration, subject to like pains and penalties as for wilful and corrupt perjury.

This Act not to take effect until the same shall have received the Royal Assent.

And be it enacted, that this Act shall not commence or take effect until the same shall have received the Royal approbation, and the notification of such approbation shall have been made by his Excellency the Governor for the time being in "The New South Wales Government Gazette."

Passed the Legislative Council this 8th day of October 1839.

(signed) *George Gipps*, Governor.

(signed) *Wm. Macpherson*, Clerk of Councils.

— No. 6. —

(No. 127.)

EXTRACT of DESPATCH from the Right Honourable Lord *John Russell* to Governor Sir *George Gipps*; dated Downing-street, 11 August 1840.

I HAVE received your despatch, 14 October 1839, No. 137, transmitting Act No. 16, of 1839, "To allow the aboriginal natives of New South Wales to be received as competent witnesses in criminal cases."

Having referred that Act for the consideration of the Attorney and Solicitor General, I enclose a copy of their Report, which will show the motives by which I was induced to advise Her Majesty to disallow that Act.

NEW SOUTH WALES.

No. 6.  
Lord J. Russell to  
Sir George Gipps.  
11 August 1847.

— No. 7. —

(No. 240.)

COPY of a DESPATCH from Lord *Glenelg* to Sir *George Gipps*.

Sir,

Downing-street, 10 November 1838.

I TRANSMIT for your information the copy of a letter addressed to this department, by the Secretary to the Church Missionary Society, bringing to my notice the present circumstances of the mission to the aborigines of New South Wales. I also enclose a copy of the reply which has been made to this communication by my directions.

The circumstances under which this mission was established are stated in a despatch addressed, with its enclosures, by Viscount Goderich to your predecessor, on the 31st December 1831, No. 49, to which I beg to direct your attention.

From my communications to your predecessor, you will perceive the importance which I attach to the civilization and moral improvement of the aborigines, and I am persuaded you would yourself be most unwilling, except in a case of the most urgent exigency, to run the risk of marrying one of the few efforts that are in operation to atone to that injured race for the wrongs which we have inflicted on them.

I have further to request that you will prepare and transmit to this department, with the least possible delay, a report on the whole subject connected with the mission.

I have, &c.  
(signed) *Glenelg*.

No. 7.  
Lord Glenelg to  
Sir George Gipps.  
10 Nov. 1838.

31 October 1838.

Enclosure 1, in No. 7.

My Lord,

Church Missionary House, 31 October 1838.

Encl. 1, in No. 7.

I AM directed by the Committee of the Church Missionary Society to beg your Lordship's attention to the present circumstances of the mission to the aborigines of New Holland.

This mission, as your lordship is aware, was undertaken at the instance of your Lordship's predecessor in the Colonial Office, Sir George Murray. At the period when this matter was in negotiation with Sir George Murray, the committee inquired whether they might expect the aid of his Majesty's Government in the extension of the mission, should its progress prove satisfactory, and they were informed in reply, in a letter from Mr. Horace Twiss, 18th February 1830, "That the conversion of the aborigines of New Holland to Christianity, and the introduction of civilization among them was regarded by his Majesty's Government as an object of so much importance, that there was no probability that any undertaking which held out a fair prospect of success would be permitted to languish from the want of additional pecuniary aid." Under this arrangement the committee entered on the undertaking. Two missionaries were engaged for the mission and sent out. Wellington Valley was fixed upon for their location, and they entered on their labours there in October 1832. Five annual reports have been successively made by the missionaries to his Excellency the Governor of New South Wales, detailing the progress of the mission. That for 1834 exhibited such favourable results that the committee submitted its then state to your Lordship's consideration, in a letter under date of 17th December 1836, and solicited additional assistance in order to its extension and increased efficiency. This application embraced two points: 1. The grant to the society, on behalf of the aborigines, of a tract of land around the station in Wellington Valley, on terms to secure it in perpetuity to the promotion of the moral and religious improvement of the aboriginal population; and, 2d, an addition to the pecuniary grant. Your Lordship's reply was communicated by Mr. James Stephen, 30th June 1836, in which he stated that, "your Lordship would forthwith communicate with the Governor of New South Wales and instruct him to secure to the society for the purposes of

NEW SOUTH  
WALES.

Encl. 1, in No. 7.

the mission, the portion of land applied for, unless there should be any objection, which you did not anticipate, to the alienation of such land by the Crown; in which event the Governor would be directed to assign some other portion suitable to the purpose;" and that, "with regard to the application for an increase to the pecuniary grant, you could only promise that you would direct the Governor to bring the subject under the favourable consideration of the Legislative Council." Your Lordship was pleased at the same time to convey, through Mr. Stephen, "the expression of your satisfaction at the favourable report contained in my letters of the success of the mission."

In consequence of these communications an additional missionary, the Rev. James Gunther, was sent out, and he arrived at Wellington Valley in August 1837.

The view of the committee being to derive the means of the gradual extension of the mission from the cultivation of the tract of land which your Lordship had agreed to assign to the society in behalf of the aborigines, an intelligent farmer, Mr. William Porter, was engaged by the committee in prosecution of this design; and he sailed to his destination in February of the present year. An extract from the instructions of the committee to Mr. Porter, fully detailing their views as to the course of his proceeding, was communicated to your Lordship in my letter of 14th February 1838.

Your Lordship will thus perceive that the committee have on their part taken effectual measures for the extension of the mission, in pursuance of the arrangement sanctioned by your Lordship in Mr. Stephen's letter of 30th June 1836, above referred to. It is therefore with much concern that they have learned from their correspondents in New South Wales, not only that no additional pecuniary grant has been made to the mission by the Colonial Government, but that the tract of land at Wellington Valley intended to form the basis of the extension of the mission to the aborigines has not been assigned to the society for that object, in conformity with your Lordship's directions. The committee therefore earnestly solicit your Lordship's interposition to give complete effect to an arrangement not less due to the aborigines of New Holland, demoralized and injured as they have been by the colonial population which we have introduced into their country, on grounds of justice, than of humanity and religion.

The committee are also impelled strongly to press the claims of this mission on your Lordship's notice, on the ground of the favourable views of its progress contained in the Fifth Annual Report of the Missionaries for 1837, which has just reached them. The committee request your Lordship's attention to the following passages extracted from that Report:

"The missionaries, in presenting this their Fifth Annual Report, are happy to state that their prospects of success among the aboriginal natives are gradually becoming brighter, and that the progress made by the natives during the past year, in the respective departments of instruction, civilization, &c. afford abundant encouragement for perseverance.

"Six children have been added to the mission family during the past year, given by their parents wild from the bush; three of whom, averaging about seven years of age, have in the course of nine months, become able to read the Holy Scriptures as well as the Book of Common Prayer, and to find the Lessons, Psalms, Hymns, &c. The order and regularity with which they respond, their singing, and indeed their whole behaviour at Divine service, presents a most pleasing and interesting spectacle, especially when contrasted with their early, wild, heathen habits. It is a circumstance as pleasing as it is remarkable, that all the children taught to read at the Mission-house, are much attached to books, consider it a severe punishment to be deprived of them, and esteem the present of a new one to almost anything else. While they are learning the alphabet and to spell, they feel no interest, and the work of instruction is tedious to both teacher and pupil; but when they have overcome these preliminary difficulties, and are able to read so as to understand, their attention becomes excited; they begin to feel a pleasure in the employment, and appear to be never wearied with it. The aboriginal natives are indeed capable of attaining to the knowledge of anything in which they may be instructed. Several respectable gentlemen who have at various times visited the mission, have expressed their gratification and surprise at what has already been effected amongst these heathen children.

"There is, perhaps, amongst no aboriginal females a more general willingness to be instructed than is found amongst these; and it is a most affecting circumstance, that on account of the inefficiency of the means forthcoming for the support of the mission, a more eligible system than the present one could not hitherto be adopted for bringing them into a closer and a more intimate connexion with the female members of the mission, by whose constant care and instruction, under the Divine blessing, there is no doubt they would become faithful wives, tender mothers, and useful members of society. It is, however, a lamentable fact, that those who are under instruction, but sleep at the camp, can scarcely go a short distance, to fish, &c., without being drawn into evil by Europeans, who sometimes prevail upon them to accompany them to their huts, and remain with them for the night. The following morning the females have been so ashamed as, on that account, to absent themselves from the means and place of instruction.

"As no extensive good could be expected to result from instruction, unless communicated through the medium of the natives' own language, the missionary has ever considered the attainment of it as one of the first and most important duties, and to which he has endeavoured to devote as much of his time and attention as his circumstances would allow. Accordingly there have been, during the past year (including the revision of former attempts), translated into the aboriginal language, the first nine chapters of the book of Genesis, the whole of St. John's Gospel, the first nine chapters of the Acts of the Apostles, and most of the



the Liturgy of the Church of England. A portion of these translations is regularly read with the natives in Divine Service, and which they all profess to understand.

"During the past year many of the natives have been usefully employed in various departments of labour, as threshing, tending sheep and cattle, fetching wood and water with the dray, ploughing, working in the garden, &c. In the harvest season, more than 20 were employed in reaping, loading, stacking, &c.

"There are, generally, on the mission, not fewer than 50 or 60, frequently 80, and occasionally upwards of 100 aboriginal natives. A disposition to locate themselves, and to reside with the missionaries, is becoming prevalent among them; several are engaged in building two substantial huts for themselves, each containing a sleeping-room and a room for cooking. One of the huts measures 27 feet by 12, and the other 25 feet by 12, without the chimnies, which are erected outside the buildings. The cutting the wood, splitting the slabs, and the whole erection of them, is done by themselves, except a little assistance in fixing the roof."

The injurious and devastating effects on the aborigines by the progress of European colonization, developed in the following passage of the report, will, the committee are confident, deeply impress your Lordship's mind:

"Had the missionaries to labour among the aborigines apart from the influence of such an European population as is everywhere in the interior planted among them, or had the aboriginal natives those resources which they possessed when they were the sole proprietors of the soil, the mission would have few difficulties to encounter, and the annual expenditure would be comparatively trifling. But it is a well-known fact, that wherever Europeans have been located for any length of time, the natural resources of the aborigines for food are in a great measure cut off; hence these houseless wanderers are seldom found living in the bush, except when on a fighting expedition, &c., but generally in the immediate neighbourhood of Europeans. The dialect spoken by the aborigines at Wellington Valley is spoken by natives over a tract of country not less than 200 miles by 150 miles. The natives scattered over this wide range constitute the spiritual charge of the missionaries at Wellington Valley: mingling with these natives, there are perhaps not fewer than 2,000 Europeans. Every overseer must know, and few gentlemen, who either live on their establishment in the interior or occasionally visit them so situated, cannot but know how very generally the Europeans take the native females in their places of abode, and make them the partners of their vicious conduct. To what indeed but to such a system of iniquity, and to the, it is to be believed, frequent murders of half-caste infants is to be attributed the gradual diminution of the aborigines wherever Europeans have been located?"

It hence appears that the progress of colonization operates with disastrous potency on the aborigines, by exhausting the supply of native food previously to be found in the bush, and by drawing them in consequence into that contact with the colonial population which is their bane. The claims, therefore, of this wretched people on the British Government for the adoption of every practicable means for their moral and social melioration rest on the strongest grounds of humanity and justice.

The missionaries add,

"It must appear clearly to all who seriously consider it, that there is nothing but missionary effort to save these wretchedly corrupted natives from becoming extinct; but missionary effort, if duly supported and properly directed is capable of doing this, and more; it will, under the Divine blessing, raise them to a level with civilized nations, and elevate them to the standard and enjoyment of true believers in Jesus Christ."

The committee, therefore, earnestly appeal to your Lordship for that authoritative interposition in furtherance of the mission, which may, under the Divine blessing, render it as extensively influential as possible in bringing aborigines under the influence of Christianity, and of thus repairing, so far as reparation is in our power, the wrongs inflicted by the course of our colonial policy.

There is another proceeding on the part of the colonial government affecting the mission to the aborigines, which I am directed by the committee to bring under your Lordship's notice. It is the formation of a police and post-office establishment at Wellington Valley, in the very centre of the mission. The local government were probably led to fix on Wellington Valley for the police establishment in question, in consequence of the building there being the property of government. The committee, however, are persuaded that neither this consideration, nor even graver ones, if such there be, will, in your Lordship's judgment, sanction a proceeding which the committee are led to believe would most seriously interfere with, if not wholly frustrate, the object of the mission,—the religious and social improvement of the aborigines. In saying this, however, the committee do not suppose that anything injurious to the interests of the mission was intended by this arrangement. On the contrary, they have reason to believe that his Excellency the Governor is anxious to carry it into effect with every practicable regard to the advancement of the mission. The committee, however, are convinced from the information before them, that a police establishment, however guarded in its arrangement, is incompatible with the beneficial working of the mission. In confirmation of this view of the case the committee enclose for your Lordship's information a copy of a letter from the Rev. W. Watson, one of the missionaries, to the Rev. W. Cowper, secretary of the Corresponding Committee of the Church Missionary Society in New South Wales, explaining their reasons for anticipating the most disastrous effects to the mission from the police establishment. In that letter Mr. Watson states:

"From the most painful experience the missionaries are led to believe that in the event

NEW SOUTH  
WALES.

Encl. 1, in No. 7.

of the plan proposed becoming established, the mission will be eventually broken up, and the aboriginal natives, left as an easy prey to wicked Europeans, must soon become extinct. The evening before the first court-day at Wellington Valley, a number of the mounted police brought in a man to be tried, and had not been more than three or four hours on the settlement before one of them was detected by the Rev. W. Watson attempting to decoy one of the aboriginal females from the camp. On a court-day, Mrs. Watson happened to look out from her room window, when she beheld a man strip of his shirt, bound to a post, and the scourger just about to commence punishing the prisoner. The sight was too much for her feelings; she fainted, and it was a considerable time before she was restored. On the first Sunday that the mail left Wellington Valley, as soon as service at the church was closed, the aboriginal native pointed to the post-office clerk (who had his fowling-piece shooting ducks), opposite the mission-house, saying, 'There is white fellow, white fellow shoot on Sunday.'

These facts occurring at the very commencement of the location in the mission of a police and post-office establishment, occurring, too, when the operations of those establishments were of a limited extent, and carried on under the present influence of recent orders to shape their proceedings with due regard to the welfare of the mission, renders their ultimate effects on the mission too clear to admit of doubt or question.

So deeply convinced are the missionaries of the necessarily injurious effects on the mission of the police establishment especially, that in a letter to Mr. Cowper, 3d March 1838, written immediately after they were informed of what was in contemplation, they thus expressed themselves: "If the colonial government persevere in forming a civil establishment on the mission, and the British Government confirm that procedure, this mission at once will be destroyed."

The missionaries also thus express themselves in a letter to the Colonial Secretary, under date of 12th March 1838:

"That the missionaries feel it their duty to submit to his Excellency the Acting Governor that should the proposed plan be consummated and confirmed by the British Government, they could no longer remain in their connexion with Government as missionaries, when, after having been located, not by their own individual choice, but by his Excellency the Governor, and having faithfully discharged their arduous duties for five years, means are adopted, calculated in their nature and consequences to destroy all hopes of evangelization of the aboriginal natives, for which specific purpose the missionaries were appointed to this country; and the land was given, it cannot but be presumed, with the express design and intention, that, undisturbed by European influence, a fair opportunity might be afforded for training the aboriginal natives to habits of industry, and teaching them the great truths of the Christian religion."

The committee, therefore, most earnestly importune your Lordship to adopt measures for the speedy removal from the mission land of the establishments in question, and for securing the mission against being hereafter interrupted or retarded in its proceedings by having them broken in upon by measures of general colonial administration.

I have, &amp;c.

Right hon. Lord Glenelg,  
&c. &c. &c.(signed) D. Coates,  
Sec. C. M. Society.

Rev. Sir,

Sydney, 28 April 1838.

IN accordance with your request, I endeavour to state the reasons which influence the missionaries in expostulating on the formation of a police station and post-office on the mission land at Wellington Valley. It cannot but be remembered by you that, in the year 1829 or 1830, the Honourable the Secretary for the Colonies applied to the Church Missionary Society in England for two clergymen to officiate as missionaries to the aboriginal natives of New Holland; for which purpose an annual grant of 500 L. would be supplied from the colonial revenue of New South Wales, and a portion of land afforded for the location of the missionaries, on which they should endeavour to train the aboriginal natives in the art of agriculture, &c., as well as to make them acquainted with the truths of our holy religion.

For the purpose of being employed in this undertaking, the Rev. William Watson, a clergyman in English orders, and the Rev. J. S. C. Handt, a clergyman in Lutheran orders, were specifically engaged by the committee of the Church Missionary Society in London. On the arrival of the missionaries in New South Wales, they learnt that Wellington Valley, formerly a penal settlement, had been reserved by order of His Excellency Sir Ralph Darling, as the scene of their missionary labours. To that place they were accordingly directed to proceed by his Excellency Sir Richard Bourke, who, to prevent the missionaries from being annoyed by any of the settlers in the neighbourhood of the mission, directed that boundaries of the mission land should be published in the Government Gazette. Indeed, such appears to have been the assurance in the mind of his late Excellency, that the 10,000 acres of land devoted to missionary purposes (by order of the Honourable the Secretary for the Colonies), should not be otherwise disposed of, that when application was made by Messrs. Raymond and Mocatto for a detachment of mounted police to be stationed in the neighbourhood, Sir Richard Bourke gave express direction that they must not be stationed on the mission land, or be permitted to interfere in the least with the mission.

This letter has not  
been forwarded to  
the committee.

That Sir Richard Bourke considered the land at Wellington Valley sacred to missionary purposes, appears by the accompanying letter, forwarded by order of his Excellency from the Colonial Secretary's office, February 27, 1837. The committee of the Church Missionary Society, it is presumed, never anticipated or requested that the land at Wellington Valley should

should be granted for any other purpose than as a field of missionary effort among the aboriginal natives, and as affording facilities for supporting them on the mission. The missionaries entered on their confessedly arduous undertaking without any promise, prospect, or desire of becoming possessors of the land, otherwise than using it for missionary purposes. In the prosecution of the work assigned them, the missionaries have laboured indefatigably for five years, devoting their whole time, talents, and strength to the improvement of the aboriginal natives; and amidst unparalleled difficulties, arising from the depraved habits of Europeans, there are not wanting evidences of success. Many of the aboriginal natives have been taught to read the Holy Scriptures, to cultivate the ground, to erect houses for themselves, &c.; and, indeed, notwithstanding the obstacles which have been in the way of its improvement, it has advanced and prospered beyond the experience of any other Christian mission among savage tribes, in the same space of time.

It is humbly submitted that the land of Wellington Valley was afforded for missionary purposes, on the same tenure as the land at Lake Macquarie was to the London Missionary Society in 1825 or 1826; that is, so long as missionary occupations are being prosecuted with zeal and diligence, and those operations, accompanied with a proportionable measure of success, the land is sacred to missionary purposes, and that to convert it, or any part of it to the formation of a post-office or a police establishment, is at variance with the design of the Honourable the Secretary for the Colonies, as well as with all the proceedings of his Excellency the late Governor in reference to the land in connexion with the mission. From the most painful experience, the missionaries are led to believe that, in the event of the plan proposed becoming established, the mission will be eventually broken up, and the aboriginal natives, left as an easy prey to wicked Europeans, must soon become extinct. The evening before the first court-day at Wellington Valley, a number of the mounted police brought in a man to be tried, and had not been more than three or four hours on the settlement before one of them was detected by the Rev. Mr. Watson attempting to decoy one of the aboriginal females from the camp. On a court-day, Mrs. Watson happened to look out from her room window, when she beheld a man stripped of his shirt bound to a post, and the scourger just about to commence punishing the prisoner. The sight was too much for her feelings; she fainted, and it was a considerable time before she was restored. On the first Sunday that the mail left Wellington Valley, as soon as service at the church was closed, the aboriginal natives pointed to the post-office clerk, who had his fowling-piece, shooting ducks, opposite the mission-house, saying, "There is white fellow; white fellow shoot on Sunday." As the missionaries have but one object and aim in the prosecution of their labours, namely, the civilization and evangelization of the aboriginal natives, and as they were induced to believe that, in the prosecution of this their work they would be afforded every facility, support, and encouragement from the Colonial Government of New South Wales, they consider that they would not be performing their duty to the British Government, to the Colonial Government, or to the aboriginal natives, were they to omit a full and candid statement of their reasons for not acquiescing in the plan of forming an establishment on the site of the mission, which would tend to destroy what the missionaries, at considerable anxiety and labour, have for five years been striving to effect, whilst they would humbly and respectfully state that they have reason to believe that his Excellency the Acting Governor was led to form those plans on representations neither fair nor candid.

Hoping that these remarks will be favourably received, and not doubting that they will meet with the candid consideration of his Excellency the Governor,

Rev. W. Cowper.

I am, &c.  
(signed) W. Watson.

Enclosure 2, in No. 7.

Sir,  
I AM directed by Lord Glenelg to acknowledge the receipt of your letter of the 31st ultimo, bringing to his Lordship's attention the present circumstances of the mission to the aborigines of New Holland. I am to request that you will express to the committee of the Church Missionary Society Lord Glenelg's regret that their missionaries in New South Wales did not take the precaution of placing in the hands of the Governor of the colony a copy of the representations which they have transmitted to the society in this country. Had that course been pursued, his Lordship would probably have been in possession by this time of the Governor's explanations, which might have enabled him to adopt a final decision on the case without the inconvenience and delay of referring to so very remote a quarter of the globe for official information on the subject.

Lord Glenelg has, however, directed the Governor to prepare and transmit, with the least possible delay, a report on the whole subject, and has also directed his attention to the instructions which have already been addressed to his predecessor in the government of New South Wales.

Dandeson Coates, Esq.

I have, &c.  
(signed) G. Grey.

Sir,  
I BEG to acknowledge your letter of the 10th instant respecting the mission to the aborigines of New Holland; and in reference to that part of it in which you express Lord Glenelg's regret that the missionaries of the Church Missionary Society in New South Wales did not

NEW SOUTH  
WALES.

Encl. 2. in No. 7.

take the precaution of placing in the hands of the Governor of New South Wales a copy of the representations which they have transmitted to the committee concerning the location of certain civil establishments on the mission land at Wellington Valley, I beg to state that a letter on the subject was addressed by the missionaries to E. D. Thompson, Esq., Colonial Secretary, March 12, 1838, an extract of which was copied in my letter to Lord Glenelg of the 31st ultimo. I now enclose a copy of the entire letter for Lord Glenelg's information, which would have accompanied my last letter, had I not supposed that it had reached Lord Glenelg from his Excellency the Governor of New South Wales.

Sir George Grey, Bart, M.P.  
&c. &c. &c.

I have, &c.  
(signed) D. Coates,  
Sec. C. M. S.

Sir,

Mission House, Wellington Valley, 12 March 1838.

We have the honour to acknowledge the receipt (yesterday) of your letter of the 23d ult., the subject of which filled our minds with the deepest sorrow. With all humility and respect we beg to submit the following observations to the serious consideration of his Excellency the Acting Governor.

That this mission was undertaken at the instance of the British Government, with the understanding that every protection to the missionaries, and every facility for prosecuting their labours among the aboriginal natives, would be afforded by the colonial government of New South Wales; in accordance with which his Excellency Sir Richard Bourke located the missionaries at Wellington Valley, gazetted the boundaries of the mission land, gave over the buildings on the establishment to the use of the missionaries, and appointed that a non-commissioned officer and six married privates should be stationed in connexion with the missionaries for their personal safety.

That the expenditure of the mission (from the circumstance of every article necessary for its commencement and establishment having to be procured out of the annuity of 500*l.*) has been hitherto so heavy as, it would seem, to prevent the Corresponding Committee of the Church Missionary Society applying for such lay labourers as were requisite to place the mission on an efficient plan, in which case the public buildings would have been in requisition, and long ere this would have been available for missionary purposes. The inadequacy of the means for founding the mission on a proper and efficient basis, while it has thrown the entire management of secular affairs of the mission on the clergymen has also greatly retarded the progress of the mission; but two respectable families for the management of the secular affairs of the mission being daily expected, and other arrangements having been fixed on, the whole of the buildings will be required for missionary purposes.

That there are generally 50 or 60 natives, and frequently 80, resident on the mission, all of whom are supported by the mission, brought under instruction, some of whom, it is believed, when arrangements can be made for that purpose, will erect huts, locate themselves in the immediate vicinity of the mission premises, and cultivate the ground for their own support.

That the missionaries, aware of the inadequacy of the means provided for prosecuting the mission, have hitherto submitted to receive as salary only 60*l.* per annum and a weekly ration, the same quantities as are allowed to Government assigned servants, have studied and observed the most rigid economy in every department of expenditure; and while they thus cannot charge themselves with any neglect of duty, they humbly submit that they have not in any respect forfeited their claim to those facilities from the colonial government in the prosecution of their duties on which they in the first instance were induced to place considerable dependence.

That the vast influx of Europeans on the banks of the Macquarie which has been made during the last two years and is continually being made, while it has a direct tendency to destroy the natural resources of the aboriginal natives for food, places them at every turn in the midst of temptations to those practices which are almost universal on the establishments in the interior, and which cannot fail (unless some strenuous counteractive efforts be made), ultimately to lead to the total extinction of the aboriginal natives, as is already the case with some of their tribes.

That it is not to be doubted that his Excellency the Acting Governor will see the absolute necessity for the aboriginal natives to have the mission establishment at Wellington Valley as a quiet and peaceable retreat, where they can be under religious instruction, and at the same time free from those snares which Europeans lay for them in every direction. Nor indeed can it be supposed that when a faithful representation of the great aggravated and daily increasing injuries inflicted on the unoffending aborigines by merciless Europeans shall be made to Her Majesty's Government, the missionaries and their flock will be protected at the station appointed to them by the Government from the intrusion of those whose influence would be injurious.

That in the year 1835, two gentlemen who have an estate in the immediate vicinity of the mission, requested permission to occupy one of the old buildings while their own house was being erected. This request was not granted in the first instance, on the ground that the servants would undoubtedly be an annoyance to the mission, by having intercourse with the female natives; but when it was expressly stated that the time would be short, only a few months, and that only one servant would be on the premises, the liberty was granted. The short time has extended to nearly three years, and the one servant increased to a dozen; and the missionaries have been continually annoyed by their intercourse with the female natives.

NEW SOUTH WALES.

natives. The same has occurred with the (only) servant of a respectable surgeon, who requested to be allowed to remain in one of the old buildings till he should have made arrangements with J. B. Montefiore, Esq., for a settlement on his estate. Indeed no mission among the aborigines of New Holland has any prospect of success unless entirely secluded from intercourse with Europeans.

Encl. 2, in No. 7.

These remarks are most humbly and most respectfully submitted to the consideration of his Excellency the Acting Governor, by the missionaries, who cannot but most deeply regret that the Colonial Government should have entertained views of introducing a penal institution into the very centre of a christian mission, the direct tendency of which will be to destroy the labours of the missionaries, and to render future exertions in that place of no avail.

That the missionaries feel it their duty to submit to his Excellency the Acting Governor, that should the proposed plan be consummated and confirmed by the British Government, they could no longer remain in their connexion with Government as missionaries; when, after having been located, not by their own individual choice, but by his Excellency the Governor, and having faithfully discharged their arduous duties for five years, means are adopted calculated in their nature and consequences to destroy all hopes of evangelization of the aboriginal natives, for which specific purpose the missionaries were appointed to this country, and the land was given, it cannot but be presumed, with the express design and intention that, undisturbed by European influence, a fair opportunity might be afforded for training the aboriginal natives to habits of industry, and teaching them the great truths of the Christian religion.

(signed) *J. Watson,*  
*G. Gunther,* } Missionaries.

— No. 8. —

(No. 60.)

COPY of a DESPATCH from Governor Sir *Geo. Gipps* to Lord *J. Russell*.

No. 8.  
Sir George Gipps  
to Lord J. Russell.  
7 May 1840.

My Lord,

Government House, Sydney, 7 May 1840.

I REGRET very much that circumstances have prevented my replying until now to the despatch, No. 240, from Lord Glenelg, dated the 10th November 1838, in which I was desired to report on the state of the mission to the aborigines at Wellington Valley, in consequence of a representation which had been made to his Lordship by the Church Missionary Society, that the government of New South Wales was about to establish a police force at the mission, which the missionaries apprehended would be injurious to their labours.

I have now the honour to forward to your Lordship copies of the minutes of proceedings which have been had before myself and my Executive Council, on the subject of the mission, and appended to them are copies of the evidence taken before us; the result of which has been, as your Lordship will perceive, the abandonment of the intention of keeping a police force at the mission, and the determination to remove it, as soon as circumstances will permit, to a new township or village, which is to be laid out at the distance of about nine miles from the residence of the missionaries. I beg, however, distinctly to state to your Lordship, that I have acquiesced in this arrangement rather out of deference to the wishes of the Church Missionary Society, than from any idea that the presence of a few constables, under the superintendence of a magistrate who is a married man, would be injurious to the mission; and your Lordship will probably concur in this opinion, when I state, that a party of soldiers under the command of a non-commissioned officer had previously been quartered there, ever since the mission was established, and that the missionaries had further granted permission to two unmarried settlers, with their convict servants, to reside on the premises.

Nos. 10, 12, 13,  
18, 25, of 1839.

Your Lordship will observe, that the evidence before the Council gives a very unfavourable account of the state of the mission; and that a report of it, hardly less discouraging, is contained in a letter from the Rev. Richard Taylor, who is himself a missionary, to the Rev. Wm. Cowper, the secretary to the local committee of the Church Missionary Society at Sydney. I regret to be forced to say, that in my opinion, notwithstanding the statements in their annual reports, alluded to in Mr. Coates' letter to Lord Glenelg of the 31st October 1838, the mission has as yet done little good in the colony, and I doubt whether much is to be expected from it; though certainly its chances of success would be improved, by the withdrawal (which has been recommended by the local committee) of one of the missionaries.

See Encl. A. 1.  
to Minute No. 18,  
(1839), p. 45, of  
the accompanying  
Appendix.

NEW SOUTH  
WALES.

When the mission was first established, Wellington Valley was at the extreme verge of the European settlements in the colony, but during the last few years grazing stations have been advanced so far beyond it, that it is now on the high road to a district very extensively occupied by settlers; and as the road passes through the centre of the missionary land, and close by their buildings, the mission has become a regular halting place for travellers; and such it must remain, even after the police station is removed to the new village about to be formed.

I regret that under these circumstances I cannot take upon myself to advocate, with your Lordship, any extension of the pecuniary grant now annually made by this Government to the mission, especially as in the case of other missions, namely, that of the Wesleyans at Port Phillip, and that of the Lutherans at Moreton Bay, one half of their expenses is defrayed by the societies to which they belong; whilst, as far as I am informed, the Church Missionary Society has only within the last year been called upon to contribute anything to the support of the mission at Wellington Valley.

I beg to assure your Lordship, that there is no subject to which my attention has been more anxiously directed, than that of the protection and civilization of the aborigines of this country; and, in a separate despatch, I propose to bring under your Lordship's notice some documents explanatory of the measures which have recently been adopted for this purpose.

I have, &c.  
(signed) *Geo. Gipps.*

Enclosure in No. 8.

NEW SOUTH WALES.

Encl. in No. 8. PROCEEDINGS of the Executive Council, in reference to a Despatch from the Right Honourable Lord *Glenelg*, dated 10th November 1838 (No. 240), relating to the Aboriginal Mission at *Wellington Valley*, and their Complaint in regard to the establishment there of a Police Station and Post-office.

EXTRACT from MINUTE No. 10 of the Year 1839, dated 9 April 1839.

Present:—His Excellency the Governor; his Excellency Major-general Sir Maurice Charles O'Connell, K. C. H.; and the Honourable the Colonial Secretary.

HIS Excellency the Governor laid before the Council a despatch from the Right Honourable Lord *Glenelg*, dated 10th November 1838 (No. 240), transmitting a copy of a letter, dated 31st October 1838, addressed to his Lordship by the secretary of the Church Missionary Society, bringing under his Lordship's notice the present circumstances of the mission to the aborigines of New South Wales, particularly in reference to the police station and post-office which had been recently established at *Wellington Valley*, to the serious injury, as alleged, of the missionary establishment there, accompanied by a number of letters which had been addressed to the colonial government by the corresponding committee in this colony of the society abovementioned, and other persons, relative to the subject in question.

His Excellency the Governor being desirous to afford time to the members for the perusal and deliberate examination of these papers, the further consideration of the subject was deferred.

Appendix to Minute, No. 39/10. See annexed List, referring to B. 1, 2, & 3, pp. 35, 36. See also B. 4, 5, pp. 37, 38.

EXTRACT from MINUTE No. 12 of the Year 1839, dated 17 April 1839.

Present:—As before, with the addition of the Right Reverend the Lord Bishop of Australia.

WITH reference to the proceedings on the 9th instant, relative to the Secretary of State's despatch on the subject of the aboriginal mission at *Wellington Valley*, and their complaint in regard to the establishment there of a police station and post-office, his Excellency the Governor informed the Council that he had directed the attendance to be requested of the Reverend William Cowper, one of the members of the corresponding committee of the Church Missionary Society, and also of Henry Fysche Gisbourne, esq. late police magistrate at *Wellington Valley*, for the purpose of affording information on the subject to the Council; these gentlemen were then severally introduced and examined, and their evidence will be found in the Appendix. The further consideration of the subject was deferred.

Appendix to Minute, No. 39/12, A. 1, 2, pp. 39, 40.

EXTRACT from MINUTE No. 13 of the Year 1839, dated 19 April 1839.

Present:—As on last Occasion.

HIS Excellency the Governor laid before the Council a copy of the annual report of the mission to the aborigines at *Wellington Valley* for the year 1838; and with reference to the proceedings of the Council on the 17th instant, stated that Mr. John Maughan, whose name

Appendix to Minute, No. 39/13, A. 1, 2, pp. 42, 43.

name had been alluded to by the gentlemen previously examined, and Charles Wray Finch, esq., a magistrate residing in the neighbourhood of Wellington Valley, would to-day appear before the Council for the purpose of affording further information on the subject of the mission abovementioned: those gentlemen being then severally introduced, were examined, and their evidence will be found in the Appendix.

The Council are of opinion that the further consideration of the subject should be deferred, and that the attendance of the gentlemen composing the mission should be requested.

NEW SOUTH WALES.

Encl. in No. 8.

Appendix to Minute, No. 39/13, A. 3, 4, pp. 43-45.

EXTRACT from MINUTE No. 18 of the Year 1839, dated 28 May 1839.

Present:—As on last Occasion.

His Excellency the Governor, with reference to the proceedings on the 17th and 19th ultimo, relative to the mission to the aborigines at Wellington Valley, laid before the Council a copy of a letter, addressed to the Rev. William Cowper by the Rev. Richard Taylor, dated the 6th of February last, giving an account of the opinion which, upon a recent visit to the mission, he had formed of its condition and prospects, which he represents as not being very satisfactory in respect to any perceptible improvement in the religious and moral or social habits of the adult black population.

Appendix to Minute, No. 39/18, A. 1, p. 45, 46.

His Excellency likewise laid before the Council a plan or design for a town which had been proposed to be established at the junction of the Bell River with the Macquarie, at the distance of about two miles from the missionary station, accompanied by the deputy surveyor-general's letter of the 21st of March 1839 (No. 39/113), transmitting the same.

Appendix to Minute, No. 39/18, A. 2, p. 47.

His Excellency also stated that the Rev. William Watson had arrived, and was in attendance; being introduced, he was examined, and his evidence will be found in the Appendix.

Appendix to Minute, No. 39/18, A. 3, p. 47.

The Council having carefully considered the whole subject, and particularly the opinions expressed by Mr. Maughan and Mr. Watson, that there is a very suitable situation for the site of a town, at a place known by the native name of Nuria or Newry, upon the banks of the Bell River, at the distance of about six or seven miles from the missionary station, they recommend that the deputy surveyor-general be directed to cause a survey to be made of the place alluded to, and of the surrounding neighbourhood within limits not exceeding eight miles from the missionary station, nor less than three miles, and to report particularly on the respective advantages and disadvantages of the place in question, or of any other which may be deemed more favourable, as compared with the site which has been proposed at the junction of the Bell River with the Macquarie.

EXTRACT from MINUTE No. 25 of the Year 1839, dated 22 August 1839.

Present:—As on last Occasion.

His Excellency the Governor, with reference to the proceedings on the 9th, 17th, and 19th of April last, and 28th of May, in regard to the selection of such a site for a town or village at Wellington Valley, or in the adjacent district, as not unnecessarily to encroach upon the aboriginal missionary station there, now laid before the Council a letter from the deputy surveyor-general, dated 13th instant, (No. 39/362) reporting that the ground at Newry (the place which was recommended by Mr. Maughan, and the Rev. Mr. Watson) has been examined, and found to be suitable for a village; but neither is the inclination of the land so well adapted as that at the confluence of the Bell with the Macquarie River, nor is the site so central; that the country about the lower or eastern road to Wellington has also been examined; but is found to be badly watered, and no suitable place for a village has been discovered. A letter (dated 22d July 1839) from the police magistrate, Mr. W. Warre Barrow, is confirmatory of the above-mentioned report.

Appendix to Minute, No. 39/25, A. 1, p. 49.

The Council are of opinion that in order to leave the missionaries at Wellington Valley in the exclusive possession of the ground there hitherto occupied by them, as the land at Newry is represented as being not ineligible for the site of a village, they recommend that that situation should be fixed upon, and the police establishment removed to it from Wellington as soon as circumstances will permit.

Appendix to Minute, No. 39/25, Letter from Rev. Wm. Cowper to the Colonial Secretary, dated 23 July 1839, and from Mr. Barrow, A. 2, 3, pp. 49, 50.

(True extracts.)

Council Chamber, Sydney,  
6 April 1840.

(signed) Wm. Macpherson,  
Clerk of Councils.

A copy of a letter from the Rev. William Cowper to the Colonial Secretary (see page 50), dated 28th August 1839, is herewith transmitted, as being connected with these proceedings, although received too late to be laid before the Council at their last meeting on this business, 22d August 1839.

(signed) Wm. Macpherson.

MINUTE, No. 39/10, B. 3.

LIST of Papers relating to the Aboriginal Mission at Wellington Valley, laid by His Excellency the Governor before the Executive Council, 9 April 1839.

B. 1. A DESPATCH from the Right honourable Lord Glenelg to his Excellency Governor Sir George Gipps, dated 10th November 1838, No. 240, with its enclosures, being copies of:

1. Letter from D. Coates, esq., secretary to the Church Missionary Society to Lord Glenelg, dated 31st October 1838.

627.

F 2

2. Letter

NEW SOUTH  
WALES.

Encl. in No. 7.

2. Letter from Rev. William Watson for self and Rev. J. Gunther to Rev. William Cowper, dated Sydney, 28th April 1838.

3. Letter from Sir George Grey to D. Coates, esq., dated 10th November 1838.

B. 2. A despatch from the Right honourable Lord Viscount Goderich to Major-general Bourke, dated 21st December 1831, No. 49, with its enclosures, being copies of:

1. Letter from D. Coates, esq., to Horace Twiss, esq., dated 1st January 1830.

2. Mr. Twiss's reply, dated 18th February 1830.

3. Letter from R. W. Hay, esq., to Mr. Coates, dated 20th November 1830.

4. Mr. Coates's reply, dated 30th November 1830.

5. Letter from Mr. Coates to Viscount Howick, dated 11th October 1831, with copy of instructions from the Church Missionary Society to Rev. William Watson and Mrs. Watson, on their proceeding to New South Wales, dated 7th October 1831.

B. 3. Copies of the letters and other papers under this mark, laid before the Council and enumerated in the following list have not been made, but the abstract given is believed to contain all that is essential in them, and all that appears to be necessary, when accompanied by the evidence given by the persons examined before the Council, and the other papers of which copies are herewith transmitted:

1. Letter from the Rev. Richard Hill, secretary to the corresponding committee in New South Wales of the Church Missionary Society, to the Colonial Secretary, dated Sydney, November 1833, transmitting extract from letter from Rev. William Watson, dated 4th November 1833, pointing out natural boundaries for the land which the missionaries wish to occupy. On this letter is minuted as "the Governor's (Sir Richard Bourke's) decision," "It is understood that the missionaries are merely allowed the occupation of the land during pleasure, to prevent intrusion near their habitation to the prejudice of the objects of the mission."

2. Letter from the surveyor-general to the Colonial Secretary, dated 17th December 1833 (No. 33/845), containing a more perfect description of the land abovementioned, viz. Commencing at the confluence of the Rivers Bell and Macquarie, and bounded on the north and east by the River Macquarie, until it turns to the east at a point about two miles south-east of Wellington station; on the south-east by the hills to Welbong Caves, and on the west by the hills about a mile west of the Bell to the confluence aforesaid."

3. Letter from John Kinchela, jun., esq., police magistrate at Bathurst, to Rev. William Watson, dated 30th November 1837, asking whether two of the range of government buildings at Wellington (partly occupied by the missionaries) could be conveniently spared to be occupied as a lock-up and constables' dwelling, and as an hospital.

4. Memorandum from the Colonial Secretary to His Excellency the Acting Governor, Colonel Kenneth Snodgrass, stating that "the police magistrate of Bathurst suggests that Wellington should be notified as a place for holding petty sessions."—Approved 20th February. (signed) K. S.

5. Letter from Rev. William Watson to John Kinchela, jun., esq., dated 2d March 1838, informing him that the corresponding committee of the Church Missionary Society cannot sanction the establishment of a lock-up and an hospital at Wellington, as the evil influence of a European population would increase the difficulty of converting the natives to the Christian faith.

6. Letter from Rev. William Watson and Rev. James Gunther to the Colonial Secretary, dated 12th March 1838, representing the great injury which will be caused to the objects of the mission by the introduction of penal institutions, and the increase of the European population, and respectfully remonstrating against the proposed measures of the Government.

7. Letter from Henry Fysche Gisbourne, esq. (appointed police magistrate at Wellington) to the Colonial Secretary, dated 13th March 1838, respecting constables, and the appropriation of part of the government buildings at Wellington for their use.

8. Letter from ditto to ditto, dated 17th March 1838, urging the necessity of a larger establishment of constables.

9. Letter from deputy surveyor-general to Colonial Secretary, dated 2d April 1838, in answer to inquiries about Mr. Hill's letter (No. 1 of this list).

10. Letter from Rev. William Cowper, Secretary to the corresponding committee of the Church Missionary Society, dated 5th April 1838, requesting that, as part of the buildings are required by the government, those next the river may be repaired and appropriated to the missionaries, and that if Wellington is to be made a police station, the establishment may consist wholly of married persons, favourably disposed towards the mission.

11. Rough sketch or plan of the Government buildings at Wellington, showing their position, &c.

12. Minute by his Excellency the Governor, dated 31st May 1838, suspending further proceedings relative to the permanent establishment of a police station at Wellington Valley, until the return of the Lord Bishop of Australia from Van Diemen's Land.

13. Monthly Report for the district of Wellington, by Mr. Gisbourne, to his Excellency the Governor, dated 10th June 1838; the details in this report in reference to the mission are nearly to the same effect as stated in his evidence before the Council.

14. Letter from Rev. William Watson to H. F. Gisbourne, esq., dated 20th July 1838 (in reply to one from Mr. Gisbourne), stating that, having received the charge of all the Government buildings at Wellington for the use of the missionary establishment, he cannot give up any of them unless duly authorized so to do.

15. Letter



15. Letter from Mr. Gisbourne to his Excellency the Governor, dated 21st July 1838, transmitting Mr. Watson's letter, and requesting that an order may be sent to the missionaries to select a part of the buildings, and deliver up the remainder, with a minute by his Excellency, directing such an order to be sent.

16. Rev. William Watson to Mr. Gisbourne, dated 27th July 1838, apologising for declining a personal interview, detailing grievances the consequence of the arrangements in progress, and requesting that a copy of his letter may be forwarded to the Governor.

17. Letter from Rev. Wm. Cowper to the Colonial Secretary, dated 2d August 1838, in reply to inquiries as to whether the necessary communications had been made to the missionaries respecting the appropriation of (a part of) the buildings at Wellington Valley, and requesting that the police magistrate there may be directed to avoid, as much as possible, doing anything to obstruct the objects of the mission, but rather to assist and co-operate therein as far as in his power, with a minute by his Excellency the Governor, directing the police magistrate to be instructed as requested, and the obligation of giving every assistance to the missionaries urged upon him.

18. Letter from Mr. Gisbourne to his Excellency the Governor, dated 3d August 1838, reporting his arrangements in regard to the appropriation of the buildings, and transmitting a return of the prisoners tried by the bench of magistrates during the month of July, by which it appears that the number of cases was seven; two of the parties were sentenced to corporal punishment, one to imprisonment, and four were discharged.

19. Letter from Mr. Wm. Porter, superintendent of agriculture to the mission, to the Rev. Wm. Cowper, dated 25th August 1838, expressing his dissatisfaction with the house allotted to him, and generally with the establishment of a police station, &c. at Wellington.

Enclosure B. 4, to Minute No. 10 of 1839.

TO His Excellency Sir *George Gipps*, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, &c. &c. &c.

The Humble Petition of the undersigned Magistrates, Landholders, Stockholders, and Residents of the District of Wellington,

Sheweth,

THAT your petitioners, being landholders, stockholders, or otherwise interested in the district of Wellington, beg leave, before proceeding with the prayer of this petition, to tender their thanks to your Excellency for having so promptly carried into effect the measure of your immediate predecessor, by facilitating the establishment of a police force at Wellington Valley, a measure which has effectually secured the peace of the district, and by which your petitioners are enabled to maintain a degree of subordination among their convict and other servants, impossible before.

Before entering more fully into the subject of this petition, your petitioners beg to call your Excellency's attention to the state in which the district of Wellington now is. It is a large and populous district, rapidly advancing in prosperity, with a population gradually extending to the northward and westward, far beyond the boundaries of the colony. The principal thoroughfare to the Macquarie, Talbragar, and Castlereagh Rivers bisects the Wellington district, passing through Wellington Valley, where it crosses the boundary line, from whence it leads to the extensive pastures on the rivers above alluded to, which are now thickly settled, and becoming more so every day. From these statements your Excellency will be aware how great the traffic must be upon this line of road, and what inconvenience travellers and persons attending the police court must be put to by the want of houses of accommodation, not one of which is as yet established within the district of Wellington.

Your petitioners moreover, almost all of whom are owners of establishments or stations in this neighbourhood, have occasionally felt the want of public stores, from which articles necessary upon a farm might be procured, without the trouble, delay, and expense of sending a distance of one, or in some cases even 200 miles to Bathurst, the nearest township where their wants can be supplied.

Your petitioners have further to remark, another and a greater evil to which they are exposed, by the distance of the nearest located township from the situation of their properties; In the present scarcity of convict labour, it is necessary to employ many free men, while, under existing circumstances, almost every man has to be hired from Bathurst, to which place, after the expiration of his agreement, he almost always immediately returns; thus a constant move is kept up among the labouring part of the population, tending to engender unsettled habits, pernicious to the men themselves, and extremely detrimental to the interests of your petitioners, which are centred in the permanent prosperity of the district. Before concluding upon this point it may not be improper to notice, that every man who is sent to hospital has to travel to Bathurst, an inconvenience which would have been more severely felt had it not been for the unceasing exertions of Dr. Hathorn, whose valuable aid your petitioners have heard with great regret they are in danger of losing, from his inability to continue a practice which must be both unsatisfactory and comparatively inefficient, without the advantage of an hospital.

As a remedy for these evils, your petitioners beg leave humbly to request that your Excellency will graciously order a township to be laid out in an eligible situation at Wellington

NEW SOUTH  
WALES.

Encl. in No. 8.

Wellington Valley, a place your petitioners venture to name, as the intention of the government so to do has been demonstrated by the fact of their having caused a reserve to be made near the Caves for that purpose, although unfortunately there seldom being any water in the Bell River opposite that site, such a want would prevent it from being a desirable locality.

Your petitioners cannot affect to be ignorant that an opposition to this project has been raised in certain quarters on account of the contiguity of the aboriginal mission; but without entering into any lengthy discussion, your petitioners trust they may be allowed respectfully to submit that it would be a case of extreme hardship if the interests of the European population of this district were to be compromised in order to prosecute an experiment upon the natives, which, after upwards of six years' trial, has proved a failure as regards the adults, whatever may hereafter be the effect upon the children at present under tuition.

In conclusion, your petitioners trust they have shown, 1st. That the general state of the district, and the peculiar locality of Wellington Valley, is such as to justify their present application; 2dly, That the granting the prayer of this petition will be conducive to the prosperity of the district, by facilitating the establishment of houses of accommodation stores, &c. &c., and by tending to fix and concentrate its population; and 3dly, That the objections raised on account of the proximity of the mission, are objections that would apply equally to the establishment of a police force, the traffic on the road, the neighbourhood of any settlers whatever, or any other popular improvement which would increase the resources or promote the advancement of the district.

Your petitioners therefore pray, that your Excellency will graciously direct a township to be laid out, and allotments put up for sale in Wellington Valley.

And your petitioners, as in duty bound, will ever pray.

(signed)

|                         |                    |                            |
|-------------------------|--------------------|----------------------------|
| W. Lawson, jun., J. P.  | Alex. M'Donald.    | Wm. Wilson.                |
| W. H. Suttor, J. P.     | Gavin Ralston.     | G. Vaser.                  |
| Arthur Kemmis, J. P.    | D. Donald.         | William Thurlow.           |
| John Maxwell, J. P.     | John Jones.        | Charles F. Warne.          |
| R. Odell Raymond, J. P. | Thomas Jones.      | Arthur Wiggins.            |
| H. F. Gisborne, J. P.   | John Street, J. P. | Charles J. C. Campbell.    |
| John Smith.             | John Passmore.     | Michael Bergin.            |
| G. Tollemache.          | Edwin Rouse.       | R. Edenborough.            |
| C. Wray Finch, A. S.    | Daly Campbell.     | John Kinchela, jun., J. P. |
| Finch Hollingworth.     | Henry Price.       | J. Butler Kinchela.        |
| John Hogarth.           | John Maughan.      | James R. Booth, J. P.      |
| Andrew Kerr.            | William Turner.    | Charles Forbes, J. P.      |
| Wm. M'Donald.           |                    |                            |

#### SURVEYOR-GENERAL'S REPORT.

THE best position for a township appears to me to be at the confluence of the Macquarie and Bell Rivers, and which would take in a small portion of the land occupied by the missionaries; there are however two reserves in the neighbourhood, one at the Caves, as mentioned herein, but which appears too small for the object proposed; the other is more extensive, but is situated at the wrong side of the Macquarie, according to the direction of the roads. The rough tracing will best enable his Excellency to determine the point.

20 November 1838.

(signed) S. A. Perry,  
Deputy Surveyor General.

Enclosure B. 5, to Minute No. 10 of 1839.

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's letter, with the accompanying papers, having reference to the formation of a township on a part of the land occupied by the mission at Wellington Valley; those papers I submitted this day to the consideration of the corresponding committee of the Church Missionary Society, and I now beg leave to inclose a copy of the committee's resolutions upon the subject.

His Excellency the Governor.

I have, &c.  
(signed) William Cooper.

EXTRACT from the MINUTES of the Corresponding Committee of the Church Missionary Society, Sydney, 28 November 1838.

7. THIS committee having taken into consideration the communication received from his Excellency the Governor, respecting the town or village proposed to be erected upon a part of the land occupied by the mission at Wellington Valley; also the observations of the  
Rev.

Rev. J. Gunther, upon the very great difficulty, if not the absolute impossibility, of conducting a mission to the aborigines of New Holland, in the vicinity of any town or police establishment; it was resolved, that this committee do not consider themselves in a position to offer any opinion upon the necessity or expediency of forming a township on the land located for the mission; nor have they any funds at their disposal to meet the expenses of recommencing the mission upon ground uncleared, and without buildings; but they would beg leave to state, that as the mission was originally undertaken by the Church Missionary Society, at the instance of the Home Government, and the station at Wellington Valley had then recently been vacated, and the buildings were no longer required by the colonial government, it was deemed most advisable, from the eligibility of the site, and the economy of the measure, to establish the mission in that part of the colony; this committee must therefore refer the matter in question to the committee of the Church Missionary Society in London; observing, however, that they fully concur in the opinion of the missionaries, as to the total impracticability of satisfactorily conducting a mission to the aborigines of New South Wales, in the neighbourhood of any town.

NEW SOUTH  
WALES.

Encl. in No. 8.

(signed) *William Cowper.*

Enclosure A. 1, to Minute No. 12 of 1839.

The Rev. *William Cowper*, Examined before the Executive Council,  
Wednesday, 17 April 1839.

I AM of opinion that if the police station is continued at Wellington Valley, it will entirely defeat the purpose for which the missionary station there was designed; but the number of stock stations in the vicinity of the missionary station is now so great, that I do not know whether it would not be better to remove the missionaries 40 or 50 miles further into the interior. One of the missionary gentlemen, Mr. Gunther, told me that he thought it would certainly be better that they should go further into the interior, where there would be less intercourse with the whites, but for the difficulty and expense of the conveyance of their supplies from Sydney; he was of opinion that the establishment of the police station had been the cause of preventing the blacks from coming so frequently, or in such numbers, to the missionaries as they previously did. The missionaries have been established, I think, almost seven years at Wellington Valley; I think they have made some progress towards the objects of the mission; perhaps as much as could in that time be expected among such a people. In Otahete 17 or 18 years elapsed before any sensible benefit was the result of the labours of the missionaries among them: this also was the case in New Zealand, and in such similar undertakings as I have read the accounts of, 18 to 20 years appears in most cases to have been as early as any sensible good was discernible.

I think the missionaries should continue their labours, but that they would do so with better prospects of success if removed to as great a distance, and secluded as much as possible from the white population. I would suggest and recommend that a station of eight miles square, or 40,000 acres, with abundance of water, and a fair proportion of rich soil, be appropriated, with protection, for missionary purposes exclusively. However unblamable and correct in every respect the conduct of a police magistrate may be, he cannot at all times effectually watch over and control the persons under him. Mr. Gunther states, that he had heard there is a great concourse of natives about 50 or 60 miles from Wellington Valley, at a place where there is a tract of good soil, and an abundance of water, kangaroos, &c.; I am of opinion that the removal of the missionary establishment to that place could not be accomplished for less than 300 *l.* The expense of the removal, I think, should certainly be defrayed by the Government, in consideration of the benefits which the public will derive from the new appropriation of the land and premises at Wellington Valley; I think a sum might be obtained from the Missionary Society in London; I believe their funds are very ample. The mission here has not since their arrival made any application to the Church Missionary Society, for pecuniary aid; the 500 *l.* per annum allowed by the colonial government has until the last year been adequate to the support of the mission. I think that 150 *l.* to 200 *l.* might be raised by private contributions in the colony, for the benefit of the mission. Religious instruction communicated to the blacks at such a remote station, where there would be seldom or never opportunities of their coming in contact with or being exposed to the bad example or vices of the white population, would certainly less effectually qualify the blacks for resisting temptations when such should befall them; but their minds are in so low and weak a state that they will for a long time require nursing and gentle treatment and culture, all which could be more effectually accomplished at such a remote station. Men just emerging from a barbarous or savage state, even with some instruction, moral improvement and religious feeling, are not like persons who have been brought up in the habits and feelings and mental discipline of civilization; the very partially cultivated and more than semi-barbarous creature having no correct views of his duty, nor any firmness or energy of mind to withstand allurements, is attracted by every new scene or trivial exhibition, and is immediately drawn into temptation, and probably into immorality and wretchedness.

The place to be selected should be at a distance from any road or thoroughfare, or place now or likely soon to be occupied by the white population. The missionaries have some cultivated paddocks, but the crops on them had generally been indifferent, and the long

NEW SOUTH  
WALES.

Encl. in No. 8.

recent drought had made them still less productive; I do not think that abandoning them would be deemed any great sacrifice. They have a considerable herd of cattle, also a flock or two of sheep, I do not know what number; they frequently made distributions of meat to the blacks, occasionally to the extent of 100 lbs. to 150 lbs. in a day. I have heard that Mr. Watson had cattle and sheep of his own, which were grazed on the mission grounds; as an apology for such being the case, he alleged that when at any time the state of the herd belonging to the mission would hardly afford animals fit for slaughter, he did not scruple to give aid from his own herd. Mr. Gunther had neither cattle nor sheep, nor has he ever shown a desire for having any. There was a long and painful correspondence between the colonial committee and Mr. Watson, on the subject of his cattle and sheep; he was required by the committee to remove them to a distance from the mission station, and he has at length done so, but he was very intemperate and used much unpleasant language on the occasion.

There were also disagreements between him and Mr. Gunther and Mr. Porter, the other two gentlemen of the mission; and the colonial committee were of opinion, and has recommended to the society in London, that another clergyman should be sent out, and Mr. Watson should be withdrawn from the mission. The colonial committee consist of Mr. M<sup>l</sup>Leay, Mr. Macquoid, and myself. The committee had been of opinion that a properly conducted police establishment would not be injurious to the objects of the mission, but great complaints had been made, particularly by Mr. Watson; the conduct of the constables and witnesses and servants had been particularly complained of. The departure of the mail at the hour appointed for Divine service has also been a subject of complaint. I am aware that before a police establishment was placed at the mission station, a corporal and four private soldiers were stationed there for the purpose of protecting the missionaries. I am aware also that Messrs. Raymond and Maughan were permitted by the missionaries to take up their occasional residence in one of the spare houses at the mission station; they did so without any authority from the colonial committee, nor did the committee even know of the circumstance until more than three years after the first occurrence of it; they are both unmarried men; no complaints of their conduct for three years had been made to the committee. I am not aware of the number of blacks who reside at, or are considered as in immediate connexion with the missionary establishment; I think about 10 or 12 reside there, and are under daily instruction; I do not know what number of children are educated by them, or what progress those children make; mention of such particulars is made in the journals transmitted yearly, or oftener, by the missionaries, to the committee, to be forwarded to the parent society, but no copies of those journals are kept by the committee, and I cannot at present state the numbers from recollection. Mr. Gunther's journals have been regularly received and transmitted; Mr. Watson's journals have not been so regular to us; he may have sent them latterly direct to London; none have been received from him for some time. I do not know what progress has been made by the German mission at Moreton Bay; the Rev. J. C. Handt, stationed at Moreton Bay, is also supported out of the colonial allowance of 500 L. The sum of 300 L. per annum additional was recommended by Lord Glenelg, to be granted towards the support of the missionaries of the Church Missionary Society, but hitherto it has not been received.

I have never been at the mission station; my information is derived from the reports of the missionaries, or from conversation with them, when any of them have occasionally been in Sydney.

Enclosure A. 2, to Minute No. 12, of 1839.

*Henry Fysche Gisbourne, Esq. J. P., Examined before the Executive Council,  
Wednesday, 17 April 1839.*

THE mission land at Wellington Valley is situated a hundred miles to the north-west of Bathurst, in the fork of the two rivers Bell and Macquarie, and about two miles from their junction; the direct line of road from Bathurst to the settled districts on the northern and southern banks of the Macquarie River, and also to those on the Talbregar and Bogan Rivers passes through the missionary settlement. Since the above districts have become populous there has been (and still is) a very considerable traffic upon this line of road, which, independent of the conveyances attached to every farm in the interior, gives employment to certainly more than one regular carrier. All the drays carrying stores to the stations below Wellington Valley travel through the missionary settlement, and I have frequently seen two or three encamped there at night; nor is it possible that they can go any other way, as this line of road is the only one by which they can reach their destination. The population in the neighbourhood of the mission consists principally of servants, free and bond, attached to the establishments of settlers, which are immediately contiguous on all sides; Messrs. Raymond and Montefiore have large establishments on land purchased from the Government, each within two miles of the mission; and there are also others, as well as public stores, close at hand. The located districts which are accessible only by the line of road leading through the missionary buildings extend 100 miles beyond the boundaries of the colony; there is consequently a population on all sides, and numbers continually passing to and fro. From the above circumstances I consider Wellington Valley as an ineligible situation for a mission at the present time, whatever it may have been formerly. A police force was first stationed

NEW SOUTH  
WALES.

Encl. in No. 8.

stationed at Wellington Valley about 12 months since, consisting of one district constable, one ordinary constable, and a scourger. I was appointed police magistrate, and Mr. Turner, the clerk of the bench, who was also post-master; the number of constables has been subsequently increased by the addition of a chief constable, two ordinary constables, and a lock-up keeper. Previously to the establishment of a civil police at Wellington, a party of mounted police and foot soldiers were stationed there, most of whom were unmarried; the infantry were there nominally for the protection of the mission, but not being in the least wanted they were withdrawn on my recommendation. These men had occupied one of the government buildings lent to the mission, and two gentlemen, Messrs. Maughan and Raymond had had permission granted to them by the missionaries to reside in another, which accordingly they have occupied for some years previously to my going there. The missionaries had also allowed them to build a barn on the mission land, close to the mission house, and to enclose a large paddock for cultivation; they had, I believe, three single assigned servants on the spot. Shortly after my arrival at Wellington, Messrs. Maughan and Raymond moved to a house belonging to the latter gentleman, about two miles off, and I took possession of the government building in which they had resided. The police had some time previously been substituted for the military, so that as far as regarded the residence of Europeans on mission land, things were just as they had been, with the exception of there being a person in authority on the spot to keep the police in order. The whole body of the police were scarcely ever at Wellington together, as I immediately stationed two of them on the line of road to Bathurst, one at Gurry Goviar, a distance of 30 miles, another at Mr. Maxwell's, a distance of 12 miles from Wellington; this reduced the number of constables at head-quarters to four, including the lock-up keeper, of whom three are married men, and even of these two are almost always absent on duty; so that in point of fact the number of Europeans actually resident at Wellington has been upon the whole decreased by the establishment of a police.

During my residence there I have never, to the best of my recollection, had any complaint of the whites interfering with the blacks, made to me by any member of the mission; I have more than once punished prisoners for taking black women, but these were women with whom the mission had nothing to do, and the men were either taken into custody by my order, or on the charge of their masters; on the whole I consider that the establishment of a police cannot possibly have had a bad effect on the prospects of the mission, but if any rather the contrary. I have always laid the most positive injunctions on every person under my authority, not in any way to interfere with the missionaries in their endeavours to convert and civilize the natives, and I have no reason to think that those injunctions have ever been disobeyed; the good order of the neighbourhood has been latterly better preserved, and the assigned and other servants on contiguous establishments kept under better control; the passengers on the road have been under a superintendence impossible before, and I should therefore say, that if these circumstances have caused any difference in the prospects of the mission, it must be a favourable one. There must be a great traffic on the road, and there is a considerable population close at hand, certainly some hundreds, within a circle of 10 miles, and as this cannot be altered, I should conceive that a police must do good.

A site for a township has latterly been surveyed in the fork of the Bell and Macquarie Rivers, and running down to the junction; it is on the land lent to the mission, and the junction is about two miles on the other side of the missionary establishment; the old village reserve is about two miles on this side, and on the edge of the mission land; it is entirely useless as a reserve, there being not sufficient water there at present, and the supply being never to be depended upon; the fork of the two rivers is a very good site for a township; I think none so good could be found in the neighbourhood either within or without the boundaries of location; it is opposite the only practicable ford in some miles of the Macquarie River, and consequently on the high road to and from Bathurst: a town is very much wanted there. Some time since I presented a memorial to his Excellency the Governor from the settlers of the district, praying that one might be laid out, and the allotments put up for sale; if they were put up, they would I think be rapidly purchased; I have had several applications for bits of land to build houses of accommodation upon and general stores. There are two public stores close at hand, now, where rum might have been sold in quantities of two gallons or upwards previously to the passing of the Licensing Act of January 1839; I do not think much rum was sold in the neighbourhood, as I have never seen a man, either black or white, drunk at Wellington, and I do not even recollect a case of drunkenness having ever come before the Wellington bench.

I have read the missionary report for the year 1837; it is in some respects false as regards facts, and in all respects delusive as regards prospects; it is greatly exaggerated both as to the number of natives attached to the mission, what has been done to them, and what is likely to be done. I cannot believe that what is stated in the report as the average daily issue of beef is correct; it may be so, but from what I know of the number of natives and the meat killed, it seems to me next to impossible. The number of adult natives permanently attached to the mission is about 12, they are mostly young men, or very near it; they get rations of beef, and I believe sometimes other luxuries; for this they work a little by snatches, but are usually in a state of complete idleness. They are sometimes clothed, and sometimes naked; the most civilized of them that I have seen can read a little by spelling; they are in general quiet well-behaved men, in no way differing from many natives that I have seen about the establishments of settlers; I say they are in general quiet, although the "parsons' blackfellows," as they are called, have the reputation of being the

NEW SOUTH,  
WALES.

Encl. in No. 8.

best fighters on that side of the country; they wander away sometimes, but do not usually stay away long; there is not one of them who, in my opinion, understands the least of religion. They have repeatedly told me that they would stay with the parson as long as he would feed them, and be Christians so long and no longer. I have frequently heard them speak of the missionaries in the most contemptuous manner, and they as well as all the other blacks, are very jealous of their women who are secluded in the mission house; thinking that I had some authority over the mission, many of the mission and other blacks have applied to me to get their women away; I know very little about the women under missionary tuition; I have never seen them except at a distance, I do not think I have ever been within a hundred yards of any one of them; they are kept very close; many of them seemed to me to be children. I understood that they are far more civilized than the men, and being closely confined, I have no doubt they may be; if they grow up so it will, in my opinion, be productive of the worst consequences; if they marry black husbands they must lead a savage life, which from their acquired habits would be insupportable; they would therefore inevitably become the kept-mistresses of stockmen and shepherds, the fruits of which would of course be a half-caste offspring. Of their numbers I cannot speak positively; previously to my arrival at Wellington Valley, it was, as I have been assured by good authorities, under six; since public attention has been excited upon this subject, the numbers have, I understand, been increased: it is, if I recollect right, stated in the last missionary report, that the number of natives attached to the mission is from 60 to 100; I am sure that men, women, and children, it does not exceed 30; I do not believe it exceeds 20; I have never during the whole of my residence seen anything like a hundred there at one time; I do not think I have ever seen 50, including wandering tribes. I do not know which are the slab houses alluded to in the report of the mission, but I suppose one of them must be a half-finished hut opposite the mission house; it had been in the half-finished state it was in when I left Wellington, for some months, and was certainly, in the civilized acceptation of the term, not habitable; it was only half roofed, and not complete in other respects; on the whole I consider the attempted conversion and civilization of the aboriginal natives at Wellington Valley as a complete failure. The natives whom I have seen, that do know any thing of religious forms and words, ridiculed them, not from any intention to be blasphemous, but from sheer ignorance. A complaint was, I believe, made by Mr. Watson, of prisoners having been punished in front of the mission house. At the time this complaint was made I was away; but having upon my return made inquiries, I was positively assured that the prisoners had always been flogged at the gaol during my absence; the gaol is about 300 yards, I should say more, from where Mr. Watson then lived; there was not the slightest necessity for any persons seeing the punishments who did not choose to look at them. After I returned I obtained permission from Mr. Raymond to have the men punished inside his barn, and they are now punished inside one of the unoccupied buildings.

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Enclosure A. 1, to Minute No. 13 of 1839.

Sir,

Sydney, 17 April 1839.

I HAVE the honour to acknowledge the receipt of your letter, No. 39/140 of the 5th instant, and agreeably to your request, I have now the pleasure to enclose a copy of the report of the mission at Wellington Valley for the year 1838. The excessive and continued drought, I believe I may say nearly throughout the whole of the last year, has materially darkened the prospects and hindered the work of the mission. The aborigines, perceiving that the missionaries were unable to supply their various wants to the same extent as formerly, have, in a measure, discontinued their visits, and consequently the missionaries have had fewer opportunities of conferring with the aborigines on subjects of a religious and moral tendency. I have written to the missionary, Rev. J. C. S. Handt, at Moreton Bay, for his report, but as yet there has been no opportunity of sending my letter. So soon as I shall have received the report from that station I will take care to forward to you a copy thereof.

I have, &c.

The Honourable the Colonial  
Secretary.

(signed) *William Cooper.*

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Enclosure A. 1, to Minute No. 13 of 1839.

ANNUAL REPORT of the Aboriginal Mission at Wellington Valley, for the Year 1838.

IN presenting their Sixth Annual Report the missionaries regret that they have to record the gradual disappearance of the adult natives from their scene of labour; for while formerly there were generally on the mission from 50 to 60, frequently 80, and sometimes upwards

upwards of 100 natives, since the month of July 1838 there have seldom been more than 20, frequently not above six, and sometimes not one, except the young men and children, who are now, strictly speaking, members of the mission family, being under daily instruction, and residing in or about the mission house. In the seed time those young men were employed in ploughing and harrowing; some of them planted maize corn and worked in the garden, but the extreme drought has disappointed them of any fruits of their labour; they were all employed in washing and shearing sheep, and indeed they have rendered themselves useful to the missionaries in a variety of ways. The formation of a police establishment on the immediate site of the mission has proved in no small degree detrimental to these young men, as being the means of drawing them from their lessons and engagements at the mission house, inducing them to wander about the establishment from one house to another, to attend about the court on court days, and, for a trifling remuneration, to spend their time in fetching wood, water, &c. for the constables, policemen, and servants of other persons connected with the police establishment: so far their attainments in religious and other useful knowledge has been retarded. Although the missionaries deeply deplore this circumstance as increasing their anxieties, partially counteracting their labours, and calling forth their utmost patience, they feel happy to state that even amidst these distracting scenes and circumstances the young men have improved, both in reading the Holy Scriptures and in acquiring religious knowledge. They frequently ask important questions on religious subjects, and the explanation of Holy Scripture, which proves that they are not inattentive to what they hear and read. The children read daily the Holy Scriptures; they have also commenced learning English grammar and geography, and are taught writing and accounts. The boys appear to be capable of learning any useful trade, and probably would make considerable proficiency with proper tools and materials, and under a patient instructor; they have laid the floor of one of their own huts with brick ends very well; they are very useful in the garden, and are partial to working there. As it regards the adult natives generally, to be occasionally visited by them, or occasionally to visit them in the bush, is not sufficient, they need to be under continual instruction and training like children. If, as is almost universally asserted throughout the colony, that the aborigines of New Holland are more deeply sunk in moral degradation, and possessed of less intellectual capabilities than those of any other heathen country, it must follow of course that in endeavouring to raise them in the scale of human society, and to make them acquainted with the Gospel of Jesus Christ, before their case can be fairly declared hopeless, a longer time must be allowed, and more energies put forth than have been devoted by missionaries in other parts before they saw any permanent fruit of their labour. The history of the Danish missions in Greenland and Labrador, of the London Missionary Society's cause in the islands of the Pacific, and of the Church Missionary Society's proceedings in India and New Zealand, shows most clearly how many years of labour, trial, anxiety, and patience were expended, before the seed of Divine truth showed that it had taken root in the hearts of the respective natives.

Mr. William Porter arrived at Wellington Valley in 1838, having been sent out by the Church Missionary Society to take charge of the secular affairs of the mission, so that the other missionaries find themselves at full liberty to devote their time to the great work to which they were appointed, the teaching and instructing the natives in the knowledge of Jesus Christ and his salvation.

(signed) *William Watson.*  
*James Gunther.*  
*William Porter.*

(A true copy.)

(signed) *William Cowper.*

Enclosure A. 3, to Minute No. 13 of 1839.

*John Maughan, Esq.,* Examined before the Executive Council, Friday, 19 April 1839.

I RESIDED at Wellington Valley from 1835 until November last. I am not qualified to give an opinion as to the probable success of the mission, having been too much engaged with my own affairs to pay much attention to the proceedings of the mission. With respect to the children, however, I think much good may be done; but I do not think that any benefit has resulted to the adults, either males or females; they can say prayers, and go to church, but they only ridicule the prayers. Their numbers may be stated thus: children, six or seven: adults, males, four or five; females, four or five. The police establishment I consider to be rather an advantage than otherwise; there is always a small party of infantry there. Mr. Watson was always on good terms with them, and permitted them to reside on the station.

I had leave to plough some of the paddock, and did so last year, after which I sowed the land which I had ploughed. There are four or five native men, all of whom may be considered as attached to the mission, excepting one. I do not think that those natives

NEW SOUTH  
WALES.  
E. & C. in No. 8.

have been in any respect improved by their intercourse with the missionaries, but I think the reverse; they have become more cunning, and less industrious; they do not appear to have any desire to work even for themselves, unless when rewarded for so doing.

I should think that there may generally be about 40 or 50 natives at the native camp, which is on the mission land; but never so many as 80 or 100, unless at a corrobora. Mr. Watson goes to the camp and reads prayers to them, but they pay no serious attention to him. The numbers that attend church may be about four or five men, four or five women, six or seven children. Many blacks are taken to the station by European strangers. I do not think that any disposition to locate themselves has been exhibited by the blacks; outside of the buildings there are some bark huts, but I am not aware of any such huts being in course of erection as is described in the missionary report. The men like to show clothing, but they soon throw it off and go naked; the women and children wear loose baize gowns. My residence was about 200 yards from the house occupied by the missionaries. Whenever the natives turned their prayers into ridicule it was generally done at the solicitation of whites; they did not seem to have any serious impression of the sacredness of prayers, nor to have any shame at ridiculing them, although sometimes they expressed some fear of Mr. Watson hearing of their doing so.

From what I have heard, I think if natives were withdrawn from all intercourse with Europeans but the missionaries, some good might be effected; I do not think it possible they could be so separated at their present station (the only ford of the river is at the present place), unless perhaps on some private lands.

I have said, that with respect to the children much good might be done; but it is very difficult to persuade the natives to give their children to the missionaries; and even after doing so they often take them away again. I know that several respectable people have visited the mission station and expressed their gratification.

I do not think the report of the mission for the year 1837 a correct account of the present state of the mission; I think it calculated to mislead; I think the result of the mission a failure as respects the adults, but not so with regard to the children. The females were kept so close that I cannot speak as to them.

The mission lands were occupied to a small extent, for the growth, of grain, and the remainder for grazing. The missionaries had some private stock, but to a very limited extent, and they did not appear to pay any particular attention to it.

The mission was beneficial to the neighbourhood in promoting order by the observance of the Sabbath; numbers of European servants, both free and bond, attended the church, some voluntarily, others were desired to do so.

The establishment of a township, with police office and post-office, would not, in my opinion, be in any way hurtful to the missionary establishment, so far as respects the education of the children. In respect to the females, Mr. Watson has had more difficulty in keeping them from the native blacks than from Europeans. In respect to the males, Mr. Watson has so little control over them, that I do not think the establishment of a township would make any difference. The designed site for the township is the best that can be fixed on, the line of road passing through it.

The military station there consists of a sergeant and two or three men; some married, some unmarried; they have little or nothing to do; they formerly obtained some employment from the missionaries, but latterly they have not been so employed. I am not aware why the presence of constables, or a police force, should be more injurious than that of the soldiers to the mission. When parents wish to see their children, they are permitted to do so. The police force has not deterred the natives from coming to the mission. The police establishment caused occasionally a great influx of strangers, who came to attend court, &c. Flogging was performed in a barn erected by me, which is not in view of the mission house.

The sowing of the grain happened in March 1838. I vacated the house occupied by me in September last. I reside with Mr. Raymond. Mr. Gisbourne occupies the house I vacated. I think a police station decidedly advantageous; I think a police station might be established about six miles nearer to Bathurst, on the bank of the Bell River; it would be outside the boundaries; it would not be equal to the site at the conflux. I think the presence of a police station would be beneficial to the mission.

Drays often stop at the mission station; the mission cannot prevent it, although they have often objected. The establishment of a town at the conflux would cause drays to stop there; it is about two miles from the mission station; one day in each two or three days during the wool season might be the average number passing by.

Mr. Watson and Mr. Gunther are both married; Mr. Porter is not so; Mr. Watson takes the lead. Three or four strangers might occasionally pass that way.

Mr. Watson has a few sheep, about 120 or 130 in all; he had a few horned cattle, but he told me that he had made them over to the mission; the stock belonging to the mission could not meet the daily issue.



Enclosure A. 4, to Minute No. 13 of 1839.

*Charles Wray Finch, Esq., Examined before the Executive Council,  
Friday, 19 April 1839.*

Encl. in No. 8.

I HAVE resided near Wellington Valley, at a place about 30 miles from it; I have resided there 12 months. I was not personally acquainted with the missionaries. From the conversations I have had with the blacks I do not think any good has been done. I have seen the Mission Report of 1837; I do not think it a candid one; it is calculated to lead the public to believe that more has been done than has been; I do not see that the character of the blacks is at all changed. I have service at my own place; the blacks attended and could repeat the Lord's Prayer, but without any knowledge of its meaning. I do not think that they believe in the existence of a Good Spirit; they believe in an evil spirit. They have no idea of a future judgment, or of future rewards and punishments.

The missionaries are generally disliked among the blacks, but from what cause I cannot tell. They are very averse to part with their children to the missionaries, and do not give any thanks to them for their education. I do not think their habits of industry at all improved. I think the blacks always speak the truth; I have never been told an untruth by a black, and I believe them to be honest; I have always found them so. I have seen as many as 20 blacks on the mission, and occasionally as many as 100. Wellington Valley is not their head station, they have two other stations some distance off, at which they more frequently reside; I speak of the Wellington tribe. The same dialect is spoken for about 50 or 60 miles round.

It is a difficult question to answer, as to whether the establishment of a police force has been beneficial or injurious to the mission. If the missionary statements are correct, and not overcharged, I think the vicinity of a police establishment would be beneficial to the mission, as it would enable them to preserve order, and would also be a protection to them. Since the establishment of a police force there has been less crime; servants could not previously be kept in order. It has not lessened the number of natives resorting to the mission; the police being there would increase the resort of blacks. The sight of punishments would not deter the blacks from coming to the station; I know that they laugh at whites for being subject to punishment, themselves being exempt. There are more blacks at Bathurst than at Wellington Valley. I cannot say whether that portion of the report for 1838 which relates to the laying a floor with brick, and the blacks asking important questions during the progress, is a fair statement; my opinion is that it is an exaggerated one. I am not aware that any benefit has resulted to adult blacks. I do not know anything about the children. I visited Wellington twice during the last year. I think many other places in the neighbourhood of Wellington might be found for a mission station. A township is much wanted, and the conflux is the best place for it; it cannot injure the mission; it can have no effect upon it, surrounded as it would be by large establishments.

Enclosure A. 1, to Minute No. 18 of 1839.

Sir,

Sydney, 26 April 1839.

ON the 22d instant I received from the Rev. Richard Taylor a letter, which it seems had been written in this colony, and was intended to be sent to me in February last, but was accidentally carried to New Zealand, and thence returned to me through the Post-office.

The corresponding committee of the Church Missionary Society being of opinion that the statements in the said letter should be communicated to his Excellency the Governor and the Executive Council, have desired me to have the honour to enclose to you a copy thereof, and at the same time to request that the information which it contains may be regarded as confidential.

Wm. McPherson, Esq. Clerk of Councils,  
&c. &c. &c.

I have, &c.  
(signed) *William Cowper.*

Letter of the Rev. R. Taylor to the Rev. W. Cowper, referred to in the foregoing.

Rev. Sir,

Liverpool, 6 February 1839.

HAVING recently returned from Wellington Valley, where I had an opportunity of examining into the present state of our mission there, I beg leave to forward through you a brief account of my visit to the corresponding committee of the Church Missionary Society. On my arrival there, which was the day after the general fast, I found the valley of Wellington presenting a deplorable picture of the effects produced by the long-continued drought. Not a vestige of verdure was to be seen; the grass was completely burnt up, and even the foliage of the trees appeared to have lost their usual colour. Every crop had completely failed; and even the bed of the Bell, which must average a depth of at least 40 feet, was perfectly dry.

NEW SOUTH  
WALES.

Encl. in No. 8.

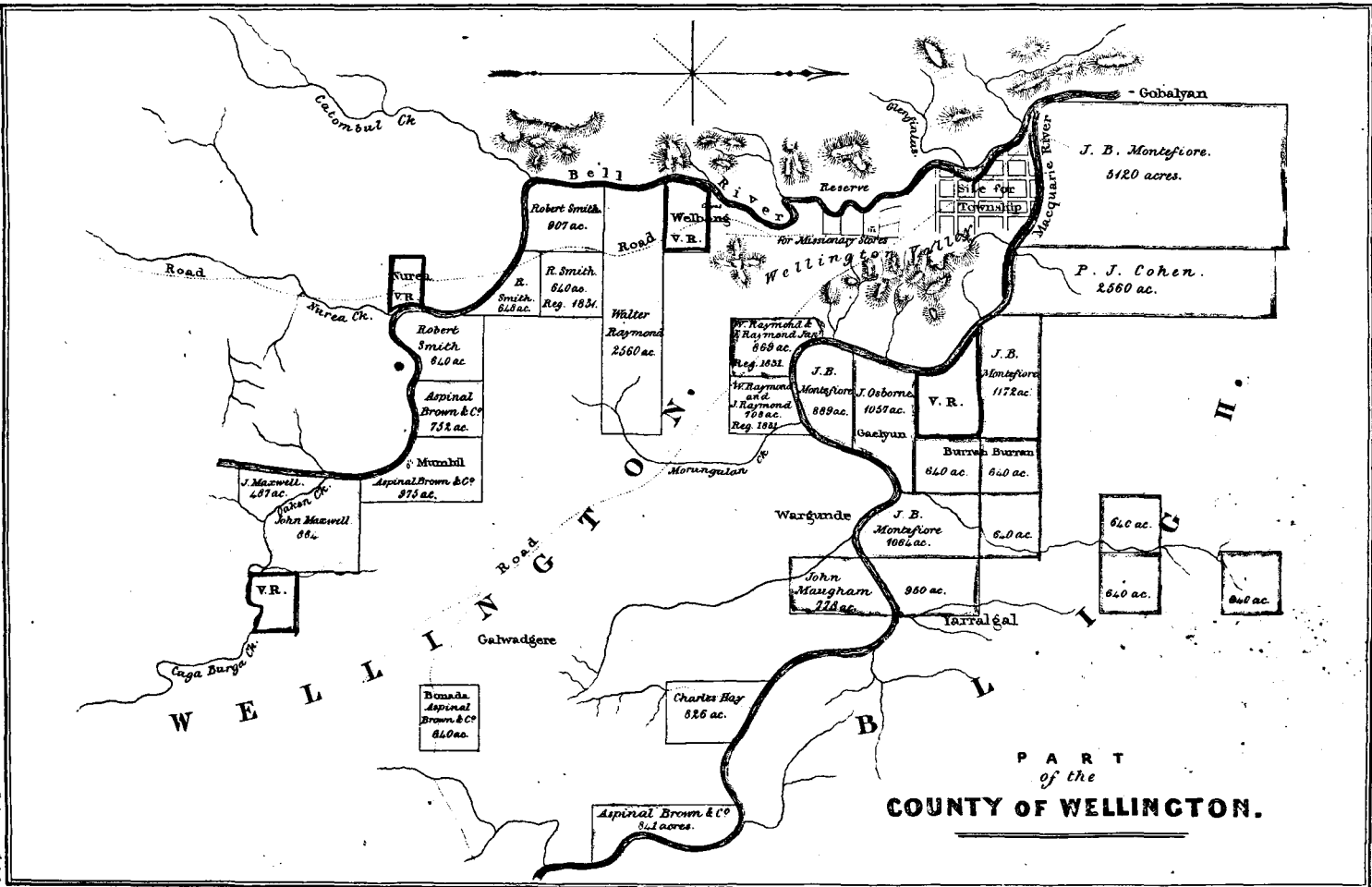
I found the number of natives encamped in the neighbourhood of the mission house very small, and very few of them receiving any instruction. There were from six to ten young men residing on the mission premises, and 12 children living in Mr. Watson's house, composing his school. I examined them in the New Testament, which they read with great facility, pronouncing it without any foreign accent, and readily answering many questions which I put to them from it. They were also perfectly acquainted with Watts' the Assembly's, and another catechism, but they had not been taught the catechism of our church. These scholars were chiefly girls. The two eldest were 15 years old; they were mothers, and had been rescued from the hands of the whites, with whom they had lived from the early age of eight years. I attended a service given to the natives in their own language by Mr. Watson, when 25 were present; it was extremely interesting. The greatest attention was paid to what was said, and I much regretted to find that this service was not given so frequently as it ought to have been. I was much grieved to notice the little desire the natives have to learn anything, their only concern is about eating; and I feel convinced that the general idea entertained of the missionaries is, that they are stationed amongst them by Government only to distribute provisions. The missionaries have many difficulties to contend with; they are surrounded by settlers who live openly in adultery, or with native females, many of whom are children bought at the age of eight years, for oftentimes a mess of pottage. Some are mothers at 13. These vile people use every means in their power to prejudice the natives against their teachers; and whenever they require their assistance, scruple not to entice them away with the offer of a little rum. This description, I fear, too equally applies to the highest as well as the lowest—from the ruler to the ruled. The only native I heard of who really appeared to be under the influence of religion (though there are several under instruction, and who take much delight in singing, and sing with great sweetness), was a poor female, who was daily accustomed to retire to the bush for prayer. A white man endeavoured to entice her to accompany him, and on her refusal shamefully beat her; but upon complaint being made, it was said if he were punished his dray would be delayed, and consequently his master would be the sufferer; he was therefore permitted to proceed. But I fear the missionaries are not free from blame themselves, since they do not make any efforts to excite a more favourable feeling towards them. As I have already intimated, there is not even a regular native service on Sunday, and only one in English, although there are two ordained missionaries. I plainly told them, if they would visit the different stations near them they would shame the unrighteous deeds of their countrymen, and hinder them from deluding the natives. At present, being totally neglected by the missionaries, they delight in opposing them. A most lamentable want of unanimity likewise prevails in the mission, which cannot but materially suffer from it. The surrounding settlers are now endeavouring to get Wellington Valley made a township of, and most probably they will be successful. There are so many immoral characters residing in the immediate vicinity of the mission, that I fear it is of little real benefit. It is a question whether it would not be more desirable that it should be removed further into the interior, and that a large block of land should be set apart for that purpose, on which no whites should be allowed to reside, or else that there should be several small stations in different localities, that thus the tribes might be followed in their wanderings. They are a very interesting race, and perhaps have been more maligned than any other on the face of the globe. They are of a chocolate colour, several shades lighter than those in the vicinity of the sea, and much better formed. They easily acquire our language, are partial to singing, and very facetious, imitating with great exactness anything which may strike them in the manner or tone of those they see. They are as expert in the use of the gun as they are with their own weapons. The language is agreeable and expressive; it contains names not only for every plant, but also for the different genera; and there are also words to distinguish marsupial animals, as well as the flying one. Neither are they so destitute of religious ideas as is commonly supposed. They believe in three gods: one they say made all things, another is his son (which is very remarkable), and the third tells them when to rob, robery, appoints their ceremonies, and teaches them their sacred songs. Their funeral rites are curious, and the manner of constructing graves, which, covered with a tumulus of earth, reminded me of our British cairns. I have thus endeavoured to give a faithful, though I fear not very satisfactory, account of the present state of the mission, as it appeared to me. I might have formed erroneous ideas respecting it; if so, I shall be pleased to find myself mistaken.

Believe me, &c.

(signed) *Richard Taylor.*

(A true copy.)

(signed) *William Couper.*



627 - Ordered by the House of Commons to be Printed, 9<sup>th</sup> August 1844.  
*J. Armstrong, Lith.*  
*James & Esdaile, J. Edwards & Pears.*

Enclosure A. 2, to Minute No. 18 of 1839.

(No. 39/113.)

Encl. in No. 8.

Sir,  
 In compliance with the directions of his Excellency the Governor, personally communicated to me, I have the honour to forward for his approval a design for a town at Wellington Valley.

I do not apprehend that the demand for allotments in this town will be very great, but that it will merely serve as a means of enabling a few tradesmen to obtain a freehold.

Under these circumstances I should consider 2*l.* per acre sufficient for the upset price at present.

The Hon. the Colonial Secretary,  
 &c. &c. &c.

I have, &c.  
 (signed) S. A. Perry,  
 Dep. Surveyor-general.

Enclosure A. 3, to Minute No. 18 of 1839.

Rev. William Watson, Examined before the Executive Council, Tuesday, 28 May 1839.

I THINK that the contamination of the aboriginal natives by their intimate connexion with the whites is very great. There is not a child at the station who does not wear clothing. Drunkenness already prevails through means of sly grog-selling, and I apprehend it will increase if a township be formed there. Drunkenness prevails now more than before a police magistrate was appointed. Before constables were appointed, spirits could not be legally sold. Constables themselves sold spirits. I have seen persons come out of constables' houses drunk; I saw them go in apparently sober. I cannot adduce proof legally to convict them. Cursing and swearing to a great extent prevailed; I did not report so to the police magistrate, as I thought he must have heard it himself.

The person at whose house such scenes occurred is not a constable now; he has resigned; his name is Morrissey. I believe he is on his way to Sydney now. I believe that all the vices of Sydney would be introduced by constituting the station a township; although evils exist to some extent now they would then be greatly aggravated. Sometimes there are 40 natives residing at the station. Before the police establishment was formed, from 120 to 130 attended worship: 40 or 50 or 60 used to reside there. There are now 15 children from two to 15 years of age, and seven or eight young men reside there. Two or three married females reside in the house and two or three out of the house.

I keep no journal or books, but a diary in which the number of natives visiting at the mission station is entered. I have had 10 or 12 young men residing with me at the station. I had about 18 months ago the maximum number of domesticated natives; I had then about 40. I keep no register. The natives have no Christian names. I keep an account of the rations issued. None of the 40 were baptized. We were not anxious to baptize them until they should be sufficiently prepared. I never have baptized any adult. I have baptized five children, of whom two were boys, of eight and ten years of age. Out of those five, four have died; one half-caste infant only remains. About 18 months ago about 60 attended Divine service frequently, but not constantly.

Mr. Maughan resided there about three years. Service was performed every day. The same persons did not always attend; about 60 generally attended, some coming and others going.

I have found some of them in the bush in a state of knowledge which surprised me. I never heard of natives parodying their prayers, but I have heard that natives when absent from the station have nevertheless said their prayers and grace. Mr. Taylor arrived on Saturday night, preached on Sunday, and was otherwise engaged on Monday. He heard the children read and sing, but did not ask them any questions. Thirteen children, with the assistance of Mrs. Watson, make and mend their own clothes; all are clothed.

We had 40 acres of land in cultivation, but only obtained half a crop. About the year 1834 we had 16 acres of wheat, off which we reaped about 500 or 600 bushels. We had only two crops off the land.

I went to Wellington Valley about six and a half years ago, when there were three European stations there; now there are at least 100, and they are increasing daily. The road passes through the mission buildings. The traffic upon it is increasing every year. More drays passed last year than during the five and a half previous years. Government cannot stop this increase, although it is very prejudicial to the black population. The conduct of the Europeans in charge of the drays is very bad; they do not act on Christian principles towards the blacks. I do not reckon the police magistrates among the number of Christian labourers. The only police magistrate that I know never attended Divine service, nor did any of his servants. Mr. Raymond was a most regular attendant; Mr. Maughan also attended very frequently. Mr. Gisbourne and I were not on friendly terms. I have never spoken to Mr. Gisbourne, but the correspondence between us was of an unfriendly character.

NEW SOUTH  
WALES.

Encl in No. 8.

Mr. Gisbourne said that the charge of all government buildings was committed to him. He said so in a letter. I have the letter with me.—(*Letter handed in and read.*) It excludes all the buildings in occupation of the mission; nevertheless I replied that I would look for the keys of all the buildings, excepting some occupied by Mr. Porter. The prospects of the mission were gradually improving before the police station was established; but the neighbourhood of the whites has been very injurious. Upon almost every station (say to the number of 50 or 60,) aboriginal females are living with European men, many of them being of very tender age.

Mr. Maughan and Mr. Raymond were there, by permission, three years and upwards. There were never any disagreements with those gentlemen; on the contrary they were always on good terms. They and their servants attended church and evening prayers. Messrs. Maughan and Raymond considered themselves under an obligation for being allowed to remain there, and therefore perhaps laid themselves under restraint in their demeanour towards us. The police magistrate was under no such obligation, and would not consider himself amenable to us for his moral conduct. Drinking and singing, continued throughout the night, set an example which would be very bad; but the police magistrate would not be checked by the mission.

I do not mean to allude to the late police magistrate or any of his establishment individually; but, speaking generally, cursing and swearing and other bad language prevailed to a great extent. Mr. Eagleston, superintendent for Mr. Passmore, was in my house one night when there was a great deal of cursing and swearing at or near the police magistrate's house. Two young natives who used, before the police station was established, to remain quietly at home, after that time spent much time abroad.

Mr. Gisbourne and Mr. Raymond were on the bench about 1st February last, when a case was tried before them in which Mr. Gisbourne's servants made a complaint against me for insulting them, because I went at 11 o'clock at night to reprove them for making a noise and swearing. I cannot remember that I ever made any prejudicial representation of Mr. Gisbourne to Mr. Taylor. Mr. Gisbourne had no females at all, I think. The chief constable was living with a woman, said to be his wife. There are three women at Wellington Valley, constables' wives. The soldiers were taken away about 18 months ago; they behaved very well. At first there were six privates and one sergeant; latterly, since 1832, there have been only three privates. Although the bad effects of the presence of a white population were felt at their stations on the river, yet at the mission station the disadvantage was not so much felt as it has since been, owing to the immediate presence of the constables. The natives are very generous to one another, and have a community of goods.

Mr. Maughan and Mr. Raymond have repeatedly examined children, and expressed their admiration at their improvement.

The natives are not willing to give their children to the missionaries. They say, "White men advise them not to give up their children." In many cases the aboriginal women murder their half-caste children. They say that they are instigated to do so by their white fathers. I have heard two particular instances in which white men had done so. I questioned one of the men on the subject; he denied it, but I believed it was true. All these cases occurred before the police establishment was formed; one was found out just after. The children so destroyed were all half-caste. I never heard of a black child having been killed. I do not remember whether or not I ever made any communication to the Attorney-general. I think I did in 1833, about a child being murdered by a female at the instigation of a ticket-of-leave man; but it could not be substantiated.

I do not think the evils resulting from the establishment of the police station would be so great if the establishment were at a greater distance off. I do not think a police establishment, within seven or eight miles of the station, would produce any bad consequences; but if established within two miles it would certainly be injurious, but not so much so as under present circumstances, when the mission and police establishments are at the same place. Drays usually stop at the river, about 400 yards, or at the junction, about one mile and a half off, but oftener at the latter.

I think there is an eligible place for a township at Nuree, about seven miles on this side of the mission station; it is on the Bell River, beyond the boundary. Mr. James Smith has a stock station there. There are many persons who have not signed the petition for fixing on the junction of the river as the site for the township.

The reports for 1837 and 1838 are strictly true, and are not coloured or exaggerated.

There were about 60 natives at Wellington Valley last week. I am certain that any person who had land at the station for some time, and taken notice of our proceedings, would be satisfied of the truth of the statements in those reports. I will instance Dr. Curtis, who manages for Mr. Montefiore and Mr. J. J. Moore. I am afraid that the anxiety of Messrs. Raymond and Maughan for the establishment of the township, biassed their minds unfavourably towards the mission.

Those natives who are under instruction have advantages in point of food which the others have not. We cannot afford clothing to the whole of them. I am afraid the white population has not benefited, or but very little, from the missionary labours. We have two English services every Sunday. When Mr. Taylor was there Mr. Gunther was absent, on which account there was only one service that day. There is no regular native service, because when natives who understand English are present, it is not deemed necessary. There may be from 10 to 20 stations within 10 miles of the mission. I have visited all of them a hundred times. I have seldom seen anybody but the hutkeeper.

We

We have distributed perhaps 100 Bibles and prayer-books during the time we have resided there. We have made many attempts to obtain, or rather inquiries to ascertain whether we could obtain the attendance of the shepherds, but without success. We allow parents to come and see their little children. If the station should be removed I do not think we shall succeed so well.

I think the blacks capable of learning anything as quickly as whites. In their savage state their minds are quite uncultivated. Their physical strength is equal to that of the whites. I have understood that the evidence of native blacks would not be admitted in the courts. They are not, generally speaking, given to falsehood, unless from some powerful motive. I have had a young man five or six years; I never knew him to tell a falsehood.

I think that some of the men are very jealous, whilst others again will compel their wives to go to the whites against their own inclinations. I think that the more general inclination of the black men would be to dispose of their wives for profit. There has not been any particularly unpleasant correspondence with the committee. I have about 50 or 60 head of cattle and some sheep; they have not been on the mission land for these five years. About 100 to 150 head of cattle and 1,000 sheep belong to the mission. The mission consumes about 800 pounds of meat per week; and the sheep would weigh, say about 40 pounds each. The first inquiry about my own cattle and sheep was in November 1837. The mission is entirely dependent on the 500 *l.* a year from the Government.

Enclosure A. 1, to Minute No. 25 of 1839.

(No. 39/362.)

Surveyor-general's Office, Sydney,  
13 August 1839.

Sir,

I HAVE the honour to acquaint you, for the information of his Excellency the Governor, that Mr. assistant-surveyor Ogilvie having been called up to ascertain and report with reference to your letter, 3d June last, No. 39/383, on a suitable situation for a town in the Wellington district, in lieu of that at the confluence of the Bell and the Macquarie, to which it appears that the missionaries object, reports that he has inspected the ground at Newry, and finds it to be suitable for a village, but that it is not so central, nor are the features or the inclination of the land so well adapted as that at the confluence of the Bell with the Macquarie Rivers; and further, that he has examined the country about the lower or eastern road to Wellington, and has not succeeded in finding any suitable spot, as that line of country is badly watered and of an inferior description.

I have &c.

The Hon. the Colonial Secretary.

(signed) *S. A. Perry*, D.S.G.

Enclosure A. 2, to Minute No. 25 of 1839.

Sir,

Sydney, 23 July 1839.

WITH reference to the correspondence and to the interviews which have taken place between his Excellency the Governor and the corresponding committee of the Church Missionary Society, relative to the location of a government civil establishment on the spot which was specially allotted to the missionaries at Wellington Valley, under the sanction of the Right Hon. the Secretary of State, the corresponding committee request that you will have the goodness to inform his Excellency, that as no communication has yet been received by them on the subject since myself and the Rev. Mr. Watson were examined before the Executive Council, the corresponding committee, in compliance with the instructions of the parent committee, contained in a letter dated in London, 22d December last, of which a copy is herewith transmitted, feel it their duty to request respectfully, that his Excellency will be pleased, as soon as practicable, either to remove the civil establishment from Wellington Valley altogether, or to remove the mission to a different station, where the improvement of the religious, moral, and social condition of the aborigines may be most conveniently, most extensively, and most permanently promoted.

At the same time the corresponding committee beg leave to state, that in consequence of the increased and heavy expense of the mission at Wellington Valley, occasioned by the long-continued drought, the scarcity of wheat and meat, and the difficulty of obtaining supplies, the agents of the Church Missionary Society have been necessitated to draw upon the society for the sum of 345*l.* 1*s.* 9*d.*; and as such scarcity and difficulty still continue, the corresponding committee would respectfully solicit the favourable attention of the colonial government to this matter, and pray that some additional pecuniary aid may be afforded for this mission, in order to meet the present and past extraordinary expenditure.

I have, &c.

The Hon. the Colonial Secretary.

(signed) *William Cowper*.

NEW SOUTH  
WALES.

Encl. in No. 8.

New Holland Department.

Dear Sir,

Church Missionary House, 22 December 1839.

1. We enclose a duplicate of our letter, in this department, of the 7th instant, and have since received no communication from you in it.

2. After having considered what is stated in your late despatches, we do not see any reason to change the views expressed in our former letter respecting the injurious consequences which must, we apprehend, unavoidably follow to the mission by the location of government civil establishments within it. We therefore renew our request to the corresponding committee to press on the local government either the removal of those establishments altogether, or the location of the mission in a different situation, but one wherein the improvement of the religious, moral, and social condition of the aborigines may be most conveniently, most extensively, and most permanently promoted.

3. The usual publications for the New Holland Mission are included in the present shipment by the "Achilles."

We remain, &c.

(signed) *D. Coates, Sec. c. m. s.*

(True copy.)

(signed) *William Couper.*

Enclosure A. 3, to Minute No. 25 of 1839.

Sir,

Police Office, Wellington, 22 July 1839.

With reference to your letter of the 3d June 1839, in which you request that I will ascertain whether, in my opinion, some eligible spot might not be found near Wellington Valley for the erection of a township at a distance of not less than three nor more than eight miles from the missionary establishment, and in which you state it has been suggested that such a spot might be found on the River Bell at a place called Newry, I have the honour to state for the information of his Excellency the Governor, that having visited Newry, and not having seen any land there so well calculated for the site of a township as that at the junction of the Bell and Macquarie Rivers, I appointed a day for a meeting of the settlers in this district, in order that I might ascertain what was the general opinion upon the subject, which meeting, in consequence of the shortness of the notice, was not attended. I therefore beg leave to refer you to the petition, signed by all the respectable persons in the district, first presented to his Excellency the Governor, which prays that a township may be laid out at the junction of the Bell and Macquarie Rivers; and to state that in my opinion, no equally eligible spot can be selected for that purpose within the above-mentioned distance, from the buildings occupied by the missionaries.

I have, &c.

(signed) *W. Ware Barrow, J. P.,*  
Police Magistrate.

The Hon. the Colonial Secretary.

Sir,

Sydney, 26 August 1839.

By desire of the corresponding committee of the Church Missionary Society, I have the honour to enclose for the information of his Excellency the Governor, a copy of the minutes made at their meeting, held the 23d instant, upon the affairs of the mission at Wellington Valley.

I have, &c.

(signed) *William Couper.*

The Hon. the Colonial Secretary.

MINUTES of the Meeting referred to in the foregoing.

Sydney, 23 August 1839.

Corresponding Committee Church Missionary Society, New Holland Department.

Present:—Alexander M'Leay, esq.; Thomas Macquoid esq., and Rev. W. Cowper.

Minutes of last meeting read.

Read letters from Rev. J. C. S. Handt, dated July 26th and 28th, 1839; also read letter from Mr. William Porter, dated 20th August 1839.

Upon Mr. Porter's letter it was resolved—

1. That with reference to the unhappy disunion of the missionaries, this committee are still of the same opinion as expressed in their Minute, and in the communication made in February last, respecting the expediency of removing the Rev. W. Watson from the mission at Wellington Valley, and supplying his place with another missionary of a more conciliatory disposition.

2. That this committee recommend to the parent committee, the appointment of a catechist and schoolmaster, as now suggested by Mr. Porter.

3. That

3. That the additional expense hereby to be incurred be solicited from the Home Government.

4. That instead of the quantity of land suggested by Mr. Porter, this committee recommend 16 square miles, or 10,000 acres, as nearly in the form of a square as may be practicable, and well watered, be solicited from Government.

5. That while the corresponding committee admit that hitherto little has indeed been effected for the religious or moral improvement of the aborigines, yet as the mission at Wellington Valley is the only one established in New South Wales, and if this be relinquished it is very probable nothing further in this way will ever be attempted with Government support, this committee would therefore, with every consideration which humanity and justice, religion and morality can suggest and sanction, recommend the adoption of more efficient measures for ameliorating the condition of the aborigines.

(True copy.)

(signed) *William Cowper.*

NEW SOUTH WALES.

Encl. in No. 8.

— No. 9. —

(No. 61.)

COPY of a DESPATCH from Governor Sir *Geo. Gipps* to Lord *J. Russell*.

My Lord, Government House, Sydney, 7 May 1840.

IN connexion with my despatch of this day's date, No. 60, on the subject of the mission at Wellington Valley, and the protection and civilization of the aborigines of this colony, I beg to enclose to your Lordship copies of the following documents:

1. Copy of a memorial addressed to me by certain of the settlers in the county of Grant, and district of Port Phillip.
2. Copy of the answer to the same, sent according to my direction, by the Colonial Secretary of this Government.
3. Copy of a letter from Mr. Dredge, Assistant Protector of Aborigines at Port Phillip, to the Superintendent of Port Phillip, tendering his resignation.
4. Copy of a letter from the Colonial Secretary to the Superintendent of Port Phillip, in answer to the same.
5. Copy of instructions recently given to the Superintendent of Port Phillip, to cause reserves to be made for the aborigines in that district, each reserve to be the station of an assistant protector.

I beg to state to your Lordship, that these documents are selected out of a vast number bearing on the same subject, for the purpose only of showing, that notwithstanding the great difficulties against which we have to contend, this government is making every exertion in its power for the protection and civilization of the aborigines.

For the same purpose, I subjoin a return of the number of persons now engaged in the undertaking, and an estimate of the annual expenses incurred on this account by the colony.

I have, &c.  
(signed) *Geo. Gipps.*

No. 9.  
Sir George Gipps  
to Lord J. Russell,  
7 May 1840.

Page 33.

*Memorial.*

No. 1.  
18 April 1840.

No. 2.  
17 Feb. 1840.

No. 3.  
24 April 1840.

No. 4.  
28 April 1840.

No. 5.  
24 May 1840.

No. 6.

Enclosure 1, in No. 9.

TO his Excellency Sir *George Gipps*, Captain-General and Governor-in-Chief of New South Wales, &c. &c. &c. Encl. 1, in No. 9.

The humble Memorial of the Undersigned Proprietors of Land and Stock in the County of Grant,

Sheweth,

THAT the attention of memorialists has been painfully directed to the condition of the aboriginal inhabitants of this district, by the many outrages committed by them, on the persons and properties of the colonists, and by the rapidly proceeding diminution of the numbers of the native population, tending in all appearance to their final and utter extinction; sheep are being daily stolen, driven away, and destroyed; servants so frightened as to be unfit to discharge their duties, and in many instances murder has been committed. That memorialists have no protection or safeguard against the repetition of such outrages, for although



NEW SOUTH  
WALES.

Encl. 1, in No. 9.

although an assistant protector of aborigines has been for a considerable period stationed in the district, his presence has rather encouraged the native tribes in their aggressions, while he has not, so far as memorialists are able to discover, rendered them any service in defending their rights, or protecting them from the lower classes of the white population, nor do memorialists conceive his procedure in any degree fitted to improve the condition of those for whose benefit he is understood to be stationed here.

That memorialists beg further respectfully to state, that the border police has been equally ineffective in protecting them, being never on the spot to prevent the occurrence of aboriginal outrage, and in every instance where the attempt has been made having failed in extricating truth respecting reported collisions between the white and black population.

That it appears to memorialists that some alteration in the law as affecting the aborigines is necessary, many of the offences which they are in the habit of committing being cognizable only in the Supreme Court; and they would respectfully submit to your Excellency the propriety of making legislative provision for the summary treatment of aboriginal outrages, by the local magistracy, and for affixing such punishment to their offences (to be inflicted on the spot), as will tend to deter others from similar crimes.

That while memorialists complain of the aggressions of the aborigines, they beg respectfully to assure your Excellency, that they are not insensible to the claims of that unfortunate race to humane and kindly treatment, and are most anxious to see proper measures adopted for the amelioration of their condition.

That it appears to memorialists that the original occupants of the soil have an irresistible claim on the Government of this country for support, inasmuch as the presence of the colonists abridges their means of subsistence, whilst it furnishes to the public treasury a large revenue in the shape of fees for licences and assessments on stock, together with the very large sums paid for land seized by the Crown, and alienated to private individuals.

That it appears to memorialists that the interests at once of the natives and the colonists would be most effectually promoted by the government reserving suitable portions of land within the territorial limits of the respective tribes, with the view of weaning them from their erratic habits, forming thereon depôts for supplying them with provisions and clothing, under the charge of individuals of exemplary moral character, taking at the same time an interest in their welfare, and who would endeavour to instruct them in agricultural and other useful arts.

That memorialists would respectfully express their firm conviction, founded on past experience, and from observation of what is now passing in the district, that religious instruction by missionaries taking a deep interest in the temporal and eternal welfare of the aborigines, forms the only means of effectually civilizing them, and they would suggest that this be kept in view in any arrangements attempted for bettering their condition.

That while memorialists humbly conceive that the duty of supporting the aborigines, as well as that of protecting from aggression those who pay so largely for the privilege of occupying the territories once possessed by them, devolves upon the government, they have no doubt that any judicious plan for the civilization of the natives, would be liberally supported by many philanthropic individuals, who desire to preserve them from extinction, and to see them raised to the rank of Christian and civilized men.

In conclusion, memorialists would humbly but earnestly implore your Excellency with the least possible delay to adopt some efficient measures commensurate with the great object in view, to protect the colonists from native outrage, to prevent the utter extermination of the aboriginal race, and to impart to their condition every improvement of which it is susceptible.

(signed)

|                              |                           |                        |
|------------------------------|---------------------------|------------------------|
| Alexander Thomson, Chairman. | Alex. Kemp.               | William Timms.         |
| Geo. Jno. Read, Junior.      | Edward Kemp.              | J. N. M'Leod.          |
| David Fisher.                | George Russell.           | Thos. Wright.          |
| Joseph Tollace.              | Robt. Sutherland.         | Hy. Gibb.              |
| T. S. Pollock.               | Joseph Sutherland.        | Alex. Bird.            |
| Thos. Austin.                | Alex. Irvine.             | Henry Anderson.        |
| James Austin.                | John Davenport Bromfield. | Arch. B. Yuille.       |
| Jno. Riddle.                 | E. D. F. Hamilton.        | T. Clarke, D. Surgeon. |
| N. H. Pettitt.               | W. Carter.                | Frederick Dewing.      |
| John C. Francis.             | A. Lloyd.                 | Hugh Murray.           |
| Geo. Smythe.                 | Thomas Armytage.          | A. Morris.             |
| H. D. E. Russell.            | Thomas Rickett.           | J. Kinross.            |
| H. Bishop.                   | James Hope.               |                        |

Enclosure 2, in No. 9.

Encl. 2, in No. 9.

Gentlemen,

Colonial Secretary's Office, Sydney,  
18 April 1840.

I AM directed by the Governor to acknowledge the receipt of your memorial relative to the aboriginal natives at Port Phillip, and to express to you, that although he greatly regrets to hear that insecurity still prevails in the district wherein you are settled, in consequence

quence of the depredations of the aborigines, and of collisions between them and the servants of the settlers, he is happy to find that the sacred duty of the government and people of this colony to protect and civilize the aborigines is distinctly recognized by the memorialists.

His Excellency directs me to remark that the memorialists cannot be ignorant that the government has of late strenuously exerted itself to fulfil this acknowledged duty, as well as to afford protection to the lives and property of the settlers, and that of the three distinct systems which are now in operation for the purpose of effecting these objects, two have been introduced and set in motion within the last two years. His Excellency considers it by far too early as yet to pronounce that all these exertions are failures, and that if they ultimately do fail, it will only be from the want of that support and co-operation of the settlers themselves, which the government has a right to expect.

Twelve months had not elapsed when the memorialists addressed his Excellency, since the Protectors sent from England by Her Majesty's Government entered on their duties, and both the Government and the people of England will expect that the experiment which these gentlemen were commissioned to try shall not be too hastily condemned or abandoned.

The border police has been found in the northern portions of the colony to be productive of great good, and the Governor has no reason to conclude that the same will not be the case in the district of Port Phillip, although in a country where settlers are allowed to drive their flocks to unlimited distances in search of pasturage, it is impossible that the government can follow them with a police force adequate on all occasions to insure perfect security of life and property.

Notwithstanding the inconveniences which have been frequently represented to arise in the neighbourhood of Wellington Valley, from the reservation of an extensive district of country for the exclusive use of the aborigines, I am directed to say that his Excellency is disposed to think such reservations to be desirable, and that he is glad to find the memorialists coincide with him in this opinion. The failure or alleged failure of the experiment at Wellington Valley has hitherto prevented the government from forming any other equally extensive reserves; but the promise of success which is afforded by the recent establishment of the Wesleyan missionaries in the county of Grant, is an encouragement to proceed, and a far greater encouragement is the opinion in favour of such establishments now expressed by the memorialists.

In reply to that part of their memorial in which the enactment of a law is asked for, which shall subject the aborigines to a more summary jurisdiction, for the punishment of offences, than other portions of the free population of this colony, I am instructed by the Governor to say, that the subject is one which requires very grave consideration, and that he very much doubts whether the enactment of such a law could be permitted, unless its provisions were extended to white men as well as black, and especially to cases in which men of European origin may be found to interfere with black women.

In conclusion, I am directed by his Excellency to add, that he is determined no exertion shall be wanting in him to give to each of the three systems of protection, which are now in operation, a full and fair trial, and that his Honour, the superintendent of Port Phillip, will be authorized to spare no reasonable expense in rendering each of them efficient.

I have, &c.

Alexander Thomson, Esq. Chairman,  
and the Gentlemen Proprietors of Land Stock in the  
County of Grant, signing the Memorial.

(signed) *E. Deas Thomson.*

NEW SOUTH  
WALES.

Encl. 2, in No. 9.

Enclosure 3, in No. 9.

Sir,

Goulburn River, 17 February 1840.

Encl. 3, in No. 9.

I beg to submit for the consideration of his Excellency the Governor, and for the information of the Right honourable the Secretary of State for the Colonies, the following brief notice of my engagement and employment as assistant protector of aborigines in Australia Felix, and to request to be made acquainted with His Excellency's pleasure thereupon as early as possible.

When it was first proposed to me in England to undertake the office of assistant protector of aborigines, I was given to understand that it was to be as much as possible of a missionary character, and that consequently preference would be given to men who had been accustomed to public religious teaching; that it was desirable they should be men with families; that the Government would render the situation respectable, and provide for the protectors and their families a suitable residence, and all other facilities for the accomplishment of the great objects of their undertaking.

Having for many years felt a considerable interest in promoting the extension of Christianity amongst heathen tribes, I was induced to relinquish the comforts and advantages of an English home, and transfer my family to New South Wales. The allowance of passage-money, 100*l.*, though an adequate provision for a single man, was insufficient to procure a passage for a family, except in a vessel the accommodations and provisions of which were anything but respectable. A gracious Providence, however, brought us safely to Sydney. Here we were destined to encounter a chilling reception, to incur heavy expenses, and to

NEW SOUTH  
WALES.

Encl. 3, in No. 9.

endure an amount of obloquy which could not well have been exceeded had we been expatriated for notorious offences. Having received instructions to proceed to Port Phillip, after some demur about my family, a passage was provided in a vessel which was taking down emigrants and soldiers; but such was the crowded state of the vessel, that the only accommodation it afforded to myself, wife and two daughters, and luggage, was a cabin six feet square. My two sons were obliged to sleep in a lumber-hole of a most wretched description, and I was compelled to pay the freightage of such things as could not be stowed in my cabin. On my arrival at Port Phillip, I had also to pay for the conveyance of my luggage to Melbourne; no residence having been provided for my family, our sojourning here was in a tent. The price of provisions, &c. was so high, that the protectors found their salaries to be barely sufficient for the maintenance of themselves and families, and addressed a joint application for the allowance of rations to the families, or an equivalent in money. His Excellency Sir George Gipps was pleased to grant a commuted allowance of 10s. 6d. per diem, which was stated to be in lieu of rations for the families, forage for a horse, and out of which we were to feed and clothe the two prisoners attached to each protector. This allowance took place after three months' residence at Melbourne, when I received instructions to proceed to the district of the Goulburn River, as the scene of my future operations. For the conveyance of my equipment and supplies to a distance of more than 80 miles through the bush, I was furnished with a cart and one bullock. To the inquiry, how my family were to be removed thither? I was answered, "The Government has only to do with you, and knows nothing of your family."

It being utterly impossible to convey my own supplies to so great a distance with such means, and being anxious to commence the duties of my office, I procured three additional bullocks at my own expense, which I have hitherto kept, and employed wholly in the public service. My family continued to reside in a tent at Melbourne until the winter, when the state of their health required that they should remove into a house. The expenses entailed by this circumstance were more than my limited means would allow, and I therefore took measures to remove them to a miserable slab hut which I had constructed, principally with my own hands, on the Goulburn River. By this removal, I was involved in an additional heavy expense. Though this measure was rendered necessary as a matter of convenience and economy, it was the occasion of much hardship to Mrs. Dredge, who, for various reasons, being unable to obtain a female servant, was compelled to submit to the performance of such constant domestic drudgery as she had not been accustomed to, and a continuance of which the delicate state of her health will not admit, while our daughters are entirely debarred from any opportunity of obtaining instruction, both my time and that of their mother being wholly occupied with other matters.

On my arrival in this country, I was informed that the office would be one of an entirely civil character; and I was subsequently appointed a magistrate, a distinction I never coveted, but one, so far as I was concerned, almost entirely nominal, inasmuch as I received instructions that I was not to act in a magisterial capacity, not even to issue a warrant for the apprehension of an offender, should I be applied to for that purpose under the most urgent circumstances, unless the aborigines were concerned.

The duties prescribed for my performance are of such a character as to defy the possibility of performance; as for example, I am required to proceed 85 miles into the interior, to convey thither my equipment and supplies, and to fetch up provisions, &c. for the natives with one bullock, when it was well known that one bullock could not draw thither the empty cart; I am expected to move about the country, and to make returns of the numbers, names, sex, and age, together with a registry of births and deaths, &c. of the aborigines of the numerous tribes, and sections of tribes, inhabiting and perambulating the vast tract of country from Mount Macedon to the River Hume, and indefinitely in contrary directions; and yet to take charge of stores and implements, and transmit a monthly return of the half ounces of tea, and sugar, and flour which I am to issue to the natives; all of which, and much more, I am to do myself. The government knowing nothing of my family, if any of the articles become spoiled, or otherwise unavailable, it is to be at my risk, although no store is provided for their security. I am required to act against the blacks as well as for them, thereby necessarily inducing in their minds a degree of suspicion subversive of their confidence, and calculated to expose me to their resentment.

To the public it would appear that my salary and allowances are extravagant; it is not generally known, however, that out of the additional allowances which were granted in lieu of rations, &c. I have to feed and clothe two prisoners, and keep in repair tents, cart, &c.; consequently, when the high price of provisions, &c. is considered, it may be supposed that little remains in the shape of rations: and in consequence of the heavy expenses to which I have been subjected in removing from place to place, &c. during the two years that I have been in the pay of the government, but a miserable balance of salary and allowances remains.

I am therefore disappointed and dissatisfied. Disappointed, inasmuch as the office is not what it was represented to me in England it would be; it is not of a religious, but a civil character. I was selected for the office partly that my family might form the nucleus of civilization amongst the natives, but are not recognised here; and so far from its being respectable, no degradation short of banishment can exceed it. My wife's health is consequently injured instead of promoted by the change of climate.

I am dissatisfied, inasmuch as duties are required which with the means furnished I am unable to perform, and I am receiving money from the resources of the colony without rendering a satisfactory equivalent, whilst responsibilities are incurred which I see no way

of discharging with credit to myself, the satisfaction of the public, and the benefit of the suffering aborigines.

I beg therefore most respectfully to tender my resignation of an office which, as at present constituted, according to my judgment, must fail of attaining the benevolent and praiseworthy object for which it was created.

To G. A. Robinson, Esq. J. P.  
Chief Protector,  
&c. &c. &c.

I have, &c.  
(signed) James Dredge.

NEW SOUTH  
WALES.

Encl. 3, in No. 9.

Enclosure 4, in No. 9.

Sir,

Colonial Secretary's Office, Sydney, 24 April 1840.

Encl. 4, in No. 9.

I HAVE the honour to acknowledge the receipt of your letter of the 4th instant (No. 141), enclosing one which Mr. Assistant-protector Dredge has addressed to the chief protector, tendering the resignation of his appointment, and giving the reasons which have led him to take this step; and I am directed by Sir George Gipps to inform you, that there are some statements in Mr. Dredge's communications which require observation.

The Governor knows nothing of the circumstances which led to the appointment of Mr. Dredge, or whether his having a large family was considered an advantage or not; but the Secretary of State expressly informed his Excellency that no promise or expectation was held out to him of any emolument whatever, beyond his salary of 250 *l.* a year; and, in defining the duties of the assistant protectors, his Lordship's words were, that they were "to attend the aborigines, if practicable, in their movements from one place to another, until they can be induced to assume more settled habits of life." If, therefore, Mr. Dredge came out with the expectation that his employment was to be that of a missionary only; that he was to be stationary at a fixed establishment, to have a house provided for him, and all his expenses paid, with a clear salary, in addition, of 250 *l.* per annum, his Excellency must say that he very greatly misunderstood the terms of his agreement.

The protectors were made magistrates by order of the Secretary of State; and that this measure, which was calculated to add to their respectability, should be complained of by Mr. Dredge, appears to the Governor extraordinary. They were certainly recommended to act only in cases in which the aborigines were concerned, a recommendation which was, in his Excellency's opinion, quite proper; but they were not prohibited from acting in any case; and it is even their duty to act whenever circumstances may occur urgently to require their so doing.

Mr. Dredge is wrong in saying that, for the conveyance of himself and family a distance of 80 miles, he was furnished with only one bullock and a cart. In addition to the bullock and the cart, he was allowed 10 *s.* 6 *d.* per diem for travelling and other incidental expenses; and this allowance was given him for the whole year, raising his pay from 250 *l.* to about 440 *l.*, and putting him, as nearly as possible, on an equality with the commissioners of Crown lands, whose duties are somewhat of an analogous nature, and who, his Excellency is happy to say, have generally been found to be amongst the most efficient officers of this government. This allowance of 10 *s.* 6 *d.* a day the Governor still considers to be ample, and he has no intention whatever of increasing it.

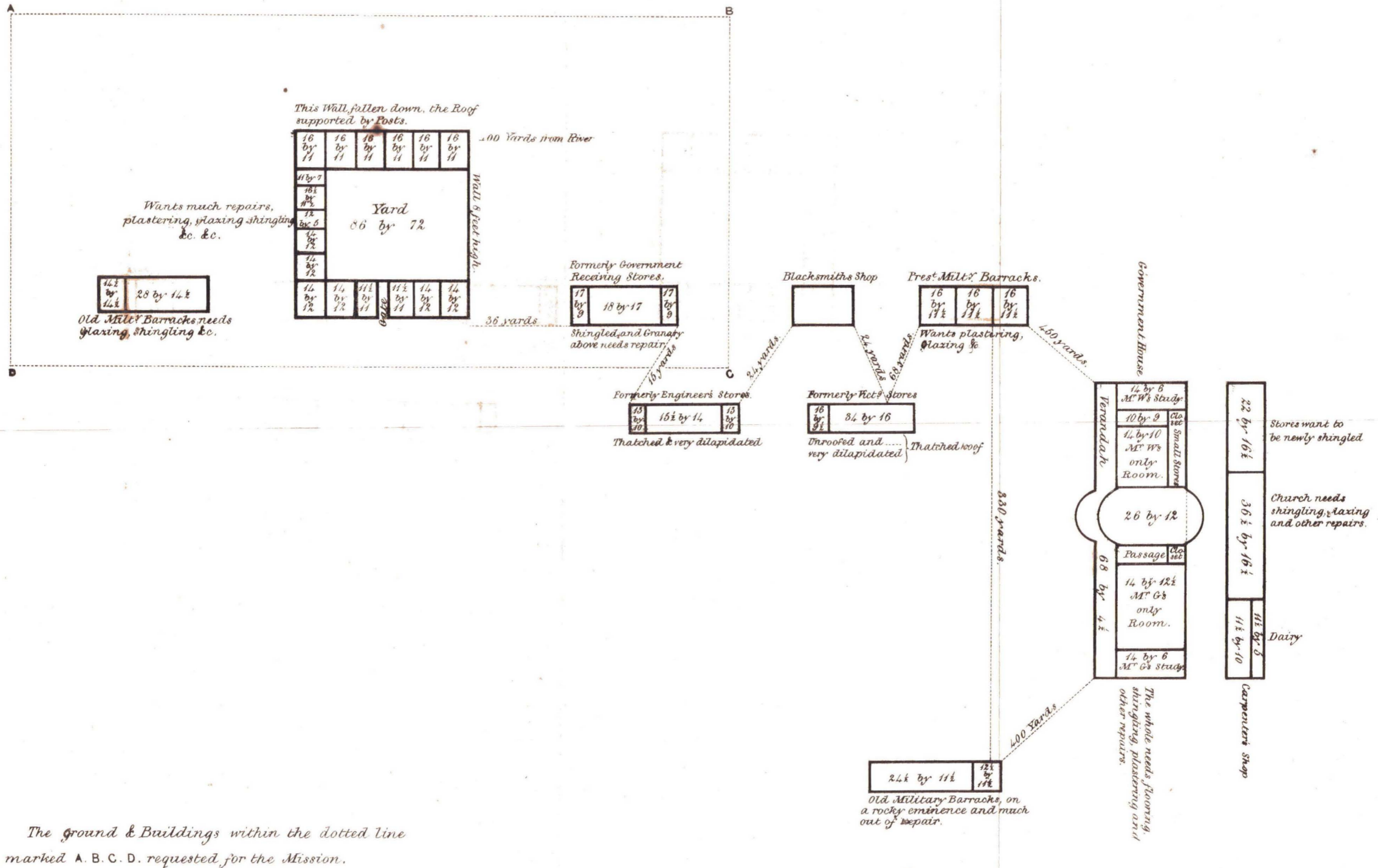
Mr. Dredge says he was dissatisfied from the beginning: the Governor believes he was, and so also were the other protectors; and this is one of the reasons, perhaps, why his Excellency, from the beginning, has had so little reason to be satisfied with them or their exertions. From the beginning he observed in them all, and even in their chief, a disposition to complain a great deal, and to write a great deal, but to bestir themselves in their proper avocations very little. Instead of going to the aborigines, the aborigines were brought to them at Melbourne, where, as might easily have been foreseen, they became the prey of new diseases, and learned new vices.

Mr. Dredge complains that he has been called upon to act against the aborigines, as well as for them. A case may possibly arise to make such a measure necessary; but, as a general rule, the Governor has no hesitation in saying it should be avoided.

The annual allowance for the contingent expenses of the protectors was purposely fixed low (300 *l.*), because it was the Governor's object to avoid, as far as possible, the bad practice of giving presents to the aborigines, which in general, instead of exciting in them a desire to earn money by labour, or by making themselves useful, tends to confirm them in their habits of idleness. The sum of 300 *l.* per annum his Excellency thought, and still thinks, quite sufficient to be expended in presents; but had he found it to be well expended, he would not perhaps have objected to increase it.

Mr. Dredge, since he left England, has cost the public from 800 *l.* to 1,000 *l.*; and if his resignation be now accepted, the Governor must say the public will have received from him very small services in return; nevertheless, he will not refuse to accept his resignation, if he still wishes to tender it.

The Governor directs me to add, that he cannot increase the personal allowance of the protectors, neither can he exempt them from the duty of itinerating amongst the tribes of aborigines in their respective districts. He cannot consent to look on them as missionaries instead of protectors; he is, however, anxious, by all means in his power, to make their labours efficient; and when he sees the same disposition amongst them, he will not refuse



NEW SOUTH  
WALES.

to entertain and duly weigh any proposal respecting them, or their duties, which may come before him with the approval and recommendation of the superintendent of Port Phillip.

Encl. 4, in No. 9.

His Honour C. J. Latrobe, Esq.  
Superintendent, Port Phillip.I have, &c.  
(signed) E. Deas Thomson.

## Enclosure 5, in No. 9.

Encl. 5, in No. 9.

Sir,

Colonial Secretary's Office, Sydney, 28 April 1840.

I HAVE had the honour to receive and submit to the Governor your letter of the 3d instant (No. 40/137) with its enclosures, on the subject of Mr. Assistant Protector Parker's desire to select a homestead on the Leddir River; and in reference thereto I have the honour to communicate to you his Excellency's pleasure, that a reserve of one square mile may be made for each assistant protector, on the same principle as the reserve for the Wesleyan missionaries in the county of Grant; and the Crown commissioner should be instructed to allow of no stations within five miles of the protectors' residences.

Great discretion should, however, be exercised in the selection of proper spots for the residences of the protectors; they should be especially remote from the great lines of communication: and, in this point of view, his Excellency is inclined to think that the present selection is objectionable, as Mr. Robinson, in his letter forwarded by you, says it is crossed by Major Mitchell's line of road. The reserves for the aborigines should be as remote as possible from the settled districts of the colony, otherwise all the difficulties will recur which the mission at Wellington Valley has had to contend with.

It is at the same to be understood that the square mile, or 640 acres, forming the inner reserve, is intended for cultivation, and the other reserve of five miles in radius (or a circle of 10 miles in diameter) for the hunting ground of the natives; but as every effort ought to be made to induce them to engage in the pursuits of agriculture or regular labour, the extent of their hunting grounds should gradually be curtailed instead of increased; and it is for this reason that his Excellency proposes to make the inner reserve a permanent, and the outer only a temporary one.

The Governor would, however, invite you to use your own discretion in forming these reserves, and to act no further on these instructions, without further reference to his Excellency, than you may yourself approve of.

His Honour the Superintendent, Port Phillip.

I have, &c.  
(signed) E. D. Thomson.

## Enclosure 6, in No. 9.

Encl. 6, in No. 9.

ESTIMATE of the Annual Expenses incurred for the Civilization and Protection of the  
ABORIGINES of New South Wales.

|   | £.     | s. | d. | £.     | s. | d. |
|---|--------|----|----|--------|----|----|
| <b>PROTECTORS:</b>  |        |    |    |        |    |    |
| Salary of chief protector - - - - -   | 500    | -  | -  |        |    |    |
| Salary of four assistant protectors, at 250 l. each per annum - - - - -   | 1,000  | -  | -  |        |    |    |
| Allowance to the chief protector, in lieu of stationery and clerical assistance - - - - -                                       | 100    | -  | -  |        |    |    |
| Commuted allowance to the four assistant protectors, in lieu of forage and servants, at 10 s. 6 d. each per diem - - - - -      | 768    | 12 | -  |        |    |    |
| For donations, at the discretion of the chief protector - - - - -   | 300    | -  | -  |        |    |    |
|   |        |    |    | 2,668  | 12 | -  |
| <b>BORDER POLICE:</b>   |        |    |    |        |    |    |
| Salary of three Crown land commissioners, at 500 l. per annum - - - - -   | 1,500  | -  | -  |        |    |    |
| Salary of six Crown land commissioners, at 450 l. per annum - - - - -   | 2,700  | -  | -  |        |    |    |
| The cost of forage of horses, rations to men, and various contingent expenses, cannot be correctly estimated, but say - - - - - | 10,000 | -  | -  |        |    |    |
|   |        |    |    | 14,200 | -  | -  |
| Carried forward - - - - -   | £.     |    |    | 16,868 | 12 | -  |

|   |          | £.            | s.       | d.       |
|---|----------|---------------|----------|----------|
| Brought forward - - - -   |          | 16,868        | 12       | -        |
| <b>MISSION ESTABLISHMENTS :</b>   |          |               |          |          |
| Salary of Rev. L. E. Threlkeld, missionary at Lake Macquarie - - - -  | £. s. d. | 150           | -        | -        |
| Allowance for the maintenance of four convict servants - - - -  | £. s. d. | 36            | -        | -        |
|   |          | 186           | -        | -        |
| In aid of the mission of the Church Missionary Society at Wellington Valley - - - -   |          | 500           | -        | -        |
| In aid of the Wesleyan Missionary Society at Port Phillip - - - -   |          | 600           | -        | -        |
| In aid of the German mission at Moreton Bay - - - -   |          | 500           | -        | -        |
|   |          | 1,786         | -        | -        |
| Donations of provisions, clothing and blankets, for distribution, by the several police magistrates, and Crown Commissioners, say - - - - |          | 1,400         | -        | -        |
| <b>TOTAL - - - £.</b>   |          | <b>20,054</b> | <b>-</b> | <b>-</b> |

NEW SOUTH WALES.  
Encl. 6, in No. 9.

Audit Office, Sydney, New South Wales, (signed) *William Lithgow*, Auditor.  
4 May 1840.

*N. B.*—The Border Police is not exclusively employed for the protection of the aborigines, but it was instituted principally on their account, as explained in Sir George Gipps's Despatch of the 6th April 1839, No. 65.

— No. 10. —

(No. 128.)

COPY of a DESPATCH from Lord John Russell to Governor Sir George Gipps.

No. 10.  
Lord J. Russell to  
Sir George Gipps  
5 August 1840.

Sir, Downing-street, 5 August 1840.

Page 27.

WITH reference to Lord Glenelg's despatch (No. 240, of the 10th November 1838), I transmit to you herewith a copy of a communication which I have received from the secretary to the Church Missionary Society, in which he again brings under the consideration of Her Majesty's Government the state of the society's mission in New South Wales, and urges the claim of the society to some further support in aid of their mission.

14 February 1840.

I referred that representation to the Colonial Land and Emigration Commissioners for any suggestions which they might have to offer in regard to the proposals of the society, and the further measures to be taken for the security of the aborigines; and I enclose a copy of the Report which I have received on the subject from the Commissioners.

17 July 1840.

In transmitting to you this Report, I must unreservedly express my sense of the extreme difficulty with which the question is surrounded; and although the suggestions of the Commissioners are well worthy of the consideration of the local government, yet I do not, in the present state of the case, feel myself warranted in expressing my decided concurrence in them. I can therefore only recommend the question to your immediate and serious consideration, confident that it is unnecessary to impress upon you, that with you rests the continual duty of devising and executing plans for the benefit of the aborigines. You alone can effectually perform that duty; for although you may be assisted by the suggestions of Her Majesty's Government, it is impossible to furnish you from hence with definite instructions for your guidance on this subject.

I have, &c.  
(signed) *J. Russell.*

Enclosures in No. 10.

My Lord,  
I am directed by the committee of the Church Missionary Society to bring under your Lordship's consideration the circumstances of the mission to the aborigines of New Holland.

Church Missionary House, 14 Feb. 1840.

Encl. in No. 10.

627.

I

This

NEW SOUTH  
WALES.

Encl. in No. 10.

This mission was undertaken by the committee in the year 1830, at the instance of your Lordship's predecessor, Sir George Murray. The principle on which the committee undertook the mission was, that the society should find two missionaries, and that Her Majesty's Government should assign a sum of 500 *l.* per annum for the support of the mission, and defray the outfit and passage of the missionaries. The committee were also led to expect that the Government would favourably consider an application for an enlargement of the pecuniary grant, should the mission proceed satisfactorily.

Unhopeful as the undertaking was, from the degraded character of the aborigines, and from the demoralizing effects on them of their contact with the convict population of the colony, the progress of the mission, in the melioration of their condition, was as considerable as could reasonably have been expected. The committee, in consequence, addressed a letter to Lord Glenelg, 17th December 1835, soliciting an increase of the annual grant, and the assignment to the society of a tract of land at Wellington Valley, where the mission was located, in trust for the benefit of the aborigines, and in suberviency to the extension of the mission to them. A copy of that letter is hereto annexed.

To this application Lord Glenelg replied through Mr. J. Stephens, 30th June 1836, encouraging the committee to expect the assignment to the society of the land in question, and an increase of the annual grant.

Previously, however, to Lord Glenelg's communication to the above effect reaching the Governor of New South Wales, measures had been adopted for placing a police establishment at Wellington Valley. It was immediately felt by the missionaries that such a proceeding involved consequences destructive to the beneficial working of the mission. Representations to this effect were addressed by them to the local government, to the committee, and to their representatives in New South Wales. The subject was, by direction of the committee, brought under the notice of Lord Glenelg, in a letter dated 31st October 1836, a copy of which is annexed.

In reply to that letter, the committee were informed by Sir George Grey, 10th November 1836, that Lord Glenelg had directed the Governor of New South Wales to transmit a report on the whole subject, and had called his attention to the instructions upon it addressed to his predecessors.

The committee have recently learned, by a communication from the Rev. W. Cowper, their correspondent in Sydney, that the Government had come to the determination to remove the government establishment from Wellington Valley, and for the present to allow the missionaries to occupy the land there as heretofore.

In another communication Mr. Cowper transmits a copy of a letter from the Hon. E. D. Thompson to himself, under date of 5th August 1839, in which Mr. T. states: "I am instructed by his Excellency to inform you, with respect to the farther pecuniary assistance which you apply for in aid of the mission, that he regrets he has no funds out of which it can be afforded."

Under these circumstances the committee have directed me fully to lay before your Lordship the whole state of the case, and to solicit your effective interference to place the mission on a permanent footing, with sufficient pecuniary means for its support and progressive extension.

Your Lordship will observe that the Governor's sanction for the continuance of the missionaries on the land at Wellington Valley is only temporary. This is a state of things wholly incompatible with steadily carrying out any plans, however well devised, for the improvement of the religious and social condition of the natives. In any case this would be highly inconvenient and disadvantageous; but in the actual state of the aborigines of New Holland it precludes all reasonable hope of success.

The present annual grant of 500 *l.* is also quite inadequate to support two missionaries and a farmer, of whom the present establishment consists, with the subordinate agents, educational and agricultural, which are indispensable for advantageously carrying forward the mission.

The committee strongly solicit the permanent assignment to the Church Missionary Society, in trust for the support of the mission to the natives, of the entire district at Wellington Valley. The extent of the tract of land in question is set forth in an official notice of the Governor of New South Wales, issued in the year 1833 or 1834.

The committee deem it essential to the successful prosecution of the mission, that this grant should not be liable to resumption so long as the conditions of the trust are fulfilled by the committee.

The committee farther earnestly impress on your Lordship's attention the necessity, for the welfare of the natives, and for the due exercise of the influence of the missionaries over them, that effectual measures should be taken to prevent any intrusion of the colonists, especially of the stockmen, in the district assigned to the mission, on any pretext whatever.

With regard to an increased pecuniary allowance the committee are compelled to state, that in the present situation of the Church Missionary Society's finances they cannot appropriate any portion of them to the New Holland mission; they therefore earnestly call your Lordship's attention to the provision of the requisite pecuniary means for supporting an undertaking entered on at the special desire of Her Majesty's Government.

As the proposed grant of land, if duly secured to the society, would, it is conceived, by being rendered productive by agriculture and grazing, through the agency of the very competent farmer now forming part of the society's establishment at Wellington Valley, the pecuniary grant might gradually be diminished as the land gradually advanced in productiveness; the committee wish it to be understood that they have no desire to receive  
from



from Government, either by direct grant or through the cultivation of the soil, any larger pecuniary amount than can be advantageously employed in promoting, by the most effective means, the religious, moral, and social improvement of the aborigines.

I have, &c.

Right Hon. Lord John Russell, M. P.  
&c. &c. &c.

D. Coates,  
Sec. C. M. S.

Encl. in No. 10.

My Lord,

Church Missionary House, 17 December 1835.

I am directed by the committee of the Church Missionary Society to request your Lordship's attention to the state of the mission to the aborigines of New Holland.

This mission was undertaken by the society at the instance of Her Majesty's Government. It was commenced at Wellington Valley, about 240 miles N. W. from Sidney, in October 1832, by the Rev. William Watson, and the Rev. J. C. S. Handt; since that period the missionaries have addressed two annual reports to His Excellency the Governor of New South Wales, one for the year ending 31st December 1833, and the other for that ending 31st December 1834. I beg to draw your Lordship's attention to the following passages in the missionaries' last report, as illustrative of the progress of the mission.

"The prejudices which formerly were so strong against the missionaries are in a great measure removed, and many of them have acknowledged that the design of the mission is a good one, and they believe by and bye, "blackfellow make a light" (acquire knowledge). The natives have left their wives at the mission house in large numbers for months successively, when they have gone on their expeditions into the bush. The natives in general have come to the establishment in larger numbers than in the preceding year, occasionally to the amount of 80 and 100. They have also remained longer there, and evidently with more confidence. Many have been induced to work in the mission garden, in the paddock, &c. In the spring, one youth was engaged in driving bullocks at plough, and occasionally ploughing. During the harvest eight natives were daily employed in reaping. Several have planted maize, corn, melons, and pumpkins, and sown tobacco seed for themselves. Some of the children have each a small plot of ground in the mission garden, which they respectively cultivate for themselves.

"The missionaries have itinerated on several occasions to the distance of from 40 to 70 miles in each direction. On these journeys, when they have met with natives who had seen them at Wellington Valley, the most friendly disposition has been invariably manifested. They have also given sufficient evidence that they had not forgotten the daily custom at the mission house of presenting prayer and praise to the Great God and Saviour of mankind, by readily kneeling down and waiting with their Christian teacher in this sacred duty.

"There have been at different times on the establishment during the past year 30 children, to whom instruction has been given; some have remained but a short time, others longer, and some have continued with the missionaries. It has been remarked, that the native children might be taught to imitate certain sounds, or to remember those imitations, and no more. But the missionaries are happy to say it is far otherwise. The gate to knowledge is in a great measure secured against their admission, and they manifest no curiosity to know what is contained therein. Learning to read appears to them a work of impossibility, and therefore they have no heart to it; but when they have once become able to read, and their minds being thereby expanded, they become inquisitive; learning is no longer looked on as a task, but esteemed as a privilege, as well as a source of delight.

"The establishment is occasionally visited by natives from the distance of 100 miles. But it must be acknowledged that until the missionaries are able to address the natives familiarly in the aboriginal language, no considerable success can be expected from their labours. During the past year, constant attention has been given to collecting words and sentences, analysing them; forming a vocabulary and arranging matter for a grammar. The following portions have been translated into the aboriginal language; 1st. The Lord's Prayer, the Apostles Creed, and the Ten Commandments; 2d, chapters i. ii. and iii. of Genesis; 3d, i. ii. iii. iv., part of v. viii. xxvi. xxvii. and xxviii. chapters of St. Matthew's Gospel; 4th, some of the miracles of our Lord.

It was thought more eligible to translate an account of the creation of the world, the introduction of moral evil, the decalogue, the birth of Jesus Christ; His baptism and temptation in the wilderness; some of His miracles; His accusation, trial, death, and resurrection, as forming the leading subjects of converse with the natives, than to proceed regularly with one book.

On one occasion, when a portion of the Scriptures in the aboriginal language was being read, the natives who were round the hut, on hearing it, came in and sat round the missionary of their own accord. When he had finished, one of them, almost in an extacy, jumped up and exclaimed, "Book for blackfellows, book for blackfellows."

The committee will only add the following passage, which affectingly describes the circumstances of the missionary in this peculiarly trying sphere of labour.

"It will never to a reflecting mind appear, that the path of a Christian missionary among savages is bestrewed with flowers, or that his mind is the seat of calmness and tranquillity. In this mission, where natives of both sexes are under instruction on the same spot of ground, the missionary is called to witness painful, yea heartrending circumstances, which can never be recorded for the perusal of an enlightened and Christian public. Cradled in

NEW SOUTH  
WALES.

Encl. in No. 10.

prostitution, as it were, and fostered in licentiousness, the female children brought under instruction in the families of the missionaries, do not lose their propensity to vice, as with a charm; nothing but divine grace can eradicate those propensities, by the regeneration of the soul."

Aware as your Lordship is of the state of barbarism of the aboriginal tribes of New Holland, not less aware are you that the degradation and moral depravity of these poor savages have been incalculably increased by the process of colonization having brought them into contact with the very worst part of the convict population on the outskirts of the settlements; your Lordship will, the committee are persuaded, justly appreciate the importance of the results above described, growing out of little more than two years' application of missionary labours to such a population. To the committee the progress of the mission appears to be very encouraging, and to hold out the prospect of permanent and extensive benefit to the aboriginal tribes if vigorously prosecuted. They therefore are induced to solicit an addition to the present grant of 500*l.* per annum out of the Colonial Funds of New South Wales, to the extent of enabling them to employ an additional missionary and a catechist in the mission. On entering on this undertaking the committee brought under the notice of Sir George Murray, then Colonial Secretary, the probability of additional aid being required in the event of the favourable progress of the mission. The reply of Sir George Murray on this point is contained in the following extract of a letter from Horace Twiss, Esq., under date of 18th February 1830.

"You further desire to be informed whether the extension of the mission be in the intention of Sir George Murray, should its progress be satisfactory, and facilities and encouragements for its enlargement grow out of its operations. Upon a question so general and indefinite it is not in the power of the Secretary of State to furnish an answer. It may perhaps, however, be sufficient for the purpose of the Church Missionary Society to be assured, that the conversion of the aborigines of New Holland to Christianity, and the introduction of civilization among them, is regarded by his Majesty's Government as an object of so much importance, that there is no probability that any undertaking which held out a fair prospect of success would be permitted to languish from the want of additional pecuniary aid."

I am directed further to explain to your Lordship the views of the committee with regard to the future prosecution of this mission. They are informed that a tract of land around the missionary station in Wellington Valley has been assigned for the use of the mission; but they are not aware whether a grant of the land in question has been formally made, or, if made, whether it has been sanctioned by Her Majesty's Government. The committee, therefore, submit to your Lordship's consideration that the tract of land above referred to should be granted to the society on terms to secure it in perpetuity to the object of promoting the moral and religious improvement of the aboriginal population. Should this be done, it is the view of the committee that the mission should, as to its pecuniary concerns, be conducted on the principle of eventually deriving its support, if practicable, from the cultivation of the land comprised in the grant. To accomplish this, however, must be a work of time, and an increase of the present pecuniary grant will be necessary to facilitate the effective working of the mission in the interval. But though this additional aid is required at the present stage of the mission, and some pecuniary aid will probably be required for some time longer, yet it is conceived that if the tract of land assigned to the mission be sufficiently extensive, not only may the mission eventually be entirely supported by the cultivation of it, and the pecuniary grant be gradually diminished and ultimately discontinued altogether; but that if the land be of a good quality, the produce of it may be rendered subservient to the indefinite enlargement of the mission among the aboriginal tribes of all the surrounding country. The committee feel the more encouraged to anticipate such a result since they find, from the Missionaries' Report for 1834, above referred to, that 16 acres of wheat were grown in that year, notwithstanding all their disadvantages.

Another reason for an extensive grant of land around the mission station is, the importance of securing the missionaries and the natives whom they may be able to assemble around them, from the pernicious influence and the violent conduct of the stockmen scattered over the neighbouring districts.

Earnestly entreating your Lordship's attention to a subject so deeply involving the well-being of the aborigines of New Holland,

The Right Hon. Lord Glenelg,  
&c. &c. &c.

I have, &c.  
(signed) D. Coates, Sec. C. M. S.

Colonial Land and Emigration Office,  
9, Park-street, Westminster, 17 July 1840.

Sir,  
We beg to acknowledge the receipt of your letter of the 20th March, transmitting to us the copy of a letter from the secretary of the Church Missionary Society relative to the circumstances of the mission to New South Wales, and of Mr. Vernon Smith's reply, and in compliance with Lord John Russell's directions, we have considered the proposals made by the society, as well as the further measures which it may be expedient to take for the security of the aborigines. Before offering, however, such opinions as we have been enabled to form, we would beg leave to call attention to the fact which we find mentioned in the correspondence before us, namely, that the Secretary of State called upon the Governor of New

New South Wales, in November 1838, to transmit a report upon the whole subject; and as that report has not been received, the information upon which we have had to found a judgment has been necessarily imperfect.

In Mr. Coates's letter to Lord John Russell of the 14th February, we find that three requests are made on the part of the society.

1st. That there be made to the society a grant in perpetuity of the entire district of Wellington Valley, to be held in trust for the support of the mission.

2d. That effectual measures should be taken to prevent any intrusion of the colonists, especially of the stockmen, in the district assigned to the mission.

3d. That the pecuniary assistance now given to the mission shall be increased so as entirely to maintain the establishment.

As Lord John Russell has directed us to report upon the whole subject, we beg leave to offer the following observations upon each of the above points.

With respect to the first, we think that strong objections may be urged against it. It appears to us safer, in the first place, not to admit the principle that free grants of land ought to be made to individuals or companies for any purpose whatsoever. In this case the object is no doubt desirable, though it is by no means certain that it can be attained by the means proposed. But the principle once admitted is capable of indefinite extension, and is therefore easily open to abuse. And it, moreover, in every instance, involves a waste of the only available source from which labour, the prime want of every new colony, can be supplied. In the second place, we think that whenever Government contributes largely to any undertaking, as it does to this, and as it is required still further to do, it should have the amplest security that the funds and resources placed at the disposal of private parties should not be misapplied nor made subservient to any but the public purpose for which they have been bestowed. And this security, we conceive, could not be had in the present case, if the land were finally alienated and became the property of the Missionary Society, or rather of their representatives in the colony. Again, the acquisition of land by the missionaries is likely to be mischievous as regards the objects which they have in view. We observe, by the very scheme of the society, that extensive profits are expected to be realized from the cultivation of the rich alluvial district in question, and we conceive that in thus engaging in farming speculations, the missionaries are laying themselves open to misconstruction of their motives, and to a consequent loss of moral influence, while at the same time their attention is likely to be diverted from their more immediate and especial duties. Another objection to an absolute grant of a particular portion of land to private individuals for the use of the natives is, that the station which it may be most advantageous for them to occupy at one period in the growth of a colony may be different at another. If it be right that the natives should have fixed places to which they may resort on the confines of the settled districts, it may be found desirable as the colony extends, and the settled parts press too closely upon the station, to take up a more interior position. In short, both for the sake of controlling those who hold any land which may have been set apart for the use of the natives, and of providing against the contingencies affecting the eligibility of its position, we think that the Government should retain the right of property in such land in its own hands, and generally that, from the responsibility under which it acts, Government is the only safe trustee which the natives can have for any purpose.

At the same time, while we object to making free grants of land to private parties who may undertake the protection of the natives, we are far from insensible to the claims which the natives themselves have upon the humanity of those who enter upon the occupation of the waste lands of their country. The different settlements in New Holland have been planted without reference to the feelings and to the necessities of the natives, who wander over the land; and it appears just, that as appropriation proceeds reserves of land should be made for their use and benefit, in order that the best means may be taken for enabling them to pass from the hunting to the agricultural and pastoral life, and that they may have spots on which to place themselves, whenever they may have been induced by any means to abandon their wandering habits. In so extensive a colony as New South Wales, where the native inhabitants are thinly scattered over every part of it, we think that these reserves would probably require to be made in several different places; that they should be most carefully chosen, so as to remove the necessity of changing the position to as distant a period as possible; but yet that it should remain in the power of Government to change it whenever it was found expedient with reference to the best interests of the natives. Positive orders, also, should be given to the Governor to keep these reserves strictly confined to the use for which they have been intended. It is to be observed that the land fund will be thus diminished by the amount of the reserved land; and it appears but reasonable, that any further aid which may be required for the natives should be given out of the general revenues of the colony. If this were refused by the local authority administering such funds, the Governor, we think, should be empowered to take what was required out of the land fund, as we observe is now the case in New South Wales; but of all money devoted to this purpose the strictest account should be rendered.

If it were deemed desirable to surrender the reserved land to the management of the Missionary Society, an official inspector should be appointed by the Governor to visit periodically the establishment, to reside from time to time at it, and to make the fullest report of all he observed. If farming operations were engaged in, regular and detailed accounts should be sent in by the manager, in the same manner as would be done by the steward of any private estate, and they should be properly examined and audited. Every security, in

NEW SOUTH  
WALES.

Encl. in No. 10.

short, should be taken that the land was held solely for the public objects to which it was devoted. When all these precautions, and others which greater foresight might suggest, have been taken, it is still impossible, judging from experience, to feel sanguine as to the result. By reference to the evidence taken before the House of Commons' Committee on Aborigines, it appears that in many cases, where the attempt to fix the wild natives upon particular spots has been carried into effect, the consequences have been far from satisfactory.

In Canada, where the experiment has been extensively tried, and under circumstances, as regards the natural endowments of the natives, far more favourable to its success than could be the case in Australia, the result for the most part has been, that the natives have been either isolated from the colonists, and so remained in a wild state, or have become inveterately addicted to vicious indulgences, under the influence of which their numbers are constantly diminishing. The remnant of the inhabitants of Van Diemen's Land were removed to Flinder's Island, under circumstances which are described to the Committee as decidedly advantageous for their acquisition of Christianity (320), and for their civilization (316). In the report of the Committee this removal is called an act of real mercy: the chief person under whose charge they were placed took, it is said (308), "considerable pains, and with very great success, to reconcile them to their state, insomuch that their happiness, in every point of view in which we could wish them well, was increased by their removal;" yet we believe that not one individual of this race is now in existence.

As regards the natives of New South Wales, great difficulty appears to be found in inducing them to settle in any fixed spot. The present Bishop of Australia informed the Committee, "that assignments of land were made to the natives by Governor Macquarie, but that it was found impossible to attach them to the soil." In other passages he states, "that Governor Macquarie had attempted to settle them on a portion of land which was set apart for that purpose, and to instruct them in reading, and some degree of religious knowledge, but that the scheme had failed; that his efforts appeared to be hopeless, and not to produce any effect equivalent with the expense which had been incurred." It may, of course, be argued that the best method of dealing with the natives may not have been adopted, and that notwithstanding the authority of the Bishop, who appears unfavourable to the scheme of assigning lands to the natives, more successful results would have been obtained from a different system. And we certainly are inclined to think, as we before stated, that moderate reserves of land for the use of the natives should be made in all those countries which, like New Holland, have been arbitrarily occupied. By moderate reserves, we mean reserves of that extent which would enable them to live, not as hunters, in which case no good would be done, but as cultivators of the soil. Should they refuse to become stationary themselves, they might yet be prevailed upon, when they went upon distant expeditions, to leave their women, upon whose understandings and feelings, if decent and orderly conduct were enforced, a favourable impression might be made; or, as would be still more desirable, they might leave their children, who could be regularly taught at schools, and trained in early youth to civilized habits,—the only way, perhaps, in which those habits will ever be rendered tolerable to savage natures. We would therefore, on no account, recommend that the Missionary Society should not be allowed to follow out the experiments which, in common with others, they have now for ten years, by means of colonial funds, been making in New South Wales; but, on the contrary, we would advise that they should for that purpose continue to hold some portion of the land which may be set apart in the colony for the use of the natives.

With respect to the expediency of allowing to them the exclusive occupation of Wellington Valley, or the practicability of securing it, we are but imperfectly informed, in the absence of the Governor's report. In a communication made by the Missionary Society to the Secretary of State in June 1836, we observe that the extent of the district of which a grant is applied for is four and a half miles long by two and a half miles wide. It is a retired and fertile spot, about 240 miles west of Sydney, and the curious and extensive caverns which are found in the surrounding limestone rocks are said by Sir T. Mitchell, who explored them, to have given a character of mystery and sanctity to the place in the eyes of the natives. Its further advantages as a missionary station were thus described to the Committee on Aborigines (297). "It is, in the first place, situated in the very region of the natives, being at all seasons greatly frequented by them; their intercourse with the Europeans while the valley was occupied as a Government station, has rendered them very extensively acquainted with the English language, while the breaking up of the establishment, and the removal of those attached to it has withdrawn the great source of apprehension as to the injurious effects of intercourse with a corrupt white population. The houses and buildings erected for Government purposes, and now standing vacant, would afford immediate accommodation to the members of the mission; and the land, which has been under tillage, would both furnish them with provision for their own support, and might act as an inducement to some of the natives to attach themselves to agriculture, more readily than if they were required to commence upon land in its natural state." Unless therefore the Governor of New South Wales, in the report which he has been required to make, should state any objections connected with the circumstances of the colony, of which we have no knowledge, we think that no more advantageous spot than Wellington Valley could be fixed upon as a reserve of land for the use of the natives. The only evil connected with the place is that described by the secretary of the Missionary Society, in his evidence before the Committee, namely, "that it is in the midst of a district which is occupied by scattered

scattered farmhouses and residences for stockmen and persons of that class, who are looking after the cattle and flocks of the proprietors," (4381). These stockkeepers are described by another witness (1836), as convicts in the distant employ of the farmers, and quite out of their reach and control. The neighbourhood of such persons is of course a great drawback to the advantages of the station, and the consideration of this evil leads us to the second point brought under the notice of Lord John Russell by the secretary of the Church Missionary Society.

Upon the request which the society has made, that effectual measures should be taken to prevent the intrusion of the colonists, especially the stockmen, in any district which may be assigned to them, we cannot deny that the end appears to us most desirable. At the same time, considerable difficulty must be felt in rendering any measures effectual for the purpose. Great objection was made, we observe, by the missionaries, to the establishment of a general police station in their neighbourhood, and it is stated in some of the earlier correspondence referred to us, that the police in fact caused some of the evils which they ought to have prevented. It is plain, however, that there can be no sufficient security taken against the intrusion of improper persons upon a missionary station, but by the presence of a force, however small, either of the military or the police. We would therefore suggest, that the Governor should use his discretion as to which description of force it would be best and most convenient to employ, but that either a small detachment of soldiers under a non-commissioned officer, or a small body of the border police, should be placed at Wellington Valley, and patrol in the neighbourhood, for the purpose of keeping off all persons not authorized by the Governor or the missionaries to visit the station. The persons composing this force should in either case be selected on account of good character and steady habits, and it might perhaps be expedient to give them a slight increase of pay while engaged on this service. Any instance of misconduct should be reported by the missionaries to the Governor, who would take steps immediately to punish it. The carrying into effect, indeed, of this scheme of protection must so entirely depend upon the Governor, who alone can judge upon the spot what measures are practicable and expedient, that we should recommend that the matter be wholly referred to him. We would only remark, that there is no point which appears to us better established, by the evidence taken before the Parliamentary Committee, than that wherever unrestrained intercourse has taken place between the natives and the lower classes of settlers in a colony, all hope of the civilization of the former has been at once and for ever extinguished. It appears to us therefore, that unless the power can be granted to the missionaries of in a certain degree isolating themselves from the settlers, their own labour will be lost, and the expense incurred in their undertaking be thrown away.

We will now turn to the third point adverted to in the letter from the secretary to the Church Missionary Society, viz. an increase in the annual allowance of 500 l. made to the mission out of the colonial funds. So long as the expenses of aborigines continue charged on the land fund, it would be competent to the Secretary of State, should he deem this increase expedient, to carry it into effect by the authority of the Crown. But before imposing an additional burden upon the colony on this account, it is right to consider, first, that it would not be unreasonable to expect that the society should have made out of its large revenues (amounting last year we believe to 90,000 l.) some contribution to the expense of the mission to New Holland; and, in the second place, it is but just to the colony of New South Wales not to overlook the sums which it annually pays for the protection, and to promote the civilization of the aborigines. In the estimate of these expenses for the year 1840, which has recently been received at the Colonial Office, we find that provision is made for a chief protector, with four assistants, and allowance for clerks and servants; that a sum is placed at the disposal of the protector for donations; that a further sum is to be placed in the hands of the police magistrates and Crown Commissioners, to be laid out in the purchase of provisions, clothing, &c. for the use of the natives; and that an allowance is given to maintain permanent establishments for the benefit of the natives at Lake Macquarie, at Wellington Valley, at Moreton Bay, and at Port Phillip, the two latter on the wholesome condition of an equal sum being raised by private contributions. The estimated amount of these several charges is 5,464 l. 12 s. If rightly used, this appears to us a considerable sum. At all events, we think that before any further grant should be ordered, it ought to be made clearly apparent what amount of good had been effected by the sums already expended, as well as the extent to which good was either impeded or prevented from want of further contributions. It is possible that the report from the Governor may supply the requisite information upon these points. At present the only additional expense which we think should be incurred for the establishments at Wellington Valley, is a portion of the cost of maintaining a small force sufficient to prevent the intrusion of unauthorized persons. We recommend this only because it appears that without the presence of this force the exertions of the missionaries must be altogether nugatory.

If upon further information received from the colony it should be deemed desirable to increase the allowance now made for the general wants of the establishment at Wellington Valley, we would venture to suggest whether it might not be desirable to appoint a medical officer instead of another missionary. Two missionaries are already maintained there, and we observe that the secretary of the society, in his examination before the Parliamentary Committee, admits (4379), "That at no period a very large number of natives resort to the station, for the population is very scanty, and the number assembling at any one time not considerable." Two missionaries might therefore be sufficient to instruct them in the

NEW SOUTH  
WALES,

Encl. in No. 10.

NEW SOUTH  
WALES.

Encl. in No. 10.

truths of religion ; but we think that the presence of one who could relieve bodily infirmity and mitigate the sufferings of disease, would render the spot more permanently attractive to the natives than it could ever be rendered simply by providing the means of instruction, of which they do not feel the want, or even by a supply of food, which for the most part they must be accustomed to obtain by their own exertions. The relief afforded also would inspire a feeling of gratitude towards those by whom it had been administered, would cause the presence of European settlers to be regarded as a blessing instead of a curse, and thus prepare the way for ultimate civilization ; moreover, medical skill would be most usefully engaged in regulating the effect of clothing and new diet upon the natives, and generally in preparing their bodies for the adoption of the habits of civilized life. This appears to be an essential preliminary towards an end so much desired, but which has been in a great degree overlooked. Having however offered such observations as we had to make upon the proposals of the Church Missionary Society which have been referred to us, we will not further pursue the subject.

We have, &c.

(signed) *T. Frederick Elliot.*  
*Robert Torrens.*  
*Edward E. Villiers.*

COPY of a LETTER from *Dandeson Coates, Esq.* to *R. Vernon Smith, Esq. M. P.*; dated Church Missionary House, 8 October 1840.

Sir,

1. YOUR letter of the 22d ultimo, enclosing a Report of the "Colonial Land and Emigration Commissioners," relative to the application of the committee of the Church Missionary Society, for increased aid to the mission to the aborigines of New Holland, contained in my letter to Lord John Russell of the 14th February last, has been laid before the committee ; and I have been directed by them to submit to the consideration of Lord John Russell the following remarks on the Commissioners' Report.

2. On one or two points the Commissioners appear to have misapprehended the position of the question, or not to have had the facts of it fully brought under their view.

(1). It is a material element in the question, though not adverted to in the Commissioners' Report, that the mission to the aborigines of New Holland originated with Her Majesty's Government ; and that, as a measure of Government, the committee were encouraged to expect increased aid for its support, if its progress should prove satisfactory. This consideration, the committee conceive, gives a peculiar character to their claim, and places it on a footing to which much of the general reasoning of the Commissioners, on the subject of grants of colonial lands is inapplicable.

(2). The committee have no intention or desire to acquire a grant of land absolutely to the society, or to hold land in trust on any other terms than such as would give the Government complete power of superintendence over the due improvement and intended appropriation of it, and would leave the power of resumption in the Crown, should the conditions of the trust not be duly performed by the society or its representatives in the colony. This was verbally stated to Lord John Russell by Lord Chichester and myself, in our interview with him on this subject on the 30th of June last ; and his Lordship was assured that the only solicitude of the committee was to obtain such an arrangement, under the sanction and guarantee of Her Majesty's Government, as would constitute a solid basis for the mission, and secure the committee against having their plans for the religious and social welfare of the aborigines interrupted or defeated. Provided that a satisfactory arrangement is made on this head, it is quite immaterial to the committee in what form it is done.

(3). The Commissioners remark "the acquisition of land by the missionaries is likely to be mischievous as regards the objects which they have in view. We observe by the very scheme of the society, that extensive profits are expected to be realized from the cultivation of the rich alluvial district in question ; and we conceive that in thus engaging in farming speculations, the missionaries are laying themselves open to misconstruction of their motives, and to a consequent loss of moral influence ; while at the same time their attention is likely to be diverted from their more immediate and especial duties".

The Commissioners in these remarks have not duly adverted to the correspondence which has passed between the committee and Her Majesty's Government on this subject. The committee never contemplated the rendering the proposed grant of land productive by the labours of the missionaries themselves. To such a course they would as strongly object as the Commissioners have done. The proposition of the committee, proceeded on the express ground of sending over an intelligent farmer to take charge of the cultivation of the land. This is stated in my letter to Lord Glenelg of 14th February 1838. The services of Mr. William Porter, a very competent person, were accordingly engaged for this purpose, and an extract from the committee's instructions to him, was transmitted to Lord Glenelg, 31st October 1838. It will hence appear that the objections of the Commissioners on this head to the grant of land solicited by the committee, are ungrounded.

3. On some other points in the Commissioners' Report, the committee beg to offer a few remarks.

4. The Commissioners, after suggesting various precautionary measures, in case a grant of land to the society should be made, which will be more particularly noticed below, observe, "it

"it is still impossible, judging from experience, to feel sanguine as to the result." And again, "it appears that in many cases where the attempt to fix the wild natives upon particular spots has been carried into effect, the consequence has been far from satisfactory." In confirmation of these opinions, the Commissioners refer to circumstances which took place in Canada and Van Diemen's Land. The committee beg to submit, that the cases referred to are not at all analogous, and therefore do not support the inference drawn from them.

The case of Canada did not combine religious instruction with the social improvement of the natives on land similarly circumstanced to the proposed grant at Wellington Valley. The failure in the one case cannot therefore be alleged as affording a presumption of failure in the other.

The Van Diemen's Land case is still more dissimilar. A wretched remnant of the aborigines are forcibly removed from their native land, and located in what was to them a foreign country, and placed under the charge of a layman. While the committee do not question the measures employed by that individual to improve the moral and religious state of these people, of which they have reason to think highly, they cannot admit the validity of the inference drawn from that case, against the course which they propose to pursue at Wellington Valley on behalf of the aborigines of New Holland.

5. With regard also to the other efforts for the civilization of the aborigines of New Holland to which the Commissioners refer, and to which the Bishop of Australia's remark as to their failure applies, it may be sufficient to state, that they were of a different character from those heretofore carried on by the Church Missionary Society at Wellington Valley, the extension of which is contemplated by the committee, by means of the increased aid solicited in my letter to Lord Glenelg of 17th December 1835.

6. After recommending "that moderate reserves of land for the use of the natives should be made," and suggesting some of the means by which such reserves might be made available to their moral and social improvement, the Commissioners proceed, "We would therefore on no account recommend that the Missionary Society should not be allowed to follow out the experiments which, in common with others, they have now for 10 years, by means of colonial funds, been making in New South Wales; but, on the contrary, we would advise that they should for that purpose continue to hold some portion of the land which may be set apart in the colony for the use of the natives."

On this passage the committee would observe, that it is highly satisfactory to them to find the Commissioners, after a full review of the subject, and notwithstanding the objections on certain grounds above noticed, coming to a conclusion which sanctions the principle on which the committee rest their claim for additional aid to the mission. It is indeed, after the advice thus tendered by the Commissioners to Her Majesty's Government, merely a question as to the extent of the grant to be made to the society. On this point the committee are of opinion that the entire tract of land in question at Wellington Valley is necessary in order to give stability to the mission, and to shut out vicious and depraved characters from contact with the mission.

As to the eligibility of Wellington Valley as the site of the mission, the Commissioners say, "We think that no more advantageous spot than Wellington Valley could be fixed upon as a reserve of land for the use of the natives." The necessity of making effectual provision for segregating the mission from contact with the characters just referred to is fully appreciated by the Commissioners, who state, "There is no point which appears to us better established by the evidence taken before the Parliamentary Committee than that wherever unrestrained intercourse has taken place between the natives and the lower classes of settlers in a colony, all hope of the civilization of the former has been at once and for ever extinguished. It appears to us, therefore, that unless the power can be granted to the missionaries of, in a certain degree, isolating themselves from the settlers, their own labour will be lost, and the expense incurred in their undertaking be thrown away."

7. In reference to the suggestions of the Commissioners that, in the event of a grant of land being made to the society, "every security should be taken that the land was held solely for the public object to which it was devoted," the committee entirely concur in this view of the subject. Their sole object is the religious and social improvement of the natives, and they will gladly accede to any arrangement which Her Majesty's Government may deem advisable for that end, which would be consistent with the carrying on of the mission with facility and efficiency.

8. To the suggestions of the Commissioners that "it would not be unreasonable to expect that the society should have made out of its large resources some contributions to the expense of the mission," the committee beg again to state that the mission is a Government measure, was entered on at the instance of Government, and on a clear understanding, as already noticed, that if it proceeded favourably, additional aid should be afforded for its expenses. It was undertaken by the committee on the faith of that engagement, and they cannot, therefore be justly called upon to assign the funds to the support of the object. Beside this, the other missions of the society, to the support of which, as originating with themselves, the committee are specially pledged, demand a much larger amount of pecuniary aid than the funds at their disposal will enable the committee to supply.

9. That the mission has been attended with as large a measure of success as, under all the circumstances of the case, was reasonably to be expected, is evidenced, the committee conceive, by the series of annual reports of the mission which have been regularly transmitted to the Governor of New South Wales. An undertaking more unhopeful cannot easily be imagined, whether the deplorably vitiated and degraded state of the natives be

NEW SOUTH  
WALES.

Encl. in No. 10.

considered, or the counteraction to the mission arising out of the influence and agency of the depraved convict population in the vicinity; to secure the mission from which is a principal object of the committee in soliciting the grant of the Wellington Valley district for the mission.

10. On one other point in the Commissioners' Report the committee would make a remark. After adverting to the sums assigned annually by the colony "for the protection and to promote the civilization of the aborigines," which, the Commissioners state, amount "in the estimate of those expenses for the year 1840," to 6,464*l.* 12*s.*; they say, "this appears to us a considerable sum." To form a correct opinion on this head, not only ought the entire revenue of the colony to be stated, but what proportion of the territory, (at our arrival in the undisturbed possession of the natives), has been appropriated by this country, to the exclusion of the natives, and the dispossessing of them of those lands whence their subsistence was derived. Not only so, but the irreparable injuries inflicted upon the aborigines by the vice, disease and misery which contact with the convict population has brought along with it, must be taken into the account. When the subject is viewed in this light, the committee are persuaded that Her Majesty's Government will be of opinion that justice, not less than humanity and the principles of that religion which we profess, demand that the funds of the colony should be dispensed with no stinted hand in aid of any well-conceived plan for discharging a part of that debt to the natives of New Holland which we have contracted by the course which we have pursued in the colonization of their country.

11. In conclusion, the committee are compelled to repeat the statement made in my letter to Lord John Russell, of the 14th of February last, that, inadequate as they find the pecuniary means at their disposal duly to sustain the operations in which the society is engaged in its other missions, they cannot appropriate its funds to the carrying on of that to the aborigines of New Holland, though they are willing still to employ its agency there on the terms on which the mission was originally undertaken at the instance of Her Majesty's Government.

I have, &c.  
(signed) D. Coates, Sec. C. M. S.

— No. 11. —

(No. 87.)

No. 11.  
Sir Geo. Gipps to  
Lord J. Russell.  
5 April 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

My Lord,

Government House, Sydney, 5 April 1841.

I HAVE had the honour to receive your Lordship's despatch, No. 128, of the 5th August 1840, conveying to me a copy of a letter addressed to your Lordship on the 14th February 1840 by the Secretary of the Church Missionary Society, again urging on Her Majesty's Government the claim of the Society to an increased annual allowance for the support of the mission at Wellington Valley; and also the grant to the Society of an absolute property in the land in the county of Wellington, of which they have been for many years in possession.

My despatch of the 7th May 1840, No. 60, must, I apprehend, have reached England within a very short time after your Lordship's despatch of the 5th August was written; and it will, I trust, have satisfied your Lordship that everything has been done by this Government that circumstances would either permit or justify towards keeping in efficiency the mission at Wellington Valley; and that the very inefficient state of the mission is to be ascribed to causes very different from those to which its failure seems to be attributed by the society.

I beg further to inform your Lordship, that I availed myself of a short period of leisure, after the rising of the Legislative Council in November last, to visit Wellington Valley, and that I am consequently better enabled now to speak of the mission than I was when I last addressed your Lordship on the subject of it.

On my return from Wellington, I had an interview, at Sydney, with the gentlemen who form the Corresponding Committee of the Church Missionary Society, and at their request, I gave them a copy of the notes which I had made during the four days that I passed at Wellington; these notes are extracted from a diary which I kept of my excursion; notwithstanding this unofficial form, I take the liberty of enclosing to your Lordship a copy of them.

The dissensions between the two missionaries, the Rev. Messrs. Watson and Gunter, were noticed in the proceedings of the Executive Council, which were transmitted with my despatch of the 7th May last, as also was the determination of the Corresponding Committee to withdraw Mr. Watson from the mission.

The

Memorandum.  
No. 1.

Page 57.

Page 33.



NEW SOUTH  
WALES.

Mr. Watson has been accordingly dismissed by the committee; in removing, however, from the missionary lands, he carried with him some of the adults, and all the children, which had been under his care, and on my arrival at Wellington, I found him encamped with them on the River Macquarie, at the distance of about four miles from the missionary station.

The children have remained with him ever since, and are still maintained, I believe, at his expense.

The grounds on which he refuses to give them up, are stated in a letter to the Colonial Secretary, of the 29th January 1841, of which I inclose a copy; and I have only to add on this head, that I have not considered it proper to have recourse to force in order to remove the children from him. I found, I regret to say, a bitter hostility existing between Mr. Gunter and Mr. Watson; and accusations were made to me by each against the other, of such a nature that it would be painful as well as needless for me to dwell on them.

29 January 1841.  
No. 2.

I will now report on the specific applications made to your Lordship by the Church Missionary Society; the one being, that they may have a grant in fee of the land, of which they have now only the permissive occupation; the other, that an increased annual allowance may be made to them out of the funds of the colony.

A grant to them of the land in fee would, in my opinion, be of no use to them whatsoever, unless indeed they were permitted to raise money by the sale of it. They have at present complete and unqualified possession of the whole of the land, and of the buildings also, except two or three occupied by the police, and these even will speedily be given over to them.

Of the 7,000 acres, of which they are thus in possession, they cultivate less than 50, and do not seek to extend their cultivation; they rather indeed think of giving it up altogether.

For grazing purposes, less than one quarter of the land they hold would be sufficient; and it must be obvious that if the intrusion on their lands be dreaded, of persons whose presence may be hurtful to their labours, the Government has far greater means of keeping off or removing intruders than the missionaries themselves would have if the lands were their own; in fact, they would have no means of removing intruders but by an expensive process of law. With respect to an increase in the sum allowed for the maintenance of the mission, I must, so long as it continue in its present inefficient state, adhere to the opinion expressed in my despatch of the 7th May last, No. 60. Should, however, any reasonable hope arise of the improvement of the mission, I shall not be indisposed to render it such assistance as, with a due regard to the expenditure of the public money, I may be able to afford, and particularly if it can be made a place of education for the children of the neighbouring tribes. I have also expressed my willingness to the committee to give annual premiums to the amount of 50 L., or if required of 100 L., for distribution, either amongst the adult or children of the establishment, for proficiency in reading, writing, agriculture or any useful art.

I submit, however, my Lord, that if the management of this mission be still to be left in the hands of the Church Missionary Society, the society should be called upon to contribute, at least in part, to the support of it. The principle of placing the funds of Government at the disposal of any society, however respectable it may be, is, I submit to your Lordship, a very objectionable one.

I cannot conclude without expressing an opinion that, lamentable as has been, and still is, the state of the mission at Wellington Valley, the establishment should not be given up. In an answer, which I delivered at Wellington, to an address which was presented to me by the inhabitants of the county of Bligh, I stated that I thought the good effects of the mission might be perceived in the neighbourhood; and I think it right to repeat this opinion to your Lordship. It has had the effect of showing to the settlers in the neighbourhood that the aborigines are cared for by the Government, and that they may be made useful at a time when the colony is so much in want in labour. I am willing to hope that the settlers will gradually be induced to turn to the children of the soil, in search for it, and I shall take every opportunity of encouraging them to do so.

11 Nov. 1840.  
No. 3.

I have, &c.  
(signed) Geo. Gipps.

NEW SOUTH  
WALES.

Enclosure 1, in No. 11.

Encl. 4, in No. 11.

MEMORANDUM respecting Wellington Valley, by Sir George Gipps.

ON Sunday, the 8th November 1840, I arrived at the missionary station, at about half-past two o'clock, p. m.

The eye is at once struck with the dilapidated state of the buildings, which appear to have received no repairs whatever since they have been occupied by the mission. Everything else seems equally in a neglected state; the small garden, situated at a short distance from the mission-house, being overrun with weeds, and some of the enclosed paddocks (or fields) now lying waste, which were formerly cultivated.

I had used some efforts to arrive at the mission about the time at which I expected afternoon service would commence; but I was informed on my arrival that it was not usual to have afternoon service, though in the evening prayers were always read in the mission-house.

At my request, however, preparations were immediately made for afternoon service; and by the ringing of the bell all the inmates of the establishment, and some few other persons, were speedily assembled.

The total number of blacks who attended this service was 10; namely, six men, two women, and two boys. The demeanour of the whole of them was devout and orderly; the greater part of them joined in the responses, and four or five of them were able to read the psalms; they also joined in singing a hymn. The two women appeared to read and also to sing better than the men.

The other persons who attended the service were Mr. Porter, the agriculturist, Mr. Shields, late chief constable, and Mr. Raymond and Mr. Davidson, who had accompanied me; Mr. Barrow, the police magistrate, came in some time after the service had commenced.

After the service I conversed for a short time with Mr. Gunter, and then went to the house of Mr. Raymond, about two and a half miles from the mission.

On the afternoon of Monday the 9th, I again visited the mission, and saw all the blacks resident there, of whom the following is a list:

Men:

1. Cochrane; said to be clever and useful.
2. Bungarry; said to be ingenious.
3. Lively; said to be an useful man.
4. Tommy; willing, but not steady.
5. Paddy Opossum; unsteady and sulky, but somewhat improved since he has been married.
6. Jemmy Buckley; well-behaved, and married to Jane.

Women:

1. Jane; wife of Jemmy Buckley.
2. Eliza, or Noanilly; unmarried, and only between 17 and 18 years of age.

Boys:

- Buonaparte; an useful and steady boy, but afflicted with some leprous disease.  
Billy; an orphan, about seven years of age.

Another boy, named Joseph, 12 years old, was said to be frequently at the mission, but I did not see him.

In addition to the above, I afterwards saw at Mr. Montefiore's, a man named George, who may be considered as belonging to the mission, though he was at that time engaged to wash sheep for Mr. M. This man deserves particular mention, as he can both read and write, and is in every way superior to any other aboriginal native I ever saw.

As a proof of the progress which he had made, Mr. Montefiore caused him to dine at table with us on one of the days which we passed at his house; on this occasion George appeared extremely well dressed, and behaved with perfect propriety, so much so, indeed, that but for his colour, and his modesty in speaking only when spoken to, he might have passed for an ordinary guest.

On Wednesday, the 10th of November, I visited the mission for the third time, and saw some of the men at labour in making and carrying hay.

Cochrane and Jemmy Buckley appeared, next to George, to be the best behaved and most useful.

Mr. Porter informed me that he had not the means of paying them any wages, or making in any way their remuneration to depend on the exercise of their strength or skill, though he would approve of so doing if he had the means at his command. In answer to a question put to him, whether he thought the distribution of small prizes periodically amongst them might not have a good effect, he replied that he thought it would, especially if the prizes came from the governor; on which I promised him that I would endeavour to institute something of the sort.

With Mr. Gunter I had several long conversations, one especially on Tuesday the 10th of November, when he waited upon me at Mr. Raymond's.

In these conversations, Mr. Gunter stated to me that, during the three years he has been at the station, he thinks 600 different blacks may have been there, though a great majority of

of them remained only a few days, or even a few hours only. The existence of the mission must, he thinks, be known to double that number, or 1,000 blacks, reckoning all ages and both sexes.

In answer to the question which I put to him, why he objected to have the children baptized, Mr. Gunter replied that he would not object to it if he could have any security that the children would remain at the mission, or that they would not revert to savage life, but that without such assurance he did not consider it right to baptize them, nor did he think that the society would approve of their being baptized.

In the event of Mr. Porter's leaving them, or of agriculture being given up, Mr. Gunter would like to remove to the spot where the river Bell joins the Macquarie, in order to be near fresh water, which now they have to fetch from that spot, a distance of two and a half miles.

Mr. Gunter expressed very decidedly his opinion that the blacks do not like Mr. Watson, and that they especially do not like him since he has taken children from them by force; he would himself like to have some children under his care if he could procure them by proper means.

Mr. Gunter delivered to me various papers, all of which I have sent to the committee.

Mr. Gunter would prefer to have an assistant or colleague, principally that he himself might travel; he wishes to travel, in order that he may perfect himself in the language of the aborigines.

Mr. Porter says that agriculture at the establishment is not profitable, that it has on the contrary always been carried on at a loss; less ground than they have now in cultivation would suffice to give employment and instruction to the natives.

Unless seasons improve he would wish to give up agriculture; he does not expect seasons will improve unless water come again into the Bell, which has been completely dry ever since he has been at Wellington; though formerly, in drier seasons than the two last, it used to have water in it; he doubts whether the current of the river may not have taken a subterraneous course, in which case there may never be water above ground again.

The land in cultivation this year is 25 acres of wheat, and about 15 acres of oats, maize, &c. This is all in one large enclosure of 40 acres. There are two other enclosures not cultivated by him; but the police magistrate (Mr. Barrow) has, with his permission, cultivated a part of one of them. Mr. Barrow has 16 cows and 10 calves on the mission land, which will soon increase into a herd. He should be confined to a sufficient number of cows to supply him with dairy produce.

The number of cattle belonging to the mission is about 240; sheep, 1,450.

On my arrival at Wellington on the 8th of November, I heard for the first time that the Rev. Mr. Watson had taken with him from the missionary establishment several of the adults, and nearly the whole of the children, and that he had encamped with them on the left bank of the Macquarie River, at the distance of about four miles from the mission, and on a piece of land given or leased to him by Mr. Raymond.

At my desire a message was sent to Mr. Watson, requesting that he would come to Mr. Raymond's, and bring with him the children; and they all accordingly came, forming a sort of procession, about six o'clock in the evening. The prayers of the Church of England were then read by Mr. Watson. The children were all neatly dressed, and behaved quite as well as any white children under similar circumstances could have done; several of them were able to read, not only the responses, but the psalms, and they joined also in a hymn.

On the following morning, between seven and eight o'clock, I walked down unaccompanied by any one to Mr. Watson's encampment; and as I had given notice of my intention to be there, I found Mr. and Mrs. Watson and the adults, as well as aboriginal children, ready to receive me.

After a hymn had been sung, I examined them all, adults as well as children, and took a memorandum of the progress made by each of them.

ADULTS.

Male:

1. Frederick, aged 25. Has been seven years off and on at the mission; has lost an eye (by the small-pox), and the sight of the other is so injured, that he cannot see to read; can speak English.
2. Jemmy, aged 17. Has been two years at the establishment: had his foot caught in the cleft of a tree, and lost three toes. Can read, and use a hammer and chisel, or any other common carpenter's tools.
3. Micky, aged 17. Has been but two months with Mr. Watson; can speak a little English, but cannot read.

Female:

1. Sally, aged 18. Has two children by a white man named John Davis, who is free, and has promised to give his children some cows; she can read, and was only lately taken away from Davis: both her children are with her.
2. Jenny, aged 18. Has also two children by a white man, named Sheppy, who is gone to New Zealand; has been with the mission about eight months; can read a little: her children are also with her.
3. Maria, aged 13. Has now been with them three years, and was with them before; can read pretty well.

NEW SOUTH  
WALES.

CHILDREN.

## Boys:

Encl. 1, in No. 11.

1. Jacky. A clever boy, aged 10; reads and spells well: has been at the mission three years.
  2. Jacob, aged 10, also with them three years; can read and spell, but not quite so well as Jacky.
  3. William, aged 11. Has been with them 10 months.
  4. Bobby, aged 9. Has been with them two years.
- The above can all read the Bible and say the catechism; also can spell as well as boys generally can at their age.
5. Tommy, aged 8. Has been there 10 months.
  6. Henry, aged 10. Has been there four months.
  7. Sammy, aged 7. Has been there two months.
  8. William Campbell, aged 8. Has been there three months.
- These boys can all read, more or less.

## Girls:

1. Charlotte, aged 9. Has been with them two years.
  2. Bidy, aged 8. Has been with them one and a half year.
  3. Fanny, aged 8. Has been with them four years.
  4. Mary Anne, aged 8. Has been with them four years.
  5. Mary Raymond, aged 8. Has been with them three years.
- These girls are as far advanced as the first four boys, and they, as well as the boys, are taught to sing psalms and hymns.
- In addition to the above, there are five younger children, boys and girls, and two infants (the children of Sally and Jenny).

## Recapitulation:

3 Men.  
3 Women.  
8 Boys } from 7 to 11 years old.  
5 Girls }  
5 Boys or girls under 7.  
2 Infants.

26

William Campbell is the only child that has been baptized.

William Campbell, Mary Raymond, the two infants, and the five boys or girls under seven years old (in all nine), are half casts; the remaining children, 11 in number, are all black.

G. G.

## Enclosure 2, in No. 11.

Encl. 2, in No. 11.

Sir,

Aboriginal Mission, Murrungalong, 29 January 1841.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, stating that the Government had been appealed to by the corresponding committee of the Church Missionary Society, to procure the delivery of the aboriginal children at Wellington Valley to the Reverend James Gunther, and also one from W. W. Barrow, Esq., police magistrate, and, in reply, I do myself the honour to express my surprise, that after the children have been so long entirely dependent on me, such a demand should be made, especially as his Excellency informed me, the evening before he left Wellington, that he should not interfere in the affair of the children, but should leave it between the corresponding committee and myself; I would also most respectfully state, that I believe this is the first instance, in the history of the missions, of a Protestant Missionary Society applying for the aid of a police magistrate to eject an old and devoted missionary (and his wife) from his station, his duties and his dwelling, and to possess themselves of the fruit of his own sole personal labours, and that before they have stated the grounds of their claim.

I do myself the honour to state further, that I have no aboriginal children at Wellington Valley, the only two there being under the control of the Reverend James Gunther; one of them I brought wild from the bush. Mrs. Watson trained her for her own service, but gave her up to Mrs. Gunther; the other, a boy, ran away from a bullock driver, and being found by one of the mission's shepherds, was taken to Mr. Gunthers. But if, as I suppose is the case, reference is made to certain aboriginal children, who form part of my family, it cannot but be known to the corresponding committee that I am not residing at Wellington Valley, but on my own leased land four miles distant from that place.

I do

I do myself the honour to state further, that I am utterly at a loss to conceive why the corresponding committee should prefer a claim to my aboriginal children, which I have collected from east, west, north and south; for whom I have travelled thousands of miles, endured the fatigues of the bush, exposed myself to the inclemencies of the weather (always sleeping in the open air); for whom I have contracted with their respective parents or guardians, at my own personal expense, and to whose parents or guardians I have at my own cost had to give presents, otherwise they would not have been allowed to remain with me. In claiming my children, and in directing that they shall be delivered over to Mr. Gunther, they act as unreasonably and as unjustly as they did in receiving an *ex parte* statement against me, recording that statement, transmitting it to England, and 16 months afterwards, when after repeated applications for a copy, I first received one, in denying me an opportunity of replying in the presence of my accuser before themselves, or deputing a person to investigate the truth of that statement as they were requested by me to do, and in returning to me two days (Sunday included), after receipt of the same, my refutation of the charges contained in that *ex parte* statement, as well as my own note which accompanied it.

I do myself the honour most respectfully to submit to his Excellency, that the corresponding committee, as representatives of the Church Missionary Society, have no claim to my children, and if they ever had, they forfeited that claim when they gave instructions to Mr. Porter to issue no more rations to Mr. Watson's establishment, and thus leaving them to starve, or to be entirely dependent on myself. That gentleman acting upon his instructions, sent our ration bags back empty, with the message that "Mr. Cowper had so directed him to act, as Mr. Watson did not belong to the mission," and so from that day (which was several weeks before we received any direction to vacate the building or give up the children) we received no more rations; and although they had seven European servants on the mission, drays, carts, horses, bullocks, &c., I was under the necessity of paying a man 10 s. a day for providing water and fuel for my family. Had I not intended to prosecute my labours as a missionary, I should have felt it my duty, on supplies being withheld from us, and myself expelled the society, to have returned the children to their respective parents and friends from whom I received them, and for whom I held them in trust. These children we never committed to my care by the Church Missionary Society; I never received any remuneration on their account; I was never directed to collect or teach the children. No arrangement was ever made between Mr. Gunther and myself, as to who should take charge of the children and attend to their instruction. His Excellency the Governor will have perceived by the perusal of my instructions that no reference whatever is made to collecting or teaching children.

I do myself the honour most respectfully to submit, that while as a minister of Christ to these heathens, I cannot but feel that particular attention to the children forms an essential part of my duty and work, it does not necessarily follow that other missionaries in connexion with the same society, labouring on the same location, and who have not received instructions varying in any respect from mine, should have the same views on the subject with myself. The Rev. J. J. C. Handt was three years and a half at Wellington Valley; the Rev. J. Gunther has been three years and a half at Wellington Valley; neither of them ever procured a single child, boy or girl, and I have never learnt that either the Church Missionary Society or the corresponding committee charged them with neglect of duty in that respect, while I, who have collected and instructed, and have had the whole charge of all the children, have never in any instance received a word of thanks, commendation, or approval for what I have done in that respect; from which I think it is fairly to be inferred that the Church Missionary Society and the corresponding committee, in reference to New Holland, never expected their missionaries to collect and teach the aboriginal children. While it will be admitted that all which has been done among the children on this mission has been done by Mrs. Watson and myself (and that without any European assistance), I think that no attempt will be made to show that I have been less attentive to other missionary duties than either Mr. Handt or Mr. Gunther. Mr. Gunther was two years and a half on the mission before he ever travelled two miles after the aborigines. I had to collect words, sift out, arrange, and form a grammar, without any European assistance. That grammar I lent to Mr. Handt, who copied it, and sent his copy to the committee. On Mr. Gunther's arrival I lent him my grammar to copy, which was in his possession upwards of two years. It is well known that for some time I had two services in the aboriginal language with the adults, one for males and the other for the females, daily, after which I attended to teaching the women to read, while Mr. Gunther never would teach the children when we were all together at the mission house. I have no reason to believe that he has ever made one attempt to teach the elderly natives, except occasionally a few young men, who were taught by myself down at the camp, as much as he taught them at the mission house; so that I would most respectfully submit that it cannot be said that collecting and teaching children was my assigned department, or that in attending to them I neglected other missionary duties. I do myself the honour to state further, that the children have not been more than half fed and clothed at the expense of the society, as I am able to prove. The meat generally sent for them was offal and bones, and when the free man who brought them down said, "The children cannot eat bones," Mr. Gunther replied, "Oh, there are plenty of them to cook them." And when Mrs. Watson requested that something might be sent that the children could roast or fry, they sent once or twice some beast liver. Last year, while I was on the mission, I purchased 12 bushels of wheat, and most of their clothing has been provided (latterly by Mrs. Barrow) by ourselves and our own friends. There have been at times aboriginal children at the mission house, encamping in the neighbourhood; these have been fed out of the stores whenever they went up, but

NEW SOUTH  
WALES.

Encl. 2, in No. 11.

Mr. Gunther does not appear to have claimed any of them. When it became known that I was about to leave the mission, several of the parents and friends of my children visited us, and begged us not to give them to Mr. Gunther. After I had taken up my abode at the prisoners' camp, the friends of our children were refused anything out of the mission stores; they were told to go to Mr. Watson, he had their children. I milked my own cows and slaughtered my own cattle, in order to be able to give something to them, as well as to other elderly natives whom I wished to teach. Messrs. Gunther and Porter made such a representation to the committee as led them to direct me to remove my cattle immediately; what that representation was, the committee have never had the candour to inform me. It seems to have been anticipated, that, being prevented using my own property for missionary purposes, I should be less successful; but strange as it may appear, since that period I have increased the number of my children nearly three-fold. Since his Excellency Sir George Gipps left Wellington, I have been a considerable distance in the bush, and brought home two girls, and have more to go for so soon as I have opportunity. I would do myself the honour to submit, that did Mr. Gunther feel that collecting and teaching children formed part of his missionary duties, it is to be supposed that he would collect some, for there can be no monopoly in this case. It cannot but be very evident, that had I acted on the principle of Messrs. Handt and Gunther, I should have avoided all the anxiety and unpleasantness which have arisen respecting my children, for it appears, that were all the children which I have collected, and which are now with me, under religious instruction, running wild and wicked in the bush, neither the corresponding committee nor Mr. Gunther would esteem them worthy a moment's consideration; and I think this is clear from their respective and united proceedings in this case, in that they pass by and totally neglect the hundreds of aboriginal children that are in the bush, being trained and nurtured in all the horrors of heathen ignorance and guilt and wretchedness, and bend all their energies (calling in the aid of the civil magistrate), to possess themselves of those already in the fold members of my family, who are being educated in the principles of Christianity, according to the Church of England, and being trained in habits of industry and civilization. Neither does it appear consistent in Mr. Gunther to wish to possess himself of my children, after he had originated and spread through the colony that I had kidnapped (stolen) them, and had represented to the committee that my only motive was to be able to show off a good number of children under my care, and had taken his first journey into the bush (two years and a half after his arrival), in order to collect evidence in support of his statement respecting kidnapping; in this he was unsuccessful. If my children be stolen property, as Mr. Gunther has represented, in possessing himself of them, believing them to be stolen, he, in the eye of the law, would be equally guilty with myself; he has no claim on them either by connexion or contract. I would do myself the honour, most respectfully, to submit to his Excellency, whether these aborigines being free subjects, have not a right to place their children under what religious teacher they please; and as certain aborigines have placed their children under my care, with the injunction not to give them to Mr. Gunther, whether the Church Missionary Society can usurp the authority of these natives, and dispose of their children in opposition to their will. I do myself the honour most respectfully to request, that I may be favoured with copies of the corresponding committee's two appeals relative to my vacating Wellington Valley, delivering up the children to Mr. Gunther, &c. &c.

To the Colonial Secretary,  
Sydney.I have, &c.  
(signed) William Watson, Missionary.

## Enclosure 3, in No. 11.

Encl. 3, in No. 11. Governor's Reply to an Address of the Inhabitants of Nanima, County of Bligh.

Gentlemen,

I RETURN you my best thanks for this address, and I assure you that I am much gratified by the opportunity which I now enjoy of seeing a portion of the colony, which, notwithstanding its great beauty and many claims to attention, has not, on account of its remote position, previously been visited by any Governor of New South Wales.

The calamity which of late so grievously afflicted us, was felt, I am aware, equally in your district as in other parts of the colony; but I am happy to perceive that the effects of it are entirely passed away, that fertility is restored to your fields, and plenty again reigns in your abodes.

I regret to say that I find proof wherever I go of the great want of labour which prevails in the colony. I have every reason, however, to hope that a supply is at hand, by means of the copious and steady stream of immigration which will be directed on our shores; and though it may not arrive in time for our immediate wants, neither will it, I hope, be so delayed as to cause the hopes of the husbandman to flag, or the efforts of industry to be relaxed.

And meanwhile, gentlemen, I rejoice to think that this very dearth of labour may be the means of working great benefit to the dark and unhappy race by which this country was originally peopled. I am happy already to perceive indications of such effects; and it is with the greatest satisfaction, I will even say delight, that I have seen, on every establishment

ment I have visited in your neighbourhood, many aboriginal inhabitants rendering their assistance in the pursuits of industry, some of them regularly engaged under written agreements, all obtaining a return for their labour, and all treated with kindness by the settlers.

I trust, gentlemen, I do not err in attributing some portion of these auspicious appearances to the effects of the mission to the aborigines, which has now been established for some years, in close contiguity with you, at Wellington Valley.

I can imagine no act more interesting to humanity, or more grateful to the all-seeing eye of God, than this interchange of benefits between educated man and his uncivilized brother. Earnestly, gentlemen, do I exhort you, most anxiously do I beseech of you, to persevere in the course wherein I perceive so happy a commencement; great then indeed will be your reward, greater than that of increasing flocks or herds, the satisfaction of your own hearts, the approbation of all good men, and the blessing (I hesitate not to assert it) of Him from whom all increase of good is derived.

I am fully sensible, gentlemen, of the wants of your district, and of the claims which its fertility and many natural advantages give it to the attention of Government. I have directed that a town may be immediately laid out, and allotments brought to sale at Nuria, on the River Bell, to which the police establishment, now at Wellington, will as soon as possible be removed.

You are doubtless aware that a village would have been established some time ago, nearer to the mission, but for the apprehension that was raised of its being injurious to that institution.

I trust, gentlemen, that you will allow me to recommend the missionaries and their entire establishment to your continued care and protection, conscious as I am that it is by your countenance and support, that the efforts of the good men, who devote themselves to the improvement of the aborigines, can best be made effective.

In conclusion, gentlemen, I must beg, in a particular manner, to thank you for the kind and hospitable reception which I have met with in your district, and for the many personal attentions which Lady Gipps and myself have experienced from you.

(signed) *George Gipps.*

Nanima, 11 November 1840.

— No. 12. —

(No. 132.)

COPY of DESPATCH from Lord *John Russell* to Governor Sir *George Gipps.*

No. 12.  
Lord J. Russell to  
Sir George Gipps.  
25 August 1840.

Sir,

Downing-street, 25 August 1840.

In my despatch, No. 128, of the 5th instant, I referred to the proposals of the Church Missionary Society, and the report of the Colonial Land and Emigration Commissioners thereupon, declining at the same time to furnish you with positive instructions on the subject of the aborigines. In so acting, however, I felt that while it was not expedient absolutely to fetter your discretion, suggestions from Her Majesty's Government for your guidance might further and promote the great object in view.

I proceed now to communicate some remarks on the report, and on the general subject.

1. We should run a risk of entire failure if we should confound in one abstract description of aborigines the various races of people, some half-civilized, some little raised above the brutes; some hunting over vast tracts of country, others with scarcely any means, or habits of destroying wild animals at all, who have encountered the discovering or invading nations of Europe over the face of the globe. One tribe in Africa often differs widely in character from another at 50 miles distance; the red Indian of Canada and the native of New Holland are distinguished from each other in almost every respect. We indeed, who come into contact with these various races, have one and the same duty to perform towards them all; but the manner in which this duty is to be performed must vary with the varying materials upon which we are to work. No workman would attempt to saw a plank of fir and cut a block of granite with the same instrument, though he might wish to form each to the same shape. You, however, who are acquainted with the circumstances in which you have to act, can decide in what manner you can best execute the intentions of the Queen's Government to do justice, and show kindness to the natives of the colony over which you preside.

2. There appears to be great difficulty in making reserves of land for the natives, which shall be really beneficial to them. Two sources of mischief mar the most benevolent designs of this nature; the one arising from the inaptitude of the natives to change their desultory habits, and learn those of settled industry;

NEW SOUTH  
WALES.

industry; the other from the constant inroad of Europeans to rob, corrupt, and destroy them. Between the native, who is weakened by intoxicating liquors, and the European, who has all the strength of superior civilization, and is free from its restraints, the unequal contest is generally of no long duration; the natives decline, diminish, and finally disappear. The Church Missionary Society propose, in order to prevent these mischiefs, that they should hold land in Wellington Valley in trust for the natives; and that all interference on the part of other settlers should be prevented. To the remarks of the Commissioners on this plan, I would only add, that it might be useful, and would certainly be just, to engage to the missionaries that if the Crown should think proper at any time to resume the land in Wellington Valley, a full compensation or allowance shall be made to the society for all improvements which they may have made of a permanent character. Anything which can be done without violation of principle to induce the Church Missionary Society to continue their work should be done. Nothing can be more painful, or more laborious, or more dangerous, than to take up a post in the midst of a race of suspicious, ignorant, and indolent savages, and to defend their cause and their existence against rapacious, violent, and armed Europeans; yet such is often the position of the missionaries. None but a strong feeling of religion would induce good men to undertake such a task. But in giving such men all encouragement, every precaution should be taken against those who, counterfeiting the same holy and religious zeal, become speculators in colonial agriculture, and lose sight of the sacred purpose for which alone they have been intrusted with the funds of the society.

3. The Commissioners recommend that a small force should be stationed for the protection of the missionaries and natives. I think it may be advisable to give the men employed in this service double pay, and reduce them to their former service and pay on any instance of misconduct.

4. The best chance of preserving the unfortunate race of New Holland lies in the means employed for training their children. The education given to such children should consist in a very small part of reading and writing. Oral instruction in the fundamental truths of the Christian religion will be given by the missionaries themselves. The children should be taught early; the boys to dig and plough, and the trades of shoemakers, tailors, carpenters, and masons; the girls to sew and cook and wash linen, and keep clean the rooms and furniture. The more promising of these children might be placed, by a law to be framed for this purpose, under the guardianship of the Governor, and placed by him at a school, or in apprenticeship, in the more settled parts of the colony. Thus early trained, the capacity of the race for the duties and employments of civilized life would be fairly developed.

5. There remains, as connected with this subject, the vast and perhaps insuperable difficulty of the conflict carried on, with little intermission, between the colonists and the natives. The colonist occupies a larger tract of land than he has the means to guard; his cattle stray and are killed by the natives; he collects a force and revenges his loss on the first tribe he encounters. Again, the natives, finding the cattle unwatched, drive away a herd, and deprive the colonist of his wealth; a new source of retaliation and bloodshed. It is but too clear, that the only effectual remedy for this lamentable evil is an organized force adequate to keep both parties in check, and confine each to the limits which the Government shall assign. But this remedy is so expensive, and requires so much vigilance, so much temper in every soldier or constable, and the territory to be traversed is so large, that it is, after all, imperfect.

6. I have not yet touched on the application of the Land Fund to the protection of the aborigines. It is my opinion that 15 per cent. of the yearly produce of sales should be so applied. It will be for you to consider the details of the appropriation; but I must for the future require, that on or before the 15th of January in every year, a report should be made to you, for the information of Her Majesty and of Parliament, stating all the transactions of the past year relating to the condition of the natives: their numbers, their residence at any particular spot, the changes in their social condition, the schools, and all other particulars, including the state and prospects of the aboriginal races.

I shall transmit a copy of this despatch, with some other remarks in reference to the same subject, to the Lieutenant-governors of Port Phillip, Western Australia, Southern Australia, and New Zealand.

I have, &c.  
(signed) J. Russell.



NEW SOUTH  
WALES.

— No. 13. —

(No. 145.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir,

Downing-street, 10 September 1840.

I TRANSMIT to you herewith two despatches, which I have addressed, under a flying seal to the Lieutenant-governor of the British settlement at New Zealand, and the superintendent at Port Phillip, enclosing copies of my recent instructions to you with regard to the aborigines, and directing the transmission of periodical reports on the state of the aborigines, showing what has been done for their improvement and welfare in the course of the year preceding. I have to request that you will forward these despatches to their respective destinations by the first opportunities which may offer. Similar despatches have been addressed to the Governors of Western and Southern Australia.

I am, &c.

(signed) *J. Russell*.

No. 13.  
Lord J. Russell to  
Sir George Gipps.  
10 Sept. 1840.

25 August 1840.  
Page 73.

— No. 14. —

(No. 133.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *J. Russell*.

My Lord,

Government House, Sydney, 19 Sept. 1840.

I HAVE the honour herewith to forward to your Lordship a copy of a minute of the Executive Council, made in the case of an aboriginal native known by the name of Tolboy or Jackey, who was at the last session of the Supreme Court convicted of the murder of an Englishman named Frederick Harrington, but who has been reprieved, on the recommendation of Mr. Justice Stephen, before whom he was tried.

The Executive Council has recommended that Tolboy, *alias* Jackey, should be pardoned, on condition of being confined for life to Cockatoo Island, in the harbour of Port Jackson, where there are already some aboriginals in confinement for minor offences; and I beg leave to concur in the recommendation of the Council, though at the same time I would respectfully suggest, that a power should be given to myself or the Governor for the time being to make a further mitigation of his punishment, should he so far profit by the discipline to which he will be subjected, and the instruction which he will receive on Cockatoo Island, as to make it probable that he might safely be restored to liberty.

I have, &c.

(signed) *Geo. Gipps*.

No. 14.  
Sir George Gipps  
to Lord J. Russell.  
19 Sept. 1840.

31 August 1840.

Enclosure in No. 14.

NEW SOUTH WALES.

EXTRACT from MINUTE No. 13 of the Year 1840, of the Proceedings of the Executive Council, dated 31st August 1840, relative to the case of *Tolboy*, *alias* *Jackey*, an Aboriginal Native, convicted of Wilful Murder, and sentenced to suffer Death.

Encl. in No. 14.

Present:—His Excellency the Governor; His Excellency Major-general Sir Maurice Charles O'Connell, K. C. H.; and the Honourable the Colonial Secretary.

His Excellency the Governor laid upon the table a report from Mr. Justice Stephen, of the case of a prisoner capitally convicted before him, at the late criminal sessions of the Supreme Court, in which sentence of death has been passed; and his Honour being introduced, explained the circumstances attending the case, and in consideration of their being,

NEW SOUTH  
WALES.

Encl. in No. 14.

according to legal rules of evidence, some room for doubt of the guilt of the prisoner, recommended that the sentence of death should not be carried into execution.

The Council, after an attentive and mature consideration of the case, advise as follows :  
Tolboy, *alias* Jacky, an aboriginal native, convicted of the wilful murder of Frederick Harrington, and sentenced to suffer death ; that in accordance with the recommendation of the Judge, he be respited, and that a full statement of his case be transmitted to the Right honourable the Secretary of State for the Colonies, for Her Majesty the Queen's commands, accompanied by a communication of the recommendation of this Council, that the sentence of death passed upon Tolboy, *alias* Jacky, be commuted to confinement in Cockatoo Island, for life.

(A true extract.)

Council Chamber, Sydney,  
29 September 1840.(signed) *Wm. Macpherson,*  
Clerk of Councils.

REPORT of a Case of Murder tried before Mr. Justice *Stephen*, at the August Gaol  
Delivery of the Supreme Court 1840.

Tolboy *alias* Jacky, an aboriginal native, was on the 11th August instant, convicted before me, of having on the 19th June 1837, been present aiding and abetting some person or persons, to the Attorney-general unknown, in murdering one Frederick Harrington, by beating him on the head with some blunt instrument, at a place called "Yernan," and thereby inflicting sundry mortal wounds of which he instantly died.

This was (in substance) the second count in the information. The first count (on which the jury found a verdict of not guilty) charged the prisoner with being himself the party inflicting those wounds.

Before the prisoner was arraigned, one William Jones was sworn as an interpreter ; and I desired this man to convey to the prisoner, not only the terms of the information, as read by the officer of the court, but also an explanation which I gave of the nature of the proceedings, of the charge, in substance, apart from technical phraseology, and so on. At my request, Mr. Callaghan undertook the prisoner's defence, as counsel, and Mr. Allen was good enough to act as his attorney. The evidence throughout the trial was repeated to the interpreter, in order to prevent mistake, from my notes ; and he was directed to convey it, sentence by sentence, to the prisoner. This he appeared to do ; and the prisoner repeatedly spoke to the interpreter, as if in reply, seeming, in several instances, to comment earnestly on what was told him. I directed all that the prisoner thus said to be repeated instantly to the attorney, who sat next to the interpreter for this purpose. This, apparently, was done. The interpreter was repeatedly asked, during the trial, whether he had accurately conveyed the meaning, as he was desired to do, and whether (when the prisoner was the party addressed) it was understood ; and he answered both queries in the affirmative. I must add my own opinion, so far as one can be supposed to have value on such a point, that the man spoke truly. He appeared to me, thoroughly to understand the prisoner's language, and he certainly never hesitated for a word after he had once begun a sentence, although he occasionally paused, as if to reflect, before he commenced one.

The prisoner, on being asked whether he was guilty or not guilty, was reported to me as not only denying his guilt, but as declaring that the deed was done by two other men, who are now dead, and that, in fact, he was at the time absent, at another place which he named.

The only witness as to the circumstances attending the murder, was one James Nobbes, who at that time was stockman at Yernan, to the Rev. Mr. Marsden ; and his evidence was in substance as follows :—On the day mentioned, the 19th June 1837, the deceased Frederick Harrington, who was in the employ of a Mr. Purcell, was at Nobbes's hut ; what business he had there did not appear. A small party of blacks, about six, had been in the immediate vicinity of the hut for some days, and some of them it seems had been occasionally at the hut. The prisoner, whom the witness had seen previously on five or six other occasions, was one of the party ; two others of the party, Nobbes had seen often ; some of them had been inside the hut, but not, so far as he knew, the prisoner. Soon after nine o'clock that morning, the deceased accompanied Nobbes to bring in a horse ; the prisoner was then at the door of the hut, and Nobbes asked him to procure some sheets of bark. (Nobbes swore that the prisoner speaks a little English, and understood him.) The horse was caught within sight of the hut, and then Nobbes rode off, leaving the deceased to return to the hut by himself ; Nobbes saw him approach the hut to within a few rods, but did not see him enter the hut ; in fact, he never again saw Harrington alive. The hut-keeper was called "Big Bill," and him Nobbes left inside the hut. In about two hours and a half Nobbes returned ; as he approached he saw some of the blacks (one or two) frying meat close by the hut ; and presently three or four more, amongst whom was the prisoner, come out from the hut. The prisoner advanced to Nobbes with a pistol and a tomahawk in one hand, and in the right hand a spear ; the left hand, which held the tomahawk, had blood on it ; the back of his hand being covered with blood ; the pistol Nobbes recognized as his own, and he was looking, he says, at the hand which held it, when the prisoner stepped back and suddenly threw the spear at his head. Nobbes immediately rode away, the spear sticking in his temple. He found "Big Bill" at a station a few miles off ; and as no arms

could

could be procured there he proceeded to another, where being exhausted he remained all night. The next day about one o'clock he returned; on his way home, about a mile from the hut, he met "Big Bill" and a "man belonging to Mr. Blackman," coming in a direction from the hut, and both of them accompanied him there. On entering he found that the hut was stripped, and Harrington was lying dead near the table, with several cuts on his head, some of which were "clean cuts, right through the skull," apparently done by a tomahawk; the three men then buried the body. Nobbes said that he believed these cuts caused the death, but, so far as he knew, that they might have been inflicted after death.

The next day the prisoner was seen by another witness, named Miller, at a station of Mr. Walker's, with a knife which Miller swore that he knew was the deceased's; but when the deceased last had it, or whether he usually kept it about him, did not appear; this knife was worn openly by the prisoner in his hair. Some more blacks were with him, and one of these men had on a pair of trowsers of Nobbes's. From that time the prisoner was not again seen until about last Christmas, (being two and a half years afterwards) when he was apprehended. By whom apprehended, or where, or on what charge did not appear.

This was literally the whole of the case; and, although I really do entertain a full moral persuasion that this prisoner is guilty, yet I conceive that there was not sufficient, according to the legal rules of evidence, to exclude doubt; there was no evidence that when the prisoner was seen by Nobbes coming out of the hut the deceased's body was there. If it had been proved that the deceased had entered the hut after the catching of the horse, even then there would have been no evidence of his not having again quitted it; or if he did quit it, of his having re-entered at or before half-past 11. Such a fact as the one first mentioned would have sanctioned perhaps an inference against the prisoner as to the second. As the case now stands, however, where is the evidence (we have nothing to do with conjecture) to support a presumption that the blood on the prisoner's hand was really the deceased's? The prisoner may have robbed the hut, or he may have taken the deceased's knife, and yet the murder have been done by others, without his knowledge, and at another time, either before or afterwards; and this defect in the proof is the more important when we bear in mind that "Big Bill," who was left in the hut at or soon after nine, and who, in all probability, could have proved whether Harrington so entered it or not, and what next became of him, was neither called as a witness, nor was it shown that efforts had been made to procure him; so there was, if not a deficiency, yet an unsatisfactoriness of proof, as to the first finding of the body. It certainly did not distinctly appear that Big Bill and the other man, who were met by Nobbes on the 20th coming as from the hut, had then entered it. But it should have been shown either that they had not, or it should have appeared that they could not be brought forward, to be asked the question; for if they were the first persons who entered the hut, they were the proper parties to speak to the finding and state of the body.

In passing sentence upon the prisoner (which I thought it expedient to pronounce instead of merely ordering it to be recorded), I adverted to the probability of his life being spared on account of the doubt, one for which I alone am responsible, now explained by me.

I should perhaps add, that I certainly placed these points of doubt before the jury, and that they nevertheless thought the evidence sufficient; so far I may reasonably be assumed to be in the wrong. But my objection has reference solely to a sufficiency of evidence (such as to exclude doubt) in regard to the requirements of law; and as in my own deliberate judgment, there is, looking to the evidence, room for such doubt, I do most humbly recommend that the sentence be not carried into execution; but that Her Majesty be solicited, in the exercise of Her Royal prerogative of mercy, to commute the same to transportation, or employment on the roads or public works for life.

Your Excellency will not fail to have observed, that, according to Nobbes's evidence, there is a clear case against the prisoner of the capital crime of stabbing with intent to murder. But I need hardly observe, that for this, as the prisoner has not been tried, he cannot legally be punished; and the effect of granting him an absolute pardon on the present conviction, would only be that, probably, of his being tried and condemned for another offence; on which, as the prisoner's attack on Nobbes was wholly unprovoked, I do not see that he would have a chance of escape.

20 August 1840.

(signed) Alfred Stephen.

— No. 15. —

(No. 251.)

COPY of a DESPATCH from Lord J. Russell to Governor Sir Geo. Gipps.

Sir,

Downing-street, 26 April 1841.

I HAVE received your despatch, No. 133, of the 19th of September last, with a copy of a minute of the Executive Council, in the case of an aboriginal native named Tolboy or Jacky, who was convicted of the murder of an Englishman named Frederick Harrington, but who has been reprieved on the recommendation of the Judge before whom he was tried.

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The

NEW SOUTH WALES.

Encl. in No. 14.

No. 15.

Lord J. Russell to  
Sir George Gipps.  
26 April 1841.

NEW SOUTH  
WALES.

The Executive Council recommend that the prisoner should be pardoned, on condition of being confined for life at Cockatoo Island; and you concur in that recommendation, at the same time further suggesting, that a power should be given to yourself, or the Governor for the time being, to make a further mitigation of his punishment, should he so far profit by the discipline to which he will be subjected, and the instruction which he will receive at Cockatoo Island, as to make it probable that he might safely be restored to liberty.

Her Majesty has been graciously pleased to approve of a pardon being granted to the prisoner on the condition recommended; and to authorize the further mitigation of punishment which you suggest, if by his subsequent good conduct the prisoner should show himself worthy of that indulgence.

I am, &c.

(signed) *J. Russell.*

— No. 16. —

(No. 194.)

No. 16.  
Sir George Gipps  
to Lord J. Russell.  
22 Dec. 1840.

Copy of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,  
22 December 1840.

My Lord,

I HAVE the honour herewith to forward to your Lordship the proceedings before the Executive Council of this colony, in the case of an aboriginal native of New South Wales, named Billy, or Neville's Billy, who was on the 4th November, in the Supreme Court at Sydney, found guilty of murder, and sentenced to suffer death.

Your Lordship will observe, that this unfortunate man was in the first instance ordered for execution, but that the Executive Council subsequently advised, on the recommendation of the Chief Justice and the Attorney-general, that he should be respited until Her Majesty's pleasure shall be known.

Should Her Majesty be graciously pleased to extend her Royal mercy to him, I would suggest that it should be on condition of his being confined for three years on Cockatoo Island in Port Jackson, where there are already several aboriginal natives, convicted of various offences, whom I have subjected to a mild course of penitentiary discipline, principally with the object of civilizing and instructing them.

I have, &c.

(signed) *George Gipps.*

Enclosure in No. 16.

Encl. in No. 16. EXTRACTS from MINUTES Nos. 20 and 25, of the Proceedings of the Executive Council for the Year 1840, dated 21st November and 21st December 1840, relative to the Case of Billy, alias *Neville's Billy*, an Aboriginal Native, under sentence of Death for Wilful Murder.

EXTRACT from MINUTE No. 20.

Present:—His Excellency the Governor; His Excellency Major-General Sir Maurice Charles O'Connell, K.C.H.; the Honourable the Colonial Secretary.

Appendix to Minute, No. 40/20 A.  
A 1. Report of his Honor the Chief Justice on the case of Billy, alias Neville's Billy, 28 Nov. 1840.

His Excellency the Governor laid upon the table the reports of the Chief Justice and Mr. Justice Stephen, on the cases of prisoners capitally convicted before them respectively at the late criminal sessions of the Supreme Court, in which sentence of death has been passed, and their Honors being severally introduced, explained the circumstances attending the cases respectively tried before them.

The Council, after an attentive and mature consideration of the same, advise, in the case of Billy, alias Neville's Billy, an aboriginal native (tried before his Honor the Chief Justice), and convicted of the wilful murder of John Dillon, and sentenced to suffer death, that the sentence of the law be allowed to take its course, and that the prisoner be executed as near as possible to the place where the murder was committed.

EXTRACT from MINUTE No. 25.

Present:—As before, with the addition of the Right Rev. the Lord Bishop of Australia.

WITH reference to the proceedings on the 21st ultimo, in the case of Billy, *alias* Neville's Billy, an aboriginal native, under sentence of death for wilful murder, his Excellency the Governor laid before the Council letters from the Chief Justice and the Attorney-general, recommending that the life of the prisoner be spared.

The Council advise that a full statement of the case be transmitted to the Right honourable the Secretary of State, and that the prisoner Billy, *alias* Neville's Billy be respited until the pleasure of Her Majesty the Queen be known.

Sydney, 24 December 1840.

(True extracts.)

(signed)

*William Macpherson,*  
Clerk of Councils.

NEW SOUTH WALES.

Encl. in No. 16.

Appendix to Minute, No. 40/25 A.  
A. 1. Letter from Chief Justice, 27 Nov. 1840.  
A. 2. Letter from Attorney-general, 7 Dec. 1840, and case therein referred to.  
A. 3. W. Jackson's affidavit made before J. R. Hardy, J. P. 14 April 1840.

*The Queen v. Billy, alias Neville's Billy.*

REPORT of the Case of *Billy, alias Neville's Billy*, an Aboriginal Native of New South Wales, tried for and convicted of the Wilful Murder of *John Dillon*, a white British subject, at a Criminal Session of the Supreme Court, holden at Sydney on 4th November 1840, before his Honor Sir *James Dowling*, Knight, Chief Justice of New South Wales.

THE information charged the prisoner in formal language with the wilful murder of John Dillon, at Uabalong, on the 29th February 1840, by mortally wounding him on the left shoulder with a spear, of which he died next day.

The attorney-general conducted the prosecution.

Counsel and attorney were assigned to the prisoner by the court.

Before arraignment, *William Jones* was sworn as an interpreter, and deposed as follows:—

I live in Sussex-street, Sydney, and am an umbrella-maker by trade. I have been close on 12 years in the colony. I lived on the Castlereagh River for about seven or eight years as a stockman, in the employ of Mr. James Walker, near the vale of Clwyd, on one of his cattle stations at that river. I have had much intercourse with the aboriginal natives of that district, and have become acquainted with their language, and can speak it. The prisoner speaks the same language, and I have spoken to him in the gaol on last Friday week, and I find that he and I understand each other. I am not free; I hold a ticket of leave. To the best of my knowledge I can truly interpret between the court and the prisoner. In August last I was employed as an interpreter in Talbot's case, tried in this court for murder and robbery: that man was found guilty.

The interpreter was then desired to communicate to the prisoner the substance of the information, and that he was to be tried by 12 white men on that charge.

The interpreter informed the court that the prisoner said he did not do the act; that it was done by others, and that he did not object to be tried by the 12 white men.

The plea of "not guilty" was recorded; and the jury being sworn, the following witnesses were examined:—

*William Jackson, Examined.*

I live at Bernalong with Mr. Cosby, the commissioner of Crown lands, about 24 miles to the south of Yass. I am a prisoner of the Crown; I have belonged to the border police about 16 months; I have had a good deal of intercourse with the aboriginal natives; I can neither speak nor understand any of their language; I took the prisoner, called by the name of Neville's Billy, on the 5th April, at Uabalong, about 240 miles down the Lachlan River. Uabalong is 440 miles from Sydney, and beyond the boundaries of location. On the 29th February last I was at Yarrabendry, a station of Mr. Oakes's, and I saw two white men come galloping down on horseback. In consequence of what they told me, I saddled my horse and went to Uabalong; when I got there I found a wounded man under cover in the killing of a hut. He was alive and bleeding; he spoke to me when I came in; I took hold of his hand; his name was John Dillon; I knew him before; he was hut-keeper in the service of Mr. Armstrong, of Parramatta. I was at the same station about a fortnight before this event; at that time I saw about 100 natives about the place; the Commissioner Cosby was then present. The natives were wild. Captain Hovel's overseer and men were bringing some stock and cattle up the river, and they told the commissioner that the blacks were running their cattle from the station; this was about 18 miles from Mr. Armstrong's station. I had been there twice before, and Dillon had a black man living with him in the hut, named "Paddy," and they appeared to be very friendly with each other. On those occasions I saw the blacks belonging to Uabalong about the place; they appeared to be friendly. There were two white men on this station, the deceased and John Fitzgerald; I don't know where Fitzgerald is; I don't recollect seeing the prisoner

NEW SOUTH  
WALES.

Encl. in No. 16.

at Uabalong on those occasions; I don't know why he is called Neville's Billy. When I saw Dillon in the skilling there was a shoemaker named Charley Hammond there, with two or three more white men, whose names I don't know; the man was lying on his back, and he told me he was done for, and that he was sensible he should die. I saw the wound under his left arm-pit on the side; he was stripped to his shirt, the breast was torn, and that enabled me to see the wound; it was bleeding; he drank water, and every thing he drank came out of the wound; it appeared to be about 11 inches in depth, from the portion of the spear which appeared to be broken off; I saw a portion of a spear broken in the hut; I don't know what is become of it. He told me the black man speared him through a little window, and he put his head in at the window after spearing him, and said, "Hie, hie," I believe. He told me the man came to the hut about eight o'clock in the morning, to the best of his knowledge, and asked him for bread and milk, and he gave him some, and after he eat it another black fellow came up to the door, and Neville's Billy told him (the deceased) "to give it patter to another black fellow;" and that he, the deceased, said, "Bail, sit down along with Gunys;" I understood the meaning of that to be, that there was no more bread and milk in the hut. He told me that he was then shutting the door, and, while he was latching it with his left arm up, the black man speared him. The deceased told me he took the spear out of his side himself; I saw the broken spear now produced in the hut. The deceased told me that the jagged part of the spear broke in his side in pulling it out. He did not say what became of the man who wounded him; he made his will of 12*l.* wages due to him; he gave 6*l.* to the priest, and 6*l.* to the poor, that is, he told his comrades what to do with the money; I remained there till he died about eight o'clock. He described the man who wounded him to be Neville's Billy, the man that Jacky Neville had given a shirt to; Jacky Neville is a settler near Bathurst, as I believe; I did not know the particular man. On the following morning, after burying Dillon, I and William Power, another border policeman, and five or six stock-keepers, went in search of the man called Neville's Billy; we were out about 10 days; we had two tame blacks with us tracking him, but we could not find him. We came in again and stopped at Mr. Oakes's station, and there was there an old tame black, named "Ben;" he came and spoke to me, went away, and I did not see him till the 5th April; on that day he came and pointed the prisoner out to me as Neville's Billy, and I took him about four short miles from where Dillon was, on Mr. Shepherd's station. I spoke to the prisoner; I went up to him, and I had this broken spear in my hand; I took the spear and showed it to him, and said, "First time you make a light of this spear?" I intended to ask by that if he had seen it before; he made no answer. A stock-keeper that could speak and make him understand better, took it out of my hand, and said, "You make a light of this spear before?" his answer was, "I believe so," in English. He said but little; I said to him, "What name belong to you?" he answered, "Neville's Billy." I had never seen him before; he had only a bit of an old checked shirt on him; the men with me knew him perfectly, and he seemed to know them; he made freedom with them, but not with me; he was talking with them; they gave him victuals after I apprehended him. We took him to Yass, about 240 miles off; the commissioner was at home; we took him first to the commissioner, and then to Bennalong, where depositions were taken by Mr. Hardy, the magistrate; my deposition was taken there. At a station called Robert White's, where we stopped, the prisoner got a large sticking, or butcher's knife, and he had it hid in a bit of cloth under his wrist. I had got about six miles from the station, when I noticed him alongside me laughing; I thought it rather singular, as I had never seen him laugh, which caused me to look at him. I looked at his hands and saw the knife lapped in some cloth; he was handcuffed at this time, and I took the knife from him; I think he must have put it there the same morning while I was saddling my horse; we had stopped at Robert White's, and the prisoner was kept handcuffed all night; I and my comrades took it in turns to sit up with him; a man who had been living there, and knew White, claimed the knife; the prisoner did not attempt to use it. I asked him, "What you go to do with this knife?" he said, "Bail me know;" he went quietly along the rest of his journey. In searching for the prisoner with the tame blacks, I observed traces of a bush, which had been trailed along, by appearance; the surface of the soil was disturbed by the marks of a bush; in some places, where the ground was soft, the marks were sufficient to efface the impression of a man's foot. I said to him at Shepherd's station, "What for you tumble down Waddy Munday?" the deceased was so called because he had a wooden leg. The prisoner said, "Billy, Paddy, Puckamal, and four or five Pialla, along with mine, tumble down Waddy Munday." "Waddy" means "a stick or wood," "Munday," I have been told, means "foot." He put his hands up in this way, and says, "Billy, Paddy, Puckamal, and Wogli Pialla, along with mine, tumble down Waddy Munday;" "Pialla," I understand, means "to tell." I did not ask him any more questions; I told him he had better tell the truth, "What made him tumble down Waddy Munday," and then he told me what I have mentioned; that was the only time I spoke to him. I sometimes spoke to him on the road down about Waddy Munday, and he always told me the same thing over and over again. In my presence, when he was taken, he owned to the spear; when he was asked about it, and said "I believe so," I understood him to mean that it was his spear; he never said directly it was his spear. The dying man pointed out the window through which he was speared; it was about four yards from the door, where he said he stood. The spear was shown to me at the hut door; there are none of the men here belonging to the station.

Cross-examined

Cross-examined by Mr. *Broadhurst*, the Counsel assigned to the Prisoner.

NEW SOUTH WALES.

Encl. in No. 16.

The deceased was speared on the 29th February, as he told me, and I found him on the 1st of March, and on the 5th of April we took the prisoner. The deceased appeared to be 32 years of age. The nearest medical man lived at Bathurst, about 240 miles off. I spoke to Dillon first; I said, "Poor Dillon, you have been speared by the blacks." He said, "Yes, look here." I knew him before. He put his shirt on one side, and showed me the wound. I said, "It is a sad case, poor fellow." He said, "Yes, I am done for, I am quite sensible of that." This was between nine and ten in the morning; after that I could see him in great agony, and I went out. I went to see him occasionally several times in the course of that day, and he was swelling to an amazing size. I asked him if he knew who speared him, and he told me it was Neville's Billy, a black; he mentioned this before I left the room; he said that it was the man that Jacky Neville gave a shirt to; that he had been tailing cattle for him some time before. He told me he had seen "one other black." I asked him if he knew him, and he said he was a stranger, and he said it was while latching the door with his left hand when he, the black fellow, slipped on one side and speared him; one of those black fellows, Neville's Billy. He said that there were some horses galloping, and "I could hear them jump off the skilling, and I could see them no more; they must have seen the dust of the horses coming down." He told me he thought John Hendriken might have got some of them; he did not say whether the spear was thrown or thrust. The door was on the right side of the window. He said he was speared when he was latching the door with his left hand. The wound was on the left side. The latch was nearest the window, and the hinges the farthest from it. I have no knowledge of the native language; I know that "pialla" is "to tell;" I had the prisoner handcuffed all the time. James Cobb, a stockman, showed him the spear; he said, "I believe so." That was the only way he owned the spear to be his; this was after we apprehended him. I have seen "Old Ben" before. The prisoner and the deceased had been on good terms that morning; Dillon had given him bread and milk.

*By the Jury.*—The prisoner was pointed out to me by all the people as Neville's Billy.

The interpreter was desired by the court to ask the prisoner if he understood anything of what was said by the witness.

*Interpreter.*—He says he does understand a little what the witness says, and he says that a good deal of what the witness says is false, and not the truth.

*William Power, Examined.*

I belong to the border police in the Lachlan River district; I was at Uabalang with the last witness; I saw Dillon before he died; he was almost expiring when I saw him; he said he was "expiring;" he used that word; he said he was holding the door with his left arm, and he received the spear as he was in the act of holding the door to keep them out; he told me it was Neville's Billy; I did not know him before; there were stockmen who knew him for years, and pointed him out as the man; the deceased said that Neville's Billy came to the hut and asked him for something to eat; that he had some milk and bread from him; that he went away and came back again, and had some more of his companions with him, and he asked for some more for them to eat, and he would not give it; that the blacks or tribe were going to make an entry into the house, and he held the door against them, and Neville's Billy speared him under the left arm. He said he had often seen Neville's Billy at the hut before; the deceased had been there at that time six weeks, and he said he had never any quarrel with the blacks; he said Neville's Billy looked in at the window and heaved the spear in through it, and ran away after; he said that after the prisoner knew he had speared him he said, "Ay, ay!" The following morning we went to search for the prisoner; after being out nine days we returned; he was taken about the 5th of April; I was present; there were stockmen there. The prisoner can speak English if he thinks proper; I heard him speak on the road; he has oftentimes spoken to me in English; he told me he had been to Bathurst some years ago, and saw some white men hung; it was not good English he spoke, but I could understand him; he asked me if he would be hung the same way; he told me this of his own accord; I asked him nothing about it. We apprehended him on the evidence of the men that knew him; several of the men spoke to him; he was asked what did he kill the man for? He told me there were five others along with him of his tribe, and that he was the man that speared him, and he owned that he had speared him. He mentioned their names; one was "Ogle Eye," and another "Sandy," and another "Paddy the Soldier." I asked him if he had seen this spear before, and he said it was his; I asked him if it was his spear, and he said "I believe so."

Cross-examined.

I am not free; I have been in the colony 23 months; I knew Dillon before; I had been at the station along with the commissioner; Jackson, the last witness, was present at what I have stated; he had the same opportunity of hearing that I had; he might be out and I in sometimes; Jackson and I were in the hut together; questions were asked the deceased; I asked him for one; I can't say who spoke first; he told me Neville's Billy was the man who speared him; he told me the black man who speared him was Neville's Billy; he told me that Neville's Billy was the man; he told me he had been speared by the blacks, and I asked him who speared him, and he said it was Neville's Billy. Jackson asked

NEW SOUTH  
WALLS.

Encl. in No. 16.

asked the same questions, and several other men who were there before me. He showed me the wound; Jackson was present at the same time; he told me he had been speared through the small window, a hole cut through the slabs; the window is about 14 inches square; the door from the window is about eight feet; I did not try to see whether I could distinguish a man from the door through the small window. Before the prisoner admitted that he did it, I cannot say I heard Jackson say it would be better for him to tell the truth; I was all the way with him, and if anything of the kind was said I must have heard it; several pointed the prisoner out. I know Old Ben; he pointed him out as the man who killed Dillon. Old Ben tracked for us. Almost as soon as we entered the hut, Dillon told us he would die; he died 18 hours after I saw him, and he had been speared a few hours before. I swear he told me the black who speared him was Neville's Billy; he said Mr. Neville had given him a shirt some time before; the deceased said the man who speared him looked in at the window, and said "Ay, ay!" I cannot remember any more; I cannot say Jackson was present; I was looking at the man myself; there were several men there. I was a few minutes in when he told me this; we asked him how long he had been speared, he said "this morning;" and then we asked him who was the black man that speared him, and he told me it was the man they called Neville's Billy, and he said he would not live; that Billy had been there that morning. He lifted his right arm to show how the spear was thrown; he told us that "black men" were there that morning; he lifted his right arm to show how the spear was thrown, and that he had been speared through the window; I asked him who was the black man who speared him, and he said that Neville's Billy was the man; he said, that after he received the spear, and knew it, the black man put his head in through the window, and said, "Ay, ay!" Jackson might be present, but I won't swear it. There was a space enough in the window for a man to put his head through. Old Ben had been tracking with us for nine days; the horses were beaten and we were obliged to return; it is seven miles from where the man was speared and where we took the prisoner. I asked him did he ever see the spear before? I cannot say whether Jackson did; he said, "I believe so;" I asked him if he had seen it before. We tracked black men's feet all the way, going round and round, not in a direct line; they never go straight forward; we could see they had been using flour, and there were the marks of their small fires. The deceased said there were "more blacks," not "one more." Dillon was a hut-keeper, and free; he had been bound. He was so indisposed with the wound, we did not like to keep up any discourse with him; he appeared to have no doubt about Neville's Billy; he said he saw him put his head in after he received the wound, and said "Ay, ay!"

Re-examined.

I only asked the prisoner, when I took him, if the spear was his? He said, "I believe so. We carried the spear with us all the way. We were nine days going to Yass from where we took him.

The case for the Crown here closed.

Mr. Broadhurst addressed the jury on behalf of the prisoner.

The *Chief Justice*, in summing up the case, observed upon the difficulty and embarrassment arising from the administration of justice between Her Majesty's black and white subjects in New South Wales. By a fiction of the law the prisoner was amenable on the one hand to the responsibilities, and on the other, was under the protection of the law of England. One principle of that law was, the presumption of innocence in favour of the accused until the contrary was shown. There was an immeasurable distance between the condition of the prisoner and those who were called upon to try him in point of civilization. He, a wild, untutored savage, was brought from a remote district, which was in the same state as it came from the hands of nature; ignorant of our language, laws, customs, and forms of trial; amenable to no code of laws, that we knew of, existing amongst his fellow-savages, and alike ignorant of divine law by revelation, he was charged with the wilful murder of one of a race of men, who had encroached on his native wilds, and a jury of that race were now called upon to determine his fate. As a British subject, he was entitled to be tried by his peers. Could it be truly said that the jury now impanelled were his peers? He was a wild, untutored savage,—they were civilized Englishmen, familiar with the laws of their country, and living under the dispensation of the Christian religion. He was bound to hold the aboriginal natives responsible to the law of England, on the principle of mutual protection. White British subjects were, on the one hand, amenable to that law for aggressions on their black fellow-subjects, whilst the latter were equally responsible for outrages on the former. The first question to determine was, did the prisoner know right from wrong? for unless he was a sentient being, the court could not take cognizance of his acts. The jury were bound to dismiss from their minds all prejudices on the score of caste and colour. He was entitled to the same impartial trial that any of themselves would have a right to receive, if brought to the bar of justice. It was idle to suppose that the prisoner understood the technical language of the indictment, which charged "that he had not the fear of God before his eyes, but was moved and seduced by the instigation of the devil" to do the act charged as criminal. But as a rational being, he must be presumed by the law of reason and of nature to know that it was an offence to deprive a fellow-creature of his life, without adequate cause. Doubtless the prisoner came before the court under every disadvantage: he understood scarcely anything of our language; he was ignorant of what was passing in the court; and he was without adequate defence by witnesses, if he had any, for

his



his countrymen could not have their testimony received, as the law at present stood, in an English court of justice. Even the very counsel who had undertaken his defence to-day, must necessarily be ill instructed in topics which might avail him in meeting the charge. It was no exaggeration, therefore, to say, that he had but a "one-sided trial," for everything must be taken against him, and nothing for him, but what could be extracted from his accusers. Admitting him, however, to be amenable to British law, and knowing the responsibility attached to the crime imputed to him, and taking his case subject to the great disadvantages under which he laboured, the question was, whether the evidence adduced made out the charge contained in the information? The case for the Crown was supported only on the testimony of two witnesses; men who were illiterate, and stood in the equivocal position of being transported offenders to this colony. They were called upon to depose to the dying declaration of the deceased. By law such a declaration, if accurately evidenced, was receivable in a court of justice, and as equivalent to a deposition upon oath by a living witness. These men, although substantially they had agreed in their account of what the deceased said, yet had varied from each other in many particulars. The supposed confession of the prisoner, even if accurately and credibly supported, must be dismissed from the minds of the jury, inasmuch as it was obtained from him under the assurance "that it would be better for him to tell the truth." The case rested solely upon the testimony of these two witnesses, and yet there were several others, who might have been called to depose, first, as to the actual identity of the prisoner as being Neville's Billy; secondly, to the dying declaration of the deceased; thirdly, to the supposed confession; and fourthly, to other particulars of conversation said to have been had with the prisoner. If these two witnesses were, however, to be believed, there was a case from which, by the law of England, the jury would be warranted in drawing the conclusion of guilt; but they would bear this in mind, that the prisoner had no means or opportunity of rebutting the presumption arising from the evidence.

The Chief Justice then read over the whole of his notes of the evidence, and in conclusion, told the jury that in a doubtful case the safest course was to acquit.

The jury retired for half an hour, and found the prisoner "guilty."

Sentence of death was passed, and execution awarded.

-(signed) *James Dowling,*

Chief Justice.

Sydney, 28 November 1840.

Enclosure A. 1. to Minute No. 25 of 1840.

The Queen v. Billy, *alias* Neville's Billy.

Sir,

Sydney, 27 November 1840.

WHEN I had the honour of attending a summons of the Executive Council on other business to-day, my attention was unexpectedly called to the case of the aboriginal native named above, now under sentence of death, for the murder of a white British subject, and it being your Excellency's pleasure that I should express my opinion as to the propriety of carrying the dreadful sentence of the law into effect, I have the honour to submit the following observations for consideration on this embarrassing occasion.

The prisoner was an untamed savage, and one of a wandering tribe of aborigines beyond the boundaries of location, to the southward of Yass, wholly ignorant of English laws and customs, but brought occasionally in contact with European stockmen, and from that intercourse had acquired a slight knowledge of broken English. The deceased, John Dillon, was hut-keeper on a cattle station frequented by the wild natives, and beyond all doubt had died from a wound inflicted with a black man's spear. The proof of the circumstances under which he came by his death rested mainly upon his dying declaration, as communicated to two convict border policemen, who reported it to the court from memory, after the lapse of nearly nine months since the event. Nothing was taken down in writing, and no magistrate was at hand. When the declaration was made, the deceased was faint and in great agony; other persons who were proved to be present at the declaration were not forthcoming as witnesses. The law, it is true, admits of dying declarations, when accurately and unimpeachably taken, as equivalent to the *viva voce* statement of a living witness examined on oath; but in the present case, having reference to the moral character of the convict policemen, both illiterate, influenced perhaps from zeal, by their vocation, which brought them sometimes in contact of hostility with the native tribes suspected of spearing cattle, and adverting also to the fact, that there was some material difference in their account respectively, of what the deceased said in his dying moments, I think the evidence in this part of the case was so unsatisfactory, though believed by the jury, that the last extremity of the law may be arrested without any prejudice to the public interests. Although these men agreed in substance in their statement of what the dying man said, and admitting that they were wholly unimpeachable in point of character, yet having regard to the languishing state of the deceased, it is possible that in more skilful hands, and under a more formal examination by competent persons, some particulars favourable to the accused (if he were the homicide) might have been elicited. Something like a confession was obtained from the prisoner, but it was communicated to the court through the same medium; and there were other circumstances in the detailed report of the case, which, assuming them to be beyond all doubt true, warranted the verdict of the jury. An illiterate, though intelligent man,

NEW SOUTH  
WALES.

Encl. in No. 16.

man, who had been a convict, was sworn on the trial as interpreter, to communicate to the prisoner what the witnesses said; but the court had no other guarantee than the man's oath, that he understood the prisoner's language, or correctly interpreted to him what was passing at the trial. It was true that counsel was on the spur of the occasion assigned to the prisoner, and everything was done for him that the circumstances of the case disclosed to the court admitted of, to attain a satisfactory result. The prisoner, an uncivilized savage, though held by the courts amenable to British law, laboured under the disadvantage of being tried by a tribunal, to him wholly foreign, and without the privilege of calling any of his own countrymen, if they could have been witnesses, on his behalf. From the manner in which I left the case to the jury, I own I expected an acquittal, and had I been on the jury, I must say that I should have thought the evidence too doubtful to convict; but unexplained by anything brought forward on the part of the prisoner to rebut the legal effect of it, the testimony of the convict policeman was sufficient to justify the verdict of guilty. I am, however, persuaded that had the prisoner been a white man, and his guilt had rested solely upon the evidence adduced in this case, the result would have been different. I think the example of an execution, in a case free of all doubt or difficulty, would have a salutary effect in checking outrages by and upon the aborigines, but I respectfully submit the present conviction to be so unsatisfactory (though agreeable to strict English law) that life may be spared without compromising the demands of public justice.

His Excellency Sir George Gipps,  
&c. &c. &c.

I have, &c.  
(signed) James Dowling,  
Chief Justice.

Enclosure A. 2. to Minute No. 25 of 1840.

Sir,  
I ENCLOSE herewith my reasons for recommending that mercy should be extended to the native black, "Neville's Billy," now under sentence of death, and request they may be laid before the Governor and Executive Council.

William Macpherson, Esq.,  
Clerk of Councils.

Yours, &c.  
(signed) John H. Plunkett.

#### NEVILLE'S BILLY'S CASE.

THE whole case depends on the dying declaration of the deceased.

Dying declarations are only received in evidence when it is first proved that the person making it was aware of his danger, and had given up all hope of recovery. The two border policemen proved this to the satisfaction of the judge.

In ordinary cases, dying declarations are reduced to writing by a magistrate, or some other person, and when this is done it is entitled to greater weight than when it is merely repeated afterwards from memory, and given as parol evidence. In this case the words of the deceased were not reduced to writing at the time they were uttered; they were not repeated by any witness before a magistrate for three weeks after they were heard from the deceased. William Jackson made his deposition (hereto annexed) before Mr. Hardy, the police magistrate, on the 14th April. In this it is stated that after "Neville's Billy" got something to eat, another black came up and asked for some, and he (deceased) said he had none to give him; and the prisoner, "Neville's Billy," asked for what not give him some. On the trial it appeared from Jackson's evidence, and also Power's, that more than one black came to the hut and asked for food before he was speared, and that there were several about the hut at the time. This discrepancy shows the danger of regarding the other parts of the evidence given by those witnesses as conclusive as if the dying declaration of the deceased were reduced to writing.

The identity of the prisoner is not conclusive; the only description given of him by the deceased was "Neville's Billy," to whom Mr. Neville gave a shirt. It was not proved on the trial that there was but one Neville's Billy, or that a shirt was given to the prisoner by Mr. Neville.

The prisoner laboured under great disadvantage in his defence; the nature of the evidence prevented cross-examination; 1st. Because the evidence upon which all the case rested was that of a dead man; 2d. Because the evidence of his companions (who were present) could not be received, on account of their incompetency.

I beg leave to submit the foregoing for the consideration of his Excellency the Governor and the Executive Council, in order that the life of the prisoner may be spared, should his Excellency and the Council view them in the same light that I do.

(signed) John H. Plunkett,  
Attorney-general.

New South Wales, }  
to wit. }

BILLY (Aboriginal Native).  
Murder.

Appeared William Jackson, who, being sworn, deposes:—I am a border policeman. I was staying in the latter end of March at Oake's Station, on the Lachlan, with another border policeman, Power. We had been there two days, and a man named Handrikan came

came to Oake's and told me that a man named John Dillon, hut-keeper for Mr. Armstrong, at his station, about six miles from Oake's, had been speared by a native black called "Neville's Billy." We saddled and went with him to Dillon's hut, and found him there with a spear wound under his left arm. Dillon showed me the spear that wounded him,—the spear now produced,—which went 11 inches into his side. We remained there until Dillon died, the following morning. Before Dillon died he told me he was speared by "Neville's Billy" (to whom Mr. Neville had given a shirt). Dillon told me that the prisoner, "Neville's Billy," had come to his hut on the same morning that he was speared and asked for something to eat, and he (deceased) gave him some. That then another black came up and asked for some, and he said he had none to give him. The prisoner, "Neville's Billy," asked, "what for not give him some?" and as the deceased was then shutting the door, "Neville's Billy" speared him through the window; and when deceased had been wounded, Neville's Billy looked through the slabs and said, "Ay, ay!" I believe. After the deceased died, I and Power, the other policeman, went out after the prisoner. We were out several days. We had a black with us, tracking, who knew prisoner's footmark, so that we went very slowly. We met some blacks, and told them we would tumble them down unless they gave up the prisoner. One of them, named Ben, then said he would fetch him in, which he did, and we took him in charge, and brought him to Mr. Cosby's. When Neville's Billy was brought in he had half a shirt on, the same shirt, I believe, that the deceased said Mr. Neville's man had given to the prisoner.

NEW SOUTH WALES.

Encl. in No. 16.

(signed) William Jackson.

Sworn before me at Yass, this 14th April 1840.

(signed) J. R. Hardy, J. P.

Committed.

(No. 270.)

— No. 17. —

COPY of a DESPATCH from Lord John Russell to Governor Sir George Gipps.

Sir,

Downing-street, 21 May 1841.

I HAVE received and have laid before the Queen your despatch, No. 194, of the 22d of December last, relative to the case of an aboriginal native of New South Wales, named "Billy," who was convicted of murder and sentenced to death, but recommended to mercy by the Chief Justice and Attorney-general of the colony; and I have received Her Majesty's commands to signify to you Her pleasure that a conditional pardon should be granted to the prisoner on the terms proposed, namely, of being confined for three years on Cockatoo Island, in Port Jackson.

I am, &c.

(signed) J. Russell.

No. 17.

Lord J. Russell to Sir George Gipps. 21 May 1841.

(No. 35.)

— No. 18. —

COPY of a DESPATCH from Governor Sir George Gipps to Lord John Russell.

My Lord,

Government House, Sydney, 3 Feb. 1841.

WITH my despatch of the 7th May last, No. 61, I had the honour to forward to your Lordship a number of documents illustrative of the nature of the intercourse which exists in this colony between the European settlers and the aboriginal inhabitants, an intercourse which is unhappily marked by acts of violence on both sides.

I have now the honour to forward further documents of the same nature, selected in like manner as before, out of an immense mass of papers, the correspondence on matters connected with the aborigines having since the appointment of the protectors increased to such a degree as to form, I lament to say, of itself no inconsiderable evil.

Your Lordship will, I am sure, be sorry to learn that aggressions by the natives on the flocks and herds of the settlers, as well as the acts of reprisal to which they give birth, have during the last few months, in the Port Phillip district, increased rather than decreased in number.

The documents in the Appendix, marked (A. 1.) (A. 2.) consist of reports addressed to Mr. La Trobe by the two Crown Commissioners of the Port Phillip district.

The atrocities mentioned in these reports mostly appear to have been committed at stations very recently formed or occupied; and I would beg to refer your Lordship to Mr. La Trobe's observations on this head, contained in his letter of the 7th October 1840, (Appendix B.) accompanying the reports,

627.

M 3

Mr.

No. 18.

Sir George Gipps to Lord J. Russell. 3 Feb. 1841.

Page 51.

Appendix (lettered.)

NEW SOUTH  
WALES.

Mr. La Trobe at the same time forwarded 13 other documents relating to different aggressions, which it would be tedious to copy.

My reply to Mr. La Trobe's letter is enclosed, being marked (C.)

The papers next in the collection relate to a mission on which I recently employed Major Lettsom, of the 80th regiment, and of which the origin was as follows:—

Towards the end of the month of May last an attack was made by the blacks on a station belonging to Dr. Mackay, on the Ovens River (156 miles from Melbourne, on the road to Sydney), which, from the accounts I received of it, appeared to me rather to have been a preconcerted measure of revenge or retaliation, than an ordinary act of rapine committed for mere wantonness, or under the pressure of hunger. The natives came suddenly on the station, and as suddenly disappeared. They had fire-arms, and used them with considerable dexterity; and another remarkable circumstance was, that the attack seemed to have been purposely made at a time when the proprietor (Dr. Mackay) was absent.

Not many weeks after the information of this attack had reached me, a gentleman who has recently settled in that part of the country, and who is a young man of highly respectable family and connexions in England, waited upon me, and put into my hands a paper headed "The Blacks," of which I enclose a copy (Appendix D.).

All these circumstances combined, induced me to think it necessary to send some person in whom I could implicitly confide to the district where such irregularities, or atrocities, rather, were said to prevail, and I accordingly selected Major Lettsom, of the 80th regiment, a person connected with the colony in no other way than as serving in it with his regiment.

The instructions which I gave to Major Lettsom are contained in the enclosure marked (E.), and his reports to me are marked (F.) and (G.)

Your Lordship will be gratified in observing that Major Lettsom considers the account given in the paper marked "The Blacks" to be a very highly-coloured, not to say exaggerated one, and that his reports are generally favourable to the settlers.

Major Lettsom fell in with but very few blacks until he got to Melbourne. Near that town, however, a tribe of blacks belonging to the country through which he had passed (and called the Goulburn Blacks) happened to be assembled, for the purpose of forming a junction with another tribe, before proceeding to make war upon a third; and it appearing that a considerable number of these Goulburn blacks could be identified as the perpetrators of many outrages, Major Lettsom, with the full concurrence, and, indeed, acting under the direction of Mr. La Trobe, put himself at the head of all the force that could be collected, and by surprising them in their encampment, captured the whole of the two tribes. The greater part of them were set at liberty the following day, but about 30 were detained in custody until discharged by order of the Attorney-general.

Your Lordship will perceive that two blacks lost their lives on these occasions; one was killed whilst aiming a murderous blow at Lieutenant Vignolles, of the 80th regiment, the other was shot as he was attempting to escape out of prison.

Although Major Lettsom, on taking on himself the military command of the party by which the blacks were arrested, departed in some degree from the instructions which I had given to him, I do not consider that he exceeded the discretionary powers with which any person acting in such circumstances ought to consider himself invested, and as, moreover, he acted with the full concurrence, and indeed under the orders of Mr. La Trobe, (see Enclosure H.) I have signified to him my approval of his conduct.

The whole of the circumstances connected with the arrest of these persons, as well as the proceedings at the inquests holden on the bodies of the two men who were killed, have been before the Attorney-general, and I have delayed for a considerable time the transmission of this despatch, in the expectation that some proceedings would have been instituted in consequence by that officer.

I have, however, been within the last few days informed by him that he does not consider there is any case to bring before a court of justice.

Major

Major Lettson complained to Mr. La Trobe of being obstructed in the execution of the duty with which he was charged, or at any rate of not being aided in it by Mr. Assistant Protector Thomas; and Mr. Thomas, in a letter to the chief protector, of which I enclose a copy, (marked L.) remonstrated against the proceedings of Major Lettson.

Your Lordship will, I am sure, observe with regret that all the occurrences alluded to in this despatch have taken place in those districts of the colony for which protectors of aborigines were especially appointed by Her Majesty's Government, namely, in the neighbourhood of Port Phillip, the older parts of the colony having been, I rejoice to say, during the last six months but little disturbed with any outrages between blacks and whites.

By many of the settlers it is said that the presence of the protectors is the occasion of outrage, inasmuch as their appointment has tended to embolden the blacks, and to render the stockmen or servants of the settlers less resolute than they used to be in defence of their masters' property. I am myself far more disposed to attribute the increased frequency of collisions of this nature to the cause which I have already alluded to, namely, the rapidity with which people have been led, from the superiority of its pasturage, to form new stations in the Port Phillip district, and by which a tract of country has been rapidly occupied by Europeans, which was until very recently the undisputed heritage of the savage; at the same time, however, I feel it my duty to declare that my hopes of any advantage being derived from the employment of the protectors are every day diminishing.

The chief protector, whatever may be his other merits (and on the more confined theatre on which he acted in Van Diemen's Land, I believe they were considerable), is afflicted with such a love of writing, that much of his time must be spent in that way, which would be much better devoted to active employment; and his assistants are, I believe, even more inactive than he is. They are all encumbered, as I have before had occasion to observe, with large families, and seem to have come to Australia with the expectation of establishing missionary stations, rather than of itinerating with and amongst the tribes. One of them has already resigned, as reported in my despatch of the 7th May last; another never quitted for more than a year the spot on which he first seated himself, called the Saltwater River, though there were no blacks there; and the chief protector has himself, in a letter to Mr. La Trobe, of the 22d September 1840, described it "as the worst that could possibly have been selected, being quite out of the way of communication with the chief tribes of his district, and thickly surrounded with settlers."

Mr. La Trobe has complained nearly in terms as strong of the difficulty of getting another to move from Geelong.

In my despatch of the 7th May last, I reported to your Lordship that I had sanctioned the formation of a homestead or fixed station for each assistant protector, with a sufficiency of land attached to it, to keep settlers at a distance. The formation of these stations will doubtless tend to give a still more missionary character to the duties of the protectors; each homestead will, in fact, become the seat of an establishment nearly similar to that of Wellington Valley, though, being more under the superintendence of the Executive Government, it is to be hoped that the causes which have rendered the mission at Wellington of little use may be obviated.

The principal advantage of such missions or stations is, that they may, under proper management, be made places of refuge to the natives, and of education for their children; the education of children being perhaps the only measure on which a reasonable hope can now be founded for effecting any improvement in the aborigines of New South Wales.

It is evident, however, that protectors whose duties are confined to missions of this sort can exercise no influence whatever in checking the atrocities which are committed whenever land is occupied for the first time by the flocks or herds of our settlers.

Young men, unencumbered with families, are the best suited for these purposes; and accordingly I have universally selected such to be our commissioners of Crown lands.

I have, &c.

(signed) *Geo. Gipps.*

NEW SOUTH  
WALES.

Encl. in No. 18.

Enclosure in No. 18.

Appendix (A. 1.)

(No. 40/92 a.)

Sir,

Melbourne, 18 September 1840.

In compliance with your Honor's communication of the 17th instant, I beg leave to report, that having visited all the stations to the north of the Goulburn in this district, and those on its south bank, I consider that the present position of the settlers with regard to the natives is far from satisfactory. Whether the aggressions lately committed by the natives have arisen from occurrences that may have taken place at the commencement of the settling of this district, I am not prepared to say. Wherever the fault may originally lie, at the present moment the conduct of the aborigines is decidedly hostile and treacherous, when an opportunity offers, owing to the defenceless state of some of the out-stations. During these last four months three men have been murdered by the natives in this district; one at Mr. Jennings's station, on the Campaspe, the particulars of which I forwarded to your Honor at the time I took the depositions; the other two men were killed at Mr. Waugh's station, which is about 20 miles to the east of Messrs. Hunter and Watson's head station, in the country they have taken up, 20 miles to the north of the Goulburn. This occurrence took place in May, but owing to Mr. Waugh's absence was not officially reported. When I was at the station lately, I found that the two men were left in charge of a flock of sheep, about six miles from the nearest station; that one of the men was in the habit of keeping a journal relating to the sheep under his charge: the last date was the 21st May. Extract:—"The blacks paid us a visit to-day; were very saucy. I gave them a sheep; they did not appear satisfied; said they would pay me another visit." Some few days after, some one going to the station discovered that the men and sheep were missing; the bodies of the men were never found, but the hat of one was picked up; very few of the sheep were recovered. The loss to Mr. Waugh I believe to have been about 600 sheep, from all I have gathered on the subject. Mr. Waugh and his men had always acted with great kindness and forbearance to the natives. Since this they have speared some cattle, the property of Mr. Cockburn, on the Goulburn River; amongst others a bull he lately imported from England. They gave chase to a brother of Mr. Cockburn's, who discovered them spearing the cattle. After this Mr. Cockburn found them enjoying his beef at their camp. Some shots were fired, but I am happy to say no one was hurt. I told Mr. Cockburn that had lives been lost, or even had any of the natives been hit, it would have been a very serious matter; that however much the Government might regret the aggressions of the natives, no settler is justified in firing on them, except in self-defence. I have also learnt that many huts have been robbed by the natives, and that some months ago they attacked Mr. Stuckey's station, on a branch of the Broken River, with fire-arms. I have little doubt but that, in most instances, the same natives, or nearly so, perpetrate these acts of violence; on the Ovens, Broken River, Mount Batty Country, and the Goulburn, that whenever an act of aggression is to be committed they collect some of the most daring characters from the neighbouring tribes. Though I have no proof on the subject, it is my opinion that the same natives, or a part of them, who attacked Dr. Mackay's station, also murdered Mr. Waugh's men, and have lately been spearing the cattle on the Goulburn. The reason I have for imagining this is, that Mr. Cockburn found several articles at their camp similar to those taken from Mr. Waugh's station; and also a book with Mr. Reed's name in it, supposed to belong to Mr. Reed, on the Ovens River. The settlers seem generally to think that the Government do not give them sufficient protection. I have endeavoured to persuade them what might be considered ample protection is impossible over such a wide extent of country; but that with their assistance properly directed, there is little doubt that a stop may be put to these proceedings of the aborigines. Wherever I have met with natives, I have thought it my duty to impress them with an idea that the police force is very strong, owing to their late conduct, and that no mercy will be shown them if they continue their present system.

I have, &amp;c.

(signed) F. A. Powlett.

To His Honor C. J. La Trobe,  
&c. &c. &c.

Appendix (A. 2.)

No. 40/979.

Sir,

Geelong, 20 September 1840.

In reply to your letter of the 17th instant, I do myself the honour to inform you, that I have visited almost every station, from Lake Colac to Portland Bay, and throughout Australia Felix. I do myself the honour to state for your information, that I have barely visited a station without the same complaint of the numerous outrages committed by the natives.

At Mount Rouse, on the station of Mr. Cox, Mr. Codd, a respectable man, was brutally murdered by a tribe, the tribe having received a large quantity of bread and roasted beef only a few minutes before. On the same occasion, Mr. Brock, a gentleman who was in charge of this large property, was nearly killed, and would have been only for his strength and activity. He fortunately escaped after receiving many wounds from leaguils and other implements. On the same occasion, a man belonging to the establishment was left for dead, lying close to Mr. Codd; his jaw broken, and his skull fractured, with numerous other wounds. This man can never recover, and is now an idiot.

On

On the 15th of July, a respectable gentleman's (Mr. Thomson, a resident of Killeembee) shepherd was murdered by eight natives. The particulars of this cruel murder, the inquest papers taken by me will prove fully to your satisfaction. After finishing the horrid deed three natives pursued the hut-keeper: he was knocked down by a leanguil thrown at him; he recovered and made for the hut, and in defiance of the exertions of the eight native murderers he forced his way in, after receiving a blow from a leanguil, when fortunately he staggered into the hut, and Providence saved his life.

Mr. Wedge's place has been on many occasions attacked, and his loss has been great; Mr. Gibb, Mr. Winter, Mr. Whyte, and in short, I may add that every gentleman's establishment throughout the country has been molested by the natives, and many have suffered serious losses in their property.

In offering my candid opinion, I submissively beg leave to state, that for the last three years, on all occasions, I have been a friend to the natives; but from my general knowledge of their habits of idleness, extreme cunning, vice, and villany, that it is out of the power of all exertion that can be bestowed on them to do good by them; and I further beg leave to state, that I can plainly see the general conduct of the native growing worse, and, if possible, more useless, and daily more daring. One and all appear to consider that no punishment awaits them. This idea has latterly been instilled into their minds with, I should think, considerable pains, and also that the white men should be punished for the least offence.

Under such circumstances, the settler's property is destroyed without redress. The men on the establishments dread to act even when an attack is made upon their lives, and naturally take the first opportunity of quitting their employ. I have witnessed on many stations they have been compelled to join their flocks, making one out of three or four, for safety and protection, which is ruinous to the owner.

In reply to the latter part of your letter, I beg leave to bring to your notice that, at considerable risk, two years ago, I apprehended a native for the murder of one of Mr. Learmonth's men, near Bunengang. He was committed to Sydney gaol, and at the expiration of a year he was returned to Melbourne to be liberated, and is now at large. In the case of Mr. Thomson's, that I apprehended two, and both identified by the men who so fortunately escaped. It is a difficult thing to apprehend natives, and with great risk of life on both sides. On the Grange, and many parts of the country, it would be impossible to take them; and in my opinion, the only plan to bring them to a fit and proper state is to insist on the gentlemen in the country to protect their property, and to deal with such useless savages on the spot.

Considering the appointment of a magistrate a very responsible one acting against natives, particularly at the present time, I do myself the honour to submit for your serious consideration, that after I committed the two natives for the murder on Mr. Thomson's station, that Mr. Sievewright, assistant native protector, visited the place to make inquiry, and take fresh depositions. I need not say how very illegal this is, and evincing a great want of common respect to me, so many years his senior as a magistrate in the colony.

I submissively bring to your notice the want of decorum in this assistant native protector in telling a respectable gentleman, who like others has lost much property by the natives, Mr. Sievewright thought proper to visit his place, and, I suppose, to lower the gentleman, told him that he would commit him to the common gaol. I presume that your Honor is well acquainted with the character and morals of Mr. Thomson; and I wish to add, that I trust on your Honor's feelings towards this worthy and moral man, by ordering Mr. Sievewright from the district, to be under the immediate notice of his senior.

I have, &c.

To His Honor Charles Joseph La Trobe,  
Esq. &c. &c. &c. Melbourne.

(signed) Foster Fyans,  
Commissioner of Crown Lands.

(No. 40/752.)

Appendix (B.)

Sir,

Melbourne, 7 October 1840.

On the 17th of September I addressed a communication to the Crown Commissioners of the Western Port and Portland Bay districts, requesting them to make a distinct report to me upon the character of the relations existing at present between the settlers and the natives in their respective districts. They were further required to indicate the line of stations which had been most exposed to recent annoyance, and also to state, if there is any possibility of ascertaining, the particular branch of the tribes frequenting the Goulburn River or the Portland Bay district which have been concerned in the outrages reported to me. I have the honour to transmit for his Excellency's perusal the letters which I have received in reply. I have also the honour to enclose a number of distinct communications which have been addressed to me within the last few weeks from settlers or others in various parts of the country, complaining of attacks upon their stations.

In forwarding these documents, I ask permission to submit a few remarks for his Excellency's consideration and information.

The attacks made by the natives within the few months past upon the sheep and cattle stations in different parts of the country may be divided into two distinct classes, those made by tribes with whom Europeans have had as yet little or no direct intercourse, and whose force, character, and exact location is unknown, and such as have been made by individuals connected with known tribes, having constant or frequent intercourse with the settlers, and occasionally visiting the township of Melbourne and Geelong.

NEW SOUTH  
WALES.

Encl. in No. 18.

Amongst the aboriginal natives concerned in the first class, all the tribes inhabiting the country to the west and north of the lakes in the Portland Bay district are to be included. These are supposed, from their frequent appearance at points far removed from each other, and from the character of their attacks upon the sheep stations, to be both numerous and of a more warlike character than the tribes nearer Melbourne.

The settlers, in their progress west and northward, have now advanced far into the interior of the district to the north of Portland Bay, and have spread over the skirts of the Grampians; and the Pyrenees stations, so remote from Port Phillip, are from their very position quite beyond the protection of Government. Attacks of the natives upon the sheep stations in these directions have been very frequent of late. The murders of three white men have been reported, and property to a large amount has been destroyed. On the other hand, it is well known that within the same period a very considerable number of the aborigines engaged in these attacks have been cut off by the settlers, certain of whom have at once come forward and reported the circumstance to Government. In the district extending from Mount Cole to the Goulburn few months have elapsed since the country was opened to Europeans without the settlers and natives coming into collision, and occasional loss of both property and life on one side or the other has been the result. The tribes concerned in the disturbances in this part of the boundary are for the most part such as ascend the tributaries of the Murray from the northward towards the source of the Loddon, the Campaspee, Colliban, and other streams, and retire again after periodical visits. To the number of unknown tribes with whom the whites have come into occasional collision another must now be added, as the isolated station of Mr. Jamieson, at the head of Western Port, about 40 miles from Melbourne, was on the 3d ultimo attacked at day-break by a strong party of natives proceeding from the eastward. The premises were pillaged to a considerable amount; the proprietor and other persons on the spot being confined to their huts.

It is supposed that these armed natives, amounting to nearly 100, belong to a tribe which has scarcely had intercourse with white men. The real object of their visit to this district was doubtless to retaliate upon the Wavorongs, who sent out a war party a few months ago, and returned to Mr. Thomas's encampment, stating that they had cut off a number of a hostile tribe far to the eastward. In fact the Western Port blacks have been looking out for a hostile visit from that quarter the whole spring.

To the second class of attacks by individuals detached from tribes more or less known to the settlers and inhabitants in the district, I must, I believe, refer all the recent outrages and murders in the country between the Goulburn and Owens River, there being but little doubt that they are committed by one or two bands detached from the tribes frequenting these thickly-settled parts of the country, with the assistance of a party of the natives of Mr. Thomas's district, most of whose persons are familiarly known to the inhabitants of this township.

With the exception of a few members of the Port Phillip and Western Port tribes, who it is supposed join in these outrages at a distance from Melbourne, the general behaviour of the blacks under Mr. Thomas's care has been pacific, though there is great difficulty in inducing them to give up their visits to the township, and to surrender the large quantity of fire-arms in their possession. Mr. Assistant Protector Thomas states, that great dissatisfaction is experienced by them in consequence of efforts made to effect these ends, and that the partially coercive measures already taken have not only proved inefficient, but have severed that respect for the authorities which he had endeavoured at all times to impress upon their minds. Various acts of depredation are laid to the charge of the Barrabool and the Colac blacks frequenting the eastern parts of the Geelong district, over whom Mr. Assistant Protector Sievewright has been placed in charge. Generally speaking, whether we consider the relations of the natives and settlers within or without the boundaries of location, it must be held to be at the present time far from satisfactory.

Without the boundaries of the more settled districts, the members of the chief protector's department have not as yet found time and opportunity to put themselves in communication with the tribes, parties of whom, as I have stated, are constantly coming into collision with the more remote settlers; and within the more settled districts, but little real influence has up to this date been gained by the protectors over the individuals comprising the native population. By your letter of the 15th of August, in answer to mine communicating the murder of a shepherd in the employment of Mr. Thomson, of the Geelong district by the natives, his Excellency is pleased to signify the regret with which he has recently received the reports of the inefficient state of the border police of the Geelong district.

His Excellency will permit me to assure him that as far as any exertion on my part, or exercise of the discretionary power which he has seen proper to invest me with, could render that department effective, I have been fully disposed to employ it. The reasons for its inefficiency I shall take the liberty of exposing in separate communications. But I feel called upon to undeceive his Excellency with regard to the powers of any limited number of police in an extended district, circumstanced like that of Port Phillip. Of a very large number of stations now scattered over the face of the country in the interior, beyond the bounds of location, at a distance of from 50 (fifty) to 200 (two hundred) miles from the towns of Melbourne and Geelong, a considerable majority may be considered open to attack from one or other of the tribes surrounding the district, or comprised within its limits; and these attacks when made are seldom to be anticipated even by the parties on the spot.

His Excellency will concede that it is impossible for the Crown commissioner of either district, even supposing his full complement of 10 border police were perfectly appointed and



and organised, and that he had no other duty to discharge but to prevent the collision of the natives and settlers, could possess that power under such circumstances; and when it is considered that in conforming to the prescribed routine of his duties, and preparing to furnish the returns required, he is already liable to constant and unforeseen interruption from the incessant calls upon him to repair hither and thither to settle conflicting claims for runs, it must be evident that he cannot with justice, in the present state of the district, be held responsible for the maintenance of peace and prevention of disorder between the settlers and the natives.

If the peace of the district of this extent, and circumstanced as I have described it to be, is to be secured by the police force, it is evident that the existing establishment must be widely inadequate for the purpose; nor would it be easy to state what force would secure that end.

I have hitherto in vain looked to the chief protector's department for that assistance in establishing secure and friendly relations with the aborigines near at hand or at a distance, which can alone render the employment of coercive measures and the maintenance of a large police force unnecessary; but I surely do not err in considering that this is their particular province, and the main object of their appointment by Her Majesty's Government.

The Honourable the Colonial Secretary.

I have, &c.  
(signed) *C. J. La Trobe.*

NEW SOUTH WALES.

Encl. in No. 18.

Appendix (C.)

(No. 40/325.)

Colonial Secretary's Office, Sydney,  
31 October 1840.

Sir,

I AM directed by the Governor to acknowledge the receipt of your letter of the 7th instant, and to inform you, in reply, that his Excellency has read with very lively regret the accounts given in it of the continued and unceasing acts of aggression by the natives on the settlers in the Port Phillip district.

His Excellency instructs me to say that it is impossible for him to prescribe to you the measures which ought to be taken to repress these lamentable acts of violence, and the equally lamentable acts of reprisal to which they give occasion. His Excellency looks to your Honor to take the most energetic measures in your power; assuring you at the same time that he will readily sanction any expenditure that you may consider necessary in order to repress such lawless proceedings.

In reading over the numerous accounts of outrage forming the appendix to your letter, the Governor is unable to discover whether they, or most of them, were committed at stations licensed by the commissioners of Crown lands, or at stations which had been formed without the knowledge or licence of the commissioners.

The distinction is important, and his Excellency begs to request your attention to it, and also to request you to make it known in your district that a person is entitled to no protection from Government who may form a station without a licence from the commissioner; and that if no other way of restoring peace to the district can be devised, it will be necessary to direct the Crown commissioners to restrict their licences to stations which they can protect, and thus to render illegal the formation of any establishment where collisions with the natives are likely to occur.

In conclusion, his Excellency directs me to observe that he regrets to find so little good has as yet resulted from the appointment of protectors of aborigines in the district.

His Honor the Superintendent,  
Port Phillip.

I have, &c.  
(signed) *E. Deas Thomson.*

Appendix (D).

THE BLACKS.

I WOULD submit the following facts, as they now actually exist. The stockman probably may be 250 miles from court, or perhaps 150 miles from the commissioner. He sees his cattle speared daily, and driven off the run. He possibly may be out in the bush for weeks looking for them, and in bringing them home the same thing occurs again. His master then finds fault with him because he cannot muster the cattle. Possibly he may take a black to court, where, for want of evidence, he almost invariably is let go. Supposing he is committed, the stock-keeper would have to leave his business to come down to prosecute; but as he only knows his own run, he cannot be spared, else the cattle will run away, and before his return may be killed by other blacks, and driven all over the country. Driven to desperation, the stock-keeper, who is generally an emancipist, and who considers killing blacks no murder, having no religion, and no fear of God, in many instances, doubtless, does put the blacks to death, when he can get a chance.

The blacks then kill the whites, and generally eat them, and then after that probably a great number are destroyed immediately in the vicinity. This leads to more murders of whites, and more slaughters of blacks, till they gradually disappear from the country, with the exception of a few miserable crawlers about the huts.

NEW SOUTH  
WALES.

Encl. in No. 18.

This is not an overdrawn picture, and until blacks can be summarily punished on the spot where the crime, or the spearing of cattle is committed, it will remain so.

I think that possibly if all respectable stock-holders resident in those parts were made magistrates over the aborigines, with a power to flog, with a limited number of lashes, blacks for taking the cattle or sheep, and also in cases of murder of white men, to be allowed to try by a jury of white men hastily summoned, whether the prisoners at the bar were present at the murder, or whether they belonged to the tribe that committed the murder, and there and then hang one, these atrocities would cease. The stock-keeper would not then take vengeance himself on them, being certain that one black at least would be hanged.

But as it is, the blacks will disappear before the settlers, and are fast doing so, and every successive murder of white men will thin their numbers.

Appendix (E.)

Colonial Secretary's Office, Sydney,

28 August 1840.

Sir,

I AM directed by the Governor to inform you, that it having appeared to him necessary to send a magistrate to inquire into the state of the country, and into transactions which are alleged to have occurred in the neighbourhood of the Hume and Ovens rivers, his Excellency has selected you for the purpose, and to request that you will proceed in the most expeditious way you can to Yass, taking with you an interpreter, of the name of Jones, who has received directions to accompany you. On your arrival at Yass you will find a corporal and three mounted policemen, who have received orders to accompany you in your expedition, and on your arrival at the Hume you will find another party of a serjeant and three men, who will equally be instructed to follow your orders. Horses also, for yourself and your interpreter, will be provided for you at Yass by the officer of mounted police in the district.

His Excellency directs me to furnish you with the accompanying papers (in original) which relate to the attack made in June last on Dr. M'Kay's station, and also the copy of a paper headed "The Blacks," which has been put into his hands by a person whose name is not to be brought forward, and to say that he has too much reason to fear that the account given in it is but a too faithful one of the proceedings in the parts of the country which you are about to visit.

The principal object of your mission is to obtain authentic information of the actual state of the district between Yass and the Goulburn River, and to ascertain the nature of the communications which are kept up between the settlers and the blacks. If, in the course of your inquiries, you should collect evidence which can be made available in a court of justice, you are to take care to take the same in the regular form of depositions on oath, and if sufficient evidence be collected against any person whatsoever to justify the commitment of them for trial, you will use your utmost endeavours to apprehend them; and when apprehended commit them to gaol.

The commissioners of Crown lands in the different districts through which you will pass will, as well as the police magistrate of Yass, be instructed to afford you every assistance in their power; and in the event of any question arising which cannot be disposed of without a second magistrate, you are authorized to call any one of them to your assistance.

In executing these orders, however, his Excellency desires me to warn you that you are to act only as a civil magistrate, and not in a military capacity; and you will also bear in mind that the black natives of New South Wales are in every respect to be considered as subjects of the Queen, and not as aliens against whom the Queen's troops may exercise belligerent rights. No act of indiscriminate reprisal, such as is proposed in the paper, headed "The Blacks," can be permitted, nor any proceedings which the law of England would not tolerate if the parties proceeded against were white men. The only exception that can be made, is that you may, in case it should appear to you necessary, detain as hostages for the good conduct of any tribe a reasonable number of individuals belonging to it, if the actual perpetrators of any outrage cannot be apprehended; and in the selection of such hostages it will be proper for you to endeavour to secure the persons of some of the chiefs of the tribes, or of the sons of the chiefs.

The Governor wishes you to ascertain and to report whether the practice exists of harbouring or detaining black women at the stations of the whites, either with or without the consent of the women themselves, or of their husbands or friends.

I am directed to enclose a copy of the Parliamentary paper, headed, "Australian Aborigines," ordered by the House of Commons to be printed on the 12th August 1839, also copies of the different notices which have been issued by this Government on the subject of the blacks; and to remark to you that a perusal of these papers will sufficiently inform you of the sentiments of the imperial as well as of the local government, in respect to the treatment of the aborigines.

Major Lettsom.

I have, &c.  
(signed) E. Deas Thomson.

P. S.—His Honor the Superintendent of Port Phillip has also been requested to instruct the Commissioner of that district to co-operate with you in case of need.

## Appendix (F.)

NEW SOUTH  
WALES.

Sir,

Sydney, 23 October 1840.

I HAVE the honour to report for the information of his Excellency, Sir George Gipps, Governor, that in obedience to his orders, I left Sydney for the purpose of proceeding to Dr. Mackay's station on the Ovens River, to inquire into the circumstances alleged to have been committed there by the blacks, where I arrived on the 15th of September.

The day after my arrival I proceeded to take the accompanying statements of the Messrs. Mackay and their servants. I beg leave to remark that I should have obtained a further statement from a man named Benjamin Read, who was (with his wife) in the employment of Dr. Mackay at the time of the attack on his station; but the state of the Ovens River, owing to excessive rains, would have caused me a delay of at least five or six days, in proceeding to a Mr. Bowman's station, to which gentleman he had been lent; the blacks having left in the interval of the attack. On my arrival I acted on information that they had proceeded in the direction of the Goulburn River. I took the route of Messrs. Hughes and Templeton, and crossed it on the 23d instant. At the Goulburn River, I received intelligence that a party of blacks was in the neighbourhood of Colonel White's (late 96th Regiment) station. I accordingly proceeded there, where I arrived the same day.

A few blacks were there (at an encampment on their route to Melbourne), where I learnt that a considerable number were to meet to fight, the origin of which had taken place some months previous.

I then determined to proceed without delay to Melbourne, where I arrived on the 25th instant, and fell in with Lieutenant Russell, 28th Regiment, commanding detachment of mounted police, from whom I received every possible assistance during the whole period of my remaining at Melbourne.

On the 28th inst. I waited on his Honor the Superintendent, who informed me that he had received instructions from his Excellency the Governor to render me any necessary assistance. His Honor had accordingly communicated with Mr. Robinson, the chief protector of aborigines, with whom I had an interview in the course of the day, and made known to him the purport of my mission. He also communicated with two of the assistant protectors, Messrs. Thomas and Le Lœuf, the former of whom did not seem willing to give the assistance which was in his power. I on the 29th instant (receiving no assistance whatever from the protectors) filled up three warrants for aborigines, and put them into the hands of the chief constable to put in execution. I beg leave to inclose a copy of a letter from assistant-protector Thomas to myself, a copy of my own to Mr. Robinson on the subject, together with that gentleman's reply, and a copy of his instructions to Mr. Thomas, respectively marked Nos. 1, 2, 3, and 4.

I caused an aboriginal to be apprehended on the 30th September; and on the morning of the 1st August (from information received) I proceeded, accompanied by Lieutenant Russell and a party of mounted police, to an encampment of the blacks on the left bank of the Yarra Yarra River, which on our arrival we found deserted. On my arrival there I found Mr. Thomas, who informed me that the blacks had crossed the river to another camp. On my saying to him that I should follow them, Mr. Thomas asked me "If all these mounted policemen were there for the purpose of interfering with the poor blacks?" adding, "that it was a sorry affair." I replied that I intended to take the mounted police with me; and added (in reply to the last part of his observation) that I was acting according to instructions received from his Excellency the Governor. I then left him; but he shortly after rejoined my party, and asked if there were warrants issued for the blacks, adding, that my proceedings were in opposition to the instructions which he had received from the Home Government.

I left him, and re-crossed the Yarra Yarra at a ford pointed out to me by Lieutenant Russell, and reached a second encampment. The blacks dispersed before we could come up with them, and they effected their escape by taking to a particularly dense scrub, and swimming across the river, with the exception of a few old men, and a considerable number of women and children.

My party succeeded in securing three muskets, one pistol, and a quantity of ammunition. The blacks whom I was immediately in search of were amongst those who effected their escape, being the same who on a former occasion had fired at Mr. Gisborne, and on a subsequent one on Lieutenant Russell and his party, in the month of May last, on the banks of the same river.

After this failure I returned to Melbourne; and from the difficulty I had met with in endeavouring to apprehend the natives whom I was in search of, determined to return by the speediest means to Sydney for the purpose of rejoining the head quarters of my regiment.

On the following Sunday a report was made to me by Mr. Jamieson that an attack had been made on his station by the blacks at Western Port, where I proceeded with as little delay as possible. Mr. Jamieson furnished me with an account (marked No. 5) of their proceedings, which was borne out in every particular. I was (as on the first occasion) unsuccessful in my pursuit; I therefore returned to Melbourne.

On my arrival I learnt from information on which I could rely, that the blacks of whom I was in pursuit had formed an encampment within a few miles of the town. I therefore, with the knowledge of his Honor the Superintendent, marched for their position on Sunday, so as to arrive there a little after daylight. I was accompanied by Captain Smith and Lieutenant Vignolles, 28th Regiment, with a detachment of 25 men, and Lieutenant Russell of the mounted police accompanied me, with as many of that corps as we could muster, amounting to about 12 or 13 men.

NEW SOUTH  
WALES.

Encl. in No. 18.

I succeeded in surrounding the entire camp before the natives appeared to be aware of my advance, and made them all prisoners, without any loss of life, except in one case (that of Winberry), who was shot, by one of the mounted police, in the act of attacking Lieutenant Vignolles with a waddy.

I marched the whole of them (amounting in all, men, women, and children, to nearly 400) into Melbourne, and reported my proceedings to his Honor the Superintendent without loss of time, who went immediately to the chief protector's hut, and thence with me to the encampment. I pointed out to his Honor the man who was shot, and he was identified as Winberry by Mr. Poulett, Crown Lands Commissioner, who had arrived there since I left.

A number of blacks, amounting to 33 in number, were secured in gaol, others by order of his Honor released, and the remainder lodged in a government store, from which by far the greater part escaped during the night, owing to the gross negligence of the constable on duty (one of them was shot by a soldier who was disturbed by a shot from the constable's firelock). The remainder, chiefly consisting of old men, women, and children, were released by order of his Honor, and the others in gaol are now awaiting to be identified by the different settlers whose stations have been attacked, and there they will remain to be dealt with as his Excellency the Governor may be pleased to direct.

I beg leave to forward a statement from Mr. Waugh relative to an attack on his station, from what I learn, is not exaggerated; and also a proposal on the part of Mr. Snodgrass for the better security of the settlers, still dealing with the aborigines with justice.

I have, &c.

(signed) Samuel Lettsom, J. P.

The Hon. the Colonial Secretary,  
&c. &c. &c.

#### Appendix (G.)

Sir,

Sydney, 23 October 1840.

In reference to the Parliamentary paper headed, "Australian Aborigines," (page 32) furnished for my guidance by his Excellency the Governor, I do myself the honour to state that I inquired into the case of the murder of Mr. Faithfull's man on the spot. The parties had not been in presence of each other except on one previous occasion, and they then parted on good terms. No previous hostility had been shown, nor was there any apparent cause for it on this occasion.

It must, therefore, have been an act of rapine only, and not any retaliation for any wrong or supposed wrongs on the part of the blacks.

The blacks had no women with them at the time of the attack.

I have no grounds for supposing that any other party that has traversed the same road has ever carried any black women with them, or had any intercourse with them on the passage. I feel happy in having it in my power to say, that I consider the account headed "The Blacks," to be highly exaggerated, as so glaring a murder could not, I conceive, have been perpetrated without its having come to my knowledge during my late visit to the interior.

In regard to the practice which is said to exist of harbouring or detaining black women at the stations of the whites, either with or without the consent of the women themselves or their husbands or friends, I have to state that at the different stations which I visited, the existence of such a practice was invariably denied, but I have reason to believe that blacks have frequently been known to offer their gins to the whites, and judging from the scale of character of the men to whom such offers may have been made, viz. assigned servants, shepherds, &c. and from a scarcity of white females, I think it more than probable that they would not meet with refusals. I only know of one case where such transactions are said to have taken place with the sanction of the master, but from what I have since learnt, I feel myself bound to receive the statement with very great caution.

In regard to a paragraph in my instructions from his Excellency the Governor, wherein I am expressly warned "that I am to act only as a civil magistrate, and not in a military capacity," I fear that his Excellency may be displeased with me for having in some degree disobeyed his orders, in my taking command of the party in the neighbourhood of Melbourne, at the capture of the tribe of blacks; but at the same time I beg leave most respectfully to point out to his Excellency's notice, that learning that the blacks mustered in some force, were well armed, and that they were the individuals of whom I had been in search for some time, I felt that I could not with credit to myself refrain from acting as I did; my rank (being myself present) naturally gave me the command.

Before leaving the mounted police barracks, and afterwards when I halted the military, I gave them particular orders not to fire till the last extremity, and I trust that it will appear to his Excellency that no unnecessary bloodshed has ensued.

Should what I have stated not prove satisfactory to his Excellency, it remains for me to express to him my deep regret for acting as I have done, which was solely attributable to the peculiar position in which I was then placed.

I have, &c.

(signed) Samuel Lettsom,  
Major 80th Regiment.

The Hon. the Colonial Secretary,  
&c. &c. &c.

Appendix (H.)

NEW SOUTH WALES.

Encl. in No. 18.

No. 4076.

Melbourne, 10 October 1840.

Sir,  
 In reference to what passed in our conference with Mr. Robinson this afternoon, and to the decision taken, that it was your duty to endeavour to gain possession of the persons of certain natives of the Goulburn and other tribes, accused of being implicated in the recent robberies and murders in the "Goulburn" and "Ovens" River districts, these very natives being now encamped with a pretty numerous armed body of their tribes close to the tow-ship; I beg leave to offer a few remarks.

Nothing can excuse the strong measures which you propose adopting to secure the attainment of your purpose, but the failure of all others; and even then, under ordinary circumstances, I should hesitate in giving my sanction to their use.

But I do not conceal from you that I look upon the present relation of the settlers and the aboriginal natives of this district with exceedingly great anxiety.

It is evident, that wherever the first fault may have been, the position assumed by the natives is becoming more and more decidedly hostile; and one which renders them more difficult to deal with, that the control of the authorities is altogether rejected, and that the impunity with which their resistance to the arm of the civil power, whenever employed, has been attended, has led them to set our power almost at defiance. Forbearance is a virtue which few savage nations either practice or comprehend.

In this state of things I should decidedly say, that the lesson of the necessity of yielding obedience to rules and regulations which are after all for their own ultimate good, as well as for that of the district, ought to be taught. After a year's experience I have almost despaired of this result being attained by the labours of the assistant protectors of aborigines, as at present directed.

However, I yield my opinion, as I feel that I am in duty bound to do, to the chief protector, who has stated in your hearing his belief that time ought yet to be allowed for the measures of his department to develop their full effect.

Force, in ordinary cases, shall never be adopted with my sanction, as long as there remains any hope that friendly and peaceable relations can be secured by other means. I have, therefore, at Mr. Robinson's particular request, declined urging upon you the propriety of employing your force in taking the fire-arms and ammunition from the party now in the vicinity of the township, unless it can be effected without violence.

The credit or discredit that may attach itself to this forbearance hereafter, will rest with him. Mr. Robinson has, however, agreed with us, that the persons of the parties accused of being the leaders or associates in the outrages mentioned above, ought to be secured though he hesitates as to the proper means of effecting these ends.

In effecting this object I conceive that the end will be best answered by your employing the means at your disposal in such a manner as to overawe opposition, and thus secure the end at once. I need scarcely remind you and the gentlemen who accompany you, that nothing but extreme and imperative necessity can palliate the shedding of blood, and I rely upon your acting in such a manner in fulfilling your instructions from his Excellency as may satisfy him that you have exercised all possible discretion and forbearance.

I am, &c.

(signed) C. J. La Trobe.

Major Lettsom,  
 &c. &c.

Appendix (I.)

Native Encampment, Kunuk,  
 29 September 1840.

Sir,  
 I HAVE the honour to acknowledge your communication of yesterday (just received), with an enclosed copy of a letter from Major Lettsom of the same date.

I feel it not only my duty as a public officer, but as a member of society, to give every information for facilitating the ends of justice; and I trust my public conduct has hitherto not been deficient on this head, even to the risk of my own life, which was the case when I successfully traced to the perpetrators in the unfortunate death of the Murrumbidge Black Peter. Twice was I attacked at night, and but for the providential care of One with whom is the issue of life, my family might have had to mourn my loss in the early part of my unprofitable services among the aborigines of this land. Again, when the fire-arms were seized, I laid myself open to the anger and danger of the three tribes then encamped by Melbourne, and for some time was considered by them more in the light of a spy or informer than their protector; it was some time ere I established myself in their confidence. I have ever among the blacks, while I have endeavoured on the one hand to imprint upon their minds the purport of the law, have on the other hand assured them that to violate the same they must expect punishment. Many who are in the settlement might come forward and bear testimony to my conduct, whose property I have often recovered, and at the same time pressed the parties to have them punished, in order to make them sensible that even petty theft was punishable.

On the 26th instant I received your immediate communication, and left the encampment for your office, from thence to Major Lettsom's, who not finding within, I on the 27th early again called, and had an interview with him, who stated his business, and after naming the characters he was anxious to be in possession of, which I had before officially received from you, added another name, and read a portion of his instructions

NEW SOUTH  
WALES.

Encl. in No. 18.

respecting hostages from each tribe as guarantee for the behaviour of the whole, which if perseveringly acted and insisted upon, may ere long put the whole aborigines of Australia Felix under martial law, and bring this fair province into perhaps a far greater theatre of carnage than our sister colony a few years since, where highly valuable landed property became merely nominal; fine cultivated districts dislocated, deserted and abandoned.

I returned to the native encampment after leaving Major Lettsom, and in as cautious a manner as I was able, before many hours, gleaned such information of the parties whose names were given me, as might lead to their apprehension. On the following morning, 28th instant, I received a note from Major Lettsom; being addressed to me through no other medium, I was placed in that position as to act from my own feelings as a man, and keeping my instructions from the Home Government in view, I have acted to those instructions as a protector to the liberties of the aborigines. The note, as you will perceive, is an order to give up two aborigines, neither of whose names are in the list of number in your official to me of the 26th instant, nor answering to the name added to that list by Major Lettsom himself, on the 27th instant. This order was not accompanied with any information lodged against the parties. Had I, as a magistrate in my country, under such circumstances have taken two individuals into custody and committed them to jail, I should have laid myself open to heavy damages by the parties, and have drawn down the reprobation of Government, and been justly expelled the magistracy.

Under the impression of my mind that the step about to take was an important one, and that my act might be hereafter alluded to as a precedent for curtailing the liberties of the aborigines, as no warrant or information accompanied the note, I refused to comply, in doing which I have conscientiously to the best of my judgment done no more than my duty. Methought had I acted otherwise, that the links would soon be in preparation for the limbs of the poor aborigines, who might hereafter be imprisoned for years, in order to hold in obedience the tribe to which he belonged, whose liberties had been forfeited through the base conduct of one or two characters in his tribe (for there are grades of characters in these as well as other communities). I have acted as one to whom instruction has been given to watch over the liberties of these people.

I have, &c.

To G. A. Robinson, Esq. J. P.  
Chief Protector, &c. &c.

(signed) Wm. Thomas,  
Assistant Protector,  
Western Port District.

— No. 19. —

(No. 329)

COPY of a DESPATCH from Lord John Russell to Governor Sir Geo. Gipps.

No. 19.  
Lord John Russell  
to Sir Geo. Gipps,  
11 August 1841.

Sir,

Downing-street, 11 August 1841.

I HAVE to acknowledge the receipt of your despatch, No. 35, of the 3d of February last, transmitting Reports from the Crown Commissioners at Port Phillip of aggressions by the natives on the flocks and herds of the settlers in that district, and Papers connected with the proceedings of Major Lettsom, of the 80th regiment, who was employed by you to inquire into the state of the country, and into transactions alleged to have occurred in the neighbourhood of Hume and Ovens rivers.

I approve of your employment of Major Lettsom on that service; but on a perusal of that officer's report, I cannot commend the mode in which he executed his duties. In occurrences of the nature reported in your despatch now before me, the course for you to pursue would be to send an assistant protector to the aborigines, and require them to deliver up for trial any one or more of their number who might be identified by a settler complaining of an attack, or loss of property. Should they refuse to give up the offenders, they will then render themselves liable to such proceedings as those adopted by Major Lettsom; though even in such case those proceedings should not be undertaken without some hope of convicting the parties guilty of outrage or theft.

I approve of the plan which you propose for the formation of a fixed station for each assistant protector of aborigines, and I agree with you that the training of the children is the only way in which the aborigines may possibly be civilized.

I am, &c.

(signed) J. Russell.

(No. 140.)

— No. 20. —

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,  
I COMMUNICATED your despatch, No. 87, of the 5th of April 1841, to the Church Missionary Society, and I transmit to you herewith a copy of a letter which I have received from the secretary to that society, stating that the Society do not feel prepared to continue their agency in the mission at Wellington Valley; but that they are willing to transfer to the Government the services of the Rev. J. Gunther, if such an arrangement should be adopted.

I have informed the Society that I would transmit to you a copy of their communication, with a request that you would consult the Bishop of Australia whether that offer can be advantageously accepted.

I have therefore to request from you an early report upon that subject.

I am, &c.  
(signed) Stanley.

NEW SOUTH WALES.

No. 20.

Lord Stanley to Sir George Gipps, 29 June 1842.

11 June 1842.

Enclosure in No. 20.

My Lord,

Church Missionary House, 11 June 1842.

Encl. in No. 20.

SINCE the communication which your Lordship made to Sir R. H. Inglis and myself, in reference to the mission of the Church Missionary Society at Wellington Valley, its present state has been taken into consideration by the committee. The result of their deliberations was, that in the present circumstances of the mission they do not feel prepared to continue the agency of the Society in it. It was very painful to the committee to come to this conclusion, deeply impressed as they are with the strong claims of the aborigines of New Holland on Her Majesty's Government for the use of all practicable means for the promotion of their religious and social welfare. Adverting, however, to the actual state of the mission, consisting of one missionary and an agriculturist, the committee are of opinion that it is quite insufficient efficiently to prosecute its objects. On the other hand, the committee infer from your Lordship's statement to Sir R. H. Inglis and myself, that they cannot expect such an enlargement of the Government grant as would enable them to place the mission, in point of agency, on an efficient footing, and they have no funds of their own to appropriate to that object. The committee at the same time direct me to state that they are willing to transfer to Her Majesty's Government the services of the Rev. James Gunther, the missionary now stationed at Wellington Valley, should he be disposed to concur in such an arrangement, in order that his ministerial labours on behalf of the aborigines may be continued to them.

Right Hon. Lord Stanley, M.P.  
&c. &c. &c.

I have, &c.  
(signed) D. Coates,  
Secretary Church Missionary Society.

(No. 88.)

— No. 21. —

COPY of a DESPATCH from Governor Sir George Gipps to Lord John Russell.

My Lord,  
HAVING in my despatch of this day's date, No. 87, reported further to your Lordship on the state of the mission at Wellington Valley, I think the opportunity a proper one of transmitting to your Lordship the latest information I possess respecting the progress of the German, or Lutheran, mission at Moreton Bay. I accordingly transmit herewith copies of two letters from the officer in charge of the Government establishment at Moreton Bay, Lieutenant Gorman, of the 80th Regiment, as also a copy of a letter addressed to Lieutenant Gorman by the Rev. Mr. Schmidt.

The amount of assistance which this mission has received from the Government, up to the end of the year 1840, is as follows:

|        | £.  | s.    | d.   |
|--------|-----|-------|------|
| * 1837 | 450 | —     | —    |
| 1838   | 310 | 19    | 2    |
| * 1839 | 309 | 7     | 6    |
| 1840   | 228 | 5     | 8    |
|        | £.  | 1,298 | 12 4 |

I have, &c.  
(signed) Geo. Gipps.

No. 21.

Sir Geo. Gipps to Lord J. Russell, 5 April 1841.

30 March 1840.  
8th February 1841.  
25 March 1840.

\* In these sums are included 500*l.* paid in England, as passage money to the missionaries.

NEW SOUTH  
WALES.

Encl. in No. 21.

Enclosure in No. 21.

Commandant's Office, Moreton Bay,  
30 March 1840.

Sir,

I do myself the honour to state to you, for the information of his Excellency the Governor, that a report reached me, on the 23d instant, that some of the black aborigines had been fired upon by the German missionaries, at their station here, on the night of the 21st, and that some of them had been wounded, and were in their camp, about six miles' distance from Brisbane Town. I proceeded to the spot, accompanied by colonial assistant-surgeon Ballow, and acting chief constable White, where we found one man belonging to the Duke of York's tribe, that appeared to have got a few grains of small shot about the forehead and chest, and on inquiry from him how he got wounded, he said the jackaicos (meaning the missionaries) had fired upon him and others who were crossing a swamp near their gardens on the night of the 21st March, and that one of the other blacks, who had been wounded in the back of the head, had gone off to join the Point Danger tribes, so that we were unable to see him or two others that were also reported to have been wounded.

Although he denied any intention of doing so, it appeared quite evident that the blacks had an intention to steal potatoes from the missionaries' gardens. I called on Mr. Schmidt, who is at the head of the mission, for an explanation, and I beg to enclose the accompanying letter, which I received from him. I regret very much that the missionaries fired on the blacks, as we are on excellent terms with them for forty miles round.

I have, &c.

The Honourable the Colonial Secretary,  
&c. &c. &c. Sydney.

(signed) O. Gorman,  
Lieut. 80th Reg. and Commandant.

Dear Sir,

German Mission Station, Moreton Bay, 25 March 1840.

In reference to your inquiry about that accident which has taken place on our establishment in the night of the 21st instant, I have the honour to reply, that as the blacks, who never have been so troublesome as since the beginning of this month, the longer the more, robbed our gardens night after night, it was thought necessary to watch and to prevent them from stealing all our potatoes, as we were informed they had the intention to do. Several nights they were frightened away by the discharge of a gun, but notwithstanding, they seemed to be pretty sure that they would not be hurt, for they continued coming, and even more numerous, and stole not only potatoes, but also clothes out of the gardens before our houses. After these sad experiences it was therefore resolved that a greater number should watch and charge with a few pieces of small shot, to show them that there was not only frightening, but also danger in their approach, especially as every night they were seen carrying firebrands to and fro, so that it was to be feared they would not only steal potatoes, but also burn our houses, as we oftentimes were told they had this intention.

Now in the night of the 21st instant, about three o'clock in the morning, 20 to 30 blacks came armed with spears and clubs through the gardens in the swamp into the lower part of the gardens before our houses, and began immediately spreading themselves over the ground towards the hill, where the ripe potatoes are, when the foremost of the watchmen discharged his piece, and the others followed his example, at a distance of 30 or 40 yards, in order to frighten them and to drive them away before they came close up to the watchmen to hurt them with their spears and clubs, and it must be remarked, that the blacks must have seen them, for they suddenly stopped, uttering a noise of astonishment, and talking together.

In conclusion, I beg to state, that no injury has taken place, for we learnt a few days after, that two blacks were wounded, but so slightly, that scarcely anything can be seen, and when asked how they came to their wounds, they assigned another cause.

I have, &c.

O. Gorman, Lieutenant 80th Regiment,  
and Commandant.

(signed) Rev. W. Schmidt,  
Missionary.

Sir,

Commandant's Office, Morton Bay, 8 February 1841.

In reply to your letter No. 40-49, of the 18th September last, calling on me to report on the general proceedings of the German missionaries at this settlement, I do myself the honour to state to you, for the information of his Excellency the Governor, that the mission establishment consists of 11 men, eight females and 11 children. On their arrival here in 1838 they received three cows with calves from Government, one of which died their stock now consists of four milch cows, one bullock and six calves.

One



One section of land, about six miles from Brisbane Town, has been occupied by them since June 1838, on which they have erected 11 dwellings of a class of buildings rather superior to huts; they have enclosed about 15 acres of this land, and have divided it into gardens, each individual cultivating his own portion; they acknowledge no superior; the Rev. Mr. Schmidt and Eipper, the only two clergymen amongst them, are obliged to cultivate their own gardens and labour the same as any of the others.

They have not been able to induce any of the blacks to reside with them, but they have employed them in their gardens as often as they could prevail on them to remain, which has been only for a few days at a time, during which intervals they have endeavoured to impress on them the first principles of natural religion, but apparently without any effect on either their morals or habits.

They have made excursions on two occasions about 40 miles to the northward, along the coast; they state that their means are so limited that they have been unable to continue those excursions beyond the immediate limits of their settlement; the very scanty supplies that have been received by them from their society at Sydney has left them in a state nearly bordering on starvation during the last few months; I have been obliged to order the issue to them of 1,050 lb. of flour from the commissariat magazines here; they have not received any supplies by the last vessel. One of the females fell into such a state of extreme debility, induced by a want of proper nourishment after her confinement, that the medical officer deemed it necessary to have her removed to the hospital.

The general opinion here is that they never will be able to render any benefit to the blacks.

The Rev. Mr. Handt, who has been here nearly four years on the Church Mission Establishment, and exerted himself much, has been unable to make any progress towards the civilization of the blacks, and as he could not do it I much fear the German missionaries are less likely to accomplish that desirable object.

I have, &c.  
(signed) *O. Gorman*,  
Lieutenant 60th Regiment, and Commandant.

— No. 22. —

(No. 21.)

COPY of a DESPATCH from Lord Stanley to Sir George Gipps.

Sir,

Downing-street, 24 October 1841.

I HAVE received your despatch, No. 88, of the 5th of April last, containing a report with regard to the progress of the German or Lutheran Mission at Moreton Bay.

I perceive that, when on the application of the Rev. Dr. Lang, Her Majesty's Government consented to grant the allowance for the outfit and passage of the clergymen proceeding to the colony to undertake that mission, it was on the express condition that the grant of such assistance was not to be considered as pledging the Government in any degree to contribute to its future support.

The report which you have now transmitted does not afford much prospect of the success of the undertaking; and it appears to me to be a matter well worthy of the consideration of the local government, whether, under such circumstances, the aid afforded to the mission should not be withdrawn.

I am, &c.  
(signed) *Stanley*.

No. 22.  
Lord Stanley to  
Sir Geo. Gipps.  
24 October 1841.

— No. 23. —

(No. 161.)

COPY of a DESPATCH from Lord John Russell to Governor Sir George Gipps.

Sir,

Downing-street, 8 October 1840.

I TRANSMIT to you herewith a copy of a report which I have received from Captain Grey, late commandant of an expedition into the interior of Australia, containing some valuable suggestions with regard to the treatment of the aborigines. Captain Grey's suggestions appear to be founded principally on his observations on the natives of Western Australia, but they appear to me

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No. 23.  
Lord J. Russell to  
Sir Geo. Gipps.  
8 October 1840.

4 June 1840.

NEW SOUTH WALES.

Encl. in No. 21.

NEW SOUTH  
WALES.

fit for adoption generally within your Government, subject to such modifications as the varying circumstances of the colony may suggest.

You will communicate copies of the enclosed report to the Lieutenant-governor of New Zealand and the superintendent of Port Philip.

Sir George Gipps,  
&c. &c.

I am, &c.  
(signed) J. Russell.

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Enclosure in No. 23.

Encl. in No. 23.

My Lord,

Mauritius, 4 June 1840.

I HAVE the honour to submit to your Lordship a Report upon the best means of promoting the civilization of the aboriginal inhabitants of Australia, which report is founded upon a careful study of the language, prejudices, and traditional customs of this people.

Feeling anxious to render this Report as complete as possible, I have delayed transmitting it to your Lordship until the latest possible period; portions of it have in the interim been laid before some of the local governments in Australia, and a few of the suggestions contained in it have been already acted upon.

But as so small a portion of Australia is as yet occupied, and the important task of so conducting the occupation of new districts as to benefit the aborigines in the greatest possible degree yet remains to be performed, I have thought that it would be agreeable to your Lordship to be put in possession of all such facts relating to this interesting subject as are at present known.

None but general principles, equally applicable to all portions of the continent of Australia, are embodied in this report; and I am particularly solicitous that that portion of it which commences at the 21st paragraph, should receive consideration from your Lordship, as the whole machinery required to bring this plan into operation now exists in the different Australian colonies, and its full development would entail no expense whatever upon either the Home or local Governments.

Right Hon. Lord John Russell,  
&c. &c. &c.

I have, &c.  
(signed) G. Grey, Capt. 83d Regt.  
Commanding Australian Expedition.

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REPORT upon the best Means of Promoting the Civilization of the Aboriginal Inhabitants of Australia.

1. THE aborigines of Australia having hitherto resisted all efforts which have been made for their civilization, it would appear that if they are capable of being civilized, it can be shown that all the systems on which these efforts have been founded, contained some common error, or that each of them involved some erroneous principle; the former supposition appears to be the true one, for they all contained one element, they all started with one recognized principle, the presence of which in the scheme must necessarily have entailed its failure.

2. This principle was, that although the natives should, as far as European property and European subjects were concerned, be made amenable to British laws, yet so long as they only exercised their own customs upon themselves, and not too immediately in the presence of Europeans, they should be allowed to do so with impunity.

3. This principle originated in philanthropic motives, and a total ignorance of the peculiar traditional laws of this people, which laws, differing from those of any other known race, have necessarily imparted to the people subject to them a character different from all other races; and hence arises the anomalous state in which they have been found.

4. They are as apt and intelligent as any other race of men I am acquainted with; they are subject to the same affections, appetites, and passions as other men, yet in many points of character they are totally dissimilar to them; and from the peculiar code of laws of this people, it would appear not only impossible that any nation subject to them could ever emerge from a savage state, but even that no race, however highly endowed, however civilized, could in other respects remain long in a state of civilization if they were submitted to the operation of such barbarous customs.

5. The plea generally set up in defence of this principle is, that the natives of this country are a conquered people, and that it is an act of generosity to allow them the full power

power of exercising their own laws upon themselves; but this plea would appear to be inadmissible; for in the first place, savage and traditional customs should not be confounded with a regular code of laws; and, secondly, when Great Britain insures to a conquered country the privilege of preserving its own laws, all persons resident in this territory become amenable to the same laws, and proper persons are selected by the Government to watch over their due and equitable administration; nothing of this kind either exists, or can exist, with regard to the customs of the natives of Australia: between these two cases then there is no apparent analogy.

6. I would submit, therefore, that it is necessary from the moment the aborigines of this country are declared British subjects, they should, as far as possible, be taught that the British laws are to supersede their own, so that any native who is suffering under their own customs may have the power of an appeal to those of Great Britain, or, to put this in its true light, that all authorized persons should, in all instances, be required to protect a native from the violence of his fellows, even though they be in the execution of their own laws.

7. So long as this is not the case the older natives have at their disposal the means of effectually preventing the civilization of any individuals of their own tribe, and those among them who may be inclined to adapt themselves to the European habits and mode of life, will be deterred from so doing by their fear of the consequences that the displeasure of others may draw down upon them.

8. So much importance am I disposed to attach to this point, that I do not hesitate to assert my full conviction, that whilst those tribes which are in communication with Europeans are allowed to execute their barbarous laws and customs upon one another, so long will they remain hopelessly immersed in their present state of barbarism: and however unjust such a proceeding might at first sight appear, I believe that the course pointed out by true humanity would be, to make them from the very commencement amenable to the British laws, both as regards themselves and Europeans; for I hold it to be imagining a contradiction to suppose, that individuals subject to savage and barbarous laws, can rise into a state of civilization, when those laws have a manifest tendency to destroy and overturn.

9. I have known many instances of natives who have been almost or quite civilized, being compelled by other natives to return to the bush; more particularly girls, who have been betrothed in their infancy, and who, on approaching the years of puberty, have been compelled by their husbands to join them.

10. It is difficult to ascertain the exact effect the institutions of a country produce upon the character of its inhabitants; but it may be readily admitted, that, if two savage races of equal mental endowments, and with the same capacity for civilization were subject to two distinct sets of laws, the one mild and favourable to the development of civilization, the other bloodthirsty and opposed to it, the former race might gradually be brought to a knowledge of Christianity and civilization, whilst precisely similar efforts made with regard to the latter might be attended with no beneficial result.

11. Again, it would be unfair to consider the laws of the natives of Australia as any indication of the real character of this people; for many races who were at one period subject to the most barbarous laws, have, since new institutions have been introduced amongst them, taken their rank among the civilized nations of the earth.

12. To punish the aborigines severely for the violation of laws of which they are ignorant, would be manifestly cruel and unjust; but to punish them in the first instance slightly for the violation of these laws, would inflict no great injury on them, whilst by always punishing them when guilty of a crime, without reference to the length of period that had elapsed between its perpetration and their apprehension, at the same time fully explaining to them the measure of punishment that would await them in the event of a second commission of the same fault, would teach them gradually the laws to which they were henceforth to be amenable, and would show them that crime was always eventually, although it might be remotely, followed by punishment.

13. I imagine that this course would be more merciful than that at present adopted; viz. to punish them for the violation of a law they are ignorant of, when this violation affects a European, and yet to allow them to commit this crime as often as they like when it only regards themselves; for this latter course teaches them, not that certain actions, such, for instance, as murder, &c. are generally criminal, but only that they are criminal when exercised towards the white people, and the impression, consequently excited in their minds is, that these acts only excite our detestation when exercised towards ourselves, and that their criminality consists, not in having committed a certain odious action, but in having violated our prejudices.

14. In the vicinity of towns where there is a certain judicial force, and where on account of the facility of obtaining food, the natives always congregate, it would, by a steady and determined line of conduct, be comparatively easy to enforce an observance of the British laws; but even partially to attain this object in the remote and thinly settled districts, it is necessary that each colony should possess an efficient mounted police, a portion of whom should be constantly in movement from district to district, whilst another portion, resident

NEW SOUTH  
WALES.

Encl. in No. 23.

in a central situation, should be ready to act instantly in any direction where their presence was required. I do not apprehend that this body need be numerous, for their utility would depend more on their activity and efficiency than on their numbers. It is absolutely necessary, for the cause of humanity and good order, that such a force should exist; for so long as distant settlers are left unprotected, and are compelled to take care of and avenge themselves, so long must great barbarities necessarily be committed; and the only way to prevent great crime on the part of the natives, and massacres of these poor creatures as the punishment of such crimes, is to check and punish their excesses in their infancy; it is only after becoming emboldened by frequent petty successes that they have hitherto committed those crimes which have drawn down so fearful a vengeance upon them.

15. The greatest obstacle that presents itself in considering the application of the British law to these aborigines is the fact, that from their ignorance of the nature of an oath, or of the obligations it imposes, they are not competent to give evidence before a court of justice; and hence, in many cases, it would be extremely difficult, if not impossible, to obtain evidence on which a prisoner could be convicted.

16. One mode of evading this difficulty would be, to empower the court to receive evidence from the natives in all causes relating solely to themselves without the witness being sworn, only allowing testimony of this nature to hold good when borne out by very strong circumstantial evidence; 2dly. To empower the court always to receive evidence from natives called on by a native prisoner in his defence, such evidence being subject to the before named restrictions.

17. The fact of the natives being unable to give testimony in a court of justice is a great hardship on them, and they consider it as such; the reason that occasions their disability for the performance of this function is at present quite beyond their comprehension, and it is impossible to explain it to them. I have been a personal witness to a case in which a native was most undeservedly punished, from the circumstance of the natives, who were the only persons who could speak as to certain exculpatory facts, not being permitted to give their evidence.

18. There are certain forms in our colonial courts of justice, as at present conducted, which it is impossible to make a savage comprehend. I attended one quarter sessions, at which a number of natives were tried on a great variety of charges. Several of them were induced to plead guilty, and on this admission of their having committed the crime, sentence was pronounced upon them. But when others denied their guilt, and found that this denial produced no corresponding result in their favour, whilst at the same time they were not permitted to bring forward other natives to deny it also, and to explain the matter for them, they became perfectly confounded. I was subsequently applied to by several intelligent natives to explain this mystery to them, but I failed in giving such an explanation as would satisfy them.

19. The natives being ignorant of our laws, of the forms of our courts of justice, of the language in which the proceedings are conducted, and the sentence pronounced upon them it would appear that but a very imperfect protection is afforded them by having present in the court merely an interpreter (very often an ignorant man) who knows nothing of legal proceedings, and can be but very imperfectly acquainted with the native language; it must also be borne in mind, that the natives are not tried by a jury of their peers, but by a jury having interests directly opposed to their own, and who can scarcely avoid being in some degree prejudiced against native offenders. From these considerations, I would suggest that it should be made binding upon the local government, in all instances, (or at least in such instances as affect life) to provide a counsel to defend native prisoners.

20. Some other principal preventives to the civilization of the aborigines, in addition to those I have already stated, are,

1stly. The existence of an uncertain and irregular demand for their labour: thus they may have one day sufficient opportunity afforded them for the exertion of their industry, whilst the next day their services are not required, so that they are compelled once more to have recourse to their former irregular and wandering habits.

2dly. Their generally receiving a very inadequate reward for the services they render; this combined with their natural fondness for the bush, induces them to prefer that mode of subsistence which, whilst it is infinitely more agreeable, and less laborious, procures for them nearly as great a reward as living with white people.

3dly. Their not being taught that different values are attached to different degrees of labour, as well as to the skill and neatness with which it is performed.

21. These impediments might all either be removed or modified in some districts by the establishment of native institutions and schools, but in forming a general plan for their removal which would be equally applicable to all parts of a colony, a very novel difficulty presents itself.

22. Imagining that a native child is perfectly capable of being civilized, let it also be granted, that from proper preventive measures having been adopted, this child has nothing to fear from the vengeance of the other natives, so that it stands in these respects nearly or altogether in the position of a European.

23. If this native child is a boy, who is to pay the individual who undertakes to teach him some calling, the fee usually given with an apprentice; who will indemnify the person for the time he spends in instructing the boy before he can derive any benefit from his labour, or for the risk he incurs of the boy's services being bestowed elsewhere as soon as they are worth having?

24. Until this difficulty is got over, it appears evident that the natives will only be employed in herding cattle, or in the lowest order of manual labour, which requires no skill, and for which the reward they receive will be so small as scarcely to offer an inducement to them to quit their present wandering mode of life.

25. The remedy I would suggest for this evil would have another advantage besides a tendency to ameliorate it, for it would give the settlers a great and direct interest in the aborigines, without entailing any expense upon the government. It is founded on the following fact.

26. The government, in order to create a supply of labour in the colonies, have been in the habit of giving certain rewards to those individuals who introduced labourers into them. Now, it would appear that he who reclaims one of the aborigines not only adds another labourer to those who are already in the colony, but further confers such a benefit on his fellow-settlers, by rendering one who was before a useless and dangerous being, a serviceable member of the community, that this circumstance alone entitles him to a reward.

27. I would therefore propose, that on the production of the hereafter-named documents, a settler should receive a certificate entitling him to a certain sum, which should either be allowed to reckon towards the completion of location duties, or else as a remission certificate in the purchase of land, or, in lieu of this, a grant of land; and that this sum or grant should be regulated according to a table specifying the various circumstances that are likely to occur, and drawn up by the local government of each place where such regulation should be introduced.

28. The documents to which I allude are these:

1stly. A deposition before the nearest magistrate to such settler's house, that a native or natives have been resident with him constantly for the last six months, and have been employed in stated species of labour.

2dly. A certificate from the government resident of the district that, to the best of his belief, such statement is true, for that, on his visiting this settler's house, the stated number of natives were there, and were respectively occupied in the kinds of labour described.

3dly. A certificate from the protector of aborigines that he has visited this settler's house; that the stated number of natives were resident there, and appeared to be progressing in the knowledge of that branch of industry in which they were respectively stated to be employed.

29. It would be further necessary that any settler who intended to endeavour to reclaim natives, should give a short notice to the protector of aborigines, previously to the commencement of the first six months.

30. Could this plan be brought into operation, the work of the civilization of the aborigines would at once be commenced upon a great scale; it would not be confined to a single institution, but a variety of individuals, endowed with different talents and capacities for this work, would at once be employed on it; it is, indeed, rather suited, and intended for the outskirts of civilization, thinly populated by settlers, than for towns, yet it is applicable to both situations; whilst its direct operation would be to induce the settler adequately to remunerate the native for, as well as to provide him with, a constant supply of labour, and to use every exertion by kind and proper treatment, to attach him for as long a period as possible to his establishment.

31. In considering the kinds of labour in which it would be most advisable to engage natives, it should be borne in mind, that in remote districts where the European population is small, it would be imprudent to induce many natives to congregate at any one point, and the kinds of labour in which they should be there engaged ought to be of such a nature as to have a tendency to scatter them over the country, and to distribute them amongst the separate establishments.

32. Whilst in the well-peopled districts, where a force sufficient both to protect and control the aborigines exists, they should be induced to assemble in great numbers, for they work much more readily when employed in masses, and by thus assembling them on one point, their numbers are diminished in those portions of the colony which have a small European population, and they are concentrated at a spot where proper means for their improvement can be provided.

33. The first of these principles has been strictly attended to in the plan proposed in the 27th and following paragraphs of this report; the second has been carried into successful operation in Western Australia.

34. In order that the work on which the natives are employed in the vicinity of towns should be of the most advantageous nature, it is necessary that it should be productive of

NEW SOUTH  
WALES.

Encl. in No. 23.

benefit both to themselves and the government which employs them, so that it cannot be complained of as a useless expense, whilst at the same time it should be of such a kind as to accord with that love of excitement and change which is so peculiar to this people.

35. Both of these ends would be attained by employing the aborigines either in opening new roads or in repairing old lines of communication; indeed this mode of employment is singularly suited to the habits of this people; they might be kept constantly moving from post to post, thus varying the scene of their operations; one portion of the party might be employed in hunting with kangaroo dogs, or fishing, in order to supply the others with fresh meat; and the species of labour in which the main body were engaged, might, if they wished it, be changed once or twice in the course of the day, to prevent their being wearied by the monotonous character of their employment.

36. Among other enactments which I believe would have a tendency to promote the civilization of the aborigines, and which are applicable to those districts in which for some time a great intercourse has existed between the natives and Europeans, are the following:

37. "That any native who could produce a certificate (from the protector of aborigines) of having been constantly employed at the house of any settler or settlers, for a period of not less than three years, should be entitled to a grant of land, the extent of which should be fixed by the local government of the colony to which such native should belong, and that, if possible, this grant should be given in that district to which this native by birth belonged.

"That, in addition to this grant, he should receive a sum of money, the amount of which should also be fixed by the local government, and which should be drawn from the funds raised by the sale of Government lands, and which sum should be expended in goats, poultry, &c., so as to enable the native in some manner to stock his land.

"That any native having only one wife, who produced a certificate of the civil marriage contract having been performed between himself and her, by the resident of the district to which he belonged, should be entitled to a small reward.

"That any natives who registered duly the birth of any of their children should be entitled to a small reward.

"That some competent person should be paid to instruct two native boys in such a manner as to qualify them to act as interpreters in courts of law, and that as soon as they are found competent, they should be employed for this purpose."

I believe that many other regulations, similar to these, would be found to produce a very beneficial effect.

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— No. 24. —

(No. 89.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

No. 24.  
Sir Geo. Gipps to  
Lord J. Russell.  
7 April 1841.

My Lord,

Government House, Sydney, 7 April 1841.

I HAVE had the honour to receive your Lordship's despatch, No. 161, of the 8th October 1840, containing a copy of a report made to your Lordship by Captain Grey, on the means by which the aborigines of New Holland may be improved and civilized.

I have read Captain Grey's report with attention and interest, and I beg leave to submit to your Lordship the following observations upon it:

The first 14 paragraphs of the report represent the evils which, in the opinion of Captain Grey, grow out of a practice, or supposed practice, of treating the aborigines as a conquered people, and of allowing them, from a feeling of generosity, to be governed by their own laws, in matters wherein they only are concerned.

I am, of course, unable to speak of the practice in other Australian colonies, or to say what may be the language held by the governments of those colonies towards the aborigines; but I must observe that the practice alluded to by Captain Grey has not, for many years past, been sanctioned by any act of the government of New South Wales, and that the language now held by this government is, that the aborigines are Her Majesty's subjects, and that whilst they are entitled in every respect to the benefit and protection of English law, they are amenable also to the penalties which are imposed on infractions of the

Page 99.

the law, whether the offence be committed against one of themselves or against white men. The practice of the government also is, as far as possible, in conformity with this language; and no law, save English law, or, to speak more correctly, the law of the colony founded on English law, is recognised as being of any force in it. It is true that in administering the law, and especially in enforcing the penalties of it, a difference is frequently made, both by the judges and the executive government, between savages who understand it not, and persons of European origin; but this difference is invariably in favour of the savage; and if it were not so, the law would become the instrument of the most grievous injustice. It is only the more obvious offences against society that can, with any degree of justice, be visited against the savage with extreme severity; such as murder, rape, violence against the person, and other offences, which, there can be no doubt, should be regarded alike by the savage and the civilized man, as deserving of punishment.

The next five paragraphs of Captain Grey's report relate to the disadvantages which the aborigines are supposed to labour under, from the inadmissibility of their evidence in courts of law.

On this head it might be only necessary for me to remark, that an Act of Council was passed in this colony, in the year 1839 (3d Vict. No. 16) to admit their evidence, and that it was disallowed at home, the disallowance of it being notified to me by your Lordship's despatch of the 11th August 1840, No. 127.

Page 26.

It seems to me, however, right to point out to your Lordship, that the inadmissibility of their evidence acts perhaps quite as often in favour of the aborigines as against them. The hardship of the exclusion of evidence that might be favourable to them, is always urged on the jury, both by their counsel and by the judge, and is again taken into consideration by the executive in carrying into effect the judgment of the court. The admission indeed of their evidence was in 1839 as much called for in New South Wales by parties who had suffered from the aggressions of the blacks, as by those who advocate their civilization; and complaints have long been loud amongst our settlers, that whilst the penalties of the law are rigorously enforced against persons who commit violence on the aborigines, the aborigines themselves are, when brought into our courts, almost invariably acquitted.

This has operated, there is some reason to believe, very unfavourably for the aborigines, as from the difficulty and uncertainty of bringing them to justice, there is a disposition engendered in the minds of the less principled portion of the white population to take the law into their own hands, as was the case when, nearly three years ago, not less than 28 aboriginal natives were barbarously murdered in the Liverpool Plains district, an act of atrocity for which, however, seven white men paid the forfeit of their lives on the scaffold.

I have further to observe, that counsel is usually assigned by the supreme court to any natives brought for trial before it; and that the government always provides the attendance of interpreters when they can possibly be found.

Mr. Threlkeld, a missionary of the London Society, has usually acted on such occasions, and must, I doubt not, consider it his business to protect the natives, as well as to interpret for them.

I have moreover very recently, on the application of the chief justice, appointed a standing counsel for the aborigines, who will receive a fixed payment or fee from the government for every case in which he is engaged. The fee is to be three guineas for every case in Sydney and five guineas in the country.

The remainder of Captain Grey's report, I am disposed to think by far the most valuable part of it, as it relates to the means by which the aborigines may be induced to become voluntary labourers for wages.

I consider this the most important part of the report, because I am myself firmly persuaded, that next to the diffusion of Christian instruction, the use of money, or, to speak more correctly, the enjoyments which the use of money

NEW SOUTH  
WALES.

commands, are the most effectual of all means that can be resorted to in advancing civilization.

I have on various occasions, and particularly in answer to an address presented to me at Wellington Valley, in November last, by the inhabitants of the county of Bligh, endeavoured to persuade the settlers of New South Wales to look to the blacks for a supply of labour.

I have also seriously contemplated the introduction of rewards to persons employing them, somewhat after the manner that is suggested by Captain Grey, but have hitherto been deterred from attempting it by the fear of the abuses to which such a practice might lead, and the certain difficulties that would attend on the distribution of the rewards.

It is by the employment of the aborigines as labourers for wages, and the education of their children in establishments conducted either by missionaries or official protectors, that I consider the civilization of the aborigines of this continent must be worked out, if it is ever to be accomplished.

It may be right for me, however, to point out to your Lordship that my opinions with respect to the employment of the aborigines are at variance with those of many persons who consider it essential to keep them as far as possible out of contact with white men.

I agree with these persons in thinking, that missionary or other establishments for the education of the aborigines should be placed as far as possible from the resort of ordinary settlers; and I have accordingly directed the fixed establishments of the protectors to be so placed in the Port Phillip district, but at a distance from these establishments. I consider that is by contact with white men, and by being placed as nearly as possible on a par with them, that the civilization of the aborigines is most likely to be advanced.

It must be admitted indeed that this will frequently expose them to temptations which they may not be strong enough to withstand, the men to the use of ardent spirits, the women to be seduced from their husbands or natural protectors.

2 Vict. No. 18,  
sect. 49.

4 Vict. No. 8.

Already, however, a law exists in the colony, which inflicts a penalty of 5*l.* on any person who may be convicted of giving or selling spirits to an aboriginal native; and a law may perhaps be devised that shall give further protection to the women. I may here also observe, that during the last session of the Council, an Act was passed to prevent the aborigines, as far as possible, from using or having fire-arms.

I have, &c.  
(signed) Geo. Gipps.

— No. 25. —

No. 25.  
Sir Geo. Gipps to  
Lord J. Russell,  
9 April 1841.

(No. 90.)

COPY of a DESPATCH from Sir George Gipps to Lord John Russell.

My Lord,

Government-house, Sydney, 9 April 1841.

Page 85.

IN my despatch of the 3d February last, No. 35, I reported to your Lordship the circumstances under which I had employed Major Lettsom, of the 80th regiment, on a mission to the Ovens River, where I had been led to believe acts of cruelty had been committed on the aborigines, in retaliation for an attack made by them on the station of Dr. Mackay in May 1840; I also enclosed to your Lordship the report which was made to me by Major Lettsom, on his return, by which I was happily satisfied that though some acts of retaliation might have been committed, the accounts of them which had reached me were greatly exaggerated. In connexion with the same subject, I have now the honour to forward a copy of a letter, which I received a short time since, from the Reverend Joseph Docker, a clergyman of the Church of England, who is settled

31 Dec. 1840.  
No. 1.



settled in the same neighbourhood, and has a sheep station not far from Dr. Mackay's.

On the receipt of this letter, I directed Mr. La Trobe to dispatch the chief protector of aborigines (Mr. Robinson) to enquire into, and report on the statements made by Mr. Docker, and also to collect further information respecting the condition of the aborigines, in the neighbourhood of the River Ovens.

I have the honour to enclose a copy of the report made by Mr. Robinson to Mr. La Trobe; and I am glad to say, that I consider it on the whole a satisfactory one.

The fact that Mr. Docker has numerous flocks of sheep, amounting it is said, to 7,000, under the care of aboriginal shepherds, is a very encouraging one; and I venture to allude to it, in corroboration of the opinions which I have expressed in the latter part of my despatch of the 7th instant, No. 89, respecting the possibility of getting the blacks of this country to work for wages.

The Reverend Mr. Docker is, as I have stated, a clergyman of the Church of England, but he has at present no cure of souls in the colony.

I have ordered the man named Benjamin Reid, whose conduct towards the aborigines is complained of by Mr. Robinson, to be sent to Sydney, and his ticket of leave to be cancelled.

I have, &c.  
(signed) *Geo. Gipps.*

27 February 1841.  
No. 2.

Enclosure 1, in No. 25.

To His Excellency Sir *George Gipps, &c. &c. &c.*

Encl. 1, in No. 25.

Sir,

I AM constrained by a sense of duty and an urgent necessity to address your Excellency on a subject which I feel persuaded will receive that consideration its importance demands.

In consequence of the unfortunate occurrence which took place at the stations of Messrs. Mackay and Chisholm, both near neighbours of mine, and of rumours of murders and depredations elsewhere committed by the blacks, it has lately been extremely difficult, I may say almost impossible, to procure free labour here at any price. At different times I have applied to my agents both at Yass and Melbourne to hire and send me men, but without success; although unrestricted as to wages, their answer has been that labourers cannot on any terms be induced to come; under these circumstances I determined to employ the aboriginal natives as shepherds and watchmen; I cultivated a more intimate friendship with them in September last; I gradually employed them, found them to be excellent shepherds, faithful and honest, and I now have the pleasure to report that they have the sole charge of my sheep, consisting of between 6,000 and 7,000, young and old. Thus engaged, 14 men receive regular supplies of food and clothing, and eight or ten more are occasionally employed and fed.

It is painful to me to be compelled to inform your Excellency that the retaliatory proceedings in which Mr. Mackay has recently been so warmly engaged have almost destroyed those sanguine hopes I had entertained of introducing, on an extensive scale, a species of labour never before contemplated; parties of the mounted police, sometimes alone and sometimes headed by Mr. Mackay, are constantly scouring this river; as soon as the natives get a glimpse of them they flee to the hills for safety, and thus are my sheep scattered and left in the bush without shepherds.

On the 5th instant Mr. Mackay captured five blacks at mine and the adjoining stations; they afterwards escaped, when they were shot at, and two were wounded.

On the 6th the police officers found two blacks at my hut who had been reaping; on one of them, named "Tickoneedle," against whom I believe at that time there was no charge, three shots were fired.

On the 24th a police officer, in company with a blacksmith and a stockman of Mr. Mackay's, both intoxicated, seized at my door a fine intelligent and well-behaved young man, named "Joe;" after much unnecessary rough usage, handcuffed and neck-tied he was dragged to Mr. Faithful's station, whence on the oath of the stockman alone he was forwarded to Melbourne to take his trial, for being present when Mr. Mackay's station was attacked. "Joe" has received from different settlers two brass plates for good conduct, and he has faithfully served me as a shepherd and overseer for seven weeks; I have strong reasons for believing him to be innocent, and I fervently hope he may be acquitted and returned to my service.

I proceed to inform your Excellency that Mr. Mackay has candidly apprised me of his intention to repeat his visits, and his stockman has threatened that he will not leave me a black on the spot. I do not mean to insinuate that the former is acting improperly in

NEW SOUTH  
WALLES.

Encl. 1, in No. 25.

seeking redress for the wrongs he has suffered; but I do think, that as a considerable quantity of black men's blood has already been shed, and the ringleaders, Harlequin and Merriman, been taken, it would tend more to the peace and safety of the district if hostilities should cease, and a general pardon were offered to all the other offenders, on certain conditions which could be explained to them by their protectors. Besides, I do not see what danger is to be apprehended from a black, while he is following the peaceful and harmless occupation of a shepherd, could it even be shown that heretofore he had kept bad company. There exists unfortunately, among most of the settlers around me, a most inveterate and deadly hatred of the aborigines, which I cannot account for; for my own part, I dread the visits of the police more than I should those of the wildest savages of the bush.

I conclude by earnestly requesting that conciliatory measures may be recommended and speedily adopted; should any other course be pursued, the blacks will be driven to desperation, and fresh outrages may be expected. For the trouble I have taken in their behalf, I ask no other favour than that Mr. Bingham may be instructed to grant me a liberal run for my stock, as it is well known that where the aborigines are allowed to congregate and make their appearance, a greater extent of country is necessary. The fruits of their labours, coupled with the satisfaction of having proved that they can be made useful, shall be my reward.

Bontharombo Plain, Ovens River,  
31 December 1840.

I have, &c.  
(signed) *Joseph Docker.*

Enclosure 2, in No. 25.

Encl. 2, in No. 25.

Mole-le-min-ner,  
alias Joe; Coyamber,  
alias Larry;  
Tanrougen, alias  
Simon.

Sir,

Chief Protector's Office, Melbourne, 27 February 1841.

I HAVE the honour to report that, in pursuance with his Excellency the Governor's instructions contained in your Honor's note of the 2d instant, I proceeded on the evening of the 4th instant (accompanied by the three aboriginal natives named in the margin), to the river Ovens; on the 9th I conferred with Mr. Docker on the subject of my instructions; Mr. Docker stated, that he had no intention of preferring charges against Dr. Mackay, as he presumed the doctor had acted legally; he merely reported the circumstance, to prevent a repetition of such visits, as on those occasions he suffered considerable losses by the natives (who were his shepherds) being dispersed, and his sheep scattered. Being on the spot, it occurred to me desirable to make further inquiry, particularly as Mr. Docker had reported that the natives, within the four days previous to my visit, had stolen at least 150 sheep from his flocks. Mr. Docker's statement relative to this and other circumstances connected with the aboriginal natives, I herewith do myself the honour to append.

On the 12th instant I proceeded up the river to Dr. Mackay's station, distant about 26 miles; the doctor, I was informed, had gone to Sydney, and in consequence my inquiry could not be proceeded with. The following, however, in the absence of Dr. Mackay, are the chief points elicited: 1st. That Dr. Mackay on the 5th December apprehended, at Mr. Docker's and other stations, certain aboriginal natives charged with felony. 2d. That those natives, on the morning of the 6th December, effected their escape from Dr. Mackay's head station, and were fired upon by the police who had them in charge; but, as I was informed, without injury. 3d. That in consequence of this escape parties were again sent out in quest of them; on which occasion two of Mr. Commissioner Bingham's police, on the 6th December, went to Mr. Docker's under warrant to apprehend Tickerneedle and another black, who were charged with felonies; they escaped, and the police, with the view to intimidate, fired over their heads. 4. On the 24th December a mounted trooper, accompanied by Benjamin Reid, stock-keeper, and another man, apprehended at Mr. Docker's "Mole-le-min-ner" alias Joe, an aboriginal native charged with felony; the following day he was sworn to before Dr. Mackay, and by him sent to Melbourne gaol.

Vide Mr. Docker's  
Statement annexed.

These appear to embrace, as far as relates to Dr. Mackay, all the leading circumstances of this case: hence it appears, in reference to Mr. Docker's statement of the 31st December, that the shots mentioned as having been fired on the 6th were those by the police at Dr. Mackay's when the prisoners escaped; a circumstance which Mr. Docker knew only by report; and the shots discharged on the 6th are those mentioned as having been fired at Tickerneedle and the other black. Dr. Mackay has been but once to Mr. Docker's for the purpose of apprehending natives, namely, on the 5th December, and the police but twice since that period, namely, on the 6th and 24th December.

There appears to have been no just cause for taking "Mole-le-min-ner" into custody, for although sworn to by Benjamin Reid, the stock-keeper, it appears he was not present at Dr. Mackay's when the station was attacked by natives, but up the country at least 50 miles, which fact could be testified to by several respectable persons. "Mole-le-min-ner" is reported by settlers to be of good repute, and this is his general character; he is a very shrewd and intelligent young man, and I never heard any person speak unfavourably of him. Mr. Docker states in reference to Benjamin Reid, that when he, Reid, came to his, Mr. Docker's, station on the Ovens River, he was intoxicated. Mr. Docker further complains that Reid was extremely insolent, and swore he would shoot every black on the river. Benjamin Reid, I am informed, was an assigned servant to Mr. Bowman, and one of the first stock-keepers on the river; Reid has had several collisions with the natives, and it is feared many have been of fatal character to the aborigines. Benjamin Reid was present

present at Dr. Mackay's when the natives made the attack, and there is reason to suppose that he was a cause, if not the principal one, why they did so. Reid holds at present a ticket of leave, which was suspended for a short time, in consequence of his appearing to give evidence before the bench at Melbourne, while in a state of intoxication. These with other circumstances connected with the character of this man, induces me to recommend his removal from the Owen's River, to some other district remote from that neighbourhood. In reporting upon the aboriginal natives frequenting the Ovens River, I beg to state that I found on my arrival at Mr. Docker's and the immediate neighbourhood, about 200 blacks. I personally conferred with 95; they were from different nations; their names, original, adopted and conferred, I have noted; a large portion I had seen and conferred with on a former occasion when visiting that country about 12 months since. Mr. Docker is on very friendly terms with the natives, and several are engaged in shepherding and other employments. The entire of his sheep, 7,000, are under the care of native shepherds. Mr. Docker states that the natives washed 3,000 of his sheep, that the sheep graze and thrive better under their management than under that of white shepherds. Excepting the strange tribe alluded to in Mr. Docker's statement, he has found the aborigines generally honest; in proof, he mentions as a striking fact, the circumstance of the native shepherds bringing the whole of his sheep to the head station and delivering them up to him when, through fear of the police, they were induced to go away. Mr. Docker is still willing to employ such aboriginal natives as are useful, and to ration and clothe as many as he may employ, at least 15, but requests to be relieved of the incumbrance of the large number of natives who now frequent his neighbourhood; he has no objection to their being located on the west side of the river, opposite to his head station, provided a greater extension of run is afforded him, and this he deems necessary, as the run he now occupies is insufficient for his present stock, and is rendered still more circumscribed by the accidental burning of the grass by the natives. The Ovens appears to have been an original resort of the natives, as this station is nearly 100 miles distant from the aboriginal reserve on the Goulburn, and as the natives in the surrounding country are numerous, and are at present without any kind of superintendance, and as Mr. Docker states that his avocations would not permit him to devote (beyond the employment of the 15 or 20 natives mentioned) his time to the residue, I am induced under the circumstances to recommend that a subordinate agent be appointed to the Ovens district; he should be a respectable, active, intelligent, and married person; the aborigines under his agency should be those in the immediate vicinity of the Ovens, and the country extending eastward to the Murrumbidgee; such an officer, provided he did his duty, would, I am persuaded, be of great utility; the settlers complain they are left without protection, and consider that such an arrangement would be of advantage to all parties, as there would then be a person whose entire business it would be to make acquaintance with the natives, study their language, and exercise control over their movements; whereas at present they are left without any check or person to protect the good, and advise the evil-disposed to do better. I have the honour to enclose a copy of a deposition in the case of an homicide committed at the Hume River in December last, and beg also to acquaint your Honor that I obtained from Mr. John Scobio Anderson Mackay a full statement of all the circumstances connected with the attack made upon his and his brother, Dr. Mackay's station, by a party of aboriginal natives in May 1840, and which I purpose transmitting, should your Honor deem it requisite for me to do so.

His Honor Charles Joseph La Trobe, Esq.  
Superintendent, &c. &c. &c.

I have, &c.,  
(signed) G. A. Robinson.

STATEMENT of the Rev. *Joseph Docker*, relative to certain Proceedings connected with the Aboriginal Natives of the Ovens River, subsequent to Mr. Docker's Report of the 31st December 1840, to His Excellency Sir George Gipps.

States as follows:—That subsequent to my Report of the 31st last December, I have had to contend with considerable difficulties, originating in alarming reports circulated among the aboriginal natives, of the approach of mounted police, who were coming to apprehend the natives; in proof of which, the whole of my flocks, then under charge of the natives, were brought by the black shepherds to my head station, and were by them delivered up to me. Their reason for so doing, they stated to be "fear," arising from a report that the policemen were coming to apprehend them. They notified their intention to leave my run, but promised to return in a few days. These circumstances, over which I had no controul, were the occasion of considerable losses, arising from the mixture of the flocks, consisting of ewes and rams, and from the want of white persons to take charge of them, and which, but for the reports referred to, would not have happened. I have also sustained a further loss, at least 150 sheep, by the visit of a large party of blacks, who appeared in my neighbourhood about the beginning of the present month, February. I have no wish to prosecute the parties for the offence, even if they could be detected, but I do hope that measures may be taken to protect my property for the future, otherwise I shall be compelled to abandon my experiment, and employ white shepherds only. I am of opinion that the best results may be expected if prompt assistance be afforded, and judicious measures had recourse to.

## NEW SOUTH WALES.

Encl. 2, in No. 25.

It is also my opinion, that provided a greater extension of country be allowed, (and which is absolutely necessary, if the natives are continued,) that they might be very advantageously located on the western side of the river, opposite my station, as it is now become their resort. That a larger extent of country is necessary, is obvious from the fact, that I have not sufficient feed on my present run, and which, in consequence of the visit of the natives, has been rendered more circumscribed by the accidental burning of the grass. If the main body of the natives could be located on the opposite side of the river, I should feel a pleasure in still continuing the services of the native shepherds, and shall render such assistance as may be in my power to promote the object proposed.

(signed) *Joseph Docker.*

Taken before me this 12th day of February 1841.

(signed) *G. A. Robinson.*STATEMENT of the Rev. *Joseph Docker*, relative to Circumstances connected with the Aboriginal Natives of the Ovens River.

States:—I have been in the habit of employing the aboriginal natives on the Ovens River since the month of March 1840. Finding it difficult to obtain European labour, it occurred to me that the services of the natives might be made available in shepherding and other employments. With these impressions, I cultivated in September last a more intimate acquaintance with them. I found them to be excellent shepherds, faithful and honest; they had the sole charge of my sheep, consisting of between 6,000 and 7,000, young and old. Fourteen men were thus engaged, and received from me a regular supply of food and clothing. Eight or ten others were occasionally employed and fed. At that time I had every reason to be perfectly satisfied with these people; the appearance, however, of the police at my station, in quest of blacks who were supposed to have been engaged in the outrage at Dr. Mackay's station, frustrated my hopes, and almost blighted my plans that I had devised for their general usefulness. The mounted police have visited my station three times; on the 5th of December Dr. Mackay and the police apprehended six blacks, on mine and the adjacent run. On the following day the police again made their appearance in quest of blacks; on the 24th of December, Trooper Byory, in company with a stockman named "Ben," belonging to Dr. Mackay, and another man, apprehended at my door an aboriginal native named "Joe;" the stockman "Ben" and the other man appeared to be in a state of inebriation. "Joe" was an intelligent and well-conducted young man; was at that time in my service; he rendered me valuable assistance, not only in taking charge of a flock of sheep himself, but in giving my directions to the other shepherds. After much unnecessary rough usage, hand-cuffed and neck-tied, he was taken away. No police have visited my station for the purpose of apprehending the blacks since the 24th of December last.

(signed) *Joseph Docker.*

Taken before me this 12th day of February 1841.

(signed) *G. A. Robinson, J. P.*

New South Wales, } BEFORE George Augustus Robinson, esq., Chief Protector of Aborigines, and one of Her Majesty's Justices of Peace for said Colony, appeared the 14th day of February 1841, *John Scobie Anderson Mackay*, to give evidence in the case of certain Aboriginal Natives, charged with felony, and being duly sworn, deposeth,

THAT on the morning of Friday, the 4th of December 1840, six blacks, who were captured by the police, under the orders of Dr. Mackay, were brought to the head station. They were detained in custody, with the exception of Tommy, who was discharged.

Soon after daylight the following morning the other five blacks made their escape. I was sworn in as special constable, and received a warrant the same day to apprehend the aboriginal natives named in the margin, charged with the crime of murder, and shooting with intent, &c., on the information of Daniel Richins and J. S. A. Mackay. I proceeded immediately in company with Kenyon, who had been sworn in, to Mr. Haori's station on the Little River, when I apprehended two natives, named Micky and Larry; from thence I proceeded to the police barracks for the purpose of delivering them up, but there was no person to take charge of them. On Tuesday another black, named Simon, was apprehended by a policeman, and brought to the barracks on Wednesday night. I left the Hume with the prisoners for the purpose of escorting them to the Broken River. On reaching the opposite side of the river the natives made a desperate attempt to escape, the neighbourhood swarmed with natives ready to rescue the prisoners; to save myself and party, consisting of a man named Keefe and a policeman who accompanied us across the river, and the other two prisoners from being taken from us, I fired, and one of the prisoners named

Jacky Jacky,  
Billy O'Rourke,  
Jemmy the Blanket,  
Old man Larry,  
Old man Micky,  
Ogle-eyed Jemmy,  
Jemmy, brother to  
Jacky Jacky,  
Micky, or Larry,  
brothers,  
Billy, messmate to  
Memmar,  
Old man Billy,

Micky,

Micky, who was the most desperate, was shot dead. I gave orders to the policeman to have his body interred, and the other two prisoners I delivered up on the 11th of December to two of Commissioner Bingham's police, whom I met on the road near the Ovens River.

(signed) John A. Mackay.

Micky, brother to Ogle-eye, Serjeant, Jim Crow, Frank, or Brandy.

Sworn before me, this 14th day of February 1841.

(signed) G. A. Robinson, J. P.

STATEMENT of John Scobie Anderson Mackay, relative to Circumstances connected with an Attack made by certain Aboriginal Natives on Dr. Mackay's Station, on the 26th May 1840, at the Ovens River :

States, that " between three and four o'clock of Tuesday the 26th May 1840, a party of aboriginal natives (men), about 20 in number, came to the head station; two natives first made their appearance in front of the hut; they had spears with them, and commenced 'cooing.' This was the first indication I had of natives being in the neighbourhood: at this time I was in the hut, and on hearing the coo, which I knew to be that of natives, I went out and saw the two men standing on a small hill; I had a gun in my hand, and I advanced towards them; when I got near enough to speak to them I stopped; they called out, 'What for you cooler?' (i. e.) sulky. I said I was not sulky: they replied, 'What for you mankin musket?' I then asked them what they were doing with spears, and they immediately threw them towards a tree. I subsequently learnt, when they came to the hut, that the person who spoke to me on the hill was Merriman; for the two men came to the hut, and the individual referred to gave me his name 'Merriman:' he was a short, well-built young man, slightly pockmarked; I have heard that he has been since apprehended; I have not seen him since he made the attack. At the time I was speaking to Merriman in front of the hut, I saw a number of other blacks among the trees holding spears, apparently drawn up in rank. At that time I was not aware of their numbers; Merriman spoke good broken English, said I was very good, and said he was hungry; and he wanted something to eat; I gave him food, and he appeared satisfied. Whilst I was supplying Merriman with food, I saw the other natives running towards the hut with tomahawks in their belts; they had garments on them, but did not carry any spears. I told Merriman to stop them: he said something to them which I could not understand, and they still advanced towards the hut. When they came up one of the blacks said, 'Make light wheelbarrow,' i. e. saw a dray coming at this time. I counted 13 natives (men); one of the men belonging to the establishment came in, and shortly afterwards a dray belonging to Mr. Cropper arrived; it was in charge of Mr. M'Donnell, Mr. Cropper's overseer. There were at this time, belonging to the establishment, myself, Benjamin Reid and his wife, and Daniel Richins, bullock-driver; and in addition there was Mr. Cropper's overseer, M'Donnell, and the bullock-driver, making in all five white men. Whilst they were at the hut Merriman was extremely inquisitive, and was the spokesman for the rest; he said he came for to strip bark. I told him I did not want his service, and to go away; he wanted to come into the hut; I would not permit it: he said he always stopped at white man's gunyer (hut); he always stopped at Mr. Brown's crossing-place at the Hume. Two of my men, Richins and Reid, knew him. I gave Merriman some clothing, and I gave also a shirt to another man. In the dusk of the evening, about five o'clock, they went away; about nine o'clock at night a black came towards the hut, with a firestick in his hand; I asked him what he wanted; he muttered something which I could not understand, and went to the hole and drank water, and returned to his camp. In the course of the evening the cook returned with the cart from the sheep station. I knew when they first made their appearance that their intentions were hostile; I judged this from the manner of their proceedings, and from the circumstance of their having no women or children with them. They encamped in front of the hut, about 200 or 300 yards distant; I saw their fires; I was fearful that they would make an attack in the morning, and told the men if they saw any signs of hostility on the part of the natives to run into my hut. At this time there was but one gun on the station, a double-barrel belonging to myself: the reason the establishment was so short of arms, and so scarce of men, originated in the circumstance of the dray and cattle having gone to Melbourne about three or four days previous. I should observe, that in the course of conversation Merriman asked me whether I should have plenty of milk in the morning, as he should want some; he also asked me where the sheep station was. On the following morning, the 27th, about sunrise, they again made their appearance at the hut, and asked for food; I gave them a supply of rice and sugar, which they boiled, and seemed perfectly satisfied, calling me 'Budgeres master,' i. e. good master. One party was at the hut, and another party in the bush; they told me the party that was in the bush was stripping bark; they said it was very good bark, and wanted me to go and see it. I would not go, for I felt persuaded their intention was to kill me; I saw plainly that the stripping of bark was a mere pretence for the purpose of getting me in their power. Immediately after breakfast I dispatched one of the men on horseback to Mr. Bowman's station, to borrow fire-arms; a few hours afterwards he returned with three old horse-pistols, which were perfectly useless. I ordered the cook to keep the natives out

NEWSOUTH  
WALES.

Encl. 2, in No. 25.

of the kitchen, lest he might be overpowered. During the absence of the messenger to Mr. Bowman's they were exceedingly troublesome; one of the blacks, a very tall, powerful man, came and demanded, in good broken English, powder and shot, which I refused; he likewise made a demand of a shirt, which I also refused; he was very insolent, and, said 'Baul,' gammon; he then went away to the camp muttering: they had been also employed grinding their tomahawks, and reconnoitering the main hut. Whilst I was getting my dinner they were exceedingly threatening and audacious, forced themselves into the kitchen, and snatching everything that was within reach; I watched my opportunity and got Reid and his wife into my hut, and also got the white men to bring everything out of the kitchen into my hut. I then loaded the three pistols; the natives saw me do this; they also saw the pistols hanging to the man's belt when he returned. I then went out, determined that they should leave, and told them to go away. They then appeared as if they wanted to rush on me. I had my gun in my hand, and was on my guard. M'Donnell came out at this time with a pocket-pistol in his hand. I then raised my gun, and they all ran away in different directions towards the camp. I ran after them for about 30 or 40 yards, and then made for the camp, for the purpose of securing their weapons. I knew they had fire-arms, as Mr. M'Donnell had been to their camp in the fore-part of the day (with Johnson, Mr. Cropper's bullock driver), and had seen one; and Merriman and another black (a tall man) told them they had guns in the bush concealed, and wanted them to go further into the bush to see the guns, which they declined. No weapons were at the camp when I arrived, excepting four or five unfinished spears; the blacks had been before me, and had left; presently I saw them at about 200 yards distant, coming towards me in a hostile manner, shouting the warwhoop, and coming from tree to tree. I immediately run towards the hut; the blacks followed me about 100 yards. Soon after I saw the natives go into the paddock and round up the horses and bullocks, and immediately gave orders to one of my men to run them out of the paddock; the natives tried to intercept the man, and attempted to spear him, when I ran out with my gun and saved him. They then tried to surround me, and to cut me off from the hut; the man and myself made good our retreat, and got in; I then saw them round up the horses, and saw them spear a valuable mare and a colt; they also speared a bullock, which fell dead on the spot. The horses then broke away and got out of the paddock. The blacks then appeared to hold a consultation, and immediately afterwards advanced towards the main hut, in hostile array, in a semicircular form, and inclosed the buildings. One of the party, a very tall man, then advanced, brandishing his weapons, and gave what I suppose to be the war-dance; they advanced towards the hut in silence immediately after the termination of the dance. I saw one man go to the mare which had been speared in the paddock, and was at this time lying down in sight of the hut, and thrust his spear into her twice; the mare walked a short distance and died; the black then went to the man's hut and rifled it of its contents, consisting of wearing apparel, blankets, money, and provision, which they tied up and took away with them; they also amused themselves by spearing the poultry, and afterwards set fire to the hut and burnt it down, and from 25 to 30 bushels of wheat. Merriman then advanced to the front of the hut and held up one of the men's black hats in his hand. He was at this time dressed in a very good suit of clothes belonging to one of the men; he called out to the men to send out the bloody long master to fight for the hut; whilst this was attracting our attention, the others sneaked into the kitchen and robbed it. They continued about the premises until dusk, when they retired. Myself and people kept in the hut watching them. The natives arrayed themselves in men and women's clothing; gowns, bonnets, &c. On the following morning, the 28th, about sunrise, they again made their appearance at the hut, all dressed out in clothing belonging to the station. The first thing I saw was a tall man advancing towards the kitchen with an arm-full of wood, for the purpose, as I suppose, of setting it on fire; the dogs prevented him. I presented my gun at him through the slabs, where another black fired at me: whilst this was going on, others were amusing themselves in catching a calf, which they killed; they also attempted to spear a foal, but did not succeed. They then endeavoured to set fire to the hut by throwing lighted pank and rotten wood on the top of the bark roof; in doing this one party was employed in gathering rotten wood; whilst the other party were throwing it on the roof: at this time I got a shot at one of them, a tall man, who appeared to me to be most active, and think it took effect, as they desisted, and a silence ensued; a few minutes afterwards they renewed the attack, and Merriman called Beelgammon to-day. They again endeavoured to fire the hut, and a party that had possession of the stable, and who had firearms, fired occasional shots at our party whenever they saw them. I then fired two shots at the stable, and they went away. Mr. M'Donnell and myself then went out and took the fire off the roof; about this time they killed a horse which they had previously fastened to the fence; one man came afterwards in front of the hut and snapped his piece at me four or five times, when it missed fire. Nothing further took place at the head station. The same afternoon they went to the sheep station, about six miles distant, and robbed it of its contents, and murdered the hut-keeper in a most barbarous manner; his body was afterwards found in a mangled state; amongst the other things they took away three muskets and some ammunition belonging to the hut. They burnt the hut down, and to the best of my belief, they took away sheep. The shepherd, James Farmer, in his evidence before Major Letsome and Mr. Bingham, stated that he distinctly heard the hut-keeper say, "Lord have mercy on my soul!" The hut-keeper was an emigrant, and had but recently come up the country. On Monday the 9th of November they robbed the wool-shed hut at the same place, but did no further mischief;

mischief; the shepherds were out at the time. I went, assisted by Mr. Faithful Black, and followed on their track, which took direction towards Hunter and Watson's country; the natives told me they were the tracks of two men and one or two women. The natives had never been seen at the head station (since) it was formed until they made their attack.

(signed) *John S. A. Mackay.*

Taken before me this 14th day of February 1841.

(signed) *G. A. Robinson, J. P.*

NEW SOUTH WALES.

Encl. in No. 25.

— No. 26. —

(No. 12.)

COPY of a DESPATCH from Lord *Stanley* to Governor Sir *George Gipps*.

Sir,

Downing-street, 5 October 1841.

I HAVE received your despatch, No. 90, of the 9th of April last, enclosing copies of letter from the Rev. J. Docker, and of a report from Mr. Robinson, the chief protector of aborigines, relative to some collisions with the natives in the vicinity of the Ovens River.

I regret that I cannot concur in the opinion which you have expressed, that the report of Mr. Robinson is satisfactory.

Contrasting the accounts of the aborigines given by Mr. Docker with those given by Mr. Mackay, and the different terms on which those gentlemen appear to be with them in the same vicinity, I cannot divest myself of the apprehension that the fault in this case lies with the colonists rather than with the natives. It was natural, that conduct so harsh and intemperate as that of the Messrs. Mackay should be signally visited on them, and probably also on wholly unoffending persons, by a race of uninstructed and ignorant savages. At the same time the case of Mr. Docker affords a most satisfactory instance of natives entering into permanent service with white men, and working, as they appear to do, steadily for wages.

I should wish to receive your opinion whether the settlement at the Ovens River is of sufficient importance to justify the appointment of a subordinate agent there as protector of aborigines. You will also take such steps as you may judge necessary or practicable with reference to the homicide of the native "Micky," which from Mr. Mackay's own account appears to have been utterly indefensible. How far it may be practicable to institute successfully any proceedings against him for that act it is of course impossible for me to judge; but as the matter is represented in his own report, the case appears to me to call for such proceedings.

I entirely approve of your having recalled Benjamin Reid, and deprived him of his ticket of leave, although it is difficult to say that he was the greatest offender in the party.

I have, &c.  
(signed) *Stanley.*

No. 26.  
Lord Stanley to  
Sir George Gipps.  
5 October 1841.

— No. 27. —

(No. 119.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *J. Russell*.

My Lord,

Government House, Sydney, 3 June 1841.

I HAVE the honour herewith to forward a memorial, which has been addressed to your Lordship by Mr. David L. Waugh, in consequence of my having declined to grant him out of the revenue of this colony, compensation for a loss which he sustained by an attack on his sheep station from the aborigines.

Your Lordship is aware, that although persons are permitted by this government to go beyond the settled districts of the colony, in search of pasturage for their increasing flocks and herds, it always has been held that they do so at their own risk; and the present is, I believe, the first direct application for pecuniary compensation which has been made by any settler for losses occasioned by an attack from the natives.

It is quite true that within the last few years, the occupation of lands beyond the boundaries has been licensed on the payment by each occupier of an annual fee of 10 £; and also that a small assessment is levied, on all stock depastured beyond the boundaries of location, for the purpose of defraying the expense of a border police; but it never has yet been pretended that the Government, by taking

627.

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these

No. 27.  
Sir George Gipps  
to Lord J. Russell.  
5 June 1841.

17 Sept 1841.

2 Vict. No. 27.

NEW SOUTH  
WALES.

these fees or rates, makes itself liable for all losses sustained by the aggressions of the natives; and as very serious consequences would result from the admission of such a doctrine, I have felt it my duty strenuously to oppose the introduction of it.

Though Mr. Waugh's memorial is dated the 17th February, it reached me only, in a fit state for transmission to your Lordship, on the 5th ultimo.

I have, &c.  
(signed) *Geo. Gipps.*

Enclosure in No. 27.

(41/4520)  
Encl. in No. 27. Unto the Right Honourable Lord *John Russell*, her Majesty's Principal Secretary of State for the Colonial Department.

The Petition of *David Lindsay Waugh*,

Humbly sheweth,

THAT your petitioner arrived in the colony of New South Wales in the year 1834, and has resided in the said colony ever since.

That your petitioner in the months of September and October 1840, presented a memorial and petition to his Excellency Sir George Gipps, Governor-general of the said colony, wherein on the narrative of his having in the ordinary course of business in this country, taken up a new location about 120 miles from Melbourne, in the district of Port Phillip, and of his having in consequence sustained a loss of 1,200 £, from an attack of the aboriginal natives, in which two of his men were murdered, and two more narrowly escaped; and which loss had resulted in the petitioner's entire ruin, he prayed his Excellency to order an inquiry to be instituted in regard to the circumstances of the case, and to the whole conduct of the petitioner in the matter, and on being satisfied that no blame attached to the petitioner, or on it being thought unnecessary to institute an inquiry, to award to him such compensation as to his Excellency, in the special circumstances of the case, might seem meet.

That in due course your petitioner received from his Honor, the superintendent of the district of Port Phillip, through whose hands the memorial and petition passed, an answer to the following effect: That his Excellency was happy to say there was nothing in the reports which had reached him in any way to throw blame upon the petitioner, in the unfortunate events which had occasioned so large a loss as was represented the petitioner had sustained; but that, at the same time, it was quite out of his Excellency's power to make the petitioner any compensation, as the risk of loss from the attacks of the natives was one to which every person who goes beyond the boundaries of location in the colony knows he is exposed.

That your petitioner by no means considered himself to be out of the protection of the government at his station, at the time the attack was made on him; for although beyond the boundaries of location, which are the boundaries of the land surveyed and open for purchase, the station was much nearer the seat of government, a police station and a post road, than those of a very great number of the settlers who depasture their stock under the sanction of government. That the petitioner paid the usual fee of 10 £, for a licence to hold the particular run for the depasturing of his stock, and usual fees of head money for the stock so depastured, levied by the government, nominally to afford protection to the settler. That the natives who committed this depredation have never yet been convicted.

That your petitioner has been utterly ruined by this severe loss, having from the effects of it, both direct and indirect, been reduced to a state of insolvency. That he has been an industrious, frugal, and hard-working man ever since he arrived in the colony; and has been the means of advancing the interests of all parties both in the colony and mother country, by the strong impulse he gave to emigration, by the publication of the "Three Years' Practical Experience of a Settler in New South Wales," of which he is the author, of which upwards of 8,000 copies and eight editions were sold in the mother country, besides being quoted in every contemporaneous publication on the subject, and nearly embodied in a popular periodical circulating 60,000 copies. That the said work was published early in 1838, and the petitioner appeals in support of his averments to the vast increase of emigrants since that period, as will appear from the official records. That a very great number of those persons, land and stock holders, are ready to depose that they emigrated to the colony entirely on the faith of the statements of that work, the consequence of which has been the purchase of an immense extent of land from the Government at high prices, which has enabled it to pay for the passage of a great number of labourers from the mother country, given employment to capital to a large amount, and proved of equal benefit both to the colony and the mother country.

That in these circumstances your petitioner submits his case, and in consideration of the peculiar circumstances of it, begs humbly to make the present application.

May it therefore please the Right honourable Secretary to take the case of the petitioner into consideration, and in respect of the peculiar circumstances thereof, to grant him such compensation in an allotment of land or otherwise, as to his Lordship may seem meet.

And your petitioner shall ever pray.

Sydney, 17th February 1841.

(signed) *David L. Waugh.*



MEMORIAL to his Honor the Superintendent of the District of Port Phillip, regarding the Murders and Damage done by the Blacks at the Station of *David Lindsay Waugh*, on the Dallatite or Devil's River.

IN the month of May 1840, I brought over from the district of Goulburn Plains a herd of cattle and a flock of sheep, and located on the Dallatite or Devil's River, next the station of Messrs. Watson and Hunter. The sheep consisted of 1,026, besides some lambs, nearly 800 being ewes, 150 lambing, and the others to drop in spring. I proceeded to Melbourne to take out a licence and procure supplies, and in my absence the blacks committed the following outrages, which are now detailed in a regular series for the consideration of his Honor.

The week after my departure for Melbourne the blacks became troublesome in our immediate neighbourhood, almost for the first time, and about the 19th or 20th May the police assisted Messrs. Watson and Hunter's people in driving them off. They drove them into ranges a considerable distance from them, but much nearer my station than they were before. It appears from a journal kept by the watchman at my station, and which was recovered after his death, that on the 21st May the blacks appeared to him at the station, and that, according to the express orders I left, he killed a sheep for them, but that they said it was not good enough; and on his refusal to give them powder and shot, they said they would be back next day, and went off in the direction of the shepherd. Nothing more of them is known; but some days after that, on some of the sheep making their appearance at the cattle station, one of the men went up to see the cause, and found no one there, everything destroyed, a few sheep scattered up and down, and the watchman's hat with the crown stove in, and blood and hair inside. Terrified at this they left the place to seek assistance, and next day Messrs. Watson and Hunter's superintendent and two others, well armed, went with the men over to both stations, searched for the men's bodies without success, collected all the sheep they could get, and apprehensive of the remaining two men being also cut off, and the men under these circumstances positively refusing to remain, kindly allowed them to take the sheep to a station of theirs, where there were three other men, till I should return. All the sheep they could collect amounted to 538, a considerable number of which were wounded and lamed by spears, and all dreadfully frightened and jaded, many being unable to reach even the station from their wounds. In the hurry and fright the men could not take many things away with them, but the second day after on some people going over to get the articles left, they found that the blacks had been there, and taken away everything that could be, or supposed to be, of use to them, leaving some of their own clothes in the hut. A list of everything taken away or destroyed is appended. As soon as possible, in the circumstances, information of the murder was conveyed to the police station at the Broken River, a distance of nearly 50 miles, and they came up to Messrs. Watson and Hunter's station. On my arrival I returned with the sheep to the cattle station, not wishing to intrude on Messrs. Watson and Hunter any longer than possible; and was obliged to put the hut in the first place into as good a state of defence as we could, ceiling part of it to make it spear proof, and leaving loop-holes all round. Since then I have never fallen in with any of the blacks, although they have been on the ground where the sheep station was once during that time. The police have been twice in the neighbourhood since my return, once at Messrs. Watson and Hunter's, and once at this place, on 23d August last. About 30 or 40 of the sheep died from the effects of the damage they had sustained, some lingering a good while till they pined away. At Messrs. Watson and Hunter's station, where my sheep were placed, one of their flocks caught a disease, and mine being in contact were also infected, and so many of them died that I have now only 280 left of the 1,026 I originally placed on the run. The direct loss I have sustained is so great as to amount to the greater part of all I have acquired during the six years I have been in the country; I cannot estimate at less than 1,200 *l.* The indirect loss, if taken into account, would swell the sum much higher.

(signed) *David L. Waugh.*

Dallatite, 5 September 1840.

Unto his Excellency Sir *George Gipps*, Knight, Captain-general and Governor-in-Chief of the Territory of New South Wales, and the Dependencies thereof.

The Petition of *David Lindsay Waugh*,

Humbly sheweth,

THAT your petitioner on the 12th day of December 1833 embarked at Leith in the ship *Isabella*, bound for Sydney, where he arrived in the month of June 1834.

That shortly after his arrival he accepted the situation of superintendent in the establishment of *Thomas Barker*, Esq., in Argyle, in whose service he remained till the month of February 1836.

That thereafter your petitioner took a lease of the farm of *Gatton Park*, in the county of Argyle, for a period of five years, which expires on 1st May next.

That your petitioner having by dint of attention and industry succeeded in acquiring a small sum of money, he invested the greater part of it in sheep and cattle, with which, in

NEW SOUTH  
WALES.

Encl. in No. 27.

the month of March last, he proceeded from Goulburn Plains, intending to settle in the district of Port Phillip. That he accordingly took up his location on the Dallatite or Devil's River, distant about 120 miles from Melbourne, and about 35 miles from the road leading from Melbourne to Sydney.

That he arrived at that locality on or about 5th May last, and on 15th of same month proceeded to Melbourne to take out a licence, procure supplies, dispose of some of his cattle, leaving two in charge of his head station at Dallatite on the Devil's River, and other two men in charge of the sheep depasturing about five miles distant on the same river. That his reason for placing the sheep at such a distance from the head station was for the sake of protection, Messrs. Watson and Hunter having a sheep station across the river directly opposite. That the station at which the petitioner so took up his location can in no respect be considered a remark or unprotected one, being close to the settlements of Messrs. Watson and Hunter and Mr. Stuckey, about 40 miles from the police station at the Broken River, and within the district over which Mr. F. A. Powlett is commissioner and Mr. Dredge protector.

That a few days before the petitioner proceeded to Melbourne, viz. on the 11th day of May last, George Augustus Robinson, Esq., and Mr. Dredge called at the petitioner's head station at Dallatite, where they remained till the following day. That the petitioner had no grounds to apprehend, nor did these gentlemen give him the smallest hint for apprehending, that his station was in any danger from the blacks.

That on his return from Melbourne, where he remained for about 18 days, disposing of his cattle, taking out his licence, and procuring supplies, he learned that the blacks had visited the station in his absence, murdered the two men in charge of the sheep, most of which they had carried away, plundered the head station of almost everything valuable, and compelled the two men in charge of it to entirely abandon it.

That the loss which the petitioner has sustained upon this occasion is so great as to exhaust all he has acquired during the six years he has been in the colony, and nearly to entirely ruin him in his means and prospects. That he cannot estimate his direct loss at less than 900 L., the particulars of which will appear from the schedule hereto annexed, besides an indirect loss of 300 L., and the consequent derangement of all his plans, and nearly the complete loss of the season. That as soon as possible after the occurrence information of the murder and robbery was communicated to the police at the station on the Broken River, and the petitioner has lately submitted a memorial of his case, with a statement containing information generally in regard to the blacks, for the consideration of his Honor the Superintendent of Port Phillip.

That in these circumstances, and with reference to that memorial and statement, which his Honor has agreed to lay before your Excellency along with this petition, your petitioner begs humbly to make the present application.

May it therefore please your Excellency to order an inquiry to be instituted in regard to the circumstances of the case, and to the whole conduct of the petitioner in the matter, and on being satisfied that no blame attaches to the petitioner, or should it be thought unnecessary to institute an inquiry, to award to him such compensation for the loss he has sustained as to your Excellency, in the special circumstances of the case, may seem meet.

And your petitioner shall ever pray, &c.

(signed) *Dav. L. Waugh.*

Melbourne, 9 October 1840.

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LIST of ARTICLES taken by the Blacks from the Station of *D. L. Waugh*, on the Dallatite or Devil's River.

Sheep destroyed or died from wounds:

|              |   |   |   |   |   |   |   |   |   |   |       |
|--------------|---|---|---|---|---|---|---|---|---|---|-------|
| Ewes in lamb | - | - | - | - | - | - | - | - | - | - | 490   |
| Rams         | - | - | - | - | - | - | - | - | - | - | 18    |
| Wethers      | - | - | - | - | - | - | - | - | - | - | 30    |
| Lambs, about | - | - | - | - | - | - | - | - | - | - | 100   |
|              |   |   |   |   |   |   |   |   |   |   | <hr/> |
|              |   |   |   |   |   |   |   |   |   |   | 638   |

The men killed were—

John Kyly, immigrant, native of Cork; Emanuel Haly, per "Recovery," 1836, native of Yorkshire; sentence, life.

All their clothing and bedding, &c. &c. (of which a more detailed list was submitted to his Excellency).

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Copy Answer to the foregoing Petition.

(No. 40/848.)

Sir,

Melbourne, 13 November 1840.

I am instructed by the Colonial Secretary, on the part of his Excellency, to acknowledge the receipt of the memorial which you placed in my hands for transmission to Sydney. His Excellency requests me to inform you, in reply, that there is, his Excellency is happy to say, nothing

nothing in the reports which have reached him in any way to throw blame upon you in the unfortunate events which have occasioned to you so large a loss as you represent that you have experienced; but that, at the same time, it is quite out of his Excellency's power to make to you any compensation, as the risk of loss from the attacks of the natives is one to which every person who goes beyond the boundaries of location in this colony knows he is exposed.

NEW SOUTH WALES.

Encl. in No. 27.

David Lindsay Waugh, &c. &c.  
Dallatite.

I have, &c.  
(signed) C. J. La Trobe.

— No. 28. —

(No. 27.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,  
Downing-street, 29 October 1841.  
I HAVE to acknowledge the receipt of your despatch of the 3d of June last, No. 119, forwarding a memorial from Mr. David L. Waugh, praying that he may be allowed compensation, by an allotment of land or otherwise, for a loss sustained by an attack on his sheep station from the aborigines.

No. 28.  
Lord Stanley to  
Sir George Gipps.  
29 October 1841.

I approve of the reasons which you have assigned for declining a compliance with a similar application which you received from Mr. Waugh; and I have to request that you will acquaint the memorialist that I cannot admit his claim to compensation.

I am, &c.  
(signed) Stanley.

— No. 29. —

(No. 120.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord John Russell.

My Lord,  
Government House, Sydney,  
6 June 1841.  
RECURRING to the subject of special surveys, on which I have recently had frequent occasion to address your Lordship, I enclose herewith a copy of a letter from the superintendent of the district of Port Phillip, inquiring whether land set apart for the use of the aborigines can be demanded by the holder of an order for a special survey; also a copy of my answer to the same, declaring that no land set apart in any way for the use of the aborigines shall be included in a special survey, until orders to the contrary from your Lordship may be received.

No. 29.  
Sir George Gipps  
to Lord J. Russell.  
6 June 1841.

4 May 1841.  
No. 1.

19 May 1841.  
No. 2.

I trust your Lordship will approve of the decision which I have come to in this matter.

I have, &c.  
(signed) George Gipps.

Enclosure 1, in No. 29.

(No. 41/463.)

Sir,  
Melbourne, 4 May 1841.  
IN connexion with the subject of special surveys, I beg leave to inquire his Excellency's pleasure on the following point.

Encl. 1, in No. 29.

I take it for granted that whatever reserves his Excellency has already sanctioned for the use of the aborigines cannot be comprehended in a special survey.

It is, however, not clear to me how far the arrangements made, with the approval of his Excellency, that no squatting station should be allowed within five miles of the aboriginal homestead, situated on the reserved square mile, can be construed to debar the holders of special survey orders from selection within the circuit thus indicated.

I am exceedingly doubtful whether, even by a reserve of this character and magnitude, the plans set on foot by Her Majesty's Government for the especial benefit of the aboriginal inhabitants of the district will be facilitated in any degree.

The deep-rooted taste for a wandering life which the natives exhibit, and the apparent impossibility of prevailing upon those in this quarter of the district, either by mild or by

NEW SOUTH  
WALES.

Encl. 1, in No. 29.

harsh measures, to relinquish their visits to the town and vicinity of Melbourne, shows that any arrangement having for its end the exclusion of the settlers from the part of the country where the blacks are supposed to have their homestead, will not have the effect of keeping the two races apart from each other, or of preserving the natives from contamination.

The intercourse between the native black and the white of any class, in this part of the country, would be exceedingly slight if the natives could be prevailed upon not to seek that intercourse. This, however, appears to be out of the question.

I have thought it my duty to state this, at the same time that his Excellency may believe that I should regret to see all the fair land in the district brought in at once at 1*l.* per acre by the holders of special survey orders, and be very glad to fall in with his Excellency's views, should he deem proper to authorize these extensive reserves; as by that means some portion of the more valuable lands of the district might be, for the present at least, exempted from sale under the system recently introduced into the colony.

The Hon. the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) C. J. La Trobe.

Enclosure 2, in No. 29.

(No. 41/244.)

Encl. 2, in No. 29.

Sir,

Colonial Secretary's Office, Sydney, 19 May 1841.

IN acknowledging the receipt of your letter of the 4th instant, No. 41/463, on the subject of aboriginal reserves, in connexion with special surveys, I am directed by his Excellency the Governor to inform your Honor, that until orders from England may be received to the contrary, no special survey can be allowed to comprise any portion of land reserved for the aborigines; and that aboriginal reserves must be held to comprehend not only the central square mile, but also all the lands within five miles of it, or the lands on which at present licensed squatters are not allowed to seat themselves.

His Honor the  
Superintendent of Port Phillip.

I have, &c.  
(signed) E. Deas Thomson.

— No. 30. —

No. 30.  
Lord Stanley to  
Sir George Gipps.  
29 October 1841.

(No. 26.)

COPY of a DESPATCH from Lord *Stanley* to Governor Sir *George Gipps*.

Sir,

Downing-street, 29 October 1841.

I HAVE received your despatch of the 6th of June last, No. 120, transmitting copy of a letter which you had received from the superintendent of Port Phillip, inquiring whether land set apart for the use of the aborigines can be demanded by the holder of an order for a special survey, together with a copy of your reply, declaring that no land so set apart shall be included in a special survey.

I approve of the answer which you returned to Mr. La Trobe's inquiry. On the general subject of special surveys it is only necessary for me to refer you to the Royal instructions, which you would receive with my predecessor's despatch of the 1st of August last.

I am, &c.  
(signed) *Stanley*.

— No. 31. —

No. 31.  
Sir George Gipps  
to Lord J. Russell.  
9 June 1841.

(No. 121.)

EXTRACT of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*, dated Government House, Sydney, 9 June 1841.

8 June 1841.

I HAVE the honour herewith to enclose to your Lordship a copy of the address with which I yesterday opened the ordinary session of the Legislative Council of this colony.

Enclosure in No. 31.

NEW SOUTH WALES.

(Extract.)

ADDRESS of His Excellency Sir *George Gipps*, Governor of New South Wales, to the Legislative Council, at the Opening of the Session, on the 8th June 1841.

Encl. in No. 31.

In a country where labour is so much in demand, it must appear strange to all who have their eyes directed on us, that we should neglect the nearest source from which it is to be obtained, I mean the real children of the soil, the aboriginal inhabitants of the country. Though by nature wild, and with difficulty induced to submit to the restraints which are imposed on ordinary labourers, abundant proof exists that they may be made to do so. I have seen some establishments myself, and am informed of others, in which they have been, and still are, profitably employed. The colonists are individually, no less than collectively, concerned in this important matter; and in addition to the considerations of religion, humanity, and justice, which press so heavily upon us, we have now a further reason for turning our attention to it, as I have received instructions from Her Majesty's Government to apply to the civilization and improvement of the aborigines 15 per cent. of the revenue derived from the sale of the unimproved lands of the Crown.

— No. 32. —

(No. 9.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *G. Gipps*.

No. 32.  
Lord J. Russell to  
Sir George Gipps.  
24 Jan. 1840.

Sir,  
I TRANSMIT to you herewith a copy of a communication which I have received from Mr. J. H. Wedge, containing some suggestions in regard to the amelioration of the condition of the natives at Port Phillip; and I have to request that you will call on Mr. La Trobe for his opinion and report as to the practicability and the usefulness of carrying Mr. Wedge's suggestions into effect.

18 Jan. 1840.

I have, &c.  
(signed) *J. Russell*.

Enclosure in No. 32.

Shudy Camps, near Linton, Cambridgeshire,  
18 January 1840.

Encl. in No. 32.

My Lord,  
PURSUANT to the intimation in the letter of the 26th ultimo, addressed to me by your Lordship's instructions, I avail myself of the permission therein contained to offer suggestions, the adoption of which I am sanguine would lead to the amelioration of the aborigines at Port Phillip, and not only at that settlement, but in New Holland generally. I mention Port Phillip more particularly because I have had greater opportunities of observing the habits and condition of the natives at that settlement than in other parts, and because it may be deemed prudent to give the plan a limited trial before it is adopted more generally in the extensive regions of Australia; for which Port Phillip and the adjacent country offers a convenient field, without involving much trouble or expense, scarcely any beyond the arrangements and appointments already made, which, by enlarged instructions, may be made to carry out the system I have to propose.

It is unnecessary again to detail the sad and melancholy results which I apprehend from the present condition of the natives, viewed in connexion with the occupancy of their country, as I have already alluded to them very fully in my letter addressed to the late Secretary of State, of the 22d April 1839, a copy of which I forwarded to your Lordship; and also in my letter of the 12th ultimo to your Lordship. I may, however, be allowed to say that the act of taking possession of their country, unless ample provision be made for them, cannot be looked upon with indifference by the aborigines when they begin to feel the consequences of being dispossessed of the haunts which have hitherto afforded them the means of subsistence. Their only alternative will be either to try to maintain their own possessions by committing depredations on the flocks, and not unfrequently, I fear, by the murder of the shepherds, or to fall back and encroach upon the hunting grounds of the adjoining tribes. Under such a state of things, it is not in human nature but that a feeling of hostility will follow from one tribe to another as colonization advances, in which the colonists will be continually involved. In whatever light the subject is viewed, I conceive that it will be admitted by all that it is not only our duty but our interest to compensate them for depriving them of the means of supporting life, by supplying them with food and raiment, to minister to their wants, to teach them domestic and useful habits, and to instil into their minds religious precepts.

The aborigines and the colonists have, both of them, much at stake; their interests are, however, under the present order of things, directly opposed to each other. It is my object,

NEW SOUTH  
WALES.

Encl. in No. 32.

in the following suggestions, to render the interests of the blacks identical with those of the whites, to make the civilizing the heathen mark our progress as colonists, and instead of the black catalogue of crimes that have hitherto stained our career, we may carry with us the olive branch of peace, and deal justly to our fellow-creatures, whose territories we take unto ourselves.

I would first propose that the colonists should be called upon to aid the government in forwarding the work of civilizing the aborigines; but it is in vain to expect they will do so unless it be made to their interest to devote their time and attention to it. As an inducement I would suggest that the government should offer by proclamation that for each individual native that was reclaimed and domesticated by any colonist, he should receive a certain quantity of land as a remuneration. One advantage of this measure would be to create a friendly feeling on the part of the colonists; and instead of a disposition to drive the natives from their stations, they would have a strong inducement to conciliate, befriend, and to bring them about their habitations. I believe, under this arrangement, there are but few who would not attempt to domesticate one or more of the native families.

Before a settler could claim the reward, he ought to be called upon to prove to the satisfaction of the government, that the native he made claim for had been *bonâ fide* reclaimed and domesticated for a term of three years at least; for this purpose, and with a view to prevent the government being imposed upon, notice should be required to be given to the district police magistrate when any native first takes up his residence at any settler's establishment, in order that visits of inspection may be made by persons appointed by and at the discretion of the police magistrate, to ascertain whether the object of the government had been carried into full effect.

I would also recommend that stations should be formed in various parts of the colony where the natives could obtain a supply of food, to consist of flour, potatoes, tea, and sugar, in certain daily portions, whenever they applied (the quantity to be fixed by a committee to be appointed in the colony); a supply of blankets also, as well as an occasional issue of tomahawks.\* At these stations, to which a certain quantity of land should be attached as reserves for townships, I would recommend that small huts should be built for the use of the natives when they visited them; and on such occasions every inducement should be held out to encourage them to remain. An adequate quantity of land also should be inclosed for the growth of wheat and potatoes for the use of the natives, which would lessen the expense of the respective establishments. I may here, perhaps, be allowed to mention that, on the first occasion of my going to Port Phillip, the system of barter that I established for the purpose of inducing useful habits, was attended with the best effect, as far as I was then enabled to put it in practice; and I think it would be advisable not to lose sight of it in conducting the intercourse with the natives, and that the supply of food should be made to depend, as far as practicable, on their bringing some commodity of their own produce in exchange for what they might receive. I apprehend, however, that it will be necessary to invest the superintendents with a discretionary power to act as circumstances may require. The native women make a very neat and useful basket, which would afford them constant employment, and for which a market might be found in the colonies, and they might even be sent to England. Schools also for the instruction of the children ought not to be neglected, for it is upon their minds that religious and other instruction will make the greatest impression, if worked upon before they have acquired the habits of their parents. The male† adults might occasionally be occupied in some light employment, but on no account to coerce them to permanent labour, but rather let their occupation bear the appearance of amusement. They might be induced in some situations to carry on fishing to a considerable extent for the supply of the towns; and their attention might be directed to the growth of potatoes on small plots of ground attached to their huts. I think, in the present state of the colony at Port Phillip, about three or four stations of the nature I have suggested would be sufficient; and to superintend the management of them, a protector might be appointed to each of them.

As self-interest is, I apprehend, the great provocative to zeal in most cases, it may perhaps be worth the consideration, how far it would be desirable to offer a reward to the protector who should be most successful in reclaiming the natives at the end of the first five or seven years. This prospective hope of gain would have the further advantage of preventing the relinquishment of their appointments, thereby securing to the Government the services of men of experience.

To meet the charges of these establishments, and other incidental expenses connected with the natives, a portion of the money realized by the sale of Crown lands might be applied; and this would be the more equitable, as the natives have an undoubted claim upon the land; nor would it be altogether diverting it from its present application to the supply of labour.

On my first visit to Port Phillip, I met with a man (William Buckley) who had lived with the natives thirty-three years, a report of which circumstance I sent to the Secretary of State through Lieutenant-governor Arthur, in 1835. This man, whom I consider to be  
very

\* A small hand-axe, used by the natives for notching the trees for facilitating their climbing them.

† The work of reformation with the adults is more likely to begin with the women, who are made to find the greater portion of the food for the men; and as long as they supply the food by their labour, the men would be likely to be satisfied, and might, by degrees, be estranged from their wandering habits.

very well disposed, having travelled with him and found him very useful, is fully acquainted with the language of some of the native tribes, and might be rendered very serviceable in being the channel of communication with them.

I have been encouraged to submit this plan to the notice of your Lordship, because, in reply to my letters on the subject, I have ascertained from experienced colonists at Port Phillip that they concur with me in the probability of its being attended with success; I therefore earnestly recommend it to your Lordship for consideration.

The Right hon. Lord John Russell,  
Secretary of State, &c. &c. &c.

I have, &c.  
(signed) *Jno. H. Wedge.*

NEW SOUTH  
WALES.

Encl. in No. 32.

— No. 33. —

(No. 138.)

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *G. Gipps*.

Sir,  
Downing-street, 1 September 1840.  
WITH reference to my despatch No. 9, of the 24th January last, enclosing suggestions submitted by Mr. J. H. Wedge, in regard to the amelioration of the condition of the natives at Port Phillip, I now transmit to you, in order that it may be referred to Mr. La Trobe for his report, the copy of a further communication from Mr. Wedge, relative to the depredations committed by the aborigines on the property of the settlers in that district.

I am, &c.  
(signed) *J. Russell.*

No. 33.  
Lord J. Russell to  
Sir George Gipps.  
1 Sept. 1840.

24 July 1840.

Enclosure in No. 33.

Six-mile-Bottom, Newmarket, Cambridgeshire,  
24 July 1840.

Encl. in No. 33.

My Lord,  
CONNECTED with the suggestions for the amelioration of the condition of the aborigines of New Holland, which I had the honour to submit for your Lordship's perusal on the 18th of last January, I have received a letter, dated 13th November 1839, from my relative, who has charge of my blacks at Port Phillip, communicating that he had been subject to the depredations of the natives on several occasions.

Imagining that your Lordship would wish to be informed of the state of affairs, and to receive suggestions from those possessing colonial experience, I presumed, in submitting my plan of the 18th January, on my long residence in Van Diemen's Land (15 years), and the many opportunities afforded me by the situation I held in the survey department of that colony, of observing the habits and character of the natives. I had also opportunities of making the same observations in respect to the aborigines at Port Phillip whilst I was residing there, and during the several excursions I made in examining the country in 1835.

I now take the liberty of copying, for your Lordship's further information, an extract of the letter from my nephew's letter; and by advice I also send a copy of what I have written in reply.

The depredations, I am sorry to say, are not confined to one locality, for I perceive by the colonial newspapers that extensive losses have been sustained by the settlers in various parts of the colony by the depredations of the native tribes.

The immense extent of border territory of New South Wales will render it extremely difficult to afford protection either to the natives or to the settlers, by the appointments that have been made, or by the employment of a police force. Hostility from the natives must be the natural result of their being driven from their hunting-grounds; at the same time, it cannot be expected that the colonists will witness the destruction of their property with indifference, or without taking every means in their power to protect it. I believe that fatal collisions between the natives and the stock-keepers do take place, and that they are much more frequent than is known to the Government; and I fear they will continue until it is made to the interest of the colonists to assist in civilizing the natives in the way I have had the honour of suggesting.

The Right hon. Lord John Russell,  
Secretary of State, &c. &c. &c.

I have, &c.  
(signed) *J. H. Wedge.*

EXTRACT of LETTER from *Charles Wedge*, dated Port Phillip, 13 November 1839.

I AM very sorry to tell you that the natives are here very troublesome; they took your horse "Rattler" off the tether, and killed and eat him; they also took at one haul 70 ewes and 100 lambs, and have since taken about 25 more; they killed a cow and calf, and wounded another, and scattered them terribly. We have, however, collected them again. One of my shepherds was severely wounded in the hand; he is, however, now well. You may

NEW SOUTH  
WALES.

Encl. in No. 33.

may depend I do not allow these things to be done with impunity. The value of the stock destroyed by these savages amounts to about 300*l.*; and although we have been compelled to pay the following taxes, viz., licence to graze, 10*l.*; for every sheep, 1*d.* per head; for cattle, 3*d.*, and for horses, 6*d.* per head annually, with the promise held out of establishing a border police, we have, as yet, received no protection whatever. I have made no complaints to the authorities, as when they have been made no notice has been taken of them, except to threaten with the severity of the law in cases of retaliation.

## REPLY to the foregoing.

I REGRET to learn from your letter, as well as by the public newspapers, that the depredations of the natives are so frequent, and of the character you describe; at the same time, it is only the natural consequence of the occupancy of their country; for it must follow that, as colonization advances, they will be driven from their haunts, and in proportion to the extent of the country occupied they will be deprived of the food it yielded them. The consequence must be a feeling of hostility towards the settler; and, having acquired a taste for mutton and horse flesh, a disposition to commit depredations on the flocks and herds, as they have no other alternative, otherwise than by falling back on the adjoining tribes, from whom they will encounter an equal hostility as from the settlers. The depredations on the property of the settlers will give rise to an unfriendly feeling on their part, and their stock-keepers. What this will lead to the annals of Van Diemen's Land will point out, and of which you are but too well acquainted. Upon this subject I have written to Lord John Russell, telling him what the present state of affairs must lead to, opposed as are the interests of the settlers and the aborigines; and I pointed out a plan that would be likely to avert the melancholy consequences; and I will again draw his Lordship's attention to the subject. The collisions that have taken place, and those that will follow, I look upon as resulting from the inefficiency of the Government measures; not from any unwillingness on the part of Government, but from not being in possession of the real state of affairs. If we deprive the natives of the means of subsistence, by taking the country from them, we are bound, as an act of justice, to make them an adequate return in a supply of food. This, however, cannot be done by individuals without compensation, and this could be provided for in the way I have suggested; it would then become the interest of settlers to domesticate, instead of driving the natives from their stations. I would strongly recommend you to communicate officially to the Government whenever acts of aggression are committed by the natives; the onus will then rest with the Government, if the information remains unheeded; and you will only have done your duty in making a communication which the Government have a right to expect from respectable settlers. It may very justly be said, how can protection be afforded, if information is not given that it is required? Think well of this: It is said that the local Government, in answer to communications and applications for protection, have neglected to afford it, and have intimated that the severity of the law will follow any casualty that might ensue from repelling the attacks of the natives. Connected with this, I believe, both the local and Home Government have a very difficult task to perform; the former from the inadequacy of the instructions and powers trusted to it, the immense extent of border territory, and the scanty force at its disposal; the latter from the feeling in England being decidedly and strongly in favour of the aborigines; and a very influential body, headed by Mr. Buxton, are urging the Government to respect the rights of the natives, and to afford them protection. If protection could be extended to the settlers, the force employed would, in all probability, come occasionally into fatal collision with the natives, a knowledge of which would raise a clamour, and the conduct of the Government would be called in question. On the other hand, the settlers are not an influential body, and have no Parliamentary interest to enforce their claim for protection; if, therefore, in resisting the depredation of the natives, any of them should be killed, and it should come to the knowledge of the Government, a prosecution would follow, and, unless a strong justification could be proved, a conviction and its consequences would ensue. To facilitate these prosecutions, strong representations have been made, pointing out the necessity of passing an Act to enable the courts of law to receive the evidence of the natives.

Under all these circumstances, I would recommend you, should you unfortunately be placed in a position which requires you to repel attacks, to use as much forbearance as is compatible with your own safety and the security of your property, and on no account to retaliate afterwards; for in that case the innocent may suffer. I would also strongly recommend you, in the event of an unavoidable collision, to make an official report of it to the Government.

(signed) John H. W.

(No. 180.)

— No. 34. —

COPY of a DESPATCH from Lord John Russell to Governor Sir George Gipps.

Sir,

Downing-street, 15 December 1840.

I TRANSMIT to you herewith the copy of a letter which I have received from Mr. John Power, detailing the particulars of a murder committed by the natives at Port Phillip on the person of Mr. P. Codd, a settler in that district, in the month of May last.

I have

No. 34.  
Lord J. Russell to  
Sir George Gipps,  
15 Dec. 1840.

30 Nov. 1840.



I have to desire that you will immediately call upon Mr. Latrobe for a report of the circumstances attending that melancholy event, and that you will forward such report to me at your earliest convenience.

NEW SOUTH  
WALES.

I am, &c.  
(signed) J. Russell.

Enclosures in No. 34.

(1.)

My Lord, 4, Adelaide-Road, Dublin, 30 November 1840. Encl. in No. 34.

I HAVE to thank you for your courteous and prompt reply to the last communication I had the honour of addressing to you. You therein state you should be glad for any further information I could furnish to you on the subject of my former letter, and as I deem this can be best conveyed to you by a perusal of the despatch forwarded to the Government on the melancholy occasion, I take the liberty of sending you a copy of it herein enclosed. My Lord, this is a massacre that calls aloud for redress; and that you may not be wholly unaware of how the authorities are constituted in that distant portion of the British possessions, I take the further liberty of copying for your perusal some few extracts from the letter I received detailing the particulars of this savage transaction. After copy of the inquest held, the writer proceeds to say: "The foretold melancholy fate is the occurrence of every day to some unfortunate settler or his men, where the blacks are supported by white protectors, or more properly called murderers. We are not here as you are at home, with a sufficient police force to protect you, but are left to the mercy of a set of convict constables, the most insolent wretches in existence, rendered doubly so by the countenance and support they receive from the magistracy." The writer goes on to say, that having waited on the Governor to insist on having the murderers of Mr. Codd apprehended, he received for reply, "that there was no force in the country that could be spared." Comment from me on what I have detailed would be unnecessary; surely it is time that England should interfere, and no longer permit those daily murders to be perpetrated with impunity. I should feel happy to receive your assurance of her intention to do so; it will in some degree be an alleviation to the feelings of the surviving friends of Mrs. Codd as regards the past, while it will be for the future a security for the better preservation of their lives and property. Unwilling to obtrude my humble name before the public, I should indeed regret (warmly as I feel on the subject) to make it a matter of Parliamentary inquiry; but I owe it to my own feelings; I owe it to the honour of England, whose colony this distant field of murder is; but, above all, I owe it to humanity, not to let this matter rest, and I am determined that I shall not do so. I, however, feel an assurance of redress while I address your Lordship, who has already redressed so much, and apologizing for this long but imperative intrusion on your Lordship's time,

I have, &c.  
(signed) John Power.

Right Hon. Lord John Russell.

(2.)

Sir, Mount Rouse, 28 May 1840.

As I was on the point of despatching a messenger to your Honor, mounted policeman Ewing arrived, and as he goes direct to Melbourne, I take the opportunity of forwarding a statement by him of the following melancholy event:—

"About 10 o'clock yesterday, 19th instant, Mr. P. Codd and I were standing near the fire in front of my tarpaulin; I was playing my bugle, when suddenly the natives appeared. Mr. Codd and I immediately walked towards them, at the same time making signs to them to advance towards the men's hut. I then amused them, playing the bugle, after which they came up and asked me for some damper; I gave them a very large one, which I divided equally among them, 18 in number. Patrick Rooney, one of my servants, then proposed to try and induce the natives to carry out some tea-tree, which he had been cutting in a scrub about 300 yards from the hut. I agreed, though reluctantly, trusting that entire confidence was established between us. We (Mr. Codd, Rooney, and myself) accordingly walked down to the scrub, to show them what we wanted. We took no arms with us. Within about 20 yards of the scrub, Mr. Codd and myself stopped; Rooney went in with five of the natives. Presently he returned, the natives carrying some of the cut stuff. He then proceeded a second time into the scrub with the same natives; he had scarcely got in, when I heard him cry out, "Oh God, I am murdered!" at the same instant Mr. Codd, who was standing within two yards of me, was knocked down. The natives then struck me, and having no means of defence, I called to Mr. Codd to run. I started off at the same instant, as fast as I could, towards the hut, closely pursued by the blacks, who threw spears and waddies in great numbers at me, but, fortunately for me, without effect. They followed me within 100 yards of the hut. Having armed myself, I returned, to endeavour to save Mr. Codd and Rooney; but when I came to where Mr. Codd was lying, he had breathed his last. Rooney

NEW SOUTH  
WALES.

Encl. in No. 34.

had crept out of the scrub and had swooned near Mr. Codd; he now lies in a most dangerous condition from the wounds he then received.

"I could swear to the identity of every one of the natives who attacked us, having repeatedly conversed with them and made them presents."

To C. J. Latrobe, Superintendent.

I have, &c.  
(signed) *James Brock.*

— No. 35. —

(No. 184.)

No. 35.  
Lord J. Russell to  
Sir George Gipps.  
29 Dec. 1840.

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir,

Downing-street, 29 December 1840.

I TRANSMIT to you herewith copy of an anonymous statement which has been received at this department, setting forth the constant destruction of the aborigines of Port Phillip by the settlers, and I have to request that you will communicate to Mr. Latrobe a copy of this paper, with a view to his enabling you to report as to the accuracy of the statements it contains.

I am, &c.  
(signed) *J. Russell.*

Enclosure in No. 35.'

Encl. in No. 35.

THE following extract of a letter from Melbourne, dated 14th July, is respectfully submitted to Lord John Russell; should the facts it contains be already known to Lord John, it will only occasion the loss of a few minutes of his time:—

EXTRACT.

In this colony the murder of a native is punished very severely, if it can be proved against any one; but the only effect of this law is to make the settlers cautious of telling when they do shoot the blacks. It is quite certain that numbers of them are shot; their bodies are buried, and nothing more is ever heard of the matter.

A short time ago, a party of 38 natives stole several hundred sheep from an out-station near Portland Bay; when the proprietor's herds, who live at another place, heard of it, they set off in pursuit of the blacks, and out of the 38 murdered 36, and left their bodies collected in a heap. This is perfectly known in Melbourne, but it is extremely difficult to get sufficient proof to convict a criminal, especially if the murder, as in this case, is committed far in the bush. There are persons appointed to protect the blacks, but I am afraid it will be impossible to prevent their being extirpated. They are the greatest cowards possible, so that a stock-whip is generally sufficient to drive them away when they become troublesome.

The part of the country in which they are giving most trouble at present is near the Goulburn, on the Sydney Road; even there they seldom do anything more than drive off sheep and cattle, or plunder a hut. Murders, however, do sometimes occur, chiefly, I suspect, from the carelessness or fault of the shepherds, and when they do occur, a great noise is always made by the enemies of the aborigines: a week ago, four of Mr. Waugh's shepherds on the Goulburn were murdered, and the whole of his sheep driven away by the natives.

— No. 36. —

(No. 202.)

No. 36.  
Lord J. Russell to  
Sir George Gipps.  
20 Feb. 1841.

COPY of a DESPATCH from Lord *John Russell* to Governor Sir *George Gipps*.

Sir,

Downing-street, 20 February 1841.

WITH reference to my despatch, No. 180, of the 15th December last, I transmit to you copy of a letter which I have received from Mr. J. H. Wedge, on the subject of the murder of Mr. Codd by the natives at Port Phillip. In my despatch of the 24th January 1840, I transmitted a communication from Mr. Wedge, containing suggestions in regard to the amelioration of the condition of the natives at Port Phillip; and I trust that at an early period I shall receive the report which you were directed to obtain from Mr. Latrobe, as to the practicability and the usefulness of carrying Mr. Wedge's suggestions into effect.

I am, &c.  
(signed) *J. Russell.*

8 Feb. 1841.

## Enclosures in No. 36.

(1.)

My Lord,

Six Mile Bottom, 8 February 1841.

Encls. in No. 36.

DEEMING it of importance that the Government should be in possession of the information I have lately received respecting the frequent hostile collisions between the border settlers and the natives at Port Phillip, I take the liberty of sending an extract of a letter I have received from my brother, in Van Diemen's Land, for your Lordship's perusal. It is an additional painful confirmation of what I stated might be anticipated in the suggestions I had the honour of submitting for your Lordship's consideration on a former occasion.

The following is the extract :

"A week or two since I received a letter from Charles\*, confirming the death of poor Mr. Codd by the natives. He had been employed by Charles to keep his accounts, and had left his service only five days, and had gone to Mr. John Cox's station, which adjoins Charles's, to superintend the stock there, in the absence of Mr. Brock (Mr. Cox's overseer), who was about to proceed to this colony, but had not left. Codd, Brock, and a servant were employed in erecting a temporary hut, when the natives, in considerable numbers, came upon them, evidently hostilely inclined. Every means were used to pacify them, by distributing damper amongst them†, and by using every peaceable and conciliatory means in their power that occurred to them. Brock and the servant were, I believe, gradually retreating towards the hut, where they had plenty of fire-arms. Codd remained behind, still endeavouring to pacify them, but was almost instantly knocked down dead at one blow from a tomahawk on the back of his head, and afterwards dreadfully mutilated. The servant in retreating received a spear, and was not expected to live, but I rather think he has recovered. Brock miraculously succeeded in getting to the hut, a number of spears having missed him, but he was sadly bruised with waddies and boomerangs. On reaching the hut he presented himself at the door with a musket, when they instantly fled. Codd was buried the next day. Henry‡ on one occasion had several spears thrown at him, but was protected by some sort of a fence, and he broke their spears as they came. Although he had a gun he could not get a shot at them, as they were covered behind trees. On the following day, or soon after Codd met his death, the squatters in the neighbourhood went in pursuit of the natives; but owing to the wetness of the season, they did not succeed in revenging themselves so far as they intended. However, I believe three or four suffered, with the loss of one of Mr. Cox's horses. As the rider was pursuing the natives, his horse, suddenly fell into a hole and broke his neck, and rendered the man insensible for a length of time. Of course they were obliged to give over the pursuit to protect the man. They (the squatters) are determined (as they pay for protection and receive none,) to exterminate this hostile tribe, without such protection is given them as will enable them to live in comparative security."

I beg to state that, in transcribing the last sentence in the extract, I have no intention of charging the officer in the administration of the government at Port Phillip of neglect in affording the necessary protection to the border settlers; for, from long experience, I am but too well aware of the impracticability of doing so effectually along such an extensive line of country, with the force at the command of the colonial government. I transcribe it for the sole purpose of showing how urgently it is required that some immediate measure should be adopted to stem the increasing hostility, otherwise than by the application of military force; and I think the adoption of the plan I suggested would, when fairly brought into operation, be productive of great good.

I take leave here to state, in reference to that part of the plan which recommends the establishment of depôts of provisions for the supply of the natives, that I think it would be desirable to cause that part of it to be carried into immediate effect; and that the man Buckley, who is in the pay of the government, should be instructed to explain to the natives the nature of and for what purposes the depôts were formed, and to request them to make the communication to the adjoining tribes, for Buckley can only converse in the language of one or two of the tribes. This, together with making it to the interest of the colonists to join in the attempt to bring the natives into domestic habits, would, I think, be more likely to arrest the work of extermination than any measure that has hitherto been adopted, and be productive of advantages both to the aborigines and the settlers; and I again earnestly recommend it for consideration, trusting that the nature of the subject will fully excuse me for again bringing it before your Lordship.

To the Right hon. Lord John Russell,  
Secretary of State, &c. &c. &c.

I have, &c.  
(signed) Jno. H. Wedge.

\* His son at Port Phillip.

† Bread baked in the ashes when they have not the convenience of an oven.

‡ One of my brother's sons.

NEW SOUTH  
WALES.

— No. 37. —

(No. 140.)

No. 37.  
Sir George Gipps  
Lord J. Russell.  
19 July 1841.

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

My Lord,

Government House, Sydney, 19 July 1841.

I HAVE had the honour to receive your Lordship's despatch, No. 202, of the 20th February 1841, enclosing a copy of a letter from Mr. J. H. Wedge, on the subject of the murder of Mr. Codd, by the natives at Port Phillip, in the month of May 1840, and I have further had the honour to receive your Lordship's despatch, No. 180, of the 15th December 1840, with an enclosure from Mr. J. Power, relating to the same melancholy event.

I transmit herewith to your Lordship a copy of the report of the murder of Mr. Codd, which I received from Mr. La Trobe at the time of its occurrence; as also a copy of my reply to the same, by which your Lordship will perceive that everything was, in my opinion, done by Mr. La Trobe that the nature of the case appeared to require or admit of; and I have only further to add, that Mr. La Trobe's report was referred to the Attorney-general, to assist him in bringing to trial any parties who might be apprehended for the murder.

I shall forward copies of both your Lordship's despatches and their enclosures to Mr. La Trobe, and in so doing remind him that I have not yet received the report which he was some time ago, in pursuance of the instructions contained in your Lordship's despatch, No. 9, of the 24th January 1840, called on to furnish, on the suggestions which had then been offered by Mr. Wedge for the improvement of the aborigines.

As soon as I receive Mr. La Trobe's report I will forward it to your Lordship, but in the meantime I will beg leave to observe, that the reports which have from time to time been forwarded by me to your Lordship, will I think satisfactorily show that we have already, in our dealings with the natives, advanced far beyond the point at which anything contained in Mr. Wedge's suggestions could be of use to us.

I beg further to take this opportunity of acknowledging the receipt of another despatch from your Lordship, dated the 29th December 1840, No. 184, enclosing a copy of an anonymous communication, setting forth the constant destruction of the aborigines by the settlers, which despatch, and its enclosure, I shall equally transmit to Mr. La Trobe.

I regret that I am not in a condition to deny that great atrocities have been, and still continue to be, committed in the Port Phillip district, both by the aborigines and on them; but I trust the numerous communications I have had occasion to address on the subject of them to your Lordship, will prove that no measures, within the power of this government, or its officers at Port Phillip to adopt, have been wanting, that might have a tendency to suppress such outrages; and I beg further to assure your Lordship that my efforts for the attainment of this object shall not be relaxed.

I have, &c.  
(signed) *Geo. Gipps.*

Enclosure 1, in No. 37.

(No. 40/430.)

Encl. 1, in No. 37.

Sir,

Melbourne, 5 June 1840.

In forwarding to you the following report which I have received of the murder of Mr. Codd by the blacks, in the vicinity of Mount Rouse, I have the honour to state that the chief protector being still absent, I forthwith wrote to Mr. Assistant Protector Sievwright, transmitting copies, requesting him to investigate the circumstances, and pointing out the propriety, if he find, upon examination on the spot, that the account is fully substantiated, that measures should be taken to mark and secure, either at this or any other favourable time, the perpetrators of such an unprovoked murder. The border police for his division of the district not being as yet organized, I have desired the officer in command of the mounted police to place two of his men under Mr. Sievwright's orders, if he should desire it, to assist him in his inquiries, and in any other steps he may think proper to pursue.

The Honourable the Colonial Secretary.

I have, &c.  
(signed) *C. J. La Trobe.*

Sir,

Mount Rouse, 20 May 1840, Wednesday Evening.

As I was on the point of despatching a messenger to your Honor, mounted policeman Ewing arrived, and as he goes direct to Melbourne, I take the opportunity of forwarding a statement by him of the following melancholy event.

Encl. 1, in No. 37-

About 10 o'clock yesterday morning, 19th, Mr. P. Codd and I were standing near the fire in front of my tarpaulin. I was playing my bugle, when suddenly the natives appeared. Mr. Codd and I immediately walked toward them, at the same time making signs to them to advance towards the men's hut. I then amused them, playing the bugle, after which they came up and asked me for some "damper." I gave them a very large one, which I divided equally among them, 18 in number. Patrick Rooney, one of my servants, then proposed to try and induce the natives to carry out some tea tree, which he had been cutting in a scrub about 300 yards from the hut. I agreed, though reluctantly, trusting that entire confidence was established between us. We (Mr. Codd, Rooney, and myself,) accordingly walked down to the scrub to show them what we wanted; we took no arms with us. Within about 20 yards of the scrub Mr. Codd and myself stopped. Rooney went in, with five of the natives; presently he returned, the natives carrying some of the cut stuff. He then proceeded a second time into the scrub, with the same natives; he had scarcely got in, when I heard him cry out, "O God, I am murdered!" At the same instant Mr. Codd, who was standing within two yards of me, was knocked down. The natives then struck me, and having no means of defence, I called to Mr. Codd to run; I started off at the same time as fast as I could towards the hut, closely pursued by the natives, who threw spears and waddies in great numbers at me, but fortunately without effect. They followed me to within 100 yards of the hut. Having armed myself, I returned to endeavour to save Mr. Codd and Rooney, but when I came to where Mr. Codd was lying, he breathed his last. Rooney had escaped out of the scrub, and had swooned near Mr. C.; he now lies in a most dangerous condition, from the wounds he then received. I forward to your Honor the description and number of the wounds on the body of Mr. Codd; I could swear to the identity of every one of the natives who attacked us, having repeatedly conversed with them and made them presents.

I have, &c.  
(signed) *James Brock.*

Mount Rouse, May (about) 26th, Wednesday, 1840.

We, the undersigned, have this day examined the body of Mr. Patrick Codd, murdered on Tuesday (yesterday) morning by the natives, and certify to have witnessed the following wounds then inflicted. One wound in the left ear, penetrating the brain; one wound immediately under left eye; one wound on left cheek; one wound above left eyebrow; one wound on chin; one wound across bridge of nose, severing the lower part, and cutting upper lip; a wound along each side of nose; one wound into right eye; one wound with a ragged spear, entering the back of neck and penetrating through right breast; one wound on left knee; the whole of the back of skull beaten in, the bones protruding.

|                          |  |
|--------------------------|--|
| (signed)                 | his                                      |
| <i>James Brock.</i>      | <i>John x Collins.</i>                   |
| <i>Augustine Barton.</i> | mark.                                    |
| <i>Edward Barnett.</i>   | <i>John Challenger.</i>                  |
| his                      | his                                      |
| <i>James x White.</i>    | <i>Peter x Ewing, Mounted Policeman.</i> |
| mark.                    | mark.                                    |
| <i>John Roach.</i>       |  |

Enclosure 2, in No. 37.

(No. 161.)

Sir,

Colonial Secretary's Office, Sydney, 23 June 1840.

Encl. 2, in No. 37-

I HAVE had the honour to receive and to submit to the Governor your letter of the 5th instant, reporting the murder of Mr. Codd by the blacks, in the vicinity of Mount Rouse, at Port Phillip, and in reply I am directed to say, that much as his Excellency regrets to hear of this atrocious murder, he does not see that more can be done than what your Honor has already ordered with a view to the apprehension of the offenders.

His Honor the Superintendent, Port Phillip.

I have, &c.  
(signed) *E. Deas Thomson.*

— No. 38. —

No. 38.  
Sir George Gipps  
to Lord J. Russell.  
25 July 1841.

(No. 145.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

Government House, Sydney,  
25 July 1841.

No.  
87 - 5 April 1841.  
88 - 5 - -  
89 - 7 - -  
90 - 9 - -

My Lord,  
RECURRING to the subject of the protection and civilization of the aborigines, and particularly to my despatches named in the margin, I have the honour herewith to forward to your Lordship a copy of a letter from Mr. La Trobe, dated the 29th June last, and a memorandum which accompanied it, on the subject of homesteads for the several protectors of aborigines in the Port Phillip district.

29 June 1841.

I have, &c.  
(signed) *Geo. Gipps*.

Enclosure in No. 38.

Encl. in No. 38.

(No. 41/665.)

Sir,

Melbourne, 29 June 1841.

It is my duty to state that during the prolonged absence of the chief protector from the vicinity of Melbourne, I have but slender opportunities of becoming acquainted with the proceedings at the aboriginal homesteads, or with the state of the several districts under charge of the assistant protectors.

As however it is now some time since my communication on the subject was forwarded for his Excellency's satisfaction, I take occasion to transmit such information as I possess, leaving the communication of the more important details until I shall have received the reports of the chief protector.

The Honourable  
The Colonial Secretary, Sydney.

I have, &c.  
(signed) *C. J. La Trobe*.

MOUNT MACEDON DISTRICT.

WITH reference to the proceedings of the assistant protector, and the general position of the natives of this district, my present information is scanty, and extends only to the month of February, up to which time Mr. Parker thus states the general results:

"During the six months ending February 28th, I have obtained and remitted to the chief protector a census of the aboriginal population of the district, from its eastern and southern boundaries to the Pyrenees, numbering 350 individuals. A homestead has been formed and cultivation commenced on the river Laddon. The greater portion of the Jujowrong tribe has been concentrated at the homestead, and many of the aborigines usefully employed. More decided and extensive results would have been obtained but for the temporary character of the stations, which must shortly be removed to a site more favourable for agricultural purposes. A number of youths have been permanently domesticated, and partially brought under instruction. Want of means has unavoidably restricted this effort for the benefit of the aborigines. The number of orphan children under the care of the protector during the last four months ranged from 5 to 12; and in the same period the average number of sick daily attended to has been 10."

Since the above was written, Mr. Parker has been put in possession of the new station at "Jem Crow Hill," and has, I believe, moved his encampment.

During the month of April several attempts at murder were made, and one murder was committed by the blacks in this district; but Mr. Parker repudiates the idea of the perpetrators being associated with the Jajowrong tribe, with whom he is mainly in connexion.

One black, evidently concerned in the murder of Mr. Bennet's shepherd in the Campaspee, was found, with a gunshot wound, by the party of border police near the spot, and brought down to the hospital, where he died, after undergoing amputation of the leg.

Certain of the assigned servants of Messrs. Dutton and Darlot were arrested by the assistant protector, and brought down to Melbourne upon a charge of having been accessories in the murder of a black. They were tried before the resident judge, and acquitted.

GOULBURN RIVER DISTRICT.

Encl. in No. 38.

Partial information of the state of things in this district has reached me down to the present month.

The assistant protector appears by his account to have made considerable progress in laying out a village at the aboriginal homestead, in the erection of stores and huts, and in fencing and preparing soil for cultivation.

The natives appear occasionally to have assisted; but I cannot gather from the report he has sent me that they have as yet evinced any steadiness or inclination to attach themselves either to their homestead or to their protector.

Mr. Le Souef seems to conceive that there are amongst the Goulburn blacks many daring characters, who not only systematically commit outrages, but whose influence is such as not only to prevent the natives remaining quiet at the station, but to endanger the lives of himself and assistants. He has twice reported having ascertained that they had intentions to spear him, and has requested that a trooper might be constantly in attendance. I have of course told him, that he was to consider himself quite at liberty, in case of emergency, to command the services of a mounted trooper from the neighbouring police station; but that I considered it was not in harmony with the general system of the head of his department for a trooper to be constantly in attendance.

I am happy to say, that since the close of last year, however menacing the conduct of the blacks in this district may have been, a few and comparatively trivial depredations upon the sheep of the settlers has been the amount of outrages reported to me.

THE WESTERN PORT DISTRICT.

Considerable advance has been made in the erection of huts at the aboriginal station, Nare Nare Waran; but it has been completely abandoned three several times for several weeks at a time by the natives, in defiance of the efforts of the protector to detain them. They have been in the meantime constantly in the immediate vicinity of the town, and daily in large numbers in the streets. Without actual violence, it appears that this abuse cannot be put a stop to.

The assistant protector considers that they cannot be brought to remain at their homestead at present, and suggests that he should be allowed to issue regular rations to all, whether they assist in any labour, or lend any assistance or not, when he flatters himself that they will all stay with him. I regret that I can neither admit the policy of his plan, nor hope, that if adopted, it would be followed by the anticipated result.

GEELONG DISTRICT.

I am in possession of only exceedingly vague information with reference to the Geelong District.

I ascertain that the assistant protector has moved from Mr. Thomson's run to a short distance, and waits the result of the examination of his district by the chief protector, with a view to the definitive choice of a homestead.

Mr. Sievewright has reported to me (April 1841) the murder of two female aborigines by parties in the tribes in the vicinity of his encampment, and an act of revolting cannibalism consequent upon the event.

The chief protector was recently in the vicinity of Portland, where he held communication with a number of the wild tribes of that portion of the district, with what result I am unable to say.

I have had no official communication from him since he passed Mr. Sievewright's encampment at Keilambert, on his outward route.

I regret to state that three murders of settlers and divers attacks upon the sheep stations in the district between the Grampians and Glenelg have been reported to me. I cannot learn that there has been any act of retaliation up to this date.

(signed) C. J. La Trobe.

NEW SOUTH  
WALES.

— No. 39. —

(No. 185.)

No. 39.  
Sir George Gipps  
to Lord J. Russell.  
26 Sept. 1841.COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.Government House, Sydney,  
26 September 1841.

My Lord,

WITH reference to my despatch, No. 140, of the 19th July last, I have the honour herewith to forward the report which has been addressed to me by Mr. La Trobe, on the proposals for the improvement of the aborigines made by Mr. Wedge.

I have, &c.  
(signed) *Geo. Gipps*.

28 August 1841.

Enclosure in No. 39.

(No. 41/967.)

Encl. in No. 39.

Sir,

Melbourne, 28 August 1841.

18 Jan. 1840.

In reference to a remark at the close of your letter of the 14th of this month, No. 410, that his Excellency had not yet received the report on Mr. Wedge's suggestion, which was called for by the Secretary of State's despatch of 24th January 1840, I have to express my regret that there has been such unreasonable, and apparently unaccountable, delay in furnishing it.

In explanation, I have to state, that immediately on the receipt of your letter of the 29th July 1840, enclosing the document in question, I handed it to the chief protector, with the request that he would furnish me with his remarks on the propositions brought forward in Mr. Wedge's communication.

The document was only returned to me yesterday, with a communication, in which the chief protector observes, in accounting for the delay, that it was principally the question of bounty to the settlers for civilizing the natives that induced him purposely to defer until his return from the western interior his opinion on the subject referred to.

In embracing the earliest opportunity of transmitting Mr. Robinson's communication to you, for his Excellency's satisfaction and that of the Right honourable the Secretary of State, I have the honour to add, in conformity to the instructions given me, such general observations as appear to me desirable.

I have, &c.  
(signed) *C. J. La Trobe*.The Honourable  
the Colonial Secretary, Sydney.

REMARKS on Mr. *J. H. Wedge's* Letter to the Right Honourable the Secretary of State, dated 18th January 1840, enclosed in Letter No. 9, 1840, of the Secretary of State to Governor Sir *George Gipps*.

THE view entertained by Mr. Wedge of the consequence of the occupation of this district by European settlers, and the effect of that occupation upon the aborigines, are what all must entertain who are any way in a capacity to form an opinion on the subject.

His suggestions for the employment and improvement of the aborigines have been in almost every particular anticipated by present arrangements made in the colony, under the general instructions of the Right honourable the Secretary of State.

Certain localities have already been fixed upon for the formation of homesteads for their benefit. These consist of a square mile for cultivation, and a further reserve extending five miles on every side, rather to prevent intrusion and interference on the part of settlers than for the purposes of the chase, in the pursuit of which it is vain to attempt to control the natural impulse of the blacks to wander within any prescribed limits.

It may, however, be proper to remark that greater difficulty exists in making a proper selection of these reserves than might be imagined.

As it is particularly desirable that the prejudices and preferences of the natives should be fully consulted in the choice of localities, and that if practicable such reserves should be placed where they might be accessible to, and suit more than one of the numerous petty tribes into which the aborigines of these countries are divided, no inconsiderable knowledge of the character of the people is requisite. At the same time, looking forward to a period when the chase may no longer be equally productive as at present, and when the reserves may be expected to become the refuge of the natives when in a state of partial civilization, it is also necessary that the localities should be healthy, and advantageously situated with regard to the settled districts, and furnished with abundant supplies of wood and water, and above all, suitable for extended cultivation.

With reference to the supply of food and clothing, it has not been hitherto deemed advisable to furnish them indiscriminately to all natives visiting the homesteads. In one case, that of the Western Port District, the assistant protector has urged that this should be the

case;



case; but I have not felt myself sufficiently convinced of the policy or expediency of such measure to bring it under his Excellency's notice.

The assistant protectors have had the fullest assurance that any requisitions presented for the supply of the wants of the orphans, the aged, and sick, or for the remuneration of labour, are readily acceded to; and that if they have not been authorized to give to the healthy and able-bodied without exacting some labour, however trifling, on the stations in return, it is to establish a wholesome principle. Considerable supplies have been furnished for the last 12 months for each of the stations, and have been applied by the assistant protectors according to their judgment.

It has not been considered desirable at once to recommend the erection of permanent buildings, and the authorization of settled establishments at the homesteads on the reserves in question. Slab buildings cost little, and are easily erected by the assistance of the natives themselves, and are quite sufficient for all purposes until it is seen that there is a prospect of the homesteads being resorted to and adopted by any number of individuals of the surrounding tribes. As soon as it is seen that the natives are satisfied with the localities chosen; that the assistant protectors and other persons in charge have gained their confidence; that they are inclined to leave their sick, and aged, and children behind when the bulk of the tribe desert the reserves for a time, and to return thither after their wanderings; in short, as soon as there is a reasonable hope that the aborigines may be really benefited by such measures and such expenditure, it will be highly desirable that buildings of a permanent character should be erected, and that the homesteads should be furnished with proper officers to watch over the bodily health and improvement of the natives in every particular, and be placed under the charge of those who will steadily devote themselves to the religious and moral instruction of both old and young.

The authorized establishment for these homesteads at the present time consists of an overseer and constable, both of whom are to be in every instance married men, and three or four government men to assist in the erection of the huts, or for the personal service of the assistant protector. Great difficulty has been experienced hitherto in finding proper parties to fill these situations. As the constable may rarely have occupation in his proper character, it has been recommended that persons selected for this office should have sufficient talent to act as schoolmaster whenever opportunity offers itself to collect children together.

The want of medical aid, now that the communication of the natives with Europeans has rendered them liable to so much additional disease, is greatly felt, especially among those who persist in frequenting the town, and as soon as measures can be taken to supply them with this, common humanity dictates that it should be done. As long, however, as the sick, according to their native customs, leave the homesteads with the rest of the tribe and accompany the detached parties into which the main body frequently separates over the face of the country, this cannot easily be done.

I know of but one instance, that of the mission station on the Burwon, in which a native has been induced to put up a slab hut, for his own occupation, on the reserve, though every encouragement has been given to induce the more intelligent to do so; even in this instance the occupier dared not remain behind, when it suited the fancy of the main body to desert the reserve and their teachers.

It is scarcely necessary to state, that such facilities as can be given at this early date of the experiment, in cultivating land at the homesteads for the benefit of the natives, has been given.

At all these stations considerable crops of wheat and potatoes have this season been put into the ground, mainly by the assistance of the blacks.

With regard to barter, the natives are encouraged to bring any manufacture which their exceedingly small degree of ingenuity enables them to produce; and the assistant protectors are fully empowered to give in exchange what they think proper.

It must be understood that the foregoing observations and details can only regard the native tribes, or portion of tribes, that have come, in a certain degree, under our influence; and even in reference to these, it must be stated that they are an uncertain and wayward race, difficult to guide even in matters where, it must be evident to them, their particular advantage alone is consulted.

Upon the suggestion contained in Mr. Wedge's letter, that the settlers who produce proofs of having reclaimed and benefited a native should be remunerated, it may be remarked, that in the abstract it appears both judicious and feasible, and, as far as it can be reduced to practice, is certainly worth the experiment.

The character of the remuneration may be a secondary matter; but I would observe, that instead of grants of land, which, under present arrangements, appear to be no longer admissible, remission certificates in the purchase of land would appear to harmonize better with these arrangements, and be liable to less objection. The advantages should extend to all who domesticate and educate the young, as well as to such as employ and reclaim adults. The rules and conditions under which these rewards should be given will, however, require to be framed with great caution, if they are to answer the end proposed, and not be productive of abuse and dissatisfaction among parties who, from one impulse or other, may desire to profit by them.

It remains to be stated, in reference to Mr. Wedge's letter, that Buckley has not been in New South Wales for some years, and that before he left Port Phillip he had given proofs that he could not be useful to the extent that might have been hoped.

I trust that his Excellency will have no hesitation in assuring the Secretary of State that

NEW SOUTH  
WALES.

Encl. in No. 39.

no opportunity of really benefiting the aborigines in this district will be neglected; and with a daily increase of experience, both of the difficulties in the way (which are far greater than can be imagined even by a resident, who is not called to make the subject his study), and of the proper mode of overcoming them, a gradual improvement in their condition, and in their relations with the whites and each other, may be effected.

(signed) *C. J. La Trobe.*

Sir,

Chief Protector's Office, Melbourne, 30 August 1841.

In compliance with your Honor's request of yesterday's date, I take leave to return the accompanying paper, and to remark, that with the exception of a bounty to settlers for civilizing the natives, the plan submitted by Mr. Wedge is precisely the same as that now acted upon by this department, and as contained in the despatch from Lord Glenelg to his Excellency the Governor of the colony; for instance, reserves of land for the natives, tillage, barter, food, clothing, schools, religious instruction, industry, are all comprised in the present system.

It was principally the question of bounty to settlers for civilizing the natives that induced me purposely to defer, until my return from the western interior, my opinion on the subject referred to.

Anterior to my last expedition I had seen a large portion of this province; I have now seen nearly the entire, and, in addition, have made myself thoroughly acquainted with the character of its inhabitants.

The settlers are, for the most part, a highly respectable body of men, many, to my knowledge, deeply commiserating the condition of the natives; a few have been engaged in the work of their amelioration; these, however, are but isolated instances; the majority are averse to having the natives, and drive them from their runs.

Nothing could afford me greater pleasure than to see a reciprocity of interest established between the settler and aborigine, and it would delight me to see the settlers engaged in the great work of their amelioration; and though, on the part of the settlers, a large majority would readily engage, I nevertheless feel persuaded that, until a better class of peasantry be introduced, and a code of judicature suited to the condition of the natives, its practicability, as a general principle, is unattainable.

In the course of my wanderings through the distant interior, I found it necessary, in order to arrive at a correct judgment, to observe the relative character of both classes, *i. e.* the European and the aborigine. The difficulty on the part of the aborigine by proper management can be overcome; but the difficulty on the part of the depraved white man is of far different character, and such as to require that either their place should be supplied by a more honest and industrious peasantry, or that a more suitable code of judicature be established to restrain their nefarious proceedings with reference to the aboriginal natives.

I found, on my last expedition, that a large majority of the white servants employed at the stock stations in the distant interior were, for the most part, men of depraved character; and it was with deep regret that I observed that they were all armed; and in the estimation of some of these characters, with whom I conversed, I found that the life of a native was considered to be of no more value than that of a wild dog. The settlers complained generally of the bad character of their men. The saying is common among them, "That the men and not we are the masters." The kind of treatment evinced towards the aboriginal natives in remote parts of the interior by this class of persons, may be easily imagined; but as I shall have occasion more fully to advert to this topic in the report I am about to transmit to the Government, I shall defer for the present offering further observations.

The bad character of the white servants is a reason assigned by many settlers for keeping the natives from their stations. At a few establishments, *viz.* Norman M'Leod's, Baillie's, Campbell's, Lenton's, and Urquhart's, an amicable and friendly relation has been maintained for several years: the aborigines are employed and found useful. I visited these stations; and the proprietors assured me the natives had never done them any injury; the natives also spoke in high terms of these parties. There are other settlers also who have rendered assistance in improving the condition of the natives, and to whom I shall advert in my next report.

Whether the proprietors of these establishments devote more attention, or whether their white servants are of less nefarious character than others, I am not prepared to say; but the facts I have stated are incontrovertible, and are sufficient to show the reclaimability of the natives, when proper persons are engaged, and suitable means had recourse to. I cannot but accede to the proposition, namely, that of holding out inducements to all who engage in the amelioration of the aboriginal natives. Those who have had experience, who have been tried and found useful, ought to have such inducements held out to them as would ensure a continuance of their appointments, the more especially as it has always been found difficult to obtain suitable persons for this hazardous and peculiar service.

His Honor C. J. La Trobe, Esq.  
Superintendent, &c.

I have, &c.  
(signed) *G. A. Robinson.*

— No. 40. —

(No. 186.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *John Russell*.

My Lord, Government House, Sydney, 26 Sept. 1841.  
 WITH reference to my despatches of the 19th and 25th July last (Nos. 140 and 145), and in reply to the several despatches named in the margin, I have the honour herewith to forward a copy of a letter from Mr. La Trobe, with his reports on various collisions which have taken place between the settlers and the aborigines in the Port Phillip district.

I have, &c.  
 (signed) *George Gipps*.

NEW SOUTH WALES.

No. 40.  
 Sir George Gipps to Lord J. Russell. 26 Sept. 1841.

No. 138, 1 Sept. 1840.  
 180, 15 Dec. -  
 184, 29 - -  
 202, 20 Feb. 1841.

28 Aug. 1841.

Enclosure in No. 40.

(No. 41/1013.)

Sir, Melbourne, 28 August 1841.  
 I HAVE the honour to acknowledge the receipt of your letter (No. 154), transmitting to me a copy of a despatch from the Right honourable Secretary of State, and of an enclosed letter from Mr. J. H. Wedge, on the subject of the depredations committed by the aborigines at Port Phillip; also the receipt of a more recent communication, dated August 14, referring to me copies of certain other despatches from his Lordship, relative to the aggressions of the blacks at Port Phillip, and of their destruction.  
 In obedience to the accompanying instructions, I have the honour to forward the enclosed report upon the several enclosures, and general remarks upon the subject to which they refer, for the information of the Secretary of State.

Encl. in No. 40.  
 Secretary of State, No. 138, 1 Sept. 1840.  
 24 July 1840.  
 Secretary of State, Nos. 180, 184, 202, 15 & 29 Dec. 1840, and 20 Feb. 1841.

The Honourable the Colonial Secretary.

I have, &c.  
 (signed) *C. J. La Trobe*.

REPORT, No. 1, dated 24th July 1840.

MR. WEDGE's statements to the Secretary of State are borne out by the facts, and his views of the causes and consequences of the aggressions of the natives in the distant parts of the district upon the property of the settlers are in the main just. His acknowledgment of the difficulties in the way of the local government affording protection to remote stations, and of the impolicy of concealing the aggressions of the natives, or the collisions that may take place between them and the settlers, are equally sound.

With regard to the particular aggression cited, it is to be explained that the letter referred to by Mr. Wedge relates to circumstances occurring 200 miles from Melbourne, and 70 miles from Portland Bay, at a time when the police force in the district was limited to the two police magistrates of Geelong and Melbourne, aided by a small number of mounted troopers. A yet smaller detachment of border police, appointed under a Crown commissioner for the district, had at that date scarcely set foot within the eastern boundaries.

At that time already numerous settlers, claiming protection under the strength of possessing a licence to depasture stock on Crown lands, had dispersed themselves in this district over an extent of country full 350 miles in length, and 150 in breadth. Mr. Wedge's correspondent was one of those who had advanced far into the country; and the loss complained of is, I believe, only one of many that the same party suffered, up to the date of their disposal of their interests in the country and their retirement to Van Diemen's Land. During the time of their occupying their station, the Grange, they were, I am given to understand, brought several times into hostile collision with the natives.

Whatever may be the state and number of the police force, no certain assurance of protection can be held out to parties who, like Mr. Wedge's friend in that day, and numerous adventurers of the same description at the present, transport themselves to such a distance, and throw themselves in the way of numerous and active tribes, either quite ignorant, or but imperfectly acquainted with the power and resources of Europeans, and emboldened by the impunity and facility with which many attacks upon the flocks of the settlers have been made.

It may be observed that the head stations are rarely the objects of attack, for manifest reasons. The out-stations, situated frequently at the distance of several miles, where numerous flocks are entrusted to the care of at most two men, one of whom must occasionally be absent, offer every temptation to the natives from their exposed position. Even at the present time, after nearly two years' interval, and after many arrangements have been made to bring these portions of the district under the eye and protection of the law, there is but little security for settlers in the country to the north and west of Mr. Wedge's former station, and the loss of property is, during the present winter months, very considerable.

NEW SOUTH  
WALES.

Encl. in No. 40.

The great extent of country overrun by settlers, and the impossibility of anticipating from which of the surrounding tribes the attack may be expected, renders the prevention of these aggressions, under present circumstances, a moral impossibility. It can be unhesitatingly asserted, that whenever protection could be afforded to settlers of the above description, it has been withheld in no instance since an officer was placed in charge of the district; but when unforeseen aggressions take place at such a distance from the seat of government, and weeks, sometimes even months, elapse before intelligence is given, as has been frequently the case, even subsequently to the time to which Mr. Wedge's letter alludes, little can be done by the local authorities but to institute, as far as possible, an investigation into the attendant circumstances.

When intelligence is not conveyed to the local government, the parties can scarcely wonder that no notice is taken of their losses. It would be well if these difficulties had only been felt when the property of settlers was destroyed; they have been felt yet more heavily when lives have been sacrificed on one side or the other.

I am ready to believe that many acts of aggression, and of subsequent retaliation, have been, and perhaps are completely hidden from the government. I regret to state, that from the inexperience of the protectors in the character of their duties as magistrates, when called upon to make investigations, and the insurmountable obstacles presenting themselves of obtaining evidence of an available character, it has been found hitherto nearly impossible to bring the parties implicated to justice.

In scarcely a single instance have the parties implicated in these acts of violence, whether native or European, been brought trial; and in not a single instance has conviction taken place. The more sanguinary the affray, the less were the chances of conviction. Were the murder committed by the blacks, there were no witnesses, or no chance of identifying the parties; and were the natives the sufferers, the settlers and their servants, who were the principals in the first or second degree, were the only persons from whom evidence could be obtained. Aboriginal evidence brought forward, in the existing state of the law, could not be received.

Codd's murder.  
Whyte's collision.

The cases alluded to in two of the documents now referred to me, will be found to be instances in point.

In how far Mr. Wedge's suggestions for the amelioration and civilization of the natives, and the improvement of the relations between them and the whites, have been anticipated by present arrangements, or are held worthy of attention, will be seen from my report of this date, on the contents of his first letter to the Right honourable the Secretary of State, dated 18th January 1840.

I proceed to state, that since the date of Mr. Wedge's letter, now before me, various steps have been taken to bring the western country more within the reach of the law.

A Crown commissioner, with a party of border police, for that part of the district, and a police magistrate and constables for Portland Bay, were appointed before the close of 1840.

The communication between the western portion of the district and the towns of Melbourne and Geelong, which, two years ago, was exceedingly rare and difficult, has become an ordinary occurrence. The number of settlers in the Western District, their character, and the exact situations of their stations, are now well known to the authorities; and, consequently, there is less probability that collisions and acts of violence, on either side, can take place without at least being brought to light.

His Excellency has recently acceded to the appointment of a police magistrate to the Grange. The principal duty of this officer will be to attend to the relations of the European settlers and the natives, and to keep the government aware of the actual state of affairs. It is confidently hoped that his presence in the disturbed districts will tend to check the collisions between the natives and the settlers, hitherto so frequent, and the acts of retaliation to which they lead.

The chief protector has just returned from a five months' tour in the Western District, having, as he states, been in friendly intercourse with almost every tribe in the western part of the country, and made known to them the wishes and intentions of the government.

In order to afford the Secretary of State further information upon the subject, and the frequency of disturbances between the settlers and natives during the past two years, their character, and my opinion of the impossibility of distributing any body of police in such a manner as to guard against their occurrence, I beg leave to refer to certain portions of my correspondence with you, and to enclose copies of letters, of divers dates, for transmission with the above remarks.

(signed) C. J. La Trobe.

Enclosures:  
(A.) No. 40/146,  
3 April 1840;  
(B.) No. 40/753,  
7 Oct. 1840;  
(C.) No. 40/873,  
21 Nov. 1840;  
(D.) No. 40/881,  
26 Nov. 1840.

## REPORT, No. 2.

On Secretary of State's Letter, 15th December 1840, enclosing a Copy of a Letter from Mr. S. Power to the Right honourable the Secretary of State, dated 30 November 1840.

Mr. Codd's murder.

On the 1st of June 1840, I received a communication from Mr. James Brock, dated 20th May, containing an account of the murder of Mr. Codd by a party of natives, near Mount Rouse, in the Western or Portland Bay District, about 200 miles from Melbourne.

Enclosure (E.)

On the same day, the chief protector being absent, I addressed a communication to the assistant

assistant protector of the Geelong or Western District and the officer commanding the mounted police, pointing out to the former the course I deemed it proper to pursue, and as the border police for his district was not at that time organized, placing two mounted policemen under his orders to assist them.

Enclosure (F.)

The assistant protector acting upon these instructions proceeded from Geelong to Mount Rouse, accompanied by the troopers.

4 June.

On the 10th June he forwarded to the head of his department a short report and depositions, throwing no further light on the affair than the letter of Mr. Brock to the superintendent, previously received, and differing but slightly from it in minor details. Mr. Sieve-wright states that he was unable to obtain any information as to the individuals charged with the murder. Mr. Brock, the main party from whose examination any clue to the perpetrators might have been obtained, had already gone to Van Diemen's Land.

Enclosure (G.)

As in every other case of serious aggression or collision that has been brought under the notice of the local government, a report was forwarded to his Excellency the Governor, whose answer, through the Colonial Secretary, of 23d June, states, that much as his Excellency regretted to hear of this atrocious murder, he did not see that more could be done than what I had already ordered with a view to the apprehension of the offenders.

5 June.

It may still be proper to mention that the assistant protector was inclined to believe that there was some connexion between the murder of Mr. Codd and a fray between a party of whites, Messrs. Wedge and other settlers, that took place some time before at Mr. Wedge's station, in which the natives attacking the store were repelled, and some killed and wounded; but this can only be conjecture.

Enclosures (H.) and (J.)

With reference to Mr. S. Power's source of information, I can only remark that the copy of Mr. Brock's communication to me, which was forwarded to him, and afterwards from him (Mr. Power) to the Secretary of State, was furnished from my office, by my direction at the time, to Mr. Codd's brother. That gentleman was perfectly cognizant of the steps instantly taken to inquire into the murder.

The language employed in the extract which Mr. Power gives from his unnamed correspondent's letters surely carries with it its own commentary; and after making the foregoing statement, his Lordship will perhaps consider it unnecessary that I should offer any remarks upon it.

It may be unnecessary to report on the contents of the letter referred to below\*, as far as it relates to Mr. Codd's murder, or to the general subjects brought forward in it.

The first part of this report will have shown how impossible it would be for any police force to preserve the settlers in exposed situations from attack; and from my other communications of this date, it will be seen how far Mr. Wedge's general suggestions are considered practicable, or are already in a degree anticipated.

There is a passage in the letter of Mr. Wedge's correspondent upon the murder of Mr. Codd, from which the information furnished to the Secretary of State is extracted, however, which calls for remark. The writer states, "On the following day after Mr. Codd met his death, the squatters in the neighbourhood went in pursuit of the natives, but owing to the wetness of the season they did not succeed in revenging themselves as far as they intended; however, I believe three or four suffered."

Of this fact, if it really occurred, no rumour has ever reached the local government. If it had been made known to the assistant protector who was sent to make the investigation, he would certainly have brought it under notice. If true, it will only bear me out in my statement of the difficulties in the way of the government, whose powers cannot be otherwise than limited, from the very force of circumstances, in preventing acts of collision between the settlers and the natives in parts of the country so far removed from the located districts.

The neighbourhood of Mount Rouse, the scene of the murder of Mr. Codd, continues to be much frequented by the natives, and it is proposed by the chief protector that an aboriginal station should at once be formed there for their benefit and improvement, upon the same plan as those already established in other parts of the country.

(signed) C. J. La Trobe.

REPORT, No. 3.

Secretary of State to Sir George Gipps, No. 184, 29th December 1840.—Anonymous Statement addressed to the Right honourable the Secretary of State for the Colonies, dated 14 July 1840.

THE statement contained in the letter in question refers, I have no doubt, to a collision that took place, much under the circumstances which it details, between the Messrs. Whyte and a body of natives, on the 8th or 9th March 1840, on the River Wando, near the western limit of the district, not much under 300 miles from Melbourne.

The following information will throw further light on the subject, and show how far the government of the colony was able to interfere.

The

Letter from Mr. H Wedge to the Right honourable the Secretary of State, dated 8th Feb. 1841, enclosed in Secretary of State's letter to his Excellency Sir George Gipps, 202, 20 Feb. 1841.

See Letter, No. 40/146 (A.), attached to Report, No. 1.

The collision in question took place on the 8th or 9th of March, at the very time when the assistant protector of the Geelong District, who had also been charged to proceed to the westward to make an investigation into the circumstances attending a collision between another party of settlers, of the name of Winter, with the natives, was in that neighbourhood. The assistant protector very properly proceeded to the station to inquire into the circumstances.

Enclosure (A.)

The first intelligence reached Melbourne on the 2d April by the return of the officer commanding the detachment of mounted police in this district from Portland Bay and the western country, whither I had desired him to proceed shortly before, in consequence of the intelligence I had received of the disturbed state of the country.

The report of the assistant protector, with the depositions taken by him between the 17th and 25th of March, reached Melbourne on the 27th June.

These depositions concur in stating the loss of a flock of sheep, the armed pursuit of the Messrs. Whyte, five in number, and four servants, upon the track of the natives, for about six or seven miles, when they came upon them and found the missing sheep in their possession. It further appears that the natives stood upon the defensive, and that spears were thrown, one of which wounded one of the party in the leg, after which the blacks were fired upon, and a fight was kept up for an hour or upwards, with fatal pertinacity on the part of the blacks and murderous effect by the settlers. It appears that only one of the whites was wounded, as above stated.

The number of natives in one of the depositions is given as between 70 and 80, in the others as about 30, or between 30 and 40.

From the general admission of the depositions it appears that about 30 at least were killed.

Upon the receipt of the depositions above alluded to, they were placed in the hands of the Crown prosecutor, at whose instance copies were also forwarded to the Attorney-general. A lengthened correspondence took place upon the subject between the chief protector's department and Mr. Croke, when, on the 19th of June, the Crown prosecutor, Mr. Croke, furnished the chief protector with his opinion upon the case of Messrs. Whyte's collision with the natives above referred to, and another also upon certain depositions forwarded by Mr. Assistant Protector Sievwright to him, upon a second collision of certain of the Messrs. Whyte and their servants, forming a party of six in number, under similar circumstances as the foregoing, which took place on or about the 7th of April in the same year, in which, though shots were fired, it could not be ascertained that any lives were lost, as the blacks had the advantage, and obliged the settlers to retreat without recovering the sheep.

The Crown prosecutor's opinion in both cases, after considering the character of the depositions forwarded to him, was that the natives were the aggressors, and that, moreover, if put upon their trial, the deposition of Messrs. Whyte could not be used as evidence against them, remarking that they, principals in the first or second degree, should have been permitted to make a free and voluntary disclosure, and not a confession under the sanction of an oath.

It is greatly to be regretted that the inexperience of the assistant protectors in their duties and powers as magistrates, has in this, as in other instances, thrown obstacles in the way of that very justice, which they are, both as officials and individuals, so eager to promote and see established.

(signed) C. J. La Trobe.

Enclosures (K.) and (L.)

LIST of Enclosures (A.) to (L.), attached to Reports on Collisions between Europeans and Natives in the Port Phillip District, contained in Letter to Colonial Secretary, No. 41/1013, 28 August 1841.

|  |         |        |
|--|---------|--------|
| (A.)—Superintendent to Colonial Secretary, No. 40/146, 3d April 1840           | - -     | p. 136 |
| (B.)— - - Ditto - - - Ditto - - No. 40/752, 7th October 1840                   | - -     | p. 137 |
| (C.)— - - Ditto - - - Ditto - - No. 40/873, 21st November 1840                 | - -     | p. 139 |
| (D.)— - - Ditto - - - Ditto - - No. 40/881, 26th November 1840                 | - -     | p. 140 |
| (E.)—Superintendent to Assistant-Protector Sievwright, 1st June 1840           | - -     | p. 141 |
| (F.)—Superintendent to Commander of Mounted Police, 1st June 1840              | - -     | p. 141 |
| (G.)—Assistant-Protector Sievwright to Chief Protector, 10th June 1840         | - -     | p. 141 |
| (H.)— - - Ditto - - - - - Ditto - - - 28th May 1840                            | - -     | p. 142 |
| (I.)—Statement made at Wedge's Station to Assistant Protector, 6th March 1840, | - -     | p. 142 |
| (K.)—Opinion of Crown Prosecutor, 17th June 1840                               | - - - - | p. 142 |
| (L.)— - Ditto - - Ditto - - 15th June 1840                                     | - - - - | p. 143 |

(A.)—Superintendent to Colonial Secretary.

(No. 40/146.)

Sir,  
I REGRET to state that within the few weeks past I have received accounts from various quarters of disturbances and affrays between the settlers and the blacks.

Mr. Winter, a settler in the extreme western portion of the district, gave intimation to the police magistrate of Geelong, in the course of February, that he had in October last an unfortunat

Melbourne, 3 April 1840.

tunate affray with a party of natives, who made an attack upon his sheep station, and that in defence of his property five of the assailants were killed.

At the time this came to my knowledge, being aware that Mr. Assistant Protector Sieve-  
wright was on his road to that part of the country to inquire into the murder of a white  
man at an out-station of Mr. Anderson's, as it was supposed by the blacks, I sent a  
trooper after him, with orders to proceed and investigate the circumstances attending the  
above affair.

As it was evident that that part of the district was in a very disturbed state, not only  
from the natives, but from the frequent passage of convict runaways on their way to South  
Australia, I subsequently, on the 9th March, directed Lieutenant Russell to proceed to  
Portland Bay, partly to furnish me distinct information as to the state of that portion of the  
country, and partly to report upon the most fitting position for the establishment of one or  
more stations, which it may be expedient before long to recommend for the consideration of  
his Excellency.

By his return, which has just taken place, I regret to find that the report of a most serious  
affray between a number of aborigines of a tribe from the neighbourhood of the Grange,  
at or near to the station of Mr. Whyte, with that gentleman and his brothers, is fully con-  
firmed, and that the loss of a very considerable number of lives on the part of the natives  
has been the consequence. It took place at a time when the assistant protector was in the  
immediate neighbourhood, and I am daily expecting the depositions, which I am informed  
he obtained upon the spot.

The Goulburn blacks have also within the last fortnight shown a disposition to attack the  
sheep stations on that river; and have, according to reports made to me by the settlers,  
committed acts of great violence, under the instigation of one of the Port Phillip blacks, well  
known in this town.

I have thought proper to request the chief protector to accompany Mr. Assistant Protector  
Dredge, who had come to town at my instance, on his return to the district, and to furnish  
me with his report.

I cannot conceal from his Excellency the anxiety I feel in reflecting upon the impossi-  
bility of distributing the reduced police force at my command over such a large tract of  
country in such a manner as may insure tranquillity and prevent aggression on either side,  
particularly at present, when it would appear that the steady advance of the settler to the  
westward increases the chances of collision with the bolder and more warlike tribes of that  
region, and when the better known blacks of this portion of the district appear, from circum-  
stances, more reckless of the consequences of coming into hostile contact with the settlers.

I have, &c.  
(signed) C. J. La Trobe.

(B.)—Superintendent to Colonial Secretary.

(No. 40/752.)

Sir,

Melbourne, 7 October 1840.

On the 17th September I addressed a communication to the Crown Commissioners of  
the Western Port and Portland Bay districts, requesting them to make a distinct report to  
me upon the character of the relations existing at present between the settlers and the  
natives in their respective districts. They were further requested to indicate the line of  
stations which had been most exposed to recent annoyances, and also to state if there is  
any possibility of ascertaining the particular branch of the tribes frequenting the Goulburn  
River or the Portland Bay District, or the individuals who have been concerned in the  
outrages reported to me.

I have the honour to enclose, for his Excellency's perusal, the letter which I have received  
in reply. I have also the honour to enclose a number of distinct communications which  
have been addressed to me within the last few weeks, from settlers or others in various  
parts of the country, complaining of attacks upon their stations.

In forwarding these documents, I ask permission to submit a few remarks for his Excel-  
lency's consideration and information.

The attacks made by the natives within the few months past upon the sheep and cattle  
stations in different parts of the country may be divided into two distinct classes; those  
made by tribes with whom Europeans have had as yet little or no direct intercourse, and  
whose force and character and exact location is unknown, and those made by individuals  
connected with known tribes having constant or frequent intercourse with the settlers, and  
occasionally visiting the townships of Melbourne and Geelong.

Amongst the aboriginal natives concerned in the first class, tribes inhabiting the country  
to the west and north of the lakes in the Portland Bay District are to be included. These  
appear, from their frequent appearance at least at parts widely separated, and from the  
character of their attacks upon the sheep stations, to be both numerous and of a more  
warlike character than the tribes nearer Melbourne.

The settlers, in their progress west and northward, have now extended themselves far  
into the district to the north of Portland Bay, and to the skirts of the Grampians and the  
Pyrenees. Stations so remote from Port Phillip are, from their very position, quite beyond  
the protection of the government. Attacks of the natives upon the sheep stations in these

NEW SOUTH  
WALES.

Encl. in No. 40.

directions have been very frequent of late. Three men are known to have been murdered, and property to a large amount destroyed. On the other hand, it is well known that within the same period a very considerable number of the aborigines have been cut off by the settlers, some of whom have come forward and reported the circumstances to government.

In the district extending from Mount Cole to the Goulburn, few months have elapsed since the country was open to Europeans without the settlers and natives coming into collision, and frequent loss of life and property on one side or the other has been the result. The tribes concerned in the disturbances in this part of the boundary are for the most part such as ascend the tributaries of the Murray from northward towards the Loddon, the Campaspee, Coliban, and other streams, and retire again after periodical visits.

To the number of unknown tribes with which the whites have come into occasional collision, another must now be added, as the isolated station of Mr. Jamieson at the head of Western Port, about 40 miles from Melbourne, was on the 3d ultimo attacked at daybreak by a strong party of natives proceeding from the eastward. The premises were pillaged to a considerable amount, the proprietor and other persons on the spot being confined to their huts.

It is supposed that these armed natives, amounting to nearly 100, belong to a tribe which has scarcely had intercourse with white men.

The real object of their visit to the district was doubtless to retaliate upon the Waverrongs, who sent out a war party a few months ago, and returned to Mr. Thomas's encampment, stating that they had cut off a number of an hostile tribe far to the eastward. In fact, the Western Port blacks have been looking out for an hostile visit from that quarter the whole spring.

To the second class of attacks, by individuals detached from tribes more or less known to the settlers and inhabitants in the district, I must, I believe, refer all the recent outrages and murders in the country between the Goulburn and Ovens rivers; there being but little doubt that they are committed by one or two bands detached from the tribes frequenting these thickly-settled parts of the country, with the assistance of a party of the natives of Mr. Thomas's district, most of whose persons are familiarly known to the inhabitants of the township.

With the exception of a few members of the Port Phillip and Western Port tribes, who it is supposed join in these outrages at a distance from Melbourne, the general behaviour of the blacks under Mr. Thomas's care has been pacific, though there is great difficulty in inducing them to give up their visits to the township, and to surrender the large quantity of fire-arms in their hands. Mr. Assistant Protector Thomas states that great dissatisfaction is experienced by them in consequence of the efforts made to effect these ends; and that the partially coercive measures already taken, have not only proved ineffectual, but have severed that respect for the authorities which he had endeavoured at all times to impress upon their minds. Various acts of depredation are laid to the charge of the Barabool and Colac tribes frequenting the eastern parts of the Geelong district, over whom Mr. Assistant Protector Sievwright has been placed in charge.

Without the boundaries of the more settled districts, the members of the Chief Protector's department have not as yet found time and opportunity to put themselves in communication with the tribes, parties of whom, as I have stated, are constantly coming into collision with the more remote settlers; and within the more settled district but little real influence has, up to this date, been gained by the protectors over the individuals composing the native population.

By your letter of the 15th of August, in answer to mine, communicating the murder of a shepherd in the employment of Mr. Thomson, of the Geelong District, by the natives, his Excellency is pleased to signify the regret with which he has recently received the reports of the ineffectual state of the border police of the Geelong District. His Excellency will permit me to assure him, that as far as any exertion on my part, or exercise of the discretionary power which he has been pleased to invest me with, could render that department effective, I have been fully disposed to employ it. The reasons for its inefficiency I have taken the liberty of exposing in separate communications of this date. But I feel called upon to undeceive his Excellency with regard to the powers of any limited number of police in an extended district circumstanced like that of Port Phillip.

Of the very large number of stations now scattered over the face of the country in the interior, beyond the boundaries of location, at a distance of from 50 to 200 miles and upwards from the towns of Melbourne and Geelong, a considerable majority may be considered open to attack from one or other division of the tribes surrounding the district, or comprised within its limits; and these attacks, when made, are seldom to be anticipated, even by parties upon the spot.

His Excellency will concede that it is impossible for the Crown commissioner of either district, even supposing his full complement of border police were perfectly appointed and organised, and that he had no other duty to discharge but to prevent the collisions of the settlers and natives, to perform that duty under such circumstances; and when it is considered, that in conformity to the prescribed routine of his duty, and in preparing to furnish the returns required, he is liable to constant and unforeseen interruption from the incessant calls upon him to repair hither and thither to settle conflicting claims for runs, it must be evident that he cannot with justice, in the present state of the district, be held responsible for



for the maintenance of peace and prevention of disorder between the settler and the native.

If the peace of the district of this extent, and circumstanced as I have described it to be, is to be secured by the police force, it is evident that the existing establishment must be widely inadequate for the purpose; nor would it be easy to state what force would secure that end.

I have hitherto in vain looked to the Chief Protector's department for that assistance in establishing secure and friendly relations with the aborigines near at hand or at a distance, which can alone render the employment of coercive measures and the maintenance of a large police force unnecessary; but I surely do not err in considering that this is their particular province, and the main object of their appointment by Her Majesty's Government.

I have, &c.  
(signed) *C. J. La Trobe.*

(C.)—Superintendent to Colonial Secretary.

(No. 40/873.)

Sir,

Melbourne, 21 Nov. 1840.

I HAVE had the honour to receive your letter of the 31st October, in reply to my communication of the 7th of March, bringing to his Excellency's notice the continued and increasing acts of aggression by the natives on the property of the settlers, and the acts of reprisal to which they give rise in the Port Phillip district, and particularly in the western division of the same.

His Excellency, in expressing his great regret in receiving these accounts, is pleased to empower me to take the most energetic measures in my power to repress such lawless proceedings, and to assure me that he will readily sanction any expenditure that may be considered necessary.

When the large extent of country and great number of stations exposed to the occurrence of these outrages are considered, it will be evident to his Excellency that the peace of the district cannot be preserved by any police force which can be mustered or maintained in the present circumstances of the colony. The stations at which the outrages reported have occurred are, I believe, without exception, licensed by the Crown commissioner. Were the Crown commissioner to restrict their licences to those stations alone which they can protect, the whole of the licensed stations would be comprised within an exceedingly small circuit in either district; and, with submission to his Excellency's opinion, I should doubt both the expediency and utility of any measures which, by withdrawing the faint hold which government possesses over the conduct of even the most remote settlers as long as they occupy the land under a licence, would give the settlers the encouragement to consider, that being really beyond the limits within which government would recognise the legality of their settling, and would engage to protect them, they were not amenable to the laws, and were free to act towards the natives who might molest them, either with or without previous provocation, as they might think proper. I do not conceive it practicable to confine the increasing number of settlers in the district within any moderate limits, now that encouragement has been given to the influx of population and to the enterprise of individuals.

Were the proportion of assigned labour in the colony greater than it is, I should at once propose to withdraw assigned servants from the service of all settlers locating themselves in parts of the country where we have most fear of collision with the natives, or too far removed from the settled portions of the district; but from the small proportion of convict labour employed in this district, the measure, even if approved by his Excellency and carried into effect, would do very little to remedy the evil under consideration. After much anxious reflexion, and with a full conviction of the great difficulties in the way, I have but two suggestions to offer.

The first is, that every effort should be made without loss of time to place the authorities in friendly communication with the native tribes in those parts of the country which have been the scenes of these outrages, and particularly with those on the outskirts of the Geelong and Portland Bay districts, with reference to whose habits and numbers we are in perfect ignorance up to this date.

The chief protector states that his instructions to his assistants have been chiefly directed to secure these advantages and this information, but that hitherto he has not been furnished with reports and returns of the desired character.

I have therefore judged it proper to request him to undertake in person a journey to the Geelong and Portland Bay district, expressly to establish that communication with the strange tribes, and to furnish that general information with reference to the aboriginal natives in that quarter which is indispensably necessary.

To do this effectually, I consider it my duty, and in accordance with his Excellency's wishes, to give him every facility that I can command, or that he may deem requisite; and when the arrangements are fully completed, I will do myself the honour to report further upon the subject.

My second suggestion is, that as far as the means placed at the disposal of his Excellency will permit, the police arrangements in this district should steadily keep pace with the occupation of the country by the settlers, every exertion being made to retain the latter within the pale and protection of the law, and under the control of the authorities.

NEW SOUTH  
WALES.

Encl. in No. 40.

It appears to me that this would be better effected by the appointment of police magistrates, to whom a certain number of mounted constables should be attached, than by adding to the number of mounted police stations, of the real value and utility of which I am exceedingly doubtful.

It would not be difficult to fix upon two or three localities where the presence of such a magistrate would be greatly calculated at this time to secure the peace of the district, and to interpose a check to the collisions of the natives and the settlers.

I would at once, for his Excellency's consideration, indicate the crossing-place at the Goulburn, 70 miles from Melbourne, and "The Grange" about the same distance from Portland Bay, as localities well adapted for the establishment of police magistracies. Both will in all probability be the sites of future townships. The Grange would command a tract of country within a certain circuit, which from its character possesses many allurements for the formation of sheep stations and future permanent occupation, and is in fact at this time fast filling with settlers. The main road from the other districts of New South Wales to Portland Bay and South Australia traverse it. The tribes in the vicinity are those from which the most frequent and systematic attacks appear to have been experienced, and which have suffered most severely from the settlers. It is well situated for the interception of runaways from Port Phillip, or the older parts of the country.

An equally strong claim may be urged in favour of the crossing-place on the Goulburn.

Referring these suggestions for his Excellency's consideration, I have to state, in conclusion, that it is my intention to take advantage of the first leisure time I can command to visit the Portland Bay District.

I have, &c.

(signed) C. J. La Trobe.

(D.)—Superintendent to Colonial Secretary.

(No. 40/881.)

Sir,

Melbourne, 26 November 1840.

I HAVE the honour to enclose for his Excellency's perusal a letter that I have received from the chief protector, remarking upon certain sentiments expressed in Mr. Assistant-protector Sievwright's report of the months of June, July, August, September, and October of this year, which I have transmitted with this mail.

Mr. Sievwright states that the "legal authorities have not yet thought fit to bring to trial (even for their own justification) any of those implicated in the appalling sacrifices of life that have taken place among the aboriginal natives of the Western District; such events being allowed to pass without further comment than the inquiry originally instituted by this department."

On this subject, I beg leave to remark that great impediments evidently do interpose themselves in the way of instituting proper judicial inquiry into the causes and consequences of the frequent acts of collision between the settlers and the aboriginal natives, and into the conduct of the settlers on such occasions. I am quite ready to lament with the protectors, that numerous as the cases have unfortunately been in which the lives of the aborigines have been taken in this district, in no single instance has the settler been brought before the proper tribunal. It is not, however, quite clear that the legal authorities are to blame to the extent that Mr. Sievwright conveys in his letter.

Shortly after my arrival in this district, perceiving that the informality of certain documents sent to the Attorney-general for his opinion by the gentlemen of the department threw obstacles in the way of the prompt administration of justice, I ventured to propose to the Attorney-general, in a communication dated the 2d April, that all depositions, &c. taken by the assistant protectors should be sent at once to the clerk of the Crown at Melbourne, to the end that that officer might report on each case, and decide whether the case were sufficiently weighty, and presented in such a form as would render its reference to the Attorney-general advisable or necessary.

The protectors were also at the same time instructed to apply to Mr. Croke for his advice on all points connected with the discharge of their magisterial duties, without previous reference to my office.

20th November.

In consequence of the receipt of Mr. Robinson's letter, I called upon the clerk of the Crown to furnish me with a return of the cases submitted to him in consequence of the above arrangement being acted upon, directing him to specify the date of receipt, nature of the case, character of the papers, to whom and when referred, and the result of such reference. This return I have the honour to forward for his Excellency's information, together with a letter from Mr. Croke, by which it was accompanied.

His Excellency will observe that Mr. Croke remarks that one reason for his referring cases to the Attorney-general was, "that most of the depositions were taken not in accordance to the rules of law."

I have further to call to his Excellency's notice, that on the 23d of May last, the Attorney-general addressed a communication to Mr. Assistant-protector Sievwright, returning the depositions taken by him relating to a conflict between some aboriginal natives and Messrs. Winter, because they were not in a sufficiently complete state for his interference. In this communication, after citing the words of the statute, the Attorney-general concludes by observing, "this clearly points out the duty of magistrates; and I conceive it your duty,

if

if you are satisfied that the homicides of the aboriginal natives took place, and that the Messrs. Winter caused these homicides, and not under circumstances of self-defence to make them justifiable, it is your duty to commit for trial, and to exercise your discretion, with a second magistrate, as to whether bail should be taken. The depositions of parties themselves charged with an offence cannot be taken in evidence against them; whatever statement they make should not be on oath, and must entirely be voluntary. All depositions should also be taken in the presence of the parties accused."

I am unable to explain why the assistant protector has never acted upon the advice thus distinctly conveyed by the Attorney-general, and reiterated by the clerk of the Crown on more than one occasion. No decided step has been taken by him in any of the lamentable cases of collision between the settlers and aboriginal natives of his district, although it appears to me that if his opinion of the character of the homicides in question were really that which he conveys, it was clearly and imperatively his duty to do so.

The chief protector is fully aware of the disposition of the government to give him every assistance in its power, and that no obstacle would be allowed to interpose itself in the way of the direct course of justice.

I have, &c.  
(signed) C. J. La Trobe.

(E.)—Superintendent to Assistant Protector *Sievwright*.

(No. 40/425.)

Sir,

Melbourne, 1 June 1840.

You have probably received intelligence of the murder of Mr. Codd, near Mount Rouse; I however send you a copy of the statement I have received from Mr. Brock, and from the parties who examined the body.

If you find, upon examination upon the spot, that the account is fully substantiated, it really appears to me that measures should be taken to mark and secure, either at this or any other favourable time, the perpetrators of such an unprovoked murder.

The border police for your division of the district not being as yet organized, I have desired the officer in command of the mounted police to place two of his men under your orders, if you should desire it, to assist you in your inquiry, and in any other steps you may think proper to pursue.

I have, &c.  
(signed) C. J. La Trobe.

(F.)—Superintendent to Commander of Mounted Police.

(No. 40/424.)

Sir,

Melbourne, 1 June 1840.

IN consequence of the intelligence of the murder of Mr. Codd by the natives, near Mount Rouse, brought down by Trooper Ewing, I have written to Mr. Assistant-protector *Sievwright*, to indicate what I consider the proper course to take; and I have informed that gentleman, that as the border police for the Geelong division of the district was not yet organized, I had requested you to place two of the mounted police under his orders to assist him in his inquiry into the circumstances, and in any steps he may think proper to pursue.

If possible, I should wish that no delay may take place, but that the enclosed despatch may be forwarded to Mr. *Sievwright* to-morrow morning.

I have, &c.  
(signed) C. J. La Trobe.

(G.)—Assistant-Protector *Sievwright* to Chief Protector.

Sir,

Mount Rouse, 10 June 1840.

I HAVE the honour to state that yesterday I arrived at this place for the purpose of investigating into the circumstances attending the murder of Mr. Codd by the natives on 19th ultimo, and now beg to enclose depositions obtained relative to that event.

Mr. Brock, the only person who witnessed the attack, having left this colony for Van Diemen's Land shortly after the death of Mr. Codd, I have thus been unable to obtain any information as to the individuals charged with the murder. The man Rooney is wholly ignorant of persons who attacked him, and I attribute to the present confused state of his memory (proceeding from blows he received on the head) the difference between his evidence and the report originally made by Mr. Brock to his Honor the Superintendent.

I have, &c.  
(signed) C. W. *Sievwright*, A. P.

NEW SOUTH  
WALES.

Encl. in No. 40.

(H.)—Assistant-Protector *Sievwright* to Chief Protector.

(EXTRACT.)

Sir,

Bunia Wallick, Geelong, 28 May 1840.

I HAVE the honour to inform you that it has just been reported to me by a trooper of the police, who arrived to-day from the westward, that a murder has been committed by a party of aboriginal natives at the station of Mr. Cox, at Mount Rouse.

The deceased (Mr. Codd) was overseer to Messrs. Wedge, and was staying for the day at Mr. Cox's station. He was one of a party who were attacked by natives at Mr. Wedge's station some months ago; and when I visited that place upon 6th March last, I received from him the enclosed statement, and I have little doubt but his death is connected with this affair, as it appears that in the present case there was no immediate cause of quarrel.

I have, &c.

(signed) C. W. *Sievwright*, A. P.

(I.)—Statement made at *Wedge's* Station to Assistant Protector.

Mr. Wedge's Station, River Grange,  
6 March 1840.

THE establishment of Mr. Wedge upon the River Grange has been frequently attacked by the natives since June last, when it was established; the actual loss sustained by these gentlemen may be stated as in margin.

Sheep, 300;  
Cattle, 1 cow and  
calf;  
1 Horse, worth  
120/.

On one occasion a body of about 18 natives approached the head station, and endeavoured to obtain possession of the hut and store. The natives demanded flour, and endeavoured to compel the party, consisting of Mr. Wedge, jun., Mr. Codd, and two servants, to abandon the store, which had to be resolutely maintained and defended against their attack.

The natives threw between 30 and 40 spears, which were picked up and destroyed by Mr. Wedge and his party, who were compelled to fire a small swivel gun, loaded with musket balls, in order to alarm the natives, who shortly afterwards retreated, driving before them some cattle that were near the station, and which were not recovered till some days afterwards. Upon this occasion none of the natives were wounded or killed; and the gentlemen of this establishment now earnestly request that measures may be immediately taken by government for the protection of their lives and property.

(K.)—Opinion of Crown Prosecutor.

Sir,

Melbourne, 17 June 1840.

Collision of the  
8th March 1840,  
on the River Warie.

I do myself the honour to state for your information that I have carefully perused two sets of depositions, taken by Mr. Protector *Sievwright*, relative to two successive encounters that have taken place, on the 8th March and 1st April last, between the Messrs. Whyte and a party of natives, at the place mentioned in the margin, and am of opinion that, according to the deposition of Daniel Turner, corroborated by those of William Gillespie and Benjamin Wardle (servants to the Messrs. Whyte), the blacks appear to me to have been the aggressors; at all events, the conduct of the natives would make the conviction of the parties very uncertain.

Mr. George Whyte's deposition goes to corroborate the circumstance as stated by the above witnesses, but falls short of their testimony as far as he (being badly wounded,) was not present at the commencement of the attack. William Whyte's evidence is very important. He admits he killed two natives, but not before a spear had been thrown at him by a native. He also states that he found the natives employed in skinning and cooking the sheep; and some sheep had been confined in an enclosure, and that upon his appearance the enclosure was broken by the natives, and the sheep permitted to go at large, and that thereupon not less than two dozen spears were thrown at him.

James Whyte corroborates the testimony of his brother William. In all the main points, John Whyte's statement accords with that of his brothers; and he in addition states that not less than 100 spears were thrown, and not less than 30 natives killed. A Mr. John Whyte, who accompanied the party, corroborates the others.

I am also of opinion that if the Messrs. Whyte were put on their trial, their own depositions could not be used as evidence against them. The Messrs. Whyte were principals either in the first or second degree, and therefore should have been permitted to make a free and voluntary disclosure, and not a confession under the sanction of an oath. The reason assigned why principals should not be examined on oath is, because the dread of perjury, coupled with the apprehension of additional penalties, may create an influence on their minds which the law is particularly careful in avoiding.

(signed) James Croke.

(L.)—Opinion of Crown Prosecutor.

NEW SOUTH WALES.

Sir,

Melbourne, 15 June 1840.

Encl. in No. 40.  
Collision, 1st April 1840.

As to the collision, of the date in margin, between the natives and the Messrs. Whyte, I have the honour to state it to you as my opinion that the natives were the aggressors. Henry Shilton states in his deposition, "that as he was examining one of the lambs, and was in the act of stooping, a spear came close to my head." He states that he saw no blacks then; but having fired in the direction whence the spear came (which must be considered an indiscreet act), the natives rushed on them (the party), and he, to save his life, got behind one of the party on horseback, and all made their escape.

William Fox deposes, that a hut-keeper, named Henry, on looking into a tea tree scrub, had a spear aimed at him, which passed within an inch of his head, and that a shot having been fired into the scrub, the blacks rushed out upon the party, and that those on foot escaped by mounting behind those on horseback. This deponent also states that he was wounded on the hip with a spear, and also in the hand. The evidence of the Messrs. Whyte corroborates the evidence of the above witnesses in reference to collision here named in the margin; and in addition, states that they saw no shots take effect.

(signed) James Croke.

— No. 41. —

(No. 12.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

No. 41.  
Sir George Gipps  
to Lord Stanley.  
24 Jan. 1842.

Government House, Sydney,  
24 January 1842.

Page 104.

My Lord,

In my despatch to Lord J. Russell, No. 89, of the 7th April 1841, I offered various observations on a report which had been addressed to his Lordship on the treatment of the aborigines of New Holland, by Captain Grey, the present Governor of South Australia; and in the course of those observations, I pointed out that the practice animadverted upon by Captain Grey, of allowing the aborigines to be considered a conquered people, governed by their own laws, did not prevail in this colony. A circumstance has lately occurred at Port Phillip, which renders it necessary that I should recur to this subject, and offer some further explanation of it to your Lordship.

In the month of September last an aboriginal native was brought to trial before the Supreme Court of the Port Phillip district, for the murder of another aboriginal, in the immediate vicinity of Melbourne. The counsel employed for the accused raised a question as to the jurisdiction of the court; and Mr. Justice Willis, though he decided that the trial should go on, expressed very strongly his doubts of the competency of the court to try the aborigines for offences committed *inter se*, and stated that in the event of the accused being found guilty, he would reserve the point.

Had the trial proceeded, and the man been found guilty, the point would have been brought solemnly for discussion before a full court in Sydney; but as the Crown prosecutor, on the failure of some expected evidence, entered a *nolle prosequi*, the trial did not go on, consequently there has been no case for argument before the full court; and the opinions expressed by Mr. Justice Willis have produced a very general impression in the colony, and especially at Port Phillip, that the aborigines are not amenable to our courts of justice for offences committed *inter se*, though they may be, as Mr. Justice Willis (I believe) admits, for offences committed on the persons of white men, or of any others not being aboriginal natives.

Considering any such uncertainty as to the state of the law to be very inconvenient, it occurred to me that it would be proper to remove all doubt, by passing an Act of Council, declaring the aborigines to be amenable to our laws, in all cases wherein those laws could be applied; but before I adopted such a measure, I thought it right to consult the Judges as to the necessity and propriety of it: I accordingly caused the letter, of which a copy is enclosed, to be written to the Chief Justice; and in reply, I received one from his Honor, of which I also enclose a copy, conveying to me the opinion of the Judges that the aborigines are amenable to our laws, and pointing out the occasion on which, after a solemn argument, it was decided that they were so amenable, in the year 1836; further

4 Jan. 1842.  
No. 1.  
8 Jan. 1842.  
No. 2.

NEW SOUTH  
WALES.

also stating, that in the opinion of their Honors, no declaratory law upon the subject is necessary.

I beg<sup>d</sup> further to state, that I have been requested by Mr. Justice Willis to bring the subject under your Lordship's consideration, with a view to its being referred to the Attorney and Solicitor-general of England; and I transmit a copy of Mr. Justice Willis's letter on the subject, enclosing the newspaper alluded to in it.

22 Sept. 1841.  
No. 3

I have, &c.  
(signed) Geo. Gipps.

Enclosure 1, in No. 41.

(No. 42/4.)

Encl. 1, in No. 41.

Sir,

Colonial Secretary's Office, Sydney 4 January 1842.

I AM directed by the Governor to inform you that a case has recently attracted his attention in the Supreme Court at Port Phillip, on which it will, his Excellency considers, be necessary for him to refer for instructions from the Secretary of State; but before he does so, he is anxious to have the benefit of any advice or opinion which your Honor, or your learned brethren on the bench, may be kind enough to afford him.

The case is that of an aboriginal native, "Bonjon," who was arraigned before the Supreme Court at Melbourne, in September last, for the murder of another aboriginal; and in the course of which the resident judge delivered a very strong opinion, that the aborigines in New South Wales are not amenable to the law of the colony, for offences committed amongst themselves.

You are probably aware, that some months before Bonjon was arraigned, his Excellency had, in a despatch to the Secretary of State, and also in a minute addressed to a committee of the Legislative Council, which last has been published in the colony, expressed a contrary opinion to that delivered by the learned judge at Port Phillip; and, if his Excellency is rightly informed, the judges of the Supreme Court in Sydney decided also, in the case of an aboriginal named "Jack Congo Murrel," about five or six years ago, that the aborigines of this country are amenable to British law, even for offences committed *inter se*.

As it is extremely desirable that the law in this respect should be rendered definite, the Governor intends to propose to the Secretary of State to introduce into the Legislative Council a Bill, to declare that the aborigines are amenable to our courts of law, like any other of Her Majesty's subjects, although his Excellency is desirous, as has been already observed, before he does so, of having the benefit of any advice that the judges may be kind enough to favour him with.

Sir George Gipps desires me to add, that he thinks it right (although not with any view of biasing the opinion of the judges) to state briefly the grounds on which he considers the aborigines to be in all respects amenable to our laws.

1. The sovereigns of Great Britain have, for more than half a century, assumed unqualified dominion over the parts of New Holland forming the territory of New South Wales, and have exercised unqualified dominion wherever their authority has been established.

2. It has been ordained by an Act of Parliament, 9 Geo. 4, c. 83, that within the colony of New South Wales, British law shall be established, without reference to any other law, or laws, save such as may be made by the local legislature.

3. That in numerous official documents, issued under the immediate sanction of Her Majesty, the aborigines of this country are called Her Majesty's subjects, and declared to be entitled to the same protection as any other class of Her Majesty's subjects.

4. That upon British territory, no law save British law can prevail, except by virtue of some treaty or enactment; and no such treaty or enactment has ever been made, either with or in respect to the aborigines of New South Wales.

5. That even if the aborigines be looked upon as a conquered people, and it be even further admitted that a conquered people are entitled to preserve their own laws until a different law be proclaimed by the conqueror, still no argument in favour of a separate code of laws for the aborigines of New South Wales can be drawn therefrom; first, because the aborigines never have been in possession of any code of laws intelligible to a civilized people; and secondly, because their conquerors (if the sovereigns of Great Britain are so to be considered) have declared that British law shall prevail throughout the whole territory of New South Wales.

In conclusion, his Excellency directs me to state to your Honor, that although he thus contends that British law alone exists in the colony, he entirely admits that, in putting the law in force against the aborigines, the utmost degree of mercy and forbearance should be exercised.

I have, &c.  
(signed) E. Deas Thomson.

His Honor Sir James Dowling,  
Chief Justice, New South Wales.

Enclosure 2, in No. 41.

NEW SOUTH  
WALES.

Encl. 2, in No. 41.

Sir,

Sydney, New South Wales, 8 January 1842.

I HAVE the honour to acknowledge the receipt of the colonial secretary's letter, of the 4th instant, written by your Excellency's directions, soliciting the opinion of the judges upon the question, whether the aborigines of New South Wales are, in our opinion, amenable to the laws of the colony for offences committed amongst themselves, in consequence of your Excellency's attention having been recently attracted to this question by a very strong opinion in the negative, delivered by Mr. Justice Willis, the resident judge at Port Phillip, in the case of an aboriginal native, arraigned before his Honor at Melbourne, for the murder of another aboriginal, which opinion, in your Excellency's judgment, renders it necessary for you to refer for instructions to the Secretary of State, to authorize the introduction into the Legislative Council of a Bill to declare that the aborigines are amenable to our courts of law like any other British subjects.

Having had a conference with my brother judges on this subject, I have the honour to inform your Excellency that the question submitted for our consideration has already been judicially determined by the Supreme Court, after solemn argument on a plea to the jurisdiction, the judges holding that the aborigines of New South Wales are amenable to British law in the courts of this colony for offences against the public peace committed on each other.

It is true that soon after my arrival in the colony, in 1828, I found an opinion prevailing that the Supreme Court could not take cognizance of offences committed amongst the aborigines, and in one or two instances the court, from the difficulty of administering justice between them, according to the rules of English law, forbore trying those individual cases. The question of jurisdiction was not, however, argued at the bar, and from the great infrequency of such cases, the course taken was silently adopted, from conformity rather with the impression prevailing, than as the result of deliberate judgment.

In the month of April 1836, however, the question was solemnly raised before the Supreme Court, in the case of an aboriginal named Jack Congo Murrall, arraigned for the murder of another aboriginal named Jabinguy. The court having assigned counsel and attorney for the defence, a plea to the jurisdiction was put on the record, to the effect, "that the prisoner was not bound to answer the information, for that the territory of New South Wales before, and until the occupation thereof by his Majesty George 3, was inhabited by tribes of native blacks, who were governed by usages and customs of their own from time immemorial practised and recognised amongst them, and not by the laws of Great Britain, and that ever since the occupation aforesaid the said tribes had continued to be, and still were governed by such usages and customs, and not by the laws of Great Britain; that the prisoner was a native black, belonging to one of such tribes, and that he was not then, nor at any time theretofore, a subject of the King of Great Britain, nor was subject to any of the laws of Great Britain; that the deceased Jabinguy was at the time of the supposed murder a native black, belonging to one of such tribes as aforesaid, and not a subject of the King of Great Britain, nor subject to any of the laws of Great Britain, or under the protection of the same. And averring that agreeably to the usages and customs of this tribe, if suspected of murder, prisoner could be made to stand punishment for the same, and could be exposed to such and so many spears as the friends and relatives of the said Jabinguy, with the murder of whom he stood charged, might think proper to hurl and throw against his body, whereby the life of prisoner might be endangered and brought into jeopardy for the said supposed murder. And prisoner further averred, that no proceeding which might be had against him in the Supreme Court, nor any verdict of acquittal for the supposed murder would be a bar to any proceedings which might be had against him by the relatives and friends of the deceased for the supposed murder." The Attorney-general demurred to this plea, which brought the question of law fully before the court, and it was solemnly argued by counsel before Sir Francis Forbes, then chief justice, and the puisne judges Dowling and Burton. The court took time to advise on the case, and on a subsequent day the united opinion of the judges was publicly delivered in full court by Mr. Justice Burton, by which the plea to the jurisdiction was overruled, obliging the prisoner to plead to the charge.

On the 13th May following the prisoner pleaded "not guilty," and was tried before me and a jury of 12 civil inhabitants, but from the difficulty of proving that the mortal blow was struck by the prisoner, he was acquitted.

In the month of May 1838, another aboriginal black, named Long Jack, was tried in the Supreme Court, before his Honor Mr. Justice Burton, for the murder of an aboriginal woman named Mary, and found "guilty;" but under the peculiar circumstances of the case, the sentence of death was only recorded, and the prisoner recommended for a pardon, on condition of transportation for life. (Letter of Mr. Justice Burton to his Excellency the Governor, 10th May 1838.) The question of jurisdiction was not doubted, it being considered that it was finally decided in Jack Congo Murrall's case. Since then, no doubt seems to have been entertained on the point, until in the case which has arisen at Melbourne, to which your Excellency has called the attention of the Judges.

After the question has been solemnly argued, and determined on a special plea to the jurisdiction, it appears to my brother judges and myself to be scarcely necessary to introduce any legislative enactment on the subject.

Your Excellency is aware, that by the local Ordinance, No. 22, passed on the 16th October 1840, that an appeal, both in civil and criminal matters, is allowed from the decisions of the resident judge at Port Phillip to the Supreme Court at Sydney; and that by the 11th

4 Vict. No. 22, s. 5.

NEW SOUTH  
WALES.

Encl. 2, in No. 41.

5 Vict. No. 9,  
s. 11.

section of the local Ordinance, 5 Victoria, No. 9, the mode of appeal is so far regulated that the resident judge may at any time, if he thinks fit, bring any doubtful question before the full court at Sydney for decision; so that in any case judicially decided, in which any point of difficulty arises at the Port Phillip Court, it may be brought under the review of the judges at Sydney. In the case alluded to as having recently arisen at Melbourne, I do not collect that the question was distinctly raised at the bar, so as to come before the court for solemn adjudication, and for ultimate decision by way of appeal to the court at Sydney. Should a case, however, arise at Melbourne, justifying this course of proceeding, it may thus be brought under the review of the full court.

I have, &amp;c.

His Excellency Sir George Gipps,  
&c. &c. &c.

(signed) James Dowling, C. J.

## Enclosure 3, in No. 41.

Sir,

Supreme Court Office, Melbourne, Port Phillip,  
22 September 1841.

Encl. 3, in No. 41.

I HAVE the honour most respectfully to enclose a newspaper, containing a tolerably correct report of the proceedings in the case of Bonjon, an aboriginal accused of the murder of another aboriginal, which recently took place before me. What fell from me is printed from my notes; having but one clerk in the Supreme Court Office, I was induced to adopt this mode of multiplying copies. I regret to find, by an official paper which I have just received, containing a minute by your Excellency of the 8th July 1841, that your Excellency is not of my opinion, and that you seem to consider the aborigines as subject to the English law, whether the offence be committed against one of themselves, or against white men. The matter seems to me of so much importance, that I trust I shall not be asking too much in begging your Excellency to submit it not only to the legal authorities in this colony, but also to Her Majesty's Secretary of State, and the law officers of the Crown in England.

I have, &amp;c.

His Excellency Sir George Gipps,  
&c. &c. &c.(signed) John Walpole Willis,  
Resident Judge.

Supreme Court, Thursday.

Before his Honor, the Resident Judge.

*Bonjon*, an aboriginal native, was indicted for the murder of another native named Yammowang, by shooting him with a carbine. The indictment having been read previous to the jury being sworn, his Honor remarked that he doubted much if the native knew one word of what had been read, and if he had understanding enough to put in a plea as to the jurisdiction of the court.

Mr. *Barry*, who appeared for the defence, at the request of his Honor, maintained that an aboriginal native could not plead, not being a Christian, and not understanding the nature and obligation of an oath sufficiently to verify the plea according to law.

The Crown prosecutor called the attention of his Honor to the case of one Hesther Dyson, who was born deaf and dumb.

His Honor said that in that case the jurisdiction was not doubtful; it was only as to the knowledge of the proceedings that a lengthy discussion arose. I doubt much the jurisdiction of this court over the natives in such cases as this, and whether the prisoner is competent to file a plea as to that jurisdiction; as it must be done in person and by affidavit, I will put the question to a jury, and leave the question in their hands.

The Crown prosecutor contended that an experiment should be made, in order to try whether the prisoner understood the nature of the crime with which he was charged or not, before going into the question of the jurisdiction of the court.

His Honor would not permit such a course. The first step that must be taken is to put it to a jury, whether the prisoner is competent to plead to the jurisdiction of the court or not. The jury must therefore be sworn, and witnesses brought forward as to the prisoner's capacity.

Mr. *Barry* claimed a right of challenge, but was overruled by his Honor, as the jury was not going to try the case, but only the competency of the prisoner to plead. Mr. *Barry*'s only reason for wishing to challenge was in order to have parties impannelled who understood the manners and customs of the aborigines.

The jury being sworn, Mr. *Barry* proceeded to call their attention to the novelty and importance of the case, which was one of the greatest possible import, not only as regards the



the present case, but all future proceedings of a similar nature. Mr. Barry, after a few words, proceeded to examine the witnesses.

Mr. *Robinson*.—Knows the prisoner; I am not intimately acquainted with him.

Mr. *Tuckfield*.—Is a Wesleyan missionary; I have a connexion with the aborigines; I know the prisoner; he belongs to the Waddorow tribe: I knew Yammowang, he belonged to a tribe called Koligon; both those tribes are to the westward of Geelong; they are both within the boundaries of Port Phillip; I have had intercourse with the prisoner occasionally for some time; I believe he does at present entertain some idea of a Supreme Being; his ideas on the subject are, I should say, very imperfect; I do not think he had sufficient knowledge to enable him to understand the obligation of an oath; I know that the prisoner has been conversant, to some extent, with the customs of Europeans; he has been more with them to my knowledge than any other native of the tribe to which he belonged. There is no station or reserve for the tribe to which he belongs in the vicinity of Geelong; they have occasionally visited our station, although they do not belong to it.

Encl. 3, in No. 41.

Mr. *Barry* was about to quote a passage from Dr. Robinson on the American tribes, but was interrupted by his Honor, who recommended him to defer it. The examination was then proceeded with. The prisoner has had some instruction in the Christian religion, but I do not think he understands the meaning of an oath; he has got some knowledge of a future state, but that knowledge is but slight; we, as missionaries, have frequently brought the subject of a future life before the natives; the ideas and notions they form on the subject of a future state are however very indistinct, they cannot define them themselves; I do not think the prisoner is able to understand the nature of the proceedings of the court; he is not competent to put in a plea as to the jurisdiction of the court, but I think he is capable to answer to the question of his being guilty or not guilty.

Cross-examined by Mr. *Croke*.—I have been in the habit for the last three years of instructing the tribe, as frequently as possible; such opportunities are uncertain; I think they have the capacity to understand the common transactions of life. Prisoner has been with the border police for some time; I cannot say whether he has been acting as a border policeman or not; he can speak a little of the English language, but very imperfectly; murder is deemed a crime among the aborigines; under all circumstances I do not think that it is considered murder, when previous wrongs and injuries have been committed; I do not think that I possibly could instruct the prisoner in any given time to enable him to put in a plea as to the jurisdiction of the court, although of sufficient capacity to understand the meaning of guilty or not guilty.

Captain *Foster Fyans*.—I know the prisoner at the bar; he was attached to the police for some time; he was only paid by rations or clothes; I had not power to punish him; the only duty ever performed by him was in tracking horses, and we found him very useful; he speaks English badly, but is intelligent in his own way.

Cross-examined by Mr. *Barry*.—There was no kind of agreement with the prisoner to stop in the government service.

His Honor briefly addressed the jury, leaving it to them whether the prisoner was of sufficient capacity to put in a plea as to the jurisdiction of the court. The jury unanimously agreed that the prisoner was not competent to put in a plea as to the jurisdiction of the court.

His Honor, who perfectly coincided in the decision, then stated, that the next thing to be tried was the capacity of the prisoner; that it would be nugatory to go into an argument on the jurisdiction of the case, without first knowing whether the jury agreed as to their opinion of the capacity of the prisoner to plead guilty or not.

The jury were then sworn again, and his Honor directed them to reconsider the evidence already adduced.

Mr. *Tuckfield* being recalled, stated in answer to a question of Mr. Barry, that he considered the prisoner was competent to say, or signify whether he was guilty of the crime with which he was charged or not.

The jury decided that the prisoner had sufficient capacity to know whether he did or did not kill Yammowang, but as murder is not always a crime with the aborigines, that he is incapable of deciding whether he is guilty or not guilty of a crime.

His Honor then said he thought the opinion of the jury a correct one, and the next thing that must now be argued was the jurisdiction of the court.

Mr. *Barry* was proceeding to address the court on the point, but was interrupted by his Honor, who remarked, that he thought it unnecessary to detain the jury any longer, as the argument on the jurisdiction would occupy some time, and a new jury could be summoned, or they would no doubt attend if necessary to try the case. The jury was then discharged.

Mr. *Barry* then addressed the court on the law of the case, contending that this colony was occupied not conquered by the British, the original settlers being unopposed by the aborigines. It would be extremely absurd to think of applying one portion and not another of the British laws to their government; in fact it would be illegal: if such was the case, the simple native would be liable daily to be brought to trial for various trifling actions which hourly take place among them, but which are punishable by the British code of laws; no treaty, no agreement had been entered into by the aborigines with the British authorities; such being the case, and being an independent people, they could not possibly be made subject to the British laws on cases *inter alia*; it would be, perhaps, thought necessary to show a jurisdiction among the aborigines in controversion of the claims of British adjudication; evidence could be produced to show that there exists a jurisdiction among the aboriginal

NEW SOUTH  
WALES.

Enci. 3, in No. 41.

tribes, a feeling of revenge is imprinted universally in the breast of the savage; such being the case, injuries would never escape without punishment of some kind or another. Mr. Barry concluded a very lengthy harangue by asserting, that as the aborigines had never submitted to the British authorities, and being unconquered, they could not possibly be governed by British law.

Mr. Croke replied in a rather lengthy speech, submitting to the court various examples of similar cases in Sydney, where the defendants had been tried and punished, the judges maintaining, that wherever the British colonized, there the British laws became supreme, and the natives must be amenable to them. In conclusion, Mr. Croke urged the prerogative of the British Crown, urging, that as the offence was committed on lands possessed and claimed in ownership by the British Government, offences there committed must be tried by the authorities of that Crown.

[We think it unnecessary to occupy more space with the addresses of counsel, as his Honor's decision was prepared and settled on before coming into court at all; therefore, whatever opinions or arguments delivered by either counsel must have been futile, and only listened to as a matter of form.]

His Honor delivered his decision, which occupied nearly three hours in reading, the first of which will be found in our last page, and the conclusion of it at the end of our Supreme Court News. As the case was considered one of such vast importance no positive decision was arrived at by the court on the matter; the point would be reserved for reference to another quarter, and if the counsel had no objection the trial would be proceeded with, in order to give the prisoner every chance of liberation. The court was then adjourned.

Friday, 27 September 1841.

*Charles Jones*, the late bailiff of the Court of Request, was brought up on a bench warrant, charged with fraud and extortion. His Honor said, that as the offence was one of so serious a nature that the prisoner was charged with, that it would be necessary for him to find sureties, himself in 500*l.* and two respectable solvent parties in 250*l.* each.

His Honor then remarked, that he had been informed by Mr. Robinson of a strange coincidence with regard to the trial of aborigines. Two aboriginal natives had been tried for murder and punishment at the encampment on the 14th, while the trial of *Bonjon* was to have commenced on the 15th. His Honor stated that this was a proof which could not be doubted by the most sceptical as to the aborigines having laws and adjudication *inter alia*. Mr. Robinson stated that he had been present during their punishment; a number of spears had been thrown at them by which they were wounded. Mr. Thomas then went into a relation of the facts of the murder committed by the two natives, its reason and consequences. That it had always been considered necessary by the aborigines to procure the kidney fat of some other black before their grief for the loss of a relation could be appeased and the manes of the deceased satisfied. In the case alluded to the mother of the two men had ceased to exist; after the performance of the necessary ceremonies they were proceeding towards the Snowey River, beyond which they ought to find their victim, but being overwhelmed with grief, and meeting one of the Yarra tribe on the way, they seized him and cut out his kidney fat; the unfortunate victim lingered for few hours and died. The tribe was much offended. The young men were sentenced to death, but their punishment had only been executed in part, as before described.

Mr. Barry moved an objection as to the venue, which was laid generally. His Honor, however, overruled the objection.

The affidavits taken against the prisoner at Geelong having been inquired into, Dr. Clarke, the medical witness, was of opinion that the prisoner was totally incompetent to understand or cross-examine him (Dr. C.) in his evidence.

His Honor said, that such being the case, it was impossible, according to law, to proceed with the trial; he, however, did not think it advisable to discharge the prisoner, as his life would be jeopardised if he came within the power of the aborigines.

The Crown prosecutor, under these circumstances, declined proceeding with the case.

The prisoner was then remanded till next session, and the Court was adjourned *sine die*.

## SUPREME COURT.

The following Address was delivered by his Honor Judge Willis, on Thursday last, on the Trial of the Aboriginal, *Bonjon*, as reported in our second page.

His Honor said, *Bonjon*, an aboriginal within the district of Port Phillip, was committed to gaol on the 25th of August 1841, by N. A. Fenwick, esq., police magistrate of Geelong, and E. B. Addis, and Foster Fyans, esquires, justices of the peace for the territory of New South Wales, for the alleged murder (on or about the 14th of last July) of Yammowing, also an aboriginal within this district. An information has been filed by Mr. Croke, the Crown prosecutor for the district, against the prisoner for this offence, and the question now is, whether the Supreme Court in a case like this has any jurisdiction? Are in fact the aborigines (except with reference to aggressions on their part against the colonists, and with regard to that protection from the aggressions of the colonists which the aborigines are indisputably

indisputably entitled to), subject to the law of England as it prevails in this colony? With regard to such aggressions as I have mentioned, they are entitled to be considered and treated, in my opinion, as if they were British subjects. The recent case of the two aborigines, Merridio and Negaril, recently tried before Mr. Justice Burton, at Sydney, and executed for the murder of William Tuck; and the case of Charles Kilmaister, and six other colonists, also tried before Mr. Justice Burton, at Sydney, in December 1836, and executed for the murder of two aboriginal children, and an adult aboriginal named Charley, show how the English law has been applied in criminal cases between the colonists and the aborigines. I am aware, however, that Mr. Montgomery Martin, in his history of this colony (chap. 6), thus mentions the case of an aboriginal, Black Tommy, who was hanged for murder at Sydney, in 1827. "The circumstances," he says, "connected with this execution were very singular, and deserve publicity. From the statement previously made to me, I believed the man to be innocent, and I therefore attended his trial to aid in the defence of a man who knew not a word of our language, and owed no obedience to our laws." Mr. Martin, though an author, is not legal authority. The point, however, for decision in the case now before me is a very different one. I repeat, that it is not with reference to any aggressions between the black and white population, but simply whether the English law can be legally applied; or rather, sworn, as I am, to administer the law of England as it prevails in the colony, can I legally exercise any jurisdiction with reference to any crimes committed by the aborigines against each other? This, and this alone, is the question; and it is a question, affecting as it does a vast and hitherto neglected, oppressed, and deeply injured multitude of the human race, more worthy of the judicature of a Roman senate than of an obscure and single colonial judge; but it is my consolation, that should I err in judgment, that error may speedily be corrected, and complete justice provided, not, indeed, by a Roman senate, but by the surpassing wisdom and humanity of the Imperial Parliament. The undue assumption of legal jurisdiction darkens the annals of our country with the crime of regicide; it hurried to the grave an unfortunate missionary in the colony whence I came, but there sprang from his ashes a society which, having extinguished slavery, now directs its views to the protection of the aborigines within the British settlements. I believe it to be the duty of a judge fearlessly and honestly, yet with all due care and circumspection, to extend to its utmost verge his judicial authority when occasion shall require; but I believe it equally to be his duty to abstain from its exercise when any reasonable doubt can be entertained of his jurisdiction. The fair and lovely face of justice, if urged beyond her legal boundary, assumes the loathsome and distorted features of tyranny and guilt.

"Est modus in rebus; sunt certi denique fines,  
"Quos ultra citraque nequit consistere rectum."

The address of the British House of Commons to the late King, passed unanimously, July 1834, (and set forth in the Report of the Select Committee of the House of Commons on the Aborigines where British settlements are made, and to which I shall have frequent occasion to refer,) states that his "faithful Commons in Parliament assembled are deeply impressed with the duty of acting upon the principles of justice and humanity in the intercourse and relation of this country (the United Kingdom) with the native inhabitants of its colonial settlements, of affording them protection in the enjoyment of their civil rights, and of imparting to them that degree of civilization, and that religion with which Providence has blessed this nation; and it humbly prays that his Majesty will take such measures and give such directions to the governors and officers of his Majesty's settlements and plantations as shall secure to the natives the due observance and the protection of their rights, promote the spread of civilization among them, and lead them to the peaceful and voluntary reception of the Christian religion." "This address (says the Report), as the Chancellor of the Exchequer observed, so far from being the expression of any new principle, only embodies and recognises the principles on which the British Government has for a considerable time been disposed to act." The Report further states, "it might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil; it is a plain and sacred right which seems not to have been understood. Europeans have entered their borders uninvited, and when there, have not only acted as if they were the undoubted lords of the soil, but have punished the natives as aggressors, if they have evinced a disposition to live in their own country. If they have been found upon their own property (and this is said with reference to the Australian Aborigines) they have been hunted as thieves and robbers, they have been driven back into the interior as if they were dogs or kangaroos." To elucidate, so far as I am able, the point for decision, I will first briefly trace the history of this colony and of the settlement of this district, at the same time remarking on the character which has been given of the aborigines; and in the second place, state so much of the acknowledged law of nations, and the manner it has been acted upon with regard to aborigines, as seems to me to bear on the subject, adding a few notices of the manner in which uncivilized tribes have been treated with in other British colonies, and the steps taken in colonies where English law was in force. I will premise that the policy or inpolicy of an existing system can avail nothing in the present instance. I am here as a Judge to declare the right, and not to have recourse to the expedient. I can never permit the end to justify any undus means for its accomplishment. This may be policy and wisdom in a statesman, but it is little less than treason in a Judge. He must not

"Wrest the law to his authority,  
Or do a great right, through a little wrong."

NEW SOUTH  
WALES.

Encl. 3, in No. 41.

But to proceed with the history of the colony. Whatever may be the claims of others to the discovery of the vast island of New Holland, there can be no doubt that our English navigator, Captain Cook, sailing from Plymouth in August 1768, on his well-known scientific voyage, after having observed at Mattavia in Otaheite, the transit of Venus over the sun, in June 1769, in due form, and with great advantage, and discovered the Society Islands, sailed to New Zealand, and thence to New Holland, the eastern coast of which, unexamined before, he explored with attentive diligence for the space of 1,800 miles; affixing to this part of the country the name of New South Wales, he took possession of it in the name of his sovereign. Early in the year 1785, owing to the previous revolution and then recent declaration of the independence of the British colonies (now United States of America), the attention of the British Government was naturally directed to the state of the convicts formerly transported to those possessions. In the House of Commons Mr. Burke asked what was to be done with the unhappy persons sentenced to transportation? This gave rise to the Colonial scheme, adopted during the administration of Mr. Pitt, to clear the prisons, with an eye to the eventual benefit derivable from new possessions. The King ordered a considerable embarkation for Botany Bay, in New South Wales. The number of convicts amounted to 584 men, and 242 women; guarded by 213 marines. Captain Arthur Phillip, a naval officer, was invested with the chief command of the squadron, and destined to be the first governor of the eventual colony.

*" Finibus expulsi patriis nova regna petentes."*

They sailed from England in the early part of the year 1787, and arrived in Botany Bay in January 1788. On the shore appeared a body of savages, armed with spears, which, however, they threw down as soon as they found the strangers had no hostile intention; they had not the least article of clothing, yet they did not seem surprised at the sight of well-clad persons, or impressed with a sense of shame. Finding the bay to be inconvenient, Port Jackson was fixed upon as a more desirable spot; and at one of the coves of this harbour, named from Lord Sydney, an orderly disembarkation took place. While the majority of the men were clearing the ground of the trees and underwood with which it was encumbered, a hasty encampment afforded temporary shelter; and at a meeting of the whole colony, formal possession was taken of that part of New Holland which extends from York Cape to the South-eastern Cape, and from the coast to the 135th degree of east longitude; a country, to which was given the denomination of New South Wales, much more extensive than all the British dominions in Europe. The Governor, in various excursions, endeavoured to conciliate the natives, but they long continued to be shy and jealous: they appeared to belong to the numerous race dispersed over the South Sea Islands; they had made little progress in the arts, their canoes were wretchedly formed, their huts were very slight and incommodious, and they could not secure themselves against the frequent visitations of famine. The progress of the colony, to a regular establishment, was slow; supplies of delinquents were occasionally sent; but such articles of subsistence as the colonists could not obtain from the land which they inhabited, did not always arrive from other countries so soon as they were required, and the scarcity sometimes bordered on famine. And here I cannot but agree with what is said by Lord Bacon, " I like a plantation in a pure soil, that is, where people are not displanted to the end to plant in others; for else it is rather an extirpation than a plantation." " It is a shameful thing," he adds, " to take the scum of the people, and wretched condemned men, to be the people with whom you plant." Yet such was the plantation of New South Wales. With regard to the character of the aborigines of the colony, it was said by those who first visited New Holland, " that the people who inhabit the various parts of it, appear to be of one race. They are evidently ruder than most of the Americans, and have made still less progress in improvement and the arts of life. There is not the least appearance of cultivation in any part of this vast region; the inhabitants are extremely few, so that the country appears to be almost desolate. Their tribes are still more inconsiderable than those of America. They depend for subsistence almost entirely on fishing; they do not settle in one place, but roam about in quest of food. Both sexes go stark naked. Their habitations, utensils, &c. are more simple and rude than those of the Americans." Subsequent observation has shown the incorrectness of much of this statement, which, doubtless, may formerly have had weight with the British Government. The Lord Bishop of Australia, previously the Archdeacon, Dr. Broughton (in his evidence before the Committee of the House of Commons), although he says, " that the aborigines are in a state of extreme degradation and ignorance," yet adds, " that he does not ascribe their present barbarism to any unconquerable dulness of intellect, but merely to their love of erratic liberty; and thinks their intellect, when it is exercised, is very acute upon subjects that they choose to apply it to." His Lordship states, " that the consequence of our settlement at Sydney, was to drive away the aborigines from possessions which they had previously occupied." " They still haunt," he says, " and continue in their natural places; they return to it, and linger about it, but they have no settled place, properly so called; it is all occupied by the Europeans." His Lordship also stated his opinion as to their numbers; which certainly does not seem to be very inconsiderable. Mr. Saxe Bannister, formerly Attorney-general of this colony, in his evidence before the same Committee (on the 31st August 1835), after complaining that in his time in New South Wales, an interpreter (between the aborigines and colonists) could not be found to come into any court of justice, says, " we ought forthwith to begin, at least, to reduce the laws and usages of the aboriginal tribes to language, print them, and direct our courts of justice to respect those laws in proper cases."

Hence

Hence it is evident, according to Mr. Bannister's testimony, that the aborigines of this colony have laws and usages of their own. Mr. Bannister also handed a paper to Mr. T. F. Buxton, chairman of the Committee, dated the 19th August 1835, in which (under the head of "Measures affecting the Swan River and other New Australian Colonies") he says, "Make treaties with the natives before proceeding farther." The Rev. John Dunmore Lang, the head, I believe, of the Presbyterian church in this colony, in a letter to Mr. T. F. Buxton, of the 10th June 1834, appended to Minutes of Evidence before the Committee I have mentioned, writes as follows: "They (the aborigines of New South Wales) are divided into an infinity of tribes, speaking an infinity of barbarous tongues; subsisting on whatever the rivers or the forests produce spontaneously, without clothing, without houses, equally ignorant of manufactures and of agriculture, but generally in a state of warfare with each other.

They are neither devoid of intelligence, however, nor destitute of capacity; and in their native wilds, and especially in seasons when game is easily procurable, they are by no means strangers to a certain species of enjoyment. Their songs are artless, but agreeably melodious, and sometimes even poetical; their dances are an accurate imitation of the motions of the inferior animals that inhabit their native forests; and their mock fights are a still more accurate representation of real warfare than an European review." I find that in a letter from a Mr. John Batman, enclosed by Governor Arthur, from Van Diemen's Land, of 4th July 1835, to the Right hon. T. Spring Rice (now Lord Monteagle), then Her Majesty's Colonial Secretary of State; that Mr. Batman states, "the chiefs (that is, the chiefs of the aboriginal tribes at Port Phillip,) "to manifest their friendly feelings towards me, insisted upon my receiving from them two native cloaks, and several baskets, made by the women, and also some of their implements of defence. The women generally are clothed with cloaks of a description somewhat similar, and they certainly appear to me to be of a superior race to any natives which I have ever seen." Thus, according to these statements respecting the aborigines, it appears that they are by no means devoid of capacity, that they have laws and usages of their own, that treaties should be made with them, and that they have been driven away, from Sydney at least, by the settlement of the colonists, but still linger about their native haunts. That they do so linger in this district, that those who are termed by Mr. Batman, in aid of his views, and those of other speculative adventurers, "a superior race," still linger about this town of Melbourne, once in their actual occupation, is seen by their frequent assemblies in the immediate vicinity, and the multitude of them so congregated at this very moment. The scenes of drunkenness of individuals belonging to this unfortunate race daily witnessed by all in the streets of Melbourne will account for that decay, for their seeming to wear out (as the Lord Bishop justly says) and diminish in numbers wherever Europeans meet with them. Rochefort tells us that an aboriginal of a different country, an old Charib, many years since addressed a West Indian planter thus: "Our people are become almost as bad as yours, we are so much altered since you came among us that we hardly know ourselves, and we think it is owing to so melancholy a change that hurricanes are more frequent than they were formerly. It is the evil spirit that has done all this, who has taken our best lands from us, and given us up to the dominion of the Christians!" It appears by the Parliamentary Report I have so frequently referred to, that "from the prevalence of infanticide, from intemperance, and European diseases, the number of the aborigines is evidently and rapidly diminishing in all the older settlements of the colony, and that in the neighbourhood of Sydney especially, they present merely the shadow of what once were numerous tribes; yet even now it is supposed that their number within the limits of the colony of New South Wales cannot be less than 10,000; an indication of what must once have been the population, and what the destruction." But why, I would ask, if the aborigines be deemed to all intents and purposes to be British subjects, and amenable to British laws, as it is now contended that they are,—why have not the magistracy, aye! and why not the Executive directed the magistracy, if negligent in their duty, to put forth the protecting arm of legal authority to save these wretched beings from these crimes,—the crimes of infanticide and drunkenness,—to save them from themselves, and from the effects of the inoculation of European vice? The settlement of this district of Port Phillip took place under the circumstances detailed in a very able despatch of Governor Sir Richard Bourke, on the 10th of October 1835, to the Right hon. Lord Glenelg, then Secretary of State, which, with other documents relative to an illegal attempt of the Mr. Batman who has been mentioned, and his co-adventurers, to treat with the chiefs of the native tribes for the purchase of no less than 600,000 acres of land in the immediate vicinity of this town, in consideration of "a few blankets, knives, and tomahawks, four suits of clothes, fifty pounds of flour, and an annual tribute of some blankets, knives, tomahawks, scissors, looking glasses, slop clothing, and two tons of flour." Yes, such was proposed as the liberal consideration for 600,000 acres of land, an attempted bargain surpassed only by some more recent proceedings of a somewhat similar description in New Zealand. The whole of these documents are printed, and may be seen in the Appendix to the Report of the Parliamentary Committee on the disposal of waste lands in the British colonies, dated the 1st of August 1836. This scheme was happily frustrated. It is to be regretted, however, that previously to the settlement of Port Phillip by the Government no treaty was made with the aborigines, no terms defined for their internal government, civilisation, and protection. Sir Richard Bourke indeed well deserved the glowing eulogy for what he has done, though I cannot but lament that with regard to the aborigines he did not do more. The address to him from the inhabitants of the colony of New South Wales, when on his return to Europe (published in the Government Gazette of New South Wales, of 13th December 1837), alludes to Port Phillip

NEW SOUTH  
WALES.

Encl. 3, in No. 41.

in the following terms: "We beg leave, Sir, to acknowledge, that to your promptitude and decision we are mainly indebted for having secured to New South Wales the noble domain, millions of fertile acres, which encompass the waters of Port Phillip. Impartial history will yet record with what vigilance you watched over those, who under the pretence of fictitious sales and artful representations, endeavoured, on terms injurious to the rights and interests of the colony, to make a monopoly of those green and boundless plains which, at no distant period, are destined to be covered with our multitudinous flocks and herds." The immigrant now journeys to the spot thus freed from the trammels of these tainted transactions, like Æneas on his approach to Carthage—

"Miratur portas, strepitumque et strata viarum:  
Instant ardentem homines; pars ducere muros,  
Moliriq; arcem, et manibus subvolvere saxa:  
Pars aptare locum tecto, et concludere sulco.  
Hic Portus alii effodiunt: hic alta theatris  
Fundamenta locant alii, immanisque columnas  
Rupibus excidunt, scenis decora alta futuris."

But though the city may spring up and flourish, though the smoke is seen to curl from many a domestic hearth, where is the sacred spire pointing to heaven, and telling the distant traveller, that he is approaching the abode of Christians as well as of civilized men?—of Christians mindful of their duty to the helpless race whose possessions they have usurped. According to the commission whereby this colony is governed, the sovereignty of the crown is asserted over the whole of the territory comprised within the limits it defines—limits always including a large portion of the northern island of New Zealand: that part in fact between which and New South Wales any intercourse existed—limits which by a commission of so late a date as the 15th of June 1840, were further extended so as to comprise that group of islands in the Pacific, commonly called New Zealand. There does not appear to be any specific recognition in this commission of the claims of the aborigines, either as the sovereigns or proprietors of the soil: although it is in the recollection of many living men that every part of this territory was the undisputed property of the aborigines. Whether the sovereignty thus asserted within the limits defined by the commission of his Excellency the Governor legally excludes the aborigines, according to the law of nations, as acknowledged and acted upon by the British Government, from the rightful sovereignty and occupancy of a reasonable portion of the soil, and destroys their existence as self-governing communities so entirely as to place them, with regard to the prevalence of our law among themselves, in the unqualified condition of British subjects; or whether it has merely reduced them to the state of dependent allies, still retaining their own laws and usages, subject only to such restraints and qualified control as the safety of the colonists and the protection of the aborigines required, (subject to that right of pre-emption of their lands which is undoubted,) is the point upon which the present question mainly rests. Much will depend on the manner in which this colony is considered to have been acquired; and this brings me, in the second place, to advert to the law of nations as acknowledged by the British Government, with regard to colonial possessions. "Colonies," says Mr. Clark, in his summary of Colonial Law, and stated at the bar by Mr. Barry, "are acquired by conquest, by cession under treaty, or by occupancy. By occupancy, where an uninhabited country is discovered by British subjects, and is upon such discovery adopted or recognised by the British Crown as part of its possessions. In case a colony be acquired by occupancy (he adds) the law of England, then in being, is immediately and *ipso facto* in force in the new settlement." He further states, "New South Wales and Van Diemen's Land were acquired by discovery or simple occupation. New South Wales was not, however, unoccupied, as we have seen, at the time it was taken possession of by the colonists, for "a body of the aborigines appeared on the shore, armed with spears, which they threw down as soon as they found the strangers had no hostile intention." This being the case, it does not appear there was any conquest; and it is admitted there has hitherto been no cession under treaty. Protectors, indeed, have recently been appointed, and certain lands set apart, by order of Government, within this district, for the location of the aborigines; but no more. This colony, then, stands on a different footing from some others, for it was neither an unoccupied place, nor was it obtained by right of conquest and driving out the natives, nor by treaties. "Indeed," as M. Vattel very justly says, "whoever agrees that robbery is a crime, and that we are not allowed to take forcible possession of our neighbour's property, will acknowledge, without any other proof, that no nation has a right to expel another people from the country they inhabit in order to settle in it herself." But in a preceding page the same author declares, in the passage quoted by the learned crown prosecutor, "that those who pursue an erratic life, and live by hunting rather than cultivate their lands, usurp more extensive territories than with a reasonable share of labour they would have occasion for; and have, therefore, no reason to complain if other nations, more industrious, and too closely confined, come to take possession of a part of those lands. Thus, though the conquest of the civilised empires of Peru and Mexico was a notorious usurpation, the establishment of many colonies on the continent of North America might, on their confining themselves within just bounds, be extremely lawful. The people of those extensive tracts rather ranged through, than inhabited them." And again, he says, as was quoted by the counsel on both sides at the bar, "It is asked if a nation may lawfully take possession of a part of a vast country in which there are none but erratic nations whose scanty population is incapable of occupying the whole? We have already observed, in establishing the obligation to cultivate the

the earth, that those nations cannot exclusively appropriate to themselves more land than they have occasion for, or more than they are to settle and cultivate. Their removing their habitations through these immense regions cannot be accounted true and legal possession; and the people of Europe, too closely pent up at home, finding land of which savages stood in no particular need, and of which they made no actual and constant use, were lawfully entitled to take possession of it, and settle it with colonies. The earth, as we have already said, belongs to mankind in general, and was designed to furnish them with subsistence: if each nation had from the beginning resolved to appropriate to itself a vast country, that the people might live only by hunting and fishing and wild fruits, our globe would not be sufficient to maintain a tenth part of its present inhabitants. We do not, therefore, deviate from the views of nature in confining the Indians within narrower limits." M. Vattel proceeds, but this has not been quoted at the bar: "However, we cannot help praising the moderation of the English puritans who settled in New England; who, notwithstanding their being furnished with a charter from their sovereign, purchased of the Indians the land of which they intended to take possession. This laudable example was followed by William Penn and the colony of Quakers which he conducted to Pennsylvania." It was, then, upon the above principle, I think, and not by mere occupancy of a desert spot, by conquest, or by cession, that this colony was acquired, though the good example of the English puritans and of William Penn has hitherto been neglected. The former, in 1640, being desirous of planting churches "after a godly sort," and to traffic with the Indians along the Delaware Bay, made a purchase of soil for 30*l.* sterling from the Indians, "and based their claims on their actual purchase from the Indian sovereigns, of whom they alleged they acquired their titles." With regard to Penn, Fishbourne, in his narrative, says, "the first and principal care of the proprietor (Penn) was to promote peace with all; accordingly he established a friendly correspondence by way of treaty with the Indians, at least twice a year, and strictly enjoined the inhabitants and surveyors not to settle any land to which the Indians had claim, until he had first, at his own cost, satisfied and paid them for the same." Here, then, we find the Indians treated as sovereigns of the soil by the puritans, and treaties entered into with them by the chartered governor, Penn. Penn's right as representing his sovereign, was discovery coupled with possession; and yet, having the sovereignty by virtue of the royal charter, the Indians were not reduced to subjects, but treaties were made with them whereby they became dependent states, and placed themselves under his protection. "A state," says M. Vattel, "that has put herself under the protection of another, has not on that account forfeited her character of sovereignty;" and this was the case with the Indian tribes. A state, I think, may be considered, under the above circumstances, as placing itself under the protection of the more powerful colonists, although no specific treaty has been made; and the passages from Kent's Commentaries that I shall cite hereafter, will, in my opinion, warrant this inference. But, it may be said, that if a nation that is protected, or has placed itself under a certain state of subjection, does not resist the encroachments of the superior power—if it makes no opposition to them—if it preserves a profound silence when it may and ought to speak—its patient acquiescence becomes in length of time a tacit consent that legitimates the right of the usurper. It must be observed, however, that silence, in order to show consent, ought to be voluntary. If the inferior nation proves, or if it be evident from its position and circumstances, that violence and fear, or ignorance, prevented its giving testimonies of opposition, nothing can be concluded from its silence, which then gives no right to the usurper. Therefore, if this colony were acquired by occupying such lands as were uncultivated and unoccupied by the natives, and within the limits of the sovereignty asserted under the commission, the aborigines would have remained unconquered and free, but dependent tribes, dependent on the colonists as their superiors for protection; their rights as a distinct people cannot, from their peculiar situation, be considered to have been tacitly surrendered. But the frequent conflicts that have occurred between the colonists and aborigines within the limits of the colony of New South Wales, make it, I think, sufficiently manifest that the aboriginal tribes are neither a conquered people, nor have tacitly acquiesced in the supremacy of the settlers. The rights of the aborigines of this district, if the testimony which has been adduced as to the civilization and capacity be true, cannot, I should imagine, differ from those of other aboriginal tribes within the limits of the same government. We find in the Government Gazette of New South Wales, of 8th July 1840, a proclamation by Captain Hobson, the Lieutenant-governor of New Zealand, reciting that a treaty had been made and entered into by him and certain chiefs of the northern island, (the greater part of which, it will be remembered, has always been within the limits defined in the commission under which this colony is governed), declaring that by virtue of such treaty, the full sovereignty of the northern island of New Zealand vests in Her Majesty Queen Victoria for ever, a clear and distinct recognition of these chiefs as a separate and independent people. Now, if this cession were according to general and established principles of national law, what is there, I would ask, to prevent his Honor, the superintendent of this district, entering into a similar treaty with the chiefs of the aborigines of this district, and thus acknowledging them to be as distinct a people as the New Zealanders. I fully agree with his Excellency the Governor, Sir George Gipps, that Mr. Busby's declaration of independence of the New Zealanders "was a silly as well as unauthorized act," wherefore no argument in favour of the treaty entered into with them by Governor Hobson, can be built on that ground; in fact I am quite at a loss to discover how the aborigines of New Zealand can be considered in a different light to those of Australia Felix. But I now come to what, perhaps, is higher and more conclusive authority for considering the aborigines as a distinct though independent

NEW SOUTH  
WALES.

Encl. 3, in No. 41.

people, and entitled to be regarded as self-governing communities. On the 9th of July 1840, his Excellency, Governor Sir George Gipps, in his speech in the legislative council of this colony (a speech which would have done honour to any senate,) on the Bill respecting claims to grants of land in New Zealand, made, among other, the following quotations in support of his argument, quotations which I know to be correct. The first passages read by his Excellency were extracts from Storey's Commentaries on the Constitution of the United States, c. 1, ss. 6, 7, and 8, but the seventh section is sufficient for my present purpose—it is as follows: "It may be asked what was the effect of this principle of discovery with regard to the natives themselves. In the view of the Europeans, it created a peculiar relation between themselves and the aboriginal inhabitants. The latter were admitted to possess a present right of occupancy, or use of the soil, which was subordinate to the ultimate dominion of the discoverer. They were admitted to be rightful occupants of the soil with a legal and just claim to retain possession of it, and to use it according to their own discretion. In a certain sense they were permitted to exercise rights of sovereignty over it. They might sell or transfer it to the sovereign who discovered it, but they were denied the authority to dispose of it to any other person; and until such a sale or transfer they were generally permitted to occupy it as sovereigns *de facto*." His Excellency then read several extracts from Kent's Commentaries on the American Law, and among others the following passage, a passage also quoted by counsel on behalf of the prisoner in his arguments in this case: "The Indian tribes placed themselves under the protection of the whites, and they were cherished as dependent allies." This does not appear to have been in consequence of any express treaty; "but subject to such restraints and qualified control in their national capacity, as was considered by the whites to be indispensable to their own safety, and requisite to discharge the duty of protection." And again: "They (the New England puritans) always negotiated with the Indian nations, as distinct and independent persons; and neither the right of pre-emption, which was uniformly claimed and exercised, nor the state of the dependence and pupilage under which the Indian tribes within their territorial limits were necessarily placed, were carried so far as to destroy the existence of the Indians as self-governed communities." His Excellency also read a passage from Robertson's History of America, with regard to the internal regulations of the Indians, of which the following is an extract—(this passage has also been at the bar to show that the Court ought not to entertain jurisdiction):—"The first step towards establishing a public jurisdiction has not been taken in those rude societies. The right revenge is left in private hands. If violence is committed or blood shed the community does not assume the power either of inflicting or moderating the punishment. It belongs to the family and friends of the person injured or slain to avenge the wrong, or to accept the reparation offered by the aggressor." A lawyer at once perceives the similarity of this rude custom to the appeals of murder which, within my recollection, formed part of the English code. I believe the passages so aptly quoted by his Excellency the Governor to be equally applicable to the aborigines throughout the colony as to those of New Zealand. The American colonies were acquired precisely in the same manner as this has been, by discovery and occupancy of such lands as were not in the actual occupation of the natives. Some of those colonies also were receptacles for convicted offenders. If it be urged, notwithstanding what I have stated, that this is a conquered colony, I say and so most certainly was Jamaica, a colony in which, as in this, the English law prevails, and yet we find that in the year 1738, a treaty was concluded under the sanction of the Crown, not with the aborigines indeed, but with an equally rude and untutored race, the Maroons of Trelawney Town, on the 1st March in that year; by the eighth article it is stipulated "that if any white man shall do any manner of injury to Captain Cudjoe, his successors, or any of his people, they shall apply to any commanding officer or magistrate in the neighbourhood for justice; and in case Captain Cudjoe, or any of his people, shall do any injury to any white person, he shall submit himself, or deliver up such offenders to justice." And by the 12th article, "That Captain Cudjoe, during his lifetime, and the captains succeeding him, shall have full power to inflict any punishment they think proper on their men, death only excepted, in which case, if the captain thinks they deserve death, he shall be obliged to bring them before any justice of the peace, who shall order proceedings on their trial equal to those of other free negroes." A pretty strong acknowledgement of a rude and dependent community being permitted to govern itself by its own laws in a British colony. The island of St. Vincent, of which, says Edwards, the Charibs were the rightful possessors, was by the 9th article of the peace of Paris, 10th February 1763, ceded by the French in full and perpetual sovereignty to Great Britain, "the Charibs not once being mentioned in the whole transaction, as if no such people existed." The Charibs indeed uniformly and absolutely denied any right in any of the sovereigns of Europe to their allegiance. They were a rude and savage race, certainly not greatly superior, from Mr. Edwards's account of them, to the aborigines, as described by Mr. Batman, in Australia Felix.

Notwithstanding the cession of the island to the British Crown in full sovereignty, government deemed it expedient to enter into a treaty of peace and friendship with them, concluded on the 17th February 1773, by the 3d article of which they stipulate, "to submit themselves to the laws and obedience of His Majesty's Government, and the Governor shall have power to enact further regulations for the public advantage as shall be convenient—(this article only respects their transactions with His Majesty's subjects, not being Indians, their intercourse and customs with each other in the quarters allotted to them not being affected by it.)—and all new regulations are to receive His Majesty's Governor's approbation before carried into execution." More convincing proofs than these cases in Jamaica and St. Vincent of the



NEW SOUTH  
WALES.

Encl. 3, in No. 41.

the recognition of the self-government, as dependent allies, of a rude people within the British dominions, in a colony where English law prevails, cannot, I think, be found, or one that more clearly refutes the argument of the crown prosecutor, that all persons in a British colony are subject to the British law. Why, then, I would ask, if this principle has been acknowledged in this colony with regard to the aborigines of New Zealand—in Jamaica with respect to the Maroons—in St. Vincent with reference to the Charibs, and fully recognised and acted upon as national law in America,—why is it not to be acted upon here? Our East Indian possessions, whatever they may have been originally, are certainly now claimed by us by conquest; yet there, even after conquest, the unchristian practice of Suttees and the barbarous rites of Jughernaut, were permitted to prevail; the British Legislature, however, has, by the stat. 3 & 4 Will. 4, c. 85, expressly given “the Governor-general in Council power to repeal or alter any laws or regulations then or thereafter to be in force in those territories, and to make laws for all persons, British or native, foreigners or others, and for all courts of justice, whether established by His Majesty’s charter or otherwise.” There is no express law that I am aware of that makes the aborigines subject to our colonial code; the stat. 9 Geo. 4, c. 83, s. 24, declares that the laws of England shall be applied in the administration of justice so far as circumstances will admit; but this, I think, is very different from declaring that the aborigines shall, as among themselves, be amenable to British law. The only acts of legislation with regard to the aborigines that I remember, are the local ordinances to prevent their being supplied with spirits, and to prevent them bearing firearms; but it has never been attempted to deprive them of their weapons. These laws are perfectly consistent, I think, with the character of the aborigines, as dependent allies, and necessary for the protection and due regulation of intercourse between the aborigines and colonists. After the conquest of Ireland by Henry II., the laws of England were received and sworn to by the Irish nation, assembled at the Council of Lismore. But the Irish still adhering to their old Brehon law, after repeated injunctions, which they disregarded, that they should be governed by the law of England, the Brehon law was formally abolished by an act of Irish Parliament in the 40th year of Edward 3. Had any legislative enactment abolished the laws and customs of the aborigines, or declared that they should be governed by the law of the colony, then this point could never have arisen. This is not a question of foreigners in a country where the sovereign has the entire sway. In such a case there can be no doubt that the foreigners are amenable to the laws of the place they come to. But even with regard to foreigners, it is said by M. Vattel to be the safest course not to permit those foreigners to reside together in the same part of the country, there to keep up the form of a separate nation. In this instance, however, the colonists, and not the aborigines, are the foreigners; the former are exotics, the latter indigenous; the latter the native sovereigns of the soil, the former uninvited intruders. It seems, then, that although infanticide prevails, and scenes of drunkenness are daily witnessed among the unfortunate aborigines in our streets, that no attempt has hitherto been made, to my knowledge at least, to repress these crimes by the interposition of our English or colonial law. To grasp the subject with sufficient strength, I have been induced to narrate at some length the circumstances, under which this colony was acquired and this district settled; to state the law of nations as applied, not only in what was British America, but in new Zealand as forming a part of this colony, and to allude to the treaties made with the Maroons in Jamaica, and the Charibs in St. Vincent, (the one a colony obtained by conquest in its strictest sense, and the other acquired by the full and unconditional cession of a foreign state,) in both of which colonies the law of England, so far as it can advantageously be applied, is recognised and prevails. Nor have I omitted to glance at the permissive countenance of the laws and customs of natives of Hindostan, in that portion of it which has been conquered and subjected to British rule; though such customs included the cruel practice of Suttees, and the disgusting heathen and barbarous rites of Jughernaut. I repeat that I am not aware of any express enactment or treaty subjecting the aborigines of this colony to the English colonial law; and I have shown that the aborigines cannot be considered as foreigners in a kingdom which is their own. From these premises, rapidly indeed collected, I am at present strongly led to infer that the aborigines must be considered and dealt with, until some further provision be made, as distinct, though dependent tribes governed among themselves by their own rude laws and customs. If this be so, I strongly doubt the propriety of my assuming the exercise of jurisdiction in the case before me. But it is too momentous a question to be thus hastily decided: it demands, and it must receive, much more anxious consideration, unless the counsel on each side go on with this case, on the express understanding that neither the prisoner nor the Court consider the question waived by any subsequent proceeding, and the reservation of all such benefit to the prisoner as he would have received in case I had now given a definite decision. I must for the present adjourn this matter for future judgment, reserving to myself, as I do to the fullest extent, the right to alter or abandon my present impression, should I be hereafter convinced that it is in any wise erroneous. But though I pause, I trust by doing so I shall not subject the British name to the reproach cast on the Spaniards by the Peruvian Rolla. “I pause, indeed, in unfeigned amity, that affliction may not mourn my progress.” I desire to see the state of the aborigines of Australia improved,—I desire to see them freed from the yoke of error,—to see the duties of humanity amply and practically fulfilled,—to see all due protection extended to this unhappy race—the protection of their rights by laws adapted to their capacity, and suited to their wants—the protection of all equal and all powerful justice.

NEW SOUTH  
WALES.No. 42.  
Lord Stanley to  
Sir George Gipps.  
2 July 1842.

(No. 144.)

— No. 42. —

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,

Downing-street, 2 July 1842.

I HAVE received your despatch (No. 12) of the 24th of January last, in which, at the request of Mr. Justice Willis, you bring under my consideration, with a view to its being referred to Her Majesty's Attorney and Solicitor-general, the question whether the aborigines of New Holland are amenable to British law for offences committed *inter se*.

I observe from the documents which accompany your despatch, that the question has been already solemnly decided in argument, in the year 1836, by the Supreme Court, in opposition to the views entertained by Mr. Willis; and until that decision is over-ruled, I conclude it must be held to be the law of the colony. I understand also that the Judges of the Supreme Court, with the exception of Mr. Willis, are individually of opinion that the decision in 1836 was correct; that they have no doubt of the law; that a similar case argued before them on appeal would, in all probability, be similarly ruled; and that they see no occasion for a declaratory law. Under these circumstances I must hold them to be the best and most competent judges, and must decline to refer the case for the opinion of the Attorney and Solicitor-general.

I am, &amp;c.

(signed) Stanley.

No. 43.  
Sir George Gipps  
to Lord Stanley.  
11 March 1842.

(No. 50.)

— No. 43. —

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord,

Government House, Sidney, 11 March 1842.

AGREEABLY to the instructions contained in Lord J. Russell's despatch (No. 132) of the 25th August 1840, I have the honour to forward herewith the undermentioned reports, from officers of this Government employed in the civilization or protection of the aborigines, and from the heads of missions established in the colony for the same purpose, and receiving aid from the Government.

Page 73.

Report of the mission to the aborigines at Wellington Valley, in connexion with the Church of England.

Report of the German mission to the aborigines at Moreton Bay, in connexion with the Presbyterian Church.

Final report of the Rev. Mr. Threlkeld, in connexion with the London Missionary Society.

Reports from Crown Commissioners employed in the older parts of the colony in the undermentioned districts:—

Wellington district.

Maneroo district.

Murrumbidgee district.

There are five other districts, from which, I regret to say, no reports are yet received.

The following reports from Port Phillip are also forwarded, with a letter from Mr. La Trobe, dated the 5th January 1842:—

Chief Protector's Report.

Wesleyan Mission.

Crown Commissioner's Reports from the district of Portland.

County of Grant.

County of Bourke.

District of Western Port.

I have, &amp;c.

(signed) Geo. Gipps.

7 Jan. 1842.  
A.27 Nov. 1841.  
B.30 Dec. 1841.  
C.9 Nov. 1841.  
D 1.4 Jan. 1842.  
D 2.14 Feb. 1842.  
D 3.11 Dec. 1841.  
E 1.22 Dec. 1841.  
E 2.1 Jan. 1842.  
E 3.28 Dec. 1841.  
E 4.29 Dec. 1841.  
E 5.Jan. 1842.  
E 6.

Enclosure A. in No. 43.

NEW SOUTH  
WALES.

ANNUAL REPORT of the Mission to the Aborigines at Wellington Valley, New Holland  
for the Year 1841.

Enc. A., in No. 43.

Sir,

If the work of civilizing and christianizing a savage race was dependent merely on human efforts, and if we were permitted to view it in a calculative or speculative spirit, like common human pursuits, so as to expect from a certain portion of time and labour devoted to it, certain results; then, I candidly confess, I should be ready to despair of the aboriginal inhabitants of this country ever being raised from their degraded condition; since so little success has hitherto attended this mission, as well as various similar attempts, in different parts of the country.

The hope warranted by the volume of inspiration, that the Church of Christ will be extended to all nations, tribes, kindreds, and languages, is the only ground that sustains me, and I call at the same time to mind the long exercise of patience which many missionaries in other parts of the world, under more favourable circumstances, have had to undergo with the ultimate success which attended their perseverance.

The favourable and kind considerations evinced towards the aborigines of this country, both by the Home Government and the government of this colony are likewise encouraging for missionary efforts. I am particularly anxious to see the effects of rewards so kindly offered by his Excellency the Governor, to be given to deserving aborigines.

Amongst all those young men who for years past have been more or less attached to the mission, there is only one who affords some satisfaction and encouragement. Deep religious impressions have been made on his mind, and we have reason to believe he is undergoing a change of character. For more than two years, he has distinguished himself above the rest by a desire for improvement, enquiry and reflection. He has gradually shaken off the yoke and dominion of the elderly men and superstitious notions from his mind. But I am sorry to observe that this young man is not likely to live much longer, so as to become useful among his countrymen, he having for a considerable time shown strong symptoms of a consumptive disease, and is, of late, quite unable to make any bodily exertions.

As regards the others, I can give no very favourable account of their conduct; during the past year several of those who used to stay at or frequent the mission, resorted to their migratory habits, and one of them, I fear in consequence of depriving himself of the advantages and comforts of civilized life, to which he for years has been accustomed, has lately died in a state of decline. Instances of the kind, I lament to say, frequently occur.

Even those few who may be considered as still attached to the mission, only about four, besides the one I have described, have too frequently, during the year, made excursions into the bush; and when at home they evinced not much desire for instruction and improvement. They have, however, often been very usefully employed in the general work of our establishment, particularly at building and fencing. I very much regret that, on account of the smallness of their number and their frequent absence (during which time the work usually accumulates) they could by no means be regularly or daily instructed when here. I could rarely get more than one or two at the same time to be instructed, which is very disheartening. Their thoughtlessness, a spirit of independence, ingratitude, and want of sincere straightforward dealing, often try us in the extreme. One boy who continues with us receives more regular instruction, but advances slowly: he is very quick and handy for little errands. Two young women, who never have left during the year, are occasionally instructed, and attend regularly prayers. They have conducted themselves tolerably well as domestic servants, one in particular; the other, who was less steady when single, has improved since she has had a husband. But what I observed before applies to all; the best of them cause us much trouble to bring them into orderly and industrious habits, and at times grow quite insolent. Civilized habits, however much some may occasionally fancy them, or conform to them, will never, I feel convinced, become natural and easy to the present generation, unless a few principle be implanted in their mind, and a thorough change effected, by the influence of Christianity. Previous to that, I fear, no inducement or prospect held out to them, no advantages and comforts of civilization, will have a sufficient and lasting hold upon them to restrain them from their wandering disposition. There might be rare exceptions, if it were not for the seducing influence of others, especially the old men, so long as they are not made Christians. I can think of one remedy only to be resorted to, if practicable, to make them more useful members of society; I mean, if a stronger control could be exercised over them: if, for instance, the dominion of the old men, with their absurd laws, could be counteracted; polygamy, the root of so much evil, prohibited, and those frequently occurring feuds, which constantly drive them in the bush, prevented,—then better things might be expected: then, and perhaps never before then, the missionary would be enabled to impart regular and sufficient instruction to them, to produce more favourable results. It is indeed strange, that whilst the aborigines are pronounced amenable to the English laws, and considered British subjects, they are not dealt with as in such a condition, being allowed practices repugnant to our laws, injurious to their, as well as European interests. Nor can they obtain full protection from the laws of this country, especially since their evidence is unavailable (a striking instance of the latter kind occurred here lately, where a black could find no redress for an injury done to him, because he could not obtain European evidence); Captain Grey, in his suggestions and observations, has viewed this subject in its proper bearing. During the past year I have had particular opportunities to become acquainted with the nature of the absurd laws, the vile and superstitious practices of the aborigines, and

NEW SOUTH  
WALES

Encl. A, in No. 43-

the unbounded sway which the old men exercise over their people, to counteract every improvement. Those two young women alluded to were married, one in May, the other in June last, partly through my influence, to what we considered suitable partners, that is to say, some of the young men more advanced in civilization. But according to some strange laws and practices of theirs, the particulars of which are too lengthy to be detailed here, these marriages were considered illegal, and the elderly men, perceiving that their strong hold was about to be shaken at its very foundation, were utterly enraged, and endeavoured to excite every aborigine against the mission, which for a time prevented even some of our young men to come near us; they even threatened the parties in question with death. Had I exercised no influence in the matter, these young women, who have for years been instructed at the mission, would in all probability have become the prey of very unsuitable men (for not one of our young men could in their opinion have legally married them), most likely elderly men, possessed perhaps already of more than one wife. Indeed the evils resulting from polygamy, which is permitted by the said laws, are great and manifold. On the one hand, it causes constant strifes and fightings; on the other hand, the elderly or influential men, possessed of a plurality of wives, being in reality only the keepers of them, have it in their power to hold out certain allurements to the young, who cannot obtain wives, and by obliging the latter, as it is considered, the former can command or extort implicit obedience. This accounts in a great measure for the well known fact, that aboriginal males, however useful and steady they may have been among Europeans when boys, as soon as they grow up to manhood they fall back into their wandering unsettled habits.

I lament much that the difficulty to obtain aboriginal children for instruction has increased almost to an impossibility. In whatever direction I may go, even at a distance of 40 or 60 miles, the parents conceal their children as soon as they hear that a missionary approaches their camp; and when I come upon them by surprise, I have the grievance to observe these little ones running into the bushes, or into the bed of the river, with the utmost speed. This, as well as the dispersion of some young men, who formerly were here, is evidently owing to those unhappy disturbances and strange proceedings, which, as is generally known to take place on the mission. Such things could not gain us the confidence of the aborigines, but must necessarily leave an unfavourable impression. Latterly, however, some of those who were for a time unsettled, show a disposition to make the mission again their home. Thus, a young couple with an infant, who when single were living here, have now come again.

We have not had many elderly aborigines visiting us during the past year; the principal cause of this is our deficiency of water. Having to fetch our water at a distance of fully two miles, we cannot afford a large supply for those who are continually with us. The inconvenience arising from this circumstance is considerable, especially when the distressing and discouraging results of our continued dry seasons are considered. Could we succeed with the cultivation of wheat and gardens, it would prove, I am certain, a great stimulus for exertion and improvement for several young men; but when almost every year the prospect of their labour is frustrated, they become naturally quite disheartened. Our wheat has again entirely failed, and our gardens are a scene of desolation and barrenness.

In reference to the cultivation of the aboriginal language, I would mention that I have collected the principal part of the Blacks' vocabulary, and alphabetically arranged it, as also composed a grammar, comprising the principal rules; but from want of sufficient exercise I am not able yet to speak the language fluently. I apprehend it will never be of very great use for religious instruction, for in its present state it is extremely deficient, and until the minds of the aborigines are more cultivated, the cultivation of their language will not proceed fast; during this delay their number will much decrease, and the remnant become more conversant with the English.

A considerable portion of my time, during the last year, has been taken up in travelling, not so much in behalf of the blacks, but more to administer religious ordinances to the white population, mostly at a considerable distance; for instance, at Mudgee, where I visited at stated periods for the last eight months. In my journies I generally fall in with a few blacks, and if possible have some conversation with them; but their stupor and carelessness are truly discouraging, and the sad European society in which I often find them, increases the difficulty. Drunkenness, I am sorry to observe, spreads more and more among them in every direction. We have seen the last year more of it on the mission than ever before. It is truly distressing to behold the wretched condition into which these poor savages have been placed, since civilized people have been settled among them. To see them on the one hand exterminated by violence, which I fear more frequently occurs in the interior than is publicly known; and on the other hand, gradually swept away by debauchery and other evils arising from their intermixture with Europeans; to observe their morals, if possible, more corrupted by those who ought to teach them better; to see rarely a good example set them, even by those from whom we might justly expect it (for it is a rare thing in this part of the colony to find a person attend even the externals of religion; the profanation of the sabbath day is so general, that few, very few, make an exception); and yet to hear these corrupters of the savages declaim against them and missionary efforts, and to enveigh against the whole race without any feeling of compassion, when some commit an outrage; these are considerations which must prove deeply affecting and lamentable to every man of just and humane feeling, and to the Christian who is desirous to improve the spiritual and temporal condition of his fellow men. His prayer indeed must be, that God in mercy may open the eyes of those that sit in heathen darkness, and awaken those that have but the name to live, and are dead.

I have, &amp;c.

(signed) James Gunther, Missionary.

Mission House, Wellington Valley,  
7 January 1842.

Enclosure B. in No. 43.

NEW SOUTH  
WALES.

Sir,  
I do myself the honour to forward to you, for the information of his Excellency the Governor, the report required in your letter of the 2d of July last, respecting the aborigines, and to state to you, that, in furnishing it, all possible attention has been paid to the 6th paragraph of the despatch of Lord John Russell, of the 25th August 1840, as required.

I have, &amp;c.

(signed) J. C. S. Handt.

To the Honourable the Colonial Secretary, E. D. Thomson.

Encl. B. in No. 43.

REPORT of Transactions relative to the Condition of the Aborigines in the District of  
Moreton Bay, for the Year 1841.

THE aboriginal natives of these parts are less tractable than those who have been longer among civilized people; many of them, however, especially such as come in contact with Europeans, are useful in doing any rough work on the premises, and in the garden, if they are constantly looked after. The middle aged and old men will, in general, do some work; and at the place of the German mission, the women are found useful likewise; but it is seldom that the young men are willing to do anything in the way of work. The payment they usually receive from their employers is plenty to eat while they are at work, and a good quantity of provision in the evening to take into the bush for their families. Should they receive an article of clothing, it is seldom seen any more after they go to their sleeping place in the bush, for they tear it to pieces for headbands, and divide it among their acquaintance. I have had frequent experience of this; therefore, though they are very eager for clothing, there is no encouragement in giving them any. White strips of calico to tie round their heads, or a blanket to sleep under, are the most suitable presents with regard to clothing in their present state.

Their food, when in the bush, is almost every kind of animal which they can get into their possession; the fruit of some trees and shrubs; the roots of several plants, and occasionally some honey. Of these provisions they may at one season have a great abundance, and at another scarcely find sufficient to satisfy them. They cannot possibly reside on any particular spot for a long period together, as roots and game would soon become scarce; they generally keep, however, within their territories, which they have distinctly marked out between themselves; but their camp is moved about every five or six days. Some have been induced by the German missionaries to commence cultivating a spot of ground, and to build several huts under their superintendance at their section. They met with the discouragement of being deserted by them, at the time the work was best succeeding, on account of a death which took place among the aborigines, but they are again collecting around them. Some of the aborigines have stayed on their mission establishment from five to six months; others a few weeks, and the generality a few days.

I stated in the beginning that the aborigines here are less tractable than those in other parts of the colony, because they have not lived long in connexion with Europeans; but for the same reason they are more populous, for the intercourse of the aborigines with white people invariably tends to the shortening of their lives, and the less frequent occurrence of births among them. The number of aborigines inhabiting the country about 50 miles around Brisbane Town, may be estimated at from 1,000 to 1,500; they are of a middle size, and generally well formed.

It must be stated, however, that they have been on the decrease in the year past. Several fights have taken place among them, but this is not the chief cause of this circumstance, as their fights bear rather the character of warlike games, in which seldom more than one, and frequently none at all, is killed, but merely some wounded. One of the principal causes of their decrease is, the diseases to which they are subject, and particularly that which Providence has ordained to be the scourge of excess and debauchery, and from which even the children are not exempted. Some of them have died of consumption and drosy. Another principal cause of their decrease is, the prostitution of their wives to Europeans. This base intercourse not only retards the procreation of their own race, but it almost always tends to the destruction of the offspring brought into existence by its means, for they generally kill the half-caste children as soon as they are born. The number of children is consequently small when compared with that of the adults. The proportion of males to females is likewise unequal, the former being about one-third more than the latter. This circumstance frequently induces the men to steal their wives, and this has given occasion to many a bloody strife. I am sorry to state that, about 60 or 70 miles from here, where the Europeans have established cattle and sheep stations, some hostilities have taken place between the aborigines and the settlers, in which some on both sides lost their lives.

In reference to the efforts which have been made to impart to the aborigines religious knowledge, it may be said that they know there is a God, who made all things, and who is good, and dislikes all that is bad. Endeavours have been made also to make them understand that there is a future state of rewards and punishments, &c. The German missionaries have been itinerating among them about six times in the past year, for the purpose of doing good both to young and old. When at home they instruct the children, of whom they have generally at least a few, twice a day, under an open shed, in the alphabet, numbers, spelling, singing, the Lord's Prayer, &c. in English, which the aborigines partly understood. The

NEW SOUTH  
WALES.

progress they have made has been but small hitherto, as the children, like the adults, do not stay for any length of time together, and forget in the bush part of what they had learned.

Encl. B, in No. 43.

(signed) J. C. S. Handt.

Enclosure C, in No. 43.

Encl. C, in No. 43. The FINAL REPORT of the Mission to the Aborigines, Lake Macquarie, New South Wales, 1841.

Sir,

I HAVE the honour to acknowledge the receipt of your communication, of date 17th May last, in which his Excellency the Governor's pleasure respecting the mission is thus expressed:—

Ebenezer, Lake Macquarie, New South Wales,  
30 December 1841.

Colonial Secretary's Office, Sydney,  
17 May 1841.

Reverend Sir,

I AM directed by Sir George Gipps to inform you, that having had under consideration the annual reports made by you during the last few years, and especially the report for the year 1840, it appears to his Excellency that no further advantage is likely to accrue to the aborigines from your continued residence at Lake Macquarie, and that the Governor cannot accede to the proposal made by you that you should remove to Newcastle, and still continue to receive a salary from government. His Excellency is reluctantly forced to acquaint you that the engagement entered into with you by the government in the year 1831 will be considered at an end with the expiration of the present year.

The Rev. L. E. Threlkeld,  
Lake Macquarie."

I have, &c.  
(signed) "E. Deas Thomson."

In submitting to this decision, it is impossible not to feel considerable disappointment to the expectations formerly hoped to be realized in the conversion of some at least of the aborigines in this part of the colony, and not to express concern that so many years of constant attention appear to have been fruitlessly expended. It is, however, perfectly apparent that the termination of the mission has arisen solely from the aborigines becoming extinct in these districts, and the very few that remain elsewhere are so scattered, that it is impossible to congregate them for instruction; and when seen in the towns, they are generally unfit to engage in profitable conversation. The thousands of aborigines, if ever they did exist in these parts, decreased to hundreds, the hundreds have lessened to tens, and the tens will dwindle to units before a very few years will have passed away.

There is one circumstance which would occasion the deepest regret, namely: should the unfavourable termination of this mission tend in any degree to slacken the other missionary exertions in favour of the aborigines, or induce government or private individuals to withhold that pecuniary assistance, without which no mission can be carried on effectually. The expense of this establishment to government has been 150 *l.* per year for my salary, together with 36 *l.* as an allowance for rations for four convict servants; but every other expense, including support and clothing of natives to keep them around me, both for instruction and the acquirement of a knowledge of their language, to put into a written form the natural grammar of their tongue, was borne at my own charges. This year there have been no natives to supply with food; their complete independence on Europeans for their natural wants occasions their wandering habits, and totally prevents intercourse with them.

During my 17 years of sojourn amongst these tribes, cruelties have not been so numerous or extensive as to account sufficiently for the decrease of the blacks, or to alter the opinion which the diminution of people, or the prosperity of nations, is from the wrath of God, which is revealed from heaven against all ungodliness and unrighteousness of men. The mortality amongst the inhabitants of the South Sea Islands places them in a similar melancholy position with the aborigines of this land, and ere a few years elapse, they likewise will become extinct or amalgamated with emigrants from European shores.

The termination of this mission places me in another of those peculiar situations which have so often been my lot in past years. In 1814 the London Missionary Society accepted my services as a missionary to the heathen, and my passage was taken for Africa. The destination was changed, and in 1815, William Ellis and myself were ordained as missionaries and embarked for Tahiti. The sickness and death of my first born detained me a twelvemonth at Rio de Janeiro, which occasioned the introduction of stated public worship amongst the Protestants, and it has been continued ever since in that city. In the following year four missionary colleagues touched at Rio on their way to the islands, with whom we embarked, touching at Van Diemen's Land and this colony. After a short stay here, and being joined by other companions who were waiting for conveyance, we sailed for the South Sea Islands, and landed on Eimeo, November 1817. In 1818 the late lamented John Williams joined me to form a first missionary station at Raiatea, where, for nearly seven years, it pleased God most abundantly to bless us and the united labours of the brethren in the overthrow of idolatry in other islands, and in directing the Raiateans to walk as become their profession of faith in the Gospel of Christ. But in the midst of unprecedented success in these modern times, it pleased God to remove the wife of my bosom, and

I was

NEW SOUTH  
WALES.

Encl. C, in No. 43.

I was left with four children in a foreign land. At this time the deputation from the London Missionary Society, consisting of Daniel Tyerman, a minister, and George Bennet, a private gentleman, were proceeding to New South Wales, and I accompanied them to Sydney, on my way to England, intending to return to my family, left in the islands. Having married in the colony, I was about to return to Raiatea, when Sir Thomas Brisbane, the then Governor, intimated, through the Attorney-general, Saxe Banister, esq. to the deputation, a wish that something might be attempted in behalf of the aborigines, and ultimately I was requested to undertake the mission, and the society would send a substitute to my station at Raiatea. I was promised, on the part of his Excellency, a house, rations for myself, family and servants, if I would go to Moreton Bay and form a missionary establishment, thus leaving a very small expense to be borne by the society. To this proposal I cheerfully consented. Shortly afterwards it was intimated that the government had declined to fulfil that which was held out as an inducement to establish the mission, and it remained for the deputation to determine whether, now that the whole of the expense would fall on the society, it should be attempted or not; they decided in the affirmative, and ultimately Lake Macquaire was fixed upon as a site for the mission, government reserving 10,000 acres of land in trust for the aborigines. The mission was thus commenced in 1824, and the natives who assembled were taught, clothed, fed, and employed; but the annual expenditure accumulating to a larger amount than the London Missionary Society thought suitable with other claims to appropriate towards this mission to the aborigines, led to unpleasant correspondence, and our distance prevented personal explanation, which terminated my connection with the London Missionary Society. Having made some progress in the acquirement of the language, it did not appear to be my duty to relinquish the work, there being at that time several aborigines living about our habitation, and therefore trusting in the providence of God I continued the mission on a grant of land which I had received from his Excellency General Darling, on acquainting him with my intention of remaining in the colony rather than avail myself of a passage home, which was tendered by the society, the which grant was confirmed to me according to the usual existing regulations. At this period a few generous friends to the aborigines kindly afforded pecuniary assistance to aid me in the enterprise. Shortly afterwards Sir Ralph Darling applied, unsolicited, to the Right honourable the Secretary of State for the Colonies on my behalf, who, in 1831, was pleased to sanction his Excellency's arrangement of salary and allowance, but the missionary station, house, and improvements reverted to the Crown, agreeably to a clause in the deed of trust, consented to by the deputation. I then removed to the very opposite side of the lake to prevent a supposition that I was personally benefited in any way from that which was derived from the funds of the London Missionary Society. The object, the acquiring of the native language, was steadily pursued, and various parts of Scripture translated, besides arranging a grammar, copies of which were printed at the joint expense of the colonial government and Society for the Promotion of Christian Knowledge. His late Majesty King William the Fourth was graciously pleased to accept from the society a copy of the work for the Royal Library, but the circulation otherwise has been strictly private, there being no encouragement to publish in this colony. It is a melancholy fact, that although much has been done in the way of translation, there are now scarcely any aborigines left to learn to read, and the few who remain appear determined to go on in the broad road to destruction.

It has ever been my practice, regardless of results, faithfully to record the aspect of the mission in the annual reports, leaving the event with God. Circumstances which no human authority could control have brought the mission to the present crisis; and whilst it was my duty steadfastly to wait for the manifestation of God's providence in this discouraging mission, I could not conscientiously relinquish the engagement whilst the smallest hope of benefiting the aborigines could be fairly entertained. This mission to the aborigines has ceased to exist, not for want of support from the British Government, nor from the inclination of the agent, but purely from the aborigines themselves becoming extinct in these parts; and in leaving this scene of much solitariness, privation, and trial, it is earnestly hoped that He who fixes the bounds of our habitation, apparently in Sydney for a season, will guide our feet through life to his glory, and provide support for a numerous family, so that the "ministry be not blamed."

Believing that the divine purpose of God in establishing governments is that the government of every nation should have a parental regard to the welfare and interests of its subjects, is the apology for minutely stating past events and my future prospects respecting employment and provision. As a minister, with liberty of conscience, I trust "to be ready to every good work;" but with respect to provision for myself and family, the ravens are fed from the wilderness; the brook has dried up with the stream; no widow is commanded to sustain in the city; yet beneath our very feet lies a coal mine, which, with the blessing of God, will sustain us in our duties through life.

Tendering my sincere acknowledgments for every prompt attention from Her Majesty's government, in this colony, to the interests of the aborigines, whenever duty compelled me to apply on their behalf, and with fervent prayer that his Excellency the Governor may long be spared as a father to the inhabitants of this colony, Her gracious Majesty the Queen a nursing mother; that heavenly wisdom may direct, and a divine blessing abide upon the United Kingdom, with all her numerous colonies, I most respectfully subscribe myself, &c.

(signed) *Lancelot Edward Threlkeld*

To the Hon. the Colonial Secretary,  
E. Deas Thomson, Esq. &c. &c.

NEW SOUTH  
WALES.

Encl. D 1, in No. 43.

(No. 41/148.)

Enclosure D 1, in No. 43.

Crown Lands Commissioner's Office,  
Wellington, 9 November 1841.

Sir,

OBEYING the directions of government contained in your letter of 2d July last, I do myself the honour to offer such remarks with reference to the 6th paragraph of Lord John Russell's despatch, relative to the aborigines, as suggest themselves after 12 months' experience of their manners and habits in this district, and of some years in the northern parts of the colony.

During the past year my duties have placed me in very frequent contact with the natives in all parts of this inland district; taking the Lachlan, the Bogan, and the Macquarie rivers, I have been brought into communication with not less than 1,000 in number.

Setting aside the residents in the immediate neighbourhood of Wellington, the condition of the different tribes, inhabiting the more inland country, varies but little one from the other; the same unsettled habits and love of a wandering life, the same superstition and subjection to the will of their "koragees" or priests, and I may add, the same readiness to adapt themselves (for uncertain periods only) to the customs of the whites, have alike characterized these people when brought under my observation.

I have taken some pains to observe whether any permanent approach to civilization has been manifested in the Wellington tribe, or those blacks who have been brought more immediately under the influence of instruction at the hands of the whites. I cannot say that I think the efforts of the resident missionary have been attended with any important degree of success, although I am a witness to the industry and perseverance displayed by that functionary. One of the most serious difficulties, in my opinion, in the advancement of the natives to civilization, is the absolute dominion exercised over their minds by their elders or priests; this tends invariably to keep up amongst them an adherence to their aboriginal habits and ceremonies, that of wandering from place to place being amongst the foremost.

Of all the natives I have seen in the colony, those of the Wellington tribe certainly stand first in their occasional adoption of the civilized pursuits of the white man; this is mainly owing to their being almost, if not wholly, removed from the use of spirituous liquors. In the adjoining district of Bathurst, where this cause does not exist, they are notoriously dissipated and worthless.

I am very far from thinking that if means were devised for separating the children of the present generation from their parents, and placing them under competent tuition, they would not become useful members of society. In the few instances of black children receiving instruction that I have known, they have shown a quickness of comprehension not inferior to those of the whites.

I have, &amp;c.

(signed) *J. Allman*,  
Commissioner of Crown Lands.The Honourable  
The Colonial Secretary.

Enclosure D 2, in No. 43.

Encl. D 2, in No. 43.

Commissioner of Crown Lands Office, Maneroo,  
14 January 1842.

Sir,

REFERRING to your letter of the 2d July last, transmitting papers respecting the aborigines, and directing my particular attention to the sixth paragraph of Lord John Russell's despatch of the 25th of August 1840, I have the honour to state, for the information of his Excellency the Governor, as follows:

The aborigines of this district, with the exception of the coast tribes, may be said to be almost in their primitive state. At the stations bordering on the coast, a good many, however, of the natives are employed in sheep washing, hoeing maize, and reaping; and last year, three boats' crews, in number 18, were employed by the Messrs. Imlay in the whale fishery at Twofold Bay, on the same lay or terms as the whites. The blacks were stationed on the opposite side of the bay to the other fishermen, and they adopted the same habits as the whites. They lived in huts, slept in beds, used utensils in cooking, and made the flour into bread; but as soon as the fishing season was over, they all returned to their tribes in the bush. The natives belonging to the tribes to the westward of the coast range, are very little employed by the stockowners, except a few occasionally in washing sheep; they preserve their original habits of hunting, and are constantly moving from place to place.

The accompanying census, I am led to believe, exceeds the actual number; for I found it very difficult to obtain a correct Return, from the natives shifting so frequently. The births during the last year have been about equal to the deaths.

With reference to the proposal of appropriating a proportion of the land revenue to the civilization of the aborigines, I would beg leave to state, that the tribes belonging to the coast situated between the Morago River and Twofold Bay, who have come much more in contact with the settlers than those of any other part of the district, appear to wish that the children were taught to read and write; but, at the same time, they have an insuperable dislike



dislike to parting with them, if they are to be excluded from occasionally seeing them. If schools were established in the district in the first instance, I have no doubt the children would be permitted to attend them, provided the parents and friends were sometimes allowed to visit them; and the dislike of parting with the offspring, on the part of the parents, most probably would gradually wear off, when the children might be removed to some general establishment, and finally separated from the tribes.

NEW SOUTH WALES.

Encl. D 3, in No. 43.

The Honourable the Colonial Secretary.

I have, &c.  
(signed) John Lambie, C. C. L.

CENSUS of the ABORIGINES of the District of *Maneroo*, for the year 1841, accompanying Letter to the Honourable the Colonial Secretary, dated 14th January 1842.

| NAMES OF PLACES USUALLY FREQUENTED.   | MALES.    |           | FEMALES.  |           |
|---------------------------------------|-----------|-----------|-----------|-----------|
|                                       | Above 12. | Below 12. | Above 12. | Below 12. |
| Tolbodelbo - - - - -                  | 7         | 7         | 6         | 6         |
| Moorawa - - - - -                     | 14        | 8         | 10        | 3         |
| Bowdally, Birgaloa, and Gundary - - - | 60        | 20        | 40        | 10        |
| Windella, Marabine, and Bowerga - - - | 22        | 15        | 9         | 9         |
| Twofold Bay - - - - -                 | 34        | 11        | 21        | 8         |
| Cape Howe - - - - -                   | 16        | 1         | 10        | 3         |
| Pampulla - - - - -                    | 9         | 1         | 3         | 4         |
| Biggah - - - - -                      | 62        | 20        | 55        | 20        |
| Omeo - - - - -                        | 50        | 20        | 30        | 18        |
| Maharatta - - - - -                   | 20        | 6         | 16        | 2         |
| Snowy River - - - - -                 | 25        | 7         | 20        | 3         |
| Mowenba - - - - -                     | 12        | 3         | 10        | 2         |
|                                       | 351       | 119       | 230       | 88        |

Enclosure D 3, in No. 43.

Encl. D 3, in No. 43.

REPORT upon the Condition of the Aboriginal Natives of the Murrumbidgee District.

1. *Supposed Number of Blacks in the Murrumbidgee District, 1,600 to 2,000.*

2. *Temporary Residence.*

At "Oulong," Hume River, 300. Mungaboruna, 100. Courang, 50. Mitta Mitta, 300. Tumul, 100. Murroumroubury, 100.

3. *Changes in Social Condition.*

As yet, in this district, they have shown but little regard for social comforts; not erecting huts, sleeping only under sheets of bark, or the green boughs of trees. They gladly receive fish-hooks, needles and thread, &c., for sewing their opossum skins; but though they accept articles of clothing, they do not wear them long, except the blankets. They come freely to the stations of any who treat them kindly, partaking of any food presented to them. Some black gins killed by hostile tribes, and two native black boys attached to settlers, murdered in 1841. The want of a law, by which the evidence of an aboriginal native could be received by the Crown Commissioners, leads me to suggest, that if the declaration of one aboriginal native is sustained by two of his compeers, combined with circumstantial evidence, it should be sufficient to convict, through the medium of a sworn interpreter; and the want of full protection, and a law clear and adequate to meet this particular and all-important point, I am well aware deters many of the young lads from attaching themselves to the settlers at out stations, and becoming useful and good servants.

NEW SOUTH  
WALES.

Encl. D 3, in No. 43.

I lament to add that infanticide is frequent amongst them, as the native aboriginal men cannot bear to see the half-caste children, and the guns destroy them in the wild bush. I much fear, as in other savage nations, all the female infants born are not brought up.

Religious instruction can only change this; and as they have no hereditary prejudices or object of worship, may under a judicious course of treatment be more ready effected.

4. *Schools.*

As none exist in the district, and the aboriginal parents will not give their children to be sent so far as Sydney or Paramatta, I would recommend a settlement for the education and social instruction of native black children, to be formed on or near the Hume River, combining a farm, on which the boys over 10 years may be taught to cultivate grain and potatoes for the use of the establishment, while the girls be instructed in domestic usefulness, under the immediate superintendence of an efficient married couple, to be selected by the Reverend Mr. Gunther, of Wellington Valley, conceiving that from his experience and known zeal, he would be the most competent person, if he would accept the responsibility, and take charge as principal of the new establishment, should it be carried into effect.

As in the neighbourhood of the Hume River all the stations are already fully occupied, I suggest that an adequate allowance from the land fund should be made the settler on whose run such settlement should be formed, and that he receive the full remuneration for any improvements or buildings of his which may be appropriated to this purpose, as if the inherent right of the Crown was exercised without this concession on the part of the government, it would engender a hostile feeling in the minds of many of the settlers against the establishment, and defeat the purpose for which it was instituted.

5. *Future Prospects.*

Living chiefly on opossum, fish, and roots, and wandering from station to station, and though content to live for ever in this way, they can fully enjoy the advantages of civilization, in the way of dressed meal, fruits and vegetables.

(signed) *Henry Bingham,*  
Commissioner of Crown Lands.

Head Quarters, Tumul River,  
Murrumbidgee District, 14 February 1842.

## Enclosure E, in No. 43.

Encl. E, in No. 43.

Sir,

Superintendent's Office, Melbourne, 6 January 1842.

I HAVE the honour herewith to transmit for his Excellency's satisfaction, the reports on the aborigines of this district, called for from the gentlemen named in the margin by your letter of 2d July.

No. 1 (1 to 2). Chief Protector of Aborigines,  
with Enclosures, 11 Dec. 1841.

No. 2 (1 to 3). Superintendent of Wesleyan  
Missionary, 22 Dec. 1841.

No. 5. Commissioner of Crown Lands for the  
District of Portland, 1 Jan. 1842.

No. 6. Ditto of Western Port, 1 Jan. 1842.

No. 3. Ditto of County Grant, 28 Dec. 1841.

No. 4. Ditto County Bourke, 29 Dec. 1841.

Chief Protector's  
report.  
General conduct of  
the department.  
Detail of operations.  
Christian instruction.

Capacity of abo-  
rigines.

Lodden and Goul-  
burn stations.  
Employment by  
settlers.  
Civil protection.  
Special code.

Fuller information  
requisite.

The chief protector of aborigines in his report, states that he has been guided in his conduct of the department by the general instructions contained in Lord Glenelg's despatch to his Excellency Sir George Gipps, the Governor of this colony.

He details the operations during the past year, of the department, with reference to the formation of homesteads in each district, and proposes, as he now considers each establishment permanently fixed, that proper persons should be placed in charge, to impart Christian instruction.

He conceives that the aborigines evince sufficient capacity for instruction, that the most ferocious tribes can be communicated with, and urges the necessity of the assistant protectors travelling with them as long as they wander, according to the recommendation of the Secretary of State.

Mr. Robinson further states the result of the attempt to induce the natives to labour at the Lodden and Goulburn stations as satisfactory. He discourages the idea of inducing the natives to enter into the service of settlers; principally on account of the various character of many of the older class of servants employed on the stations.

He urges the necessity of affording them more efficient civil protection than they can enjoy under the present state of things, and the formation of a code especially framed to this end.

I would here observe, that the first step towards the enactment of such a code, and extension of the more effective civil protection required, must be the acquisition of a correct and general information with regard to the native tribes in the district. One main object of the

the formation of the department was to secure this; his Excellency is aware that up to this date no such general information has resulted from the labours of the department.

To elucidate the obstacles in the way of yielding proper protection to the natives, and of punishing their oppressors, Mr. Robinson proceeds to state a flagrant case reported by Mr. Assistant-protector Parker; in which, according to the aboriginal evidence obtained, borne out in part by the settlers' own statement, six of the natives of the Pyrenees were shot, without it being practicable, in the opinion of the assistant protector, to subject the party to judicial scrutiny.

Encl. E, in No. 43. Obstacles. Outrage reported by Mr. Parker; six natives shot.

It is here my duty to remark, that no case could have been better chosen to exemplify the difficulties in the way of the government. The first intelligence of the circumstance alluded to, which occurred on the 21st December 1840, was communicated by the perpetrator himself, in a letter, of which a copy is adjoined, received at this office the 30th December following. Its contents were communicated to the chief protector that very day, and through him to Mr. Assistant-protector Parker, then in Melbourne, who received instructions to go and investigate the affair. From that date to the 17th December 1841, no report was received from the gentleman in question; and then the only mention, after the lapse of a full year from the time of the occurrence, of the steps taken and the results, are found in the assistant protector's journal from the 1st March to the 31st May 1841, which then came into my hands: from which document the extract made in the chief protector's report is taken. Mr. Parker's visit at the station in question did not take place before the 8th March.

Delay in reporting.

In observing on this case, the protector very properly gives it as his opinion, that squatting licences should be withheld from parties who show such a disregard of human life. In this I perfectly agree; but to enable the government to do this with effect, it is scarcely just to allow 12 months to elapse between the offence and the punishment, the prompt infliction of which would but poorly compensate for its inadequacy.

Squatting licences to be withheld.

Mr. Robinson further cites a number of cases, which it must be remarked occurred either in 1839 or the earlier part of 1840, chiefly in the Portland Bay district, in which a great number of natives have fallen in collision with the Europeans; he shows how greatly their numbers are diminishing, without the members of this department being able efficiently to protect them; and concludes by pointing out what he conceives the best mode of serving them and improving their condition. These, from the general tenor of his report, appear to be, the appointing missionaries for the homesteads; inducing the assistant protectors to migrate faithfully with the different tribes; the removal of the legal disabilities under which the natives labour; and the enactment of a code for their especial benefit.

Numbers of aborigines on the decrease.

Modes of improving condition of aborigines.

Mr. Hurst, the superintendent of the Wesleyan Missionary Station on the Barwon, 36 miles from Corio, states that, both on the station, and when travelling with the natives with whom their position brings them in contact, they seek every opportunity to acquire the native language, and to instruct them; and that, though far from satisfied with their success, they have met with some encouragement while at the station. Many of the natives appear to have shown industry and a capacity to perform agricultural operations, and their general conduct seems to be good. Six boys had been formally placed in their charge, and had remained so for seven months.

Report of Wesleyan mission.

The settlement, however, has been twice deserted in the course of the year, in consequence of murders being committed on the spot by hostile tribes.

Settlement deserted.

The missionaries proceed to state, that they at times almost despair of ultimate success; not so much from the difficulties interposed in their way by the wandering habits of the tribes, their quarrels, their cannibalism, or degradation, as from the rapid decrease in their numbers, principally in consequence of their connexion with the Europeans, reasons for which they detail; and they urge that, if the aboriginal race is to be preserved, and the money and the labour devoted to their civil and religious improvement to be made permanent blessings to them, they must be cut off, by some means or other, from all intercourse with Europeans, except those who are placed among them for their benefit.

Prohibition of intercourse with Europeans.

Mr. Hurst concludes, that it appears to be necessary that some very stringent measures should be adopted to prevent, if possible, the settlers and their servants from encouraging them about their stations, particularly the females.

Appended to Mr. Hurst's report will be found the copy of a communication which I received from him in August, in reply to an inquiry about the two murders of natives by hostile tribes, referred to in his present report, as it contains a more detailed exposition of the views of the missionaries, and their opinions upon the best measures to be employed for effectual protection and christianizing of the aborigines.

Mr. Hurst's letter of July 22. Murders of natives by hostile tribes.

From this his Excellency will see, that the missionaries consider that measures ought to be taken to protect the native tribes one against the other, and to punish their aggressors; and more particularly, that those who are willing to come within the pale of civilization should be protected from those without.

Protection.

He dwells upon the great decrease in the numbers of the natives, partly through European violence, which the present exclusion by law of their evidence renders it impossible to punish, and partly by the dreadful ravages of disease introduced by the illicit connexion of the whites with the native women.

Decrease of members.

He suggests the propriety of allowing the aborigines to give evidence in court, whether a native or European be the offending party, and that such testimony should be received when corroborated by substantial evidence, agreeing, in this instance, with the proposal of Captain Grey, in his report to the Secretary of State.

Aborigines to give evidence. Captain Grey's opinion.

Mr. Hurst, however, dissents altogether from that gentleman, with regard to the benefit

## NEW SOUTH WALES.

Encl. E, in No. 43.

Reserve and mission conjoined.

to be derived by the natives from attaching them to the stations of settlers, and bases his arguments in support of his views; upon the difficulty of affording them religious instruction when so situated; the bad example to which they would be exposed; the temptation to drunkenness; and mainly, upon the general facility to the prostitution of the females to which such arrangements would lead.

Apart from these objections, he holds the plan of so providing for them to be impracticable.

Mr. Hurst proceeds to state his opinion that they should be attached to a reserve, and a mission in common for each of the more considerable tribes, where the natives should be fed, and at least partially clothed; great caution being employed in the choice of the reserve; and that these establishments should be connected with, and under the control of the missionary societies in England, and expresses a confidence that the Wesleyan Missionary Society would gladly give all the assistance in their power to carry such plan into effect.

Provision for subsistence of natives.

Mr. Hurst suggests, in conclusion, that as the hunting grounds of the natives are taken possession of by the settlers, their game and roots to a very great extent destroyed, and consequently their means of subsistence rendered much more precarious than formerly, it is worthy of consideration whether the government will have performed its duty until it shall have provided for the supplying both of their temporal and spiritual wants.

Crown Commissioners' report, county Grant.

The report of the Crown Commissioners for the County of Grant refers to the principal tribe frequenting the vicinity of the township of Corio, one of those properly attached to the Wesleyan Mission Station on the Barwon, and under the general charge of the assistant protector of the district. The Commissioner states that there has been no collision between them and the settlers within his district; that they are about 160 in number; that their wandering habits are as yet but little checked; that he considers them, however, but little inferior in intellect to the uneducated peasantry of Europe.

Crown Commissioner's report, county Bourke.

The brief report of the Crown Commissioner for the County Bourke refers to the conduct of the Western Port and other neighbouring tribes, which are within the boundaries of his district. He states that they were very friendly and quiet, and that he has had no complaints from settlers of any outrages committed by them; but that, from their migratory propensities, he can see not the slightest prospect of confining them to any limited boundary.

Crown Commissioner's report, Portland Bay.

The report of the Crown Commissioner for the Portland Bay district embraces but one side of the question, and dwells upon the losses to which the European settler is exposed in the country from the attacks of the natives on their lives and property, and sets forth his view of the uselessness of the present arrangements made for the benefit of the aborigines. Captain Fyans is of opinion that the best and surest mode to benefit the natives and turn them to advantage, would be to issue a portion of flour during the cold season; to be distributed to the respectable settlers, and to be issued by them to the tribes about them. This plan he is confident would succeed, and renew a good feeling between the settler and the native.

Crown Commissioner's report, Western Port.

The Crown Commissioner of the Western Port district briefly states, that during the last 12 months the aboriginal natives have been much less troublesome than heretofore, and expresses his doubt whether any probability exists of the natives remaining for any length of time on the reserves allotted to them by the government, but considers that with children, under proper restraint and a system of education, it may be otherwise.

The Honourable the Colonial Secretary,  
&c. &c.

I have, &c.  
(signed) C. J. La Trobe.

Encl. E 1, in No. 43.  
No. 1 (1).

(No. 703.)

Enclosure E 1, in No. 43.

No. 41/772.

Sir,

Chief Protector's Office, Melbourne, 11 December 1841.

For Lord Glenelg's Despatch, 31 Jan. 1838, *vide* Papers ordered by the House of Commons to be printed, 12 August 1839, No. 526, p. 4.

I HAVE the honour, in compliance with your's of July 23d, to submit for the information of the government, the following brief particulars relating to this department.

Various circumstances have conduced necessarily to render the present report shorter than I could have wished; the principal is, that much of the information obtained has not been sufficiently matured to lay before the government. I trust, however, I shall be able satisfactorily to submit in my subsequent report, an ample and valid detail of all matters of interest connected with this branch of Her Majesty's service.

I would briefly premise, that hitherto I have been mainly guided in the direction of the affairs of this institution, by the general instructions contained in Lord Glenelg's despatch to his Excellency Sir George Gipps, the Governor of this colony.

To me, that instruction, as a general outline, appeared quite ample; it embraces the most important points for the moral and physical improvement of the aborigines, and leaves very judiciously the details to be worked out from circumstances.

In conformity with that instruction, I, in March 1839, assigned to each assistant protector certain districts or tracts of country as the scene of their labour, *vide* copy of letter to the Honourable the Colonial Secretary, (A.), as also Appendix (B.), and on the 1st April 1839,

1. "Each protector should attach himself as closely and constantly as possible to the aboriginal tribes, who may be found in the district for which he may be appointed, attending them if practicable, in their movements from one place to another, until they can be induced to assume more settled habits of life, and endeavour to conciliate their respect and confidence, and to make them feel that he is their friend.

2. "He must watch over the rights and interests of the natives, protect them as far as he can, by his personal exertions and influence, from any encroachment

on

issued

issued for their guidance, Instructions No. 16, C. in the Appendix.

The information sought for in that document was deemed essential to enable me to determine as to the most eligible situation for fixed localities.

Reserves for the aboriginal natives have been sanctioned by government, and occupied as hereunder mentioned.

The Lodden reserve, containing one square mile of country, was sanctioned by the government in June 1840, and occupied in September, but owing to the arid nature of the soil, was removed in June 1841, to "William-be-paiamel-pain," its present situation. For the short period this establishment has been formed, the results have been beneficial. The number of natives in attendance have been from 50 to 250.

The improvements in cultivation and in buildings, though limited, are suitable, and consist as set forth in Schedule D.

Intervals of labour have been set apart for the aborigines, and a school has been commenced. On the Sabbath, divine service is performed by the sub-protector when present, and in his absence prayers read by the overseer.

The reserve on the Goulburn, consisting of one square mile of country, was occupied in November 1840. Cultivation has been done to some extent at this station, and the natives have been encouraged to manual labour. The buildings and fences are of temporary construction. A school is about to be commenced. The number of natives in attendance have been from 40 to 300.

The fertile reserve for the Melbourne or Western Port district was occupied in 1840. The improvements at this station are limited. The buildings and part of the fences are of temporary construction. A school has been commenced. The number of natives at this establishment average (when present), as per Schedule annexed, from 30 to 150. Four reserves have been sanctioned for the Gelong or Western Port district, and the central station is about to be occupied.

The homesteads of the assistant protectors, are intended to serve as the centre of operations for their districts, and as an asylum for such aboriginal natives as are disposed to settle. Agricultural and horticultural operations are to be carried on at those stations, for the exclusive benefit and advantage of the natives. Those who are able are expected to give an equivalent for what they receive. The sick, the aged, and young children are to be rationed.

No settler is allowed to occupy land within five miles of the assistant protector's station. These establishments are not in any way to interfere with the itinerating duties of the assistant protectors, but on the contrary, are meant to render their services more efficient.

They are to travel among and sojourn with the native tribes, and by every possible means in their power, endeavour to induce them to a settled mode of existence.

In adverting to the fixed establishments, I have thought it desirable to do so generally, rather than in detail, as at this juncture it might, and with some propriety, considering the brief period of their formation, be deemed premature. Now that the establishments are formed, and the aborigines in tolerable numbers frequent those institutions, I would respectfully bring under notice the propriety that properly qualified persons, as recommended in the Right Honourable the Secretary of State's despatch, be appointed for the purpose of imparting religious instruction, and of administering to this hapless race the blessings of Christianity.

This aid is necessary, and I feel assured that the civilization of the aborigines cannot progress unless it be conceded. The Australian aborigines, like all other savage nations, are superstitious, and I know of no other means so effectual for removing those prejudices as the one submitted.

The aborigines are capable of being instructed, and if their condition be not improved, the fault, I feel assured, if I may so speak, cannot be wholly attributable to them, for from my personal intercourse with the tribes I have found them in general intelligent, possessing intellect and capacity of no ordinary description, and in this respect fully equal to a large majority of the peasantry of civilized communities. All the tribes, even the most ferocious, can be communicated with; this I assert with confidence, having myself personally conferred with a large majority of the native inhabitants of this province. During my late expedition of five months in the western interior, I was never without natives, and on my

on their property, and from acts of cruelty, oppression or injustice, and faithfully represent their wants, wishes, or grievances, if such representations be found necessary, through the chief protector to the government of the colony; for this purpose, it will be necessary to invest each protector with a commission as magistrate.

3. "If the natives can be induced in any considerable numbers, to locate themselves in any particular place, it will be the object of the protector to teach and encourage them to engage in the cultivation of their grounds, in building suitable habitations for themselves, and in whatever else may conduce to their civilization and social improvement.

4. "The education and instruction of the children, as early and as extensively as it may be practicable, is to be regarded as a matter of primary importance.

5. "In connexion with the engagements, and as affording the most efficient means for the ultimate accomplishment of them, the assistant protector should promote to the utmost extent of his ability and opportunities, the moral and religious improvement of the natives, by instructing them in the elements of the Christian religion, and preparing them for the reception of teachers, whose peculiar province it would be to promote the knowledge and practice of Christianity amongst them.

6. "In reference to every object contemplated by the proposed appointment, it is exceedingly desirable that the protector should, as soon as possible, learn the language of the natives, so as to be able freely and familiarly to converse with them.

7. "He must take charge of and be accountable for any provisions or clothing which may be placed under his care, for distribution to the natives.

8. "He will obtain as accurate information as may be practicable, of the number of natives within his district, and of all important particulars in regard to them.

"These appear to me the principal points which demand attention in reference to this subject. But it is of course not my intention to restrict you in the instructions which you will have to issue to the protectors within the topics on which I have touched, as your local knowledge and experience will doubtless enable you to supply omissions in the outline which I have given.

"I have, &c.

"(signed) *Glenelg.*"

NEW SOUTH  
WALES.

Encl. E 1, in No. 43.

*Vide* Secretary of  
State's despatch to  
his Excellency Sir  
George Gipps.

Native population.

Decrease of abo-  
riginal population.

Medical aid.

previous expeditions to the northward, north-eastward, and north-west, was always in communication with them.

It is therefore practicable, and must be the obvious duty of the assistant-protectors, to attach themselves as closely and constantly as possible to the aboriginal tribes who may be found in their districts, attending them so long as they continue to wander from one place to another, until they can be induced to assume more settled habits of life, and endeavour to conciliate their respect and confidence, and to make them feel that he is their friend.

Of the four districts into which this province has been subdivided, the Goulburn River, in point of importance, is paramount. A thousand native inhabitants at least can be communicated with, and by well directed efforts by native agents, incalculable benefits may be conferred on the tribes in the far distant interior.

The "Goulburn," the "Murray," and the "Darling" rivers being the great lines of communication; next in importance as regards native population is the Lodden. This and the Goulburn River district occupy the whole northern frontier of Australia Felix, containing large tracts of arid country, inhabited only by savage men, and of which they, on account of its sterility, will doubtless be left in undisturbed possession. The aboriginal natives of the Portland Bay and Western Port districts are rapidly on the decay: their decrease is attributable to several causes, viz. collision with hostile tribes, collisions with white men, infanticide, domestic quarrels, indigenous and European diseases, assassination.

The severe state of bodily affliction under which the natives were suffering, induced me to apply to your Honor for medical relief, which was immediately responded to and conceded by his Excellency the Governor, in the appointment of a medical officer, Mr. Baylie, to the department; and from what I have seen, there is every reason to believe that this appointment will be found of great utility to the natives. This officer has medical charge of the Goulburn and Lodden stations. His report for the month of November contains 151 cases treated at the former station alone; 50 cases cured, and one death, a male infant, two months old, of inflammation. On the subject of disease, the medical officer thus writes: "I have had but one case that terminated fatally since I arrived here. The disease (excrecence) I alluded to in a late report is, I find, the most prevalent among the local diseases, while fever attacks the constitution internally.

The surgeon's reports are made monthly, and comprise the diseases, the treatment, and termination. The male aborigines of Australia are for the most part a fine race; and among tribes remote from white men the same amount of disease, and I may add of crime also, does not exist, as among those in settled districts. I regret that I cannot now lay before the government a correct statistical return of the numerical strength of the entire aboriginal population of the province. The returns from my assistants relate only to certain tribes, *vide* Appendix E. I, however, trust that I shall be able, from information personally obtained during my several journeys into the interior, to submit in my next the information requisite. The following by returns are the number of natives with whom the assistant protectors are in communication—

|                                   |  |   |   |   |   |     |
|-----------------------------------|--|---|---|---|---|-----|
| Assistant Protector of the Lodden | -                                      | - | - | - | - | 300 |
| Ditto "                           | of the Western district                | - | - | - | - | 260 |
| Ditto "                           | of the Melbourne Western Port district | - | - | - | - | 190 |
| Ditto "                           | of the Goulburn River district         | - | - | - | - | 310 |

Every endeavour is made at the several establishments to induce the natives to habits of industry; and I am happy to state that the reports of the assistant protectors on this head are perfectly satisfactory. The natives in all cases are taught to feel that their occupation is for their own advantage; and this, with untutored men, is the great incentive to industry.

The assistant protector at the Lodden thus writes: "The aborigines were employed in every description of labour that could be created, and the results, as will be indicated by subsequent statements, were very satisfactory; since the occupation of the present station on the upper branch of the Lodden, ample employment has been furnished in cultivating the ground, building, fencing and other labours incident to a new station. When great bodily exertion is not requisite, the aboriginal natives are fully equal to Europeans; but in severe labour they are inferior. They have sufficient capacity for acquiring knowledge, but a want of stability, especially with the adults, is much felt. To each central station an overseer has been appointed to conduct the farming operations and take charge of the stores; and it is expected, ere long, the produce raised will be sufficient for the support of the inhabitants. Every endeavour, as far as the means at my disposal permitted, have been made to improve the moral and social condition of the aborigines. Religious services are performed by the sub-protectors on the Sabbath at the central stations, and in their absence by the overseers. Persons of moral and religious character have been invariably recommended for subordinate situations; but notwithstanding these endeavours, I do think I should ill discharge my duty to the aborigines and to the government, if I failed to represent the necessity which exists for properly qualified persons being appointed to impart to this portion of the human family the blessing of Christian instruction, and to superintend the scholastic duties. On the subject of encouraging natives to engage in the service of settlers, I at present do not think I could consistently recommend as a general principle, even were it practicable, such a measure; for although many of the settlers, to my knowledge, are kind and humane, and highly respectable, and who would be of very proper persons to take an interest in the affairs of the natives (had we a better class of peasantry); yet I do think it would be extremely injudicious, under existing circumstances, to do so; for although this  
province

province has not ranked as a penal colony, still a large proportion of the men employed, until very lately, once belonged to those classes. Van Diemen's Land and the middle districts supplied a large proportion, and these for the most part were of the worst character; of this class were the greater part of the men I met in my late and protracted journey into the western interior, and it grieved me to observe with what perfect recklessness and impunity profane swearing was had recourse to; by them the Sabbath was not only disregarded, but desecrated; and from their animosity to the natives, for it was too apparent to be misunderstood, it was easy to imagine the kind of treatment the natives would receive when the opportunity offered for perpetrating it. The saying was common with the settlers, "that the men, and not we, are the masters." If, therefore, the settlers could not controul their men in matters where they were personally concerned, it was scarcely to be supposed they could do so in matters regarding the natives, and on that account many of the respectable settlers assured me they kept the natives from their run, and prohibited their servants from holding any intercourse with them.

The men in the interior are completely armed, at least those I met were so. I invariably have endeavoured to enlist respectable settlers in the cause of the aborigines, and I am gratified in stating that instances of mutual attachment between the settlers and natives have been met with; and I have no doubt, were it not for the injurious conduct of menials, the respectable settlers would be found efficient auxiliaries in ameliorating the condition of the aborigines. In one thing, however, the settlers agree, namely, that to restrain the blacks from annoying them, and *vice versa*, the whites the blacks, mounted police to patrol the border would be found of utility, and it is my opinion, that under existing circumstances, itinerating clergymen would be the most effectual means of conferring lasting benefits on the white inhabitants of rural districts. The civil protection, as well as the moral and social improvement of the aborigines, being one of the benevolent objects of Her Majesty's Government in creating this department, the duty necessarily devolves on me to bring under notice such points as the peculiar circumstances of the case seem to require, and efficient civil protection is a point of such vast importance to the welfare and existence of the aboriginal natives, that I feel I should be guilty of a dereliction of duty were I to omit bringing it forward on the present occasion; for although Christian instruction be paramount, civil protection is indispensably requisite to the due conservation of the aborigines, whilst the greater work of their reformation be carried on. All who have heretofore, and who are now taking an interest in the affairs of the aborigines, missionaries and others, have deplored the want of this desideratum. In the second clause of the instructions contained in the Right honourable the Secretary of State's Despatch, *vide margin*, this important subject has been humanely introduced, and it has been my ardent desire and strenuous endeavour to carry, as far as the means afforded, these benevolent designs into effect; but I deeply lament, that hitherto I have been unable, from the legal disabilities of the aborigines, to do more "than protect them, as far as I was able, by my personal influence, from acts of cruelty, oppression, and injustice, representing their wants, wishes, and grievances, when such was necessary to the government of the colony," and this is all my assistants have been able to accomplish. Already appalling collisions have happened between the white and aboriginal inhabitants, and, although instances, it is possible, have transpired when natives have been the aggressors, yet it will be found that the largest majority originated with the Europeans. The lives of aboriginal natives known to have been destroyed are many, and if the testimony of natives be admissible, the amount would be great indeed; but even in cases where the aborigines are said to be the aggressors, who can tell what latent provocation existed for perpetrating it? Of the numerous cases that could be cited, the following from a recent journal of an assistant protector, Mr. Parker, of the Lodden, will suffice to show the insurmountable difficulty, I may add the impossibility, of bringing the guilty parties to justice, for in nine cases, I may say, out of ten, where natives are concerned, the only evidence that can be adduced is that of the aborigines.

This evidence is not admissible. Indeed the want of a code, suited to the aborigines, is now so strongly felt, and of such vital importance to the welfare and existence of the natives, that I earnestly trust that this important subject may be brought under the early consideration and notice of Her Majesty's Government.

The following is the extract from Mr. Parker's Journal referred to: "On the 8th, I proceeded to the Pyrenee to investigate the circumstances connected with the slaughter of several aborigines, by a Mr. Frances. On the 9th and 10th I fell in with different parties of natives. From the last of these I obtained some distressing statements as to the slaughter of the blacks; they gave me the names of seven individuals shot by Mr. Frances within the last six months. I found, however, no legal evidence attainable. The only persons present in the last and most serious affair with the aborigines, which took place in December of last year, were Frances, a person named Downes, and a stock-keeper in Melbourne. No other admissible evidence of the death of these poor people can be obtained than what Frances's written statement conveys. In that he reports that he and the person before named went out in consequence of seeing the bush on fire, and fell in suddenly with some natives, on whom they fired and killed four. The natives say six were slain, and their information on that point is more to be depended on. Owing to the legal disabilities of the aborigines, this case must be added with many others which have passed without judicial notice. I cannot, however, but wish that squatting licences were withheld from persons who manifest such an utter disregard of human life as Mr. Frances, even on his own showing, has done."

And in this latter sentiment, under existing circumstances, I most cordially agree. In  
627. Z Frances'

NEW SOUTH WALES.

Encl. E 1, in No. 43.

Many convicts assigned to settlers have also been introduced into this district.

March 1841.

NEW SOUTH  
WALES.

Encl. E 1, in No. 43.

Frances' case the perpetrator admits his having shot four aborigines, and for aught that is shown to the contrary, it was an unprovoked aggression. The natives, whose testimony Mr. Parker states, can be relied upon, affirm that six were slain, and these within the brief period of six months.

In my last expedition I visited the country of the "Barconedeets," the tribe attacked by Frances; of these I found a few sojourning with the "Portbulluces," a people inhabiting the country near Mount Zero, the northernmost point of the Grampians. These persons complained greatly of the treatment they had received, and confirmed the statement made to the sub-protector by the other natives. The following are a few of the collisions, from authentic documents brought under the notice of this department, that have happened between settlers and aborigines, and are respectfully submitted for the information of the government.

## CASES.

- June 1840. *Charles Wedge and others*.—Five natives killed and others wounded at the Grampians.
- June 1840. *Aylward and others*.—Several natives killed and others wounded at the Grampians. In this case Aylward deposed "that there must have been a great many wounded and several killed, as he saw blood upon the grass, and in the tea tree two or three dead bodies."

## MESSRS. WHYTE'S COLLISION.

- March 1840. *First Collision*.—William Whyte deposed that 30 natives were present, and they were all killed but two, and one of these it is reported died an hour after of his wounds.
- March 1840. *Darlot*.—One native shot. Two natives shot near Portland Bay by the servants of the Messrs. Henty.
- July 1839. *Hutton and Mounted Police*.—The written report of this case states, "that the party overtook the aborigines at the junction of the 'Campaspee;' they fired, and it is stated, that to the best of the belief of the party, five or six were killed. In the opinion of the sub-protector a greater number were slain."
- October 1840.  
August 1840. *Messrs. Winter and others*.—On this occasion five natives were killed. One black shot by Frances.

- January 1840. *Munroe and Police*.—Two blacks shot and others wounded.

The following from Lloyd's deposition:—"We fired on them; I have no doubt some were killed; there were between 40 and 50 natives."

- June 1840. *By persons unknown*.—A native of the Coligan tribe killed by white persons.
- Messrs. *Wedge and others*.—Three natives killed and others wounded.
1839. Names of Taylor and Lloyd are mentioned as having shot a black at Lake Colac.

## WHYTE'S SECOND COLLISION.

- April 1840. *Allan's Case*.—Two natives shot.

Taylor was overseer of a sheep station in the Western district, and was notorious for killing natives. No legal evidence could be obtained against this nefarious individual. The last transaction in which he was concerned, was of so atrocious a nature, that he thought fit to abscond, and he has not been heard of since. No legal evidence was attainable in this latter case. There is no doubt but the charges preferred were true, for in the course of my inquiries on my late expedition, I found a tribe, a section of the Jarcoorts, totally extinct, and it was affirmed by the natives that Taylor had destroyed them. The tribes are rapidly diminishing. The "Coligans," once a numerous and powerful people, inhabiting the fertile region of Lake "Colac," are now reduced, all ages and sexes, under forty, and these are still on the decay. The Jarcoorts, inhabiting the country to the west of the great lake "Carangermite," once a very numerous and powerful people, are now reduced to under 60. But time would fail, and I fear it would be deemed too prolix, were I to attempt to particularise in ever so small a degree, the previous state, condition, and declension of the original inhabitants of so extensive a province.

The few cases above enumerated are introduced confirmatory of previous statements, and in the hope that some measures may be adopted for preventing, in future, those dire proceedings, and for the due conservation of the aboriginal inhabitants. Of their inability to afford protection, or administer justice to the aboriginal natives, the assistant protectors have invariably complained, and have urged that the subject might be brought under the early notice of the government. I also have felt myself powerless, and although frequently applied to for protection and for justice, I have felt unable, in some cases owing to the legal disabilities of the aborigines, to do so. The following extract of a communication from the assistant protector of the Western district, in reference to the Messrs. Whyte's

second



second collision, will further tend to elucidate this subject. "The conduct of the Messrs. Whyte cannot, in my opinion, be for one moment defended, but, on the contrary, is highly reprehensible, and should be visited with the expressed displeasure of the government; if for want of sufficient evidence they cannot be held liable for the repeated infringement of those laws which protect the aborigines.

NEW SOUTH WALES.  
Encl. E 1, in No. 43.

They entrust their property to the most reckless and abandoned characters, for with scarcely an exception, no other description of person is to be picked up in this district as servants.

All the before-mentioned cases, with few exceptions, happened in one district, the Portland Bay or Western, and the cause assigned was the taking sheep. Further extracts might be adduced, but as they are mostly of a similar tendency, excepting the case of poisoning now under investigation, their introduction would be tautological. Although the legal disabilities of the natives have impeded the efforts of this department, and although the natives in consequence have sustained much serious injury, it is nevertheless true that a much greater amount of mischief would have happened had it not been for the formation of this department. With regard to any measure to be introduced for meliorating the condition of the natives; itinerating agents are indispensable. I am aware of the danger, difficulty, and privation attendant upon erratic life, especially with savage tribes, on which account, therefore, is it the more desirable that those who from lengthened probation have proved their fitness, should be encouraged, and every inducement held out to insure a continuance of their services and prevent the relinquishment of their appointments, especially as much difficulty has ever been experienced in obtaining suitable persons for such offices. Improving the condition of uncivilized tribes is a work of great difficulty, and to ensure success a slow and cautious process is required, for ere we can hope for lasting benefits, prejudices and errors of centuries have to be encountered and removed, and for the accomplishment of which much forbearance and circumspection must be had recourse to. In one thing, however, I feel certain, that if efficient agents be employed, and proper measures be adopted, the undertaking is by no means a hopeless one, and there is every reason to hope, that under the auspices of a kind and beneficent Providence, the benevolent designs of Her Majesty's Government in the amelioration of the aboriginal tribes will ultimately be attended with every possible success.

In the Portland Bay district.

I would briefly add, that the measures hitherto pursued by this department can only be viewed as preparatory; my own labours have only been of that character. Already I have travelled over between 5000 and 6000 miles of country, and have personally conferred with nearly all the tribes of this extensive province; the mass of information thus obtained requires to be verified and matured, and which will necessarily require time to accomplish; and although much labour and anxiety was experienced on those occasions, it was nevertheless necessary that I should personally visit in their native localities the original inhabitants, the better to enable me rightly to discharge and exercise those functions with which I had the honour to be entrusted.

I have, &c.

(signed) G. A. Robinson, C. P.

(A.)

Sir,

Chief Protector's Office, Melbourne, 26 March 1839.

No. 14.  
No. 1 (2).

I do myself the honour to transmit, for the information of his Excellency the Governor, the enclosed copy of a communication addressed by me to the assistant protector, and in reference thereto submit the following as the proposed destination for each of my assistants; viz.—

Assistant-protector Sievwright to proceed in the direction of Geelong and the country to the westward.

Assistant-protector Parker to proceed in the direction of Mount Macedon and the country to the northward.

Assistant-protector Dredge to proceed in the direction of the Goulburn River and the country to the northward and eastward. No final destination has yet been assigned to assistant-protector Thomas, he being at the present, on account of the large number of natives now in the settlement, required to itinerate, and, as at present I am without any subordinate assistance, Mr. Thomas has also occasionally to attend at my office until such times as the requisite aid is afforded.

I have, &c.

To E. Deas Thomson, Esq. Colonial Secretary,  
&c. &c. &c.

(signed) G. A. Robinson.

NEW SOUTH  
WALES.

(B.)

Encl. E 1, in No. 43.

Chief Protector's Office, Melbourne,  
1 April 1839.

Sir,

WITH reference to my communication of the 21st ultimo, I beg to acquaint you that the district of ——— has been assigned as the scene of your future operations; and that definite instructions will be forwarded for your guidance as soon as the intentions of the government are known in reference to this department. I have therefore to request that you will proceed to your station with the least possible delay, and transmit to this office, until further instructed, a journal of your proceedings at least once in every three months.

A complete census also of the aboriginal population, distinguishing the number of each family, with the age, name, and sex, as also the tribe to which they belong; the principal persons of each tribe, whether warrior, counsellor, elder, or otherwise; also the boundaries and aboriginal names of districts occupied by each tribe, the aboriginal names of mountains, lakes, rivers, and other localities; the difference of language, customs, and habits of each tribe, with their political relation, whether of amity or hostility; and any other information bearing upon the before-mentioned subjects it will be desirable to communicate.

I have, &c.  
(signed) G. A. Robinson, C. P.

E. S. Parker, Esq. J. P. Assistant Protector,  
&c. &c. &c.

(B.)

## DISTRICTS OF THE PROTECTORATE.

*Geelong, or Western District.*—Embracing the whole of the country bounded on the south by the coast, extending from Indented Head to the Glenelg, or boundary of the South Australian Province; on the north by a line running from a point 20 miles north of Melbourne to Murniyong, the Mount Blackwood of Mitchell, thence to Mount Cole, Mount William, and the Glenelg. The 100 square miles of country for the homestead and agricultural establishment of this district is at present undetermined; when selected, it will be about 180 miles from Melbourne.

*Mount Macedon, or North Western District.*—Is bounded on the south by the district of Geelong, on the west by the boundary of the South Australian Province, on the east by a line running north from Tererewail, or Mount Macedon; the northern line undefined. The reserve of land for the homestead, &c. of this district is on the Lodden River, 80 miles from Melbourne.

*Goulburn River District.*—Bounded on the south by the Australian Alps, on the west by the boundary of the Mount Macedon district; northern and eastern boundary undefined. The reserve of land for the homestead, &c. of this district is on the Goulburn River, below the old crossing place, about 110 miles from Melbourne.

*Western Port, or Melbourne District.*—Bounded on the south by the coast, on the north by the Australian Alps, on the west by Port Phillip; the eastern boundary undefined. The reserve of land for the homestead, &c. at Narre Narre Warren, near the Coranwaribil range, and watered by the Doridorm rivulet, about 23 miles east of Melbourne.

## CHIEF AND ASSISTANT PROTECTORS.

Chief protector of aborigines, George Augustus Robinson, esq. J. P.; assistant-protector for the Geelong and Western district, C. W. Sievewright, esq. J. P.; assistant-protector for the Mount Macedon, or north-western district, E. S. Parker, esq. J. P.; assistant-protector for the Western Port, or Melbourne District, W. Thomas, esq. J. P.; assistant-protector for the Goulburn River District, William Le Souef, esq. J. P.

## AUTHORIZED ESTABLISHMENT FOR 1841.

|   | £.  | s. | d. | £.    | s. | d. |
|---|-----|----|----|-------|----|----|
| Chief protector - - - - -   | -   | -  | -  | 500   | -  | -  |
| Allowance to chief protector for clerical assistance, stationery, &c. - - - - - | -   | -  | -  | 100   | -  | -  |
| Four assistant protectors, each - - - - -                                       | 250 | -  | -  | 1,000 | -  | -  |
| Allowance to ditto, each - - - - -  | 191 | 12 | 6  | 766   | 10 | -  |
| Four free overseers, each - - - - -   | 118 | 5  | -  | 473   | -  | -  |
| Four free constables, each - - - - -  | 50  | 3  | 9  | 200   | 15 | -  |
|   | £.  | -  | -  | 3,040 | 5  | -  |

(E.)

CENTRAL STATION—*Western Port District.*

Encl. E-1, in No. 43.

IMPROVEMENTS IN CULTIVATION AND IN BUILDING.

| Buildings:<br>Temporary School<br>and Chapel.  | Buildings:<br>Assistant Protector's<br>Quarters.  | Overseer's Hut.   | Store.   | Schoolmaster's<br>Hut.  | Land<br>under Cultivation<br>and Fencing.   |
|--|---|---|--|---|---|
| 1 room 20 x 40 feet, bark covering roof, glazed windows and ledge door, fitted with forms and school utensils. | Two large rooms, one small room and passage, bark covering roof, glass windows, ledge door, floors boarded. | Two rooms, glazed windows, and ledge door, walls and covering of roof same as before mentioned. | Same description of building as before mentioned | Contains four rooms, walls and roof same description as the preceding, glazed windows, ledged door. | Two and a half acres cropped with wheat, five acres ploughed.<br><br>Fencing:<br>750 yards slight post and rail sapling morticed, nearly all done by natives, three rail split fence enclosing five acres land. |

(E.)—BUILDINGS and other IMPROVEMENTS done at the LODDEN STATION, November 1841.

| Description of Buildings.  | Dimensions.   | Cultivation.   | Improvements.   |
|--|---|--|---|
| Wooden buildings of broad split slabs grooved into plates, ledge doors, glazed windows, and bark covering to roof. | Six rooms, 2 front rooms, 13 1/2 feet x 14 1/2 feet, four small rooms, 9 x 9 each, passage four feet wide.<br><br>Assistant-protector's Residence:<br><br>Two front rooms, 12 x 14, two ditto, 8 x 14.<br><br>Overseer's Residence:<br>20 x 15 store.<br>18 x 12 smithery.<br>15 x 12 Mr. Parker's kitchen.<br>15 x 12 men's hut. | Five acres wheat, sown 19th August.<br>Two and a half acres oats, sown 18th September.<br>Three acres potatoes, sown 16th September.<br><br>Two acres maize, sown 3d November. | 145 rods two rail substantial post and rail fencing.<br>224 rods bush fencing.<br>8 1/2 rods garden fencing, post and rail. |

(signed) *Robt. Bazely, Overseer.*

*Western, or Portland Bay District.*

The principal station is about to be occupied. Three slab huts erected at the depôt, Lake Tarony.

(E.)—CENTRAL STATION—*Goulburn River.*

IMPROVEMENTS IN CULTIVATION, &c. September 1841.

| Land under Cultivation and Crops.   | Trees<br>Grubbed up. | Land Prepared for<br>Cultivation. | Fencing.   | Building.  |
|---|----------------------|-----------------------------------|--|--|
| 3 1/2 acres wheat<br>1 1/2 acres barley and oats.<br>1/2 acre maize.<br>5 1/2 acres potatoes.<br>1 acre garden. | 400.                 | 15 1/2 acres.                     | 250 perch of temporary fencing, small saplings nailed to uprights; 36 perch temporary fencing done by small tea-tree saplings driven into the ground; 40 loads of saplings were cut for the above fencing. | Five small huts, bark covering, and bark walls for the men; one large building of similar description for the sub-protector.<br>One log building in course of erection for medical officer.<br>One ditto for the overseer. |

(signed) *W. Ls Souef, Assistant Protector.*

Encl. E 1, in No. 43.

|    |                 | MALES. |        |         |           |        | FEMALES. |        |        |           |        | TOTAL. |
|----|-----------------|--------|--------|---------|-----------|--------|----------|--------|--------|-----------|--------|--------|
|    |                 | Aged.  | Adult. | Youths. | Children. | TOTAL. | Aged.    | Adult. | Girls. | Children. | TOTAL. |        |
| 1  | Learkabulluk    | -      | 5      | 4       | 4         | 13     | 3        | 9      | 2      | 6         | 20     | 33     |
| 2  | Galgallulluk    | 3      | 14     | 8       | 5         | 25     | 4        | 10     | 3      | 6         | 23     | 48     |
| 3  | Kinangabulluk   | -      | 1      | 1       | -         | 2      | -        | 1      | -      | 1         | 3      |        |
| 4  | Worabulluk      | -      | 1      | 1       | -         | 2      | 1        | 1      | -      | 2         | 4      | 6      |
| 5  | Wornarrayera    | -      | 13     | 3       | 6         | 22     | 1        | 10     | -      | 6         | 17     | 39     |
| 6  | Borumbulluk     | -      | 7      | 7       | 3         | 17     | 1        | 6      | -      | 3         | 10     | 27     |
| 7  | Turingbulluk    | 2      | 3      | 1       | 2         | 8      | 1        | 4      | 2      | 2         | 9      | 17     |
| 8  | Talgajoondeel   | 2      | 7      | 2       | 4         | 15     | 2        | 6      | -      | 3         | 11     | 26     |
| 9  | Gorybulluk      | -      | 8      | 1       | 1         | 10     | 2        | 3      | -      | 3         | 8      | 18     |
| 10 | Bealbulluk      | 1      | 1      | -       | -         | 2      | -        | -      | -      | -         | 2      |        |
| 11 | Teraekbulluk    | 2      | 2      | 1       | 1         | 6      | -        | 1      | -      | 1         | 7      |        |
| 12 | Tamebulluk      | 1      | 8      | -       | 1         | 10     | -        | 6      | -      | 6         | 16     |        |
| 13 | Boorpebarriel   | -      | 3      | -       | 2         | 5      | -        | 2      | -      | 2         | 4      | 9      |
| 14 | Larninggoondeel | 3      | 3      | 1       | 2         | 9      | 2        | 4      | 2      | 2         | 10     | 19     |
| 15 | Tunabulluk      | 1      | 4      | 2       | -         | 7      | -        | 4      | -      | 4         | 11     | 18     |
|    | TOTAL           | 15     | 80     | 30      | 28        | 153    | 17       | 66     | 9      | 37        | 129    | 282    |

*General Remarks.*

The sections 1, 2, 3, 4, 5, 6, 7, 10, and 11 are, so far as I can ascertain, complete. Sections 8, 9, 12, 14, and 15 probably number a few more individuals each, whose names are not remembered by my informants. Section 13 (Boorpebarriel) consists of a few individuals, adopted from the "Borumbul," blacks, and not originally belonging to the Jajowrong tribe. The general strength of the tribe may be, therefore, taken in round numbers, at 300. Of this number I know personally (at the present date) 220. As it is impossible to obtain precise information as to the ages of the aborigines, I have arranged them into four classes; aged, adults, youths, and girls, including all who appear to be more than nine or ten years years of age; and children, including all under that age. The distinction of "Counsellor" is wholly unknown to the natives, as distinct from the aged men or "elders" and warriors. The individuals who have been indicated to me as the chief or "head men" of each section, and the elderly men might be so termed, but the distinction would be purely imaginary. The warriors include all the adult men, and about half of those mentioned as aged. I am informed that there has been a general head or chief of the Jajowrong people, but he is now dead. The individuals who appear to possess the greatest influence in the tribe are Munangabum, Karringebool, and Weraryamumion. The first six sections in the foregoing summary have suffered greatly from the hostility of the Goulburn tribes, with whom they are at enmity. On more than one occasion they have been attacked and massacred in the night. Twenty-four men are said to have been killed in this way during the last two or three years, besides women and children. The Galgajoondeel, Gongballuk, and Tarmbullar people, as their territories verge on the Taounyirong and Voraloon country, appear to be on more friendly terms with these tribes than the southern and western sections. They all, however, hold the Goulburn tribe in general dread.

The tribe is on terms of amity with the Waverong people, on the south east, and the Witswong or Wadowio tribe on the south. On the south west the "Borumbul" or Boorpebarriel blacks are in a state of hostility. These people killed the boy "Noorarmina," in the month of October last, on the road between Buninyong and Geelong. Westward and north westward is the Milangburn tribe, which appears to maintain amicable relations with the Jajowrongs.

(signed) *Edw. S. Parker,*

February 1841

Assistant Protector Aborigines.

*Western Port District.*

The assistant protector's report of the entire numerical strength of the two aboriginal tribes "Waverong" and "Boongerong" of the Western Port district, in September 1841, is 190, all ages and sexes.

(signed) *Wm. Thomas,*  
Assistant Protector, Western Port District.

Enclosure E 2, in No. 42.

To His Honor *Charles Joseph La Trobe*, Esq. Superintendent of Port Phillip, &c. &c.

Encl. E 2, in No. 43.

No. 2 (1).

Sir,

I HAVE the honour to inform you that your Honor's letter of the 10th instant came to hand last night, and I beg herewith to forward to your Honor a report of this mission for the past year.

Your Honor's letter of the 23d July I have not yet received, and therefore was not aware that you had desired me to furnish a report upon the aborigines for the information of the Secretary of State. The report I now furnish, although brief, will, I hope, give your Honor and the government all the information required, with reference to our past success and future prospects among the deeply degraded and much injured aborigines of this part of Australia. The statement of the expenditure annexed to the report will, I trust, be equally satisfactory. Although we have expended more than 1,200*l.*, yet I feel persuaded that when his Excellency Sir George Gipps is reminded that the additional expense has been incurred in consequence of our loss by fire, under circumstances over which we had no control, he will not object to our receiving the amount of half our expenses from the colonial treasury; and I beg most respectfully to request your Honor will be pleased to use your influence with his Excellency for this purpose.

The following extract is from the minutes of the late district meeting, and forwarded to London for the information of the parent committee. "The house of the second preacher on the Bunting Dale station has been destroyed by fire, and all the furniture consumed. A minute inquiry has been instituted as to the cause of the fire, and the members of the district meeting are of opinion that no blame attaches to the brother occupying the house."

I beg also to request your Honor will be pleased to endeavour to obtain the money for us with the least possible delay.

I have, &c.

Bunting Dale, Geelong, 22 December 1841.

(signed) *Benj. Hurst.*

I hereby certify that the following is a correct statement of the expenditure at the Wesleyan mission station in the sub-district of Geelong, Port Phillip, from the 1st October 1840 to the 30th September 1841; viz.

|   | £.  | s.    | d.   |
|---|-----|-------|------|
| Expenses of two missionaries, including board, &c., and all other allowances for themselves and families and servants, and travelling and house expenses    | 401 | 8     | 1    |
| Repairing loss sustained by the destruction by fire of our missionary's house and furniture, &c.  | 155 | 9     | 4    |
| Wages of overseer, bullock-driver, and occasional man   | 130 | 17    | 6    |
| Miscellaneous expenses, including new dray, new cart for travelling with the natives, working bullock, agricultural implements, repairing bullock-gear, &c. | 187 | 7     | 9    |
| Food and clothing for the natives, and rations of overseer, bullock-driver, and occasional man  | 414 | 7     | 11   |
|   | £.  | 1,289 | 10 7 |

The food above mentioned as given to the natives, is exclusive of the produce of six acres of wheat and two acres of potatoes and turnips, from which neither of the missionaries received the slightest advantage.

(signed) *Benj. Hurst*, Superintendent.

Wesleyan Mission Station,  
Bunting Dale, Geelong, 22 December 1841.

REPORT of the Wesleyan Missionary Society's Mission to the Aborigines of Port Phillip, from November 1840 to December 1841.

DURING the year that has just terminated the missionaries have laboured with unwearied diligence to make the people committed to their charge acquainted with the important truths of our most holy religion, and thereby to promote their civil and spiritual welfare. For this end we have paid particular attention to the acquisition of the language of the natives, and have embraced every favourable opportunity, both when they have been on the station and when travelling with them in the bush, of conversing with them upon those subjects in which their present and eternal interests are involved; and although we are very far from being satisfied with the degree of success which has attended our labours, yet we are thankful to Almighty God to be able to report that there are some circumstances connected

No. 2 (2).

NEW SOUTH  
WALES.

Encl. E 2, in No. 43.

with our work that are of an encouraging character, and well calculated to cheer us onward amid the difficulties by which we are surrounded.

For the first six months of the year the number of natives on the station was unusually large, larger indeed by far than our means will enable us constantly to feed; but twice during the year has the station been visited by hostile tribes, and in both instances murder was committed, and our people scattered. The natives, on leaving the station, assigned as their reason for so doing, that we were unable to protect them from the aggressions of their enemies, and that they therefore preferred wandering in the bush, where it would be more difficult to find them. In consequence of these circumstances they have been for several months past in a very unsettled state, and have remained but for a short time in one place; and although during this period they have been frequently on the station, yet these visits have been but of short duration. But now that the matters in dispute between the several tribes appear to be in a fair way of being amicably arranged, we hope to be able to pursue our work with less interruption.

It is an encouraging circumstance that a decided improvement has taken place in some of the young men with regard to their habits of industry and their capability of performing agricultural and other work. We have 10 acres of land under cultivation, part of which was ploughed by a native youth, and a native boy drove the bullocks while the whole was being ploughed. There are others who are not only able to drive, but also to yoke and unyoke the bullocks, and we can with confidence send them alone with the team any distance that they would be able to return home the same evening. But to us the most pleasing and encouraging circumstance is, that sometimes when we have been conversing with them upon religious subjects, they have manifested such a degree of seriousness and attention, and have appeared to feel so much of the importance of what has been said to them, as almost to induce us to indulge the hope that the Spirit of God, whose work it is to enlighten the mind and to change the heart, is striving with them, and that the time will soon arrive when some of these most degraded members of the family of man shall be soundly converted to God.

The children and youths are by far the most interesting part of our charge, and our attention is principally directed to them. The children when at the station, and, as far as circumstances will admit, when we are travelling with them, are regularly taught to read; and were it not for the frequent interruptions arising from their wandering habits, their improvement would be of a very encouraging character. Six boys who were placed under our care about seven months ago by their parents, and who have remained constantly with us until within the last four days, have made considerable progress in English, and have manifested an aptitude for learning equal to children of European origin. The girls have been taught by our wives to sew, but their frequent wanderings, rather than their want of ability, is the principal obstacle in the way of their improvement. But notwithstanding these encouraging circumstances, we must not omit stating that a feeling of despair with reference to our ultimate success sometimes takes possession of our minds and weighs down our spirits. This feeling is not, however, produced either by the wandering habits, the superstitions, the frequent quarrels, the cannibalism, or the extreme degradation of the natives, nor by all of these together; for we are fully persuaded that the gospel of the grace of God, when faithfully preached and applied by the Divine Spirit to the heart, is able to overcome all these difficulties; and were there no other hindrances to our success, we should indeed labour in hope; but we cannot be insensible to the fact, that the aborigines are decreasing in number at an awfully rapid rate; principally, as it appears to us, in consequence of their connexion with Europeans. The tribe in the immediate vicinity of the mission station is less by 15 per cent. than it was 12 months ago, and so thoroughly has a certain disease been introduced into the system of several others, that it appears all but impossible that they can live much longer. One woman died on the station last week of the disease in question; and so extensively is illicit intercourse carried on between Europeans and the native women, that it is not at all probable the places of those who die will be supplied by the birth of children, except half-caste children, and those, with but one exception, have hitherto been destroyed nearly as soon as they were born. We know but of two purely native children, under 12 months of age, within 40 miles of the mission station. From these circumstances, it is evident that should the present state of things continue much longer, the aborigines must be annihilated; and the idea that probably by the time we have so far acquired a knowledge of the language as to be in a position to render efficient service to the natives, they will all, or nearly all, have disappeared, is distressing to our minds and calculated to damp our energies.

It appears to us that if the aboriginal race is to be preserved, and the money and labour devoted to the promotion of their civil and religious improvement are to be made permanent blessings to them, they must be cut off by some means or other from all intercourse with Europeans, except with those who are placed among them for their benefit; and it further appears to us to be necessary that some very stringent measures should be adopted to prevent, if possible, the settlers and their servants from encouraging them about their stations, particularly the females.

(signed) Benjamin Hurst,  
Superintendent.

Wesleyan Mission Station, Bunting Dale,  
Geelong, 22 December 1841.

To His Honor *Charles Joseph La Trobe, Esq. &c.*NEW SOUTH  
WALES.

Sir,

Bunting Dale, 22 July 1841. Encl. E 2, in No. 43.

No. 2 (3).

In compliance with your Honor's wish, expressed to my colleague, the Rev. Francis Tuckfield, I hasten to lay before you the particulars of a murder committed at this station on Saturday the 13th ult. I beg permission also to forward for your Honor's consideration, and for the consideration of his Excellency Sir George Gipps, a few remarks upon some subjects intimately connected with the welfare of the aboriginal inhabitants of this territory.

On Saturday the 12th ult. a party, consisting of nearly 200 natives, arrived on this station, for the avowed purpose of committing murder, in order to be revenged for the death of an old man who died here of disease several months ago. Their appearance, conversation, and behaviour caused the utmost alarm among the natives who were living with us; and so terrified were they, that during the night several of them decamped. On Sunday we made use of every means we could devise to conciliate the hostile party, but without effect, so determined were they to carry out their murderous intentions; and in the evening, about an hour after sunset, a number of them clandestinely surrounded the breakwind of a man belonging to the Tantgort tribe, and before either he or his friends had time to make a defence, several spears were driven through his body, and the murderers had escaped to their own breakwinds; not, however, without several of them being recognised. About three o'clock on Monday morning the whole of the Tantgort tribe left the station; and during the day matters were finally arranged, by one of the "Koligons" consenting to give up his wife. The hostile tribes then went away, and immediately afterwards the remainder of our people came to inform us that they also were going; and before the evening the whole had left us, with the exception of six boys, who had been previously given us by their parents or guardians. This is the second time during this year that our people have been scattered by the same cause: in both instances they have assigned as the reason for their leaving us, that we are unable to protect them from the aggressions of their enemies when they come upon them in large numbers; and that they are safer when wandering in the bush, where they cannot be so easily found.

Previous to this unhappy affair the prospects of our mission were of a very encouraging character; the men had been employed in clearing roots and stumps from eight acres of ground, preparatory to its being sown with wheat; one had been driving bullocks, and another ploughing. The wheat being finished, they had just commenced enclosing two acres with a substantial fence for potatoes. The children were regularly instructed in the school, and the women employed chiefly about our houses. Altogether our work, with regard both to the temporal and spiritual department, presented a more pleasing aspect than it had assumed at any former period; but by this event, the christianization, and by consequence the civilization, of our people is thrown back, and we shall have much of our work to do over again. I am not aware that in the present state of the law anything can be done in this particular instance to punish the murderers, especially as the evidence of aborigines cannot be received in court; but I should beg respectfully to suggest whether it is not advisable both for the Home and Colonial Government to adopt such measures as would, in the mildest but most effectual manner, prevent the tribes from making aggressions upon each other. I am aware that some philanthropists think we ought not to interfere with the political arrangements of the natives; and were I less intimately connected with them than I am, I too should probably think the same; but living among them as we do, and being acquainted with their manners and customs (at least to some considerable extent), it is the opinion both of my colleague and myself that unless the government interfere in order to protect those who may be disposed to remain at any establishment formed for their benefit, their civilization will be very considerably retarded.

The aborigines are declared to be British subjects, and it therefore appears to me are entitled to the protection of British law. But there is, in my apprehension, something peculiar in the case of the Tantgort tribe. Two years ago this tribe was a numerous one, but nearly the whole of the fighting men have been butchered in cold blood by Europeans; so that they are so far reduced as to be unable to defend themselves against the inroads of the neighbouring tribes. In both the murders committed here a Tantgort has been the victim, and I believe from no other cause than that their number is now so small that they dare not seek to be revenged. I feel persuaded your Honor will agree with me in thinking this is a case which demands the serious attention of the government, especially as, in the present state of the law, the guilty parties cannot be brought to punishment. Hence I think the condition of the deeply injured aborigines is of too distressing a character to be contemplated by any well-constituted mind without sentiments of the deepest sympathy and commiseration being excited on their behalf. They may be destroyed by their fellows, and what is worse, may be shot by wholesale by Europeans; and yet the arm of the law has no power to punish, unless the evidence of a white person can be produced. To meet their case, I would respectfully suggest the propriety of allowing the aborigines to give evidence in court, whether a native or an European be the offending party. I readily admit that their testimony should to be received with caution, from the circumstance of their not being fully acquainted with the solemn obligations of an oath; but at the same time I am of opinion, that when it is corroborated by circumstantial evidence, it should be received. Nor do I see how they can be protected, or how justice can be done to them, unless some provision be made to meet their case in this respect.

NEW SOUTH  
WALES.

Encl. E. 2, in No. 43.

With regard to the degree of punishment to be inflicted upon a native who injures or kills another, I think it should, particularly in the first instance, be much less than would be inflicted upon an European for the like offence. If the punishment were made certain, and without reference to the period that might elapse between the commission of the crime and the apprehension of the guilty individual, a mild measure would operate much more beneficially than a severe one, and less certain punishment.

In perusing a report upon the best means of civilizing the natives of Australia, by Captain Grey, and forwarded to his Excellency Sir George Gipps, by the Right honourable Lord John Russell, I find he recommends a plan similar to the one above mentioned, and it affords me pleasure to be able to think thus far with him. I feel it to be my duty, however, to inform your Honor that I dissent *in toto* from Captain Grey with regard to the benefit to be derived by the natives from attaching them to the stations of settlers. I hold it as an important principle, that the preaching of the Gospel by pious and devoted men called by Jesus Christ and His Church to this work, is the only effectual means of civilization. It is because the native's heart is "desperately wicked;" because he is ignorant of the true God, and unacquainted with the doctrines of our most holy religion, in their purifying influence, that he is a useless and dangerous neighbour; but let him be brought by the influence of the Holy Spirit to feel himself a sinner; let him become acquainted with the nature and character of God, and understand the important doctrine of the atonement; and let him know by experience that the Gospel is the power of God unto salvation to him that believeth, and then his ferocious nature will be changed; the direful power of his superstitions will be broken; his erratic habits will be abandoned; and he will become at once an industrious and peaceable member of civil society. But until the truths of the Gospel are brought to bear upon his mind and heart, I am persuaded any advances he may make towards civilization will be but of a very superficial character. And the evidence taken before a Committee of the House of Commons on aborigines, appointed in 1833 and 1835, appears to me incontestably to prove that any attempt at civilization without the Gospel must fail in accomplishing its object.

But if the natives should be attached to the stations of settlers, it is difficult to conceive what opportunities they would have of receiving scriptural instruction; even supposing a missionary were to be appointed to travel from station to station, yet, however zealously and faithfully he might discharge the duties of his office, but little good could be expected to result from his labours. The native would have constantly before him the bad examples of Europeans; and this would go very far towards counteracting any beneficial effects that might result from the labours of the missionary. But this is not all; for such is the morally degraded condition of the white population, that numbers would be found ready on all occasions to instil evil principles into the mind of the heathen, and thereby sink him lower in depravity and wretchedness than he is at present found. This, I think, is evident from the fact, that although there is a severe legislative enactment against giving intoxicating liquors to the natives, yet the practice is still continued; but continued in such a way that the offending party cannot be convicted, at least unless the testimony of the natives be received.

In connexion with this subject ought also to be mentioned the awful and alarming extent to which the females are prostituted. I am persuaded that no one but he who has occasion to mix frequently with the natives can form a correct opinion upon this subject. I would not rashly come to conclusions upon a point upon which my countrymen are so deeply and disgracefully concerned; but I have for my guidance in forming an opinion, first, the statements of the natives as to who the persons are that are accustomed to descend to this abominable practice; secondly, the almost universal prevalence among them of a loathsome disease, which brings many of them to an untimely death; thirdly, the testimony of medical men as to the extent to which the same disease prevails among Europeans. From these sources of information I am driven to the conclusion, that an attempt to civilize this people, by attaching them to the stations of settlers, would not only fail, but would be inflicting one of the greatest possible evils upon a people who are already sinking under the hand of oppression.

We have heretofore abstained from alluding to the share of guilt which attaches to individuals who would deem it an insult to be classed with shepherds and hut-keepers; but now that the welfare of the people for whose benefit we left our native land is so deeply in the question, I think it is time to speak out. I have therefore no hesitancy in informing your Honor that there is every reason (excepting only absolute proof) to believe that the prostitution of the native women is not confined to the lower order of Europeans. From these circumstances, it appears to me, that should Captain Grey's plan be adopted, one of the most effectual measures would be taken to annihilate the wandering tribes of Australia; especially when I call to mind the fact, that the half-caste children are destroyed almost as soon as they are born.

But it does not appear to me that the plan, upon which I have taken the liberty of speaking so freely, is a practicable one. The fact must not be lost sight of, that numbers of the adults are either so enfeebled by disease, or are so aged and infirm, as to be almost incapable of performing any manual labour; and I think it cannot reasonably be expected that any settler will undertake the charge and support of these, unless a considerable amount of remuneration be given him for his trouble and expense; and such is the feeling which exists against the aborigines in this district, and I fear throughout the colony, that I very much doubt whether many individuals could be found who would take charge of such persons under any circumstances. There are also the women and children, who would

be



be able to render but very little service to the settler. He would not, therefore, be concerned to have them attached to his establishment; so that on this plan but a very few individuals would be provided for; and then there is the circumstance of which I have before spoken, for although the men frequently connive at the infamous conduct of the whites, especially when they receive a bribe, yet they would not submit to it in every instance, and this would bring them into unpleasant, and perhaps fatal collision with the settler or his servants, or both. Besides this, the aborigine is fond of society, and of the society of his own people; and unless some very powerful motive be held out to him (more powerful than any proposed by Captain Grey) but few would be disposed, permanently, to attach themselves to any establishment.

On taking a view of the whole case, it appears to me that in order to communicate the greatest amount of benefit to the wandering inhabitants of Australia, and to compensate them for the injuries they have received at our hands, it is desirable that there should be a reserve of land for, and a missionary appointed to, every considerable tribe. The plan of attempting to collect several tribes upon the same locality is fraught with many disadvantages; for when several large tribes are brought together, their number is greater than one person can properly watch over and instruct; in addition to which, we have invariably found that they are much less inclined to work, and more disposed to pilfer on such occasions. But the greatest disadvantage arises from the circumstance of their being extremely jealous of each other, and having always some old grievance to redress, which is the occasion of almost unceasing quarrels; so that although we have made several attempts, yet we have not hitherto succeeded in getting them peaceably to associate for any very great length of time. I think, however, with a little management two smaller tribes might be prevailed upon to live together; say, for instance, two such tribes as the Kolijon and Tantgort.

I presume there can be no valid objection to land being reserved for the sole use and benefit of the aborigines. They are the original proprietors of the soil, and have, therefore, a strong claim upon the consideration of the Government when it is disposing of waste lands; nor do I think there would be any difficulty in preventing Europeans from forming stations, or depasturing their flocks and herds upon the lands so reserved. I think, however, that the utmost caution should be observed in selecting land for the natives. It is not desirable to interfere with the stations already formed by settlers; but wherever practicable, the land if intended for one tribe, should be near the center of its hunting-ground; and if for two tribes, near the boundary between them; and in each case, should be a place much frequented by the natives. These reserves should include a considerable portion of ground fit for cultivation, and in every instance, if possible, should have some good hunting-ground at the back.

In order to induce them to locate on the reserves, they should be fed, and at least partially clothed. They should also be encouraged to cultivate portions of ground for themselves and families; and each missionary should be forbidden to hold out inducements for any to visit him but those of his own tribe or tribes. On this plan the change to the natives would be much less sudden than if they were to be taken from their own people and connected only with settlers and their servants, and therefore much more likely to be submitted to; and while they would be preserved to a very considerable extent from the baneful influence of Europeans, the missionary would have ample opportunities of gaining their confidence, and of imparting religious instruction to them. I would beg also, with your Honor's permission, to intimate, that it is desirable that these establishments should be connected with, and under the control of the missionary societies in England; for while this arrangement would relieve the government from a considerable degree of care and responsibility, it would also be more likely to secure true piety, and other necessary qualifications, in the principal agents. I have always deemed it of the utmost importance, that they who engage in the arduous work of christianizing and civilizing the heathen should be experimentally acquainted with those truths, the preaching of which, Almighty God designs to be, under his blessing, the principal instrument in the conversion of the world. Nor is it reasonable to expect that any but such individuals will be properly interested in the welfare of the objects of their charge, or that the blessing of God (without which they will labour in vain) will attend them in their efforts to reclaim the savage and ignorant wanderer, and bring him back to the shepherd and bishop of his soul. It appears to me also that this arrangement would be attended with much less expense; for if the missionaries be truly called by God, and feel that a necessity is laid upon them to preach the Gospel, while they will be concerned that the reasonable wants of themselves and their families should be supplied, they will engage in the work from far higher motives than anything earthly can give, and will not therefore be anxious to amass a fortune.

If the government were to require a report of the establishment to be made to it annually, together with an abstract of the expenditure, it would become acquainted with the working of the system, and would be able to check any impropriety, whether in the expenditure or otherwise.

Although I am not authorized to make any statement relative to the Wesleyan Missionary Society, yet I may venture to say that should the government adopt a plan similar to the one above mentioned, I have no doubt the committee of that society would gladly render all the assistance in their power in order to carry the plan into effect. I am persuaded they would have no difficulty in finding suitable persons as missionaries; but I fear that in consequence of the present embarrassed state of their funds, together with their

NEW SOUTH  
WALES.

Encl. E. 2, in No. 43.

numerous and important calls for assistance from almost every part of the great mission field, they would not be able to do much in the way of pecuniary aid.

The hunting grounds of the natives being taken possession of by the settler, their game and their roots to a very great extent destroyed, and consequently their means of subsistence much more precarious than formerly, it is worthy of consideration whether the government will have performed its duty, until it shall have provided for the supplying both their temporal and spiritual wants.

If but 15 per cent. of the land revenue (the sum recommended by the Right honourable Lord John Russell) were to be appropriated to this object, a very considerable proportion, if not the whole of the aborigines of the district of Port Phillip would be amply provided for.

Craving your Honor's indulgence for troubling you with so lengthy a communication,

I have, &c.  
(signed) Benjamin Hurst.

Enclosure E 3, in No. 43.

Encl. E 3, in No. 43.

Sir,

Bannelock, Portland Bay District,  
1 January 1842.

No. 5.

IN compliance with your instructions, for the information of Lord John Russell, I do myself the honour to state, that I have been in this district now upwards of four years. Previous to my leaving Sydney, I received instructions from General Sir Richard Bourke regarding the natives, and paid great attention to them, assisted by the General providing articles useful for them, which I distributed until the appointment of the protectors.

Until the arrival of these gentlemen and missionaries, I seldom visited a station without witnessing the employment of aborigines for different purposes on the establishments; and many have been reported to me as extremely useful and trustworthy. For the last two years this practice, I regret to say, has been discontinued, the settler being unwilling to bring himself in contact with the protector or missionary. Since their arrival, I also remark that the character of the native has changed, with a continued scene of open theft on the settlers; and when detected in these acts of theft and outrage, and spoken to by the European, they will deliberately tell him, that "if he touches them, Mr." (mentioning one of the protector's names) "will hang him." This language has been thoroughly instilled into them, a native having held out the same threat to myself.

In the vast tracts of country attached to the use of the protectors and mission establishments, I believe but very few natives remain for a constancy.

In my tours through the district I frequently meet a few small tribes, some provided with blankets and clothes, which I constantly find laying, through the country, rotting on the ground; this I conceive to be a great waste of property (supplying the natives), as after a day or two they generally destroy the articles, or leave them to rot on the filthy ground of an abandoned encampment. After the removal of an encampment the ground is covered with things, which I conceive might in charity be better bestowed on the poor of our own nation.

The aborigines have no fixed place of abode; wandering is inherent in them; neither can I feel that any means will ever domesticate them for a constancy. Their condition is just the same as it ever has been during my nine years' residence in the colonies: no improvement in morals, and totally void of decency.

Their numerous acts of violence and cruel murders on shepherds and hut-keepers throughout the district, combined with a reckless destruction of property, particularly on sheep farmers. In many instances flocks have been driven away and destroyed; in other instances from 100 to 200, and most left on the ground, their hinder legs broken above the houghs, or twisted out of the sockets of the hips; barely a settler in this district who has not lost property to a considerable amount.

The cattle owners now begin to suffer, and feel the bad effects of native encouragement, having found out a simple and easy plan of destruction, by carefully watching the animal, and when in the act of calving destroy the cow with their hatchets and leaguils. This is quite a late introduction, as formerly the spear was used only; I have known a bullock to have 30 spears in him, and return home.

This district is very considerable, extending from the "Wirreebe" to the Glenelg, taking in the Pyrenees, Mount Cole, and the Grampians, and there are many stations to the north-west of these ranges. I submissively beg leave to state, that no part of the world has been located so rapidly as this, with a very trifling disadvantage and injury to the native. Though their hostile aggressions have been great, the settlers have borne all, and only in a very few instances have they protected themselves and property with the loss of life on the part of the native. Under every circumstance, I conceive that much praise is due to the character of the Europeans in this country: they have displayed great forbearance, and evinced an inclination to benefit the aborigines on every occasion. I also remark, that the most trifling act on the part of the European is noticed, and if possible turned to their disgrace, when murder, outrages, and destruction of property, pass unnoticed on the part of the native: situated as the settler is, he dreads to protect his property, and tacitly submits.

I have

I have known many endeavours to domesticate the native, which have succeeded partially. Mr. Fisher, a resident at Geelong, has had a native boy for four years; he is now a fine lad, of about 14 years of age; his constant solicitations have induced me to take him through the district on my next tour. Notwithstanding great care has been taken of this youth, now approaching to manhood, his inclinations bend to his natural life; he absents himself of late, living in a wild manner, in a state of nudity and filth, with others. "Bon John" was with the police for 10 months, well clad and fed; he grew tired of the place, threw his clothes away, and deliberately committed murder. I have known numerous endeavours to domesticate them, but it is not to be done for a constancy. The late occurrence of outrage and murder on the part of Mr. Protector Robinson's blacks, in itself must fully prove to the government the folly of these establishments, and the absurdity of lavishing away thousands yearly without a solitary hope, after a long experience of 12 years, fed, clad, and domesticated, and I am to suppose morally instructed, by the gentlemen so well paid. The native men with their three wives absconded; after committing numerous robberies in the Western Port District, they finally murdered two unfortunate sailors; for this act they were condemned to be hanged; but from the high character given them by the protector, they received a recommendation for mercy.

NEW SOUTH WALES.  
Encl. E 3, in No. 43.

The circumstance of the murder of Mr. Morton and his servant in Australia Felix, fully confirms my opinion of the position and character of the natives. The deceased gentleman, accompanied by a servant, went about 10 miles from their huts; the natives who resided at his place followed them, and murdered them. The bodies lay nearly 50 yards apart, with the remains of a fire between them; the flesh was cut in long slices from the bodies, and barely any left; the cheeks and ears also cut off. This circumstance, combined with numerous others, and the destruction of their children, gives me no hesitation in stating they are cannibals.

I have to apologise for the length of my letter, to which I could add many distressing accounts; for the present I have given such information as may tend to benefit the European and native in this country. I conceive it only correct when I am called on for my opinion, and the occurrences coming under my notice in this district, to state what I know, and conceive it right that his Lordship should be aware of facts, feeling assured that the people of England are in total ignorance of the general conduct and character of the natives of New South Wales.

I conceive the best and surest mode to benefit the natives and turn them to advantage would be to issue a portion of flour during the cold season, to be distributed to the respectable settlers, and to be issued by them to the tribes about them. This plan I am confident would succeed, and renew a good feeling between the settler and the native. I conceive the maintenance of the very few aborigines in this district would amount to a very little. Until this is done the natives will be idling and lounging in the towns, where they live by begging.

I have, &c.

To His Honor C. J. La Trobe, Esq. (signed) *Foster Fyans*,  
&c. &c. &c. Commissioner of Crown Lands.  
Superintendent, Melbourne.

Enclosure E 4, in No. 43.

Sir,

Geelong, 28 December 1841.

Encl. E 4, in No. 43.

IN compliance with instructions by your letter dated 23d July, I do myself the honour to transmit a report agreeably to the tenor of an extract from a despatch from the Right honourable the Secretary of State to his Excellency the Governor Sir George Gipps, which accompanied your letter.

No. 3.

Having been three years resident at Geelong, I have confined my report to that tribe of aborigines which has more immediately come under my own observation, called the Barrabool tribe.

I have, &c.

To His Honor C. J. La Trobe, Esq. (signed) *E. B. Addis*,  
&c. &c. &c. Commissioner of Crown Lands.

BARRABOOL TRIBE OF ABORIGINES.

THIS tribe of natives was found by the first settlers in 1836, locating on the coast from Indented Head to the Werriby, in detached parties or families, to insure better success in procuring their food, where they are now to be found during the summer months, fishing and bathing. In the winter season they are most disposed to wander towards the bounds of their tribe, distance from the town of Geelong from 20 to 30 miles, to which they are limited

NEW SOUTH  
WALES.

Encl. E 4, in No. 43.

limited at the several bearings by the hunting grounds of the "Yarra Yarra," "Leigh," and "Colae" tribes, the limits being strictly defined, and each tribe hold together by the natural tie of consanguinity and communion of interests.

The Barrabool tribe at present consists of about 150, men, women, and children; of which number the males form the greatest proportion. Warrarate is their chief, but as they are seldom together excepting for the purpose of visiting another tribe, his power apparently is but little. When these occasional visits take place they commence by feasting and dancing, usually ending in a fight, from some of the tribe having a relation to avenge. On one of these occasions this tribe lost their chief, Murordorake, killed by the Yarra tribe two years since. His loss was regretted by the settlers, from his known exertions after the wanton murders of Mr. Franks and that of Mr. Swanston's shepherds by a part of his tribe; foreseeing that it would end in the destruction of the whole tribe if the aggressors were not punished, offered himself to accompany a party for that purpose. Since that period I have never heard of any aggression being committed by the Barrabool tribe on the settlers.

In the winter of 1839 they suffered much from the prevailing influenza, which fatally attacked several females of their tribe; at present they appear in good health, and certainly improving in their social habits, particularly the young men, who are more disposed to make themselves useful to the settlers by riding in stray cattle and horses, cutting wood, and sometimes shepherding. The disposition for dress appears to be fast increasing amongst them. Their wants hitherto having been but few and easily acquired, little exertion on their parts has been required.

The inhabitants of the town and settlers of the district evince the kindest and most benevolent feeling towards the aborigines; and no distrust or fear as regards person or property appears now on either side.

Not any school connected with this tribe has yet been established; nor do I believe, excepting for the very young, any direct system of education would yet be successful, by reason of their wandering habits being as yet but little checked, notwithstanding the town of Geelong attracts them greatly, partly from curiosity, and otherwise by the facility they procure offal meat from the sheep and cattle killed at the butchers', and rice, flour, or sugar, in exchange for birds and skins, and occasionally carrying out parcels from the stores, or chopping wood.

I consider the Barrabool tribe but little inferior in intellect to the uneducated peasantry of Europe.

(signed) *E. B. Addis,*Commissioner of Crown Lands  
for the County of Grant.

Geelong, 28 Dec. 1841.

## Enclosure E 5, in No. 43.

Encl. E 5, in No. 43.

Sir,

Crown Commissioner's Office, 29 Dec. 1841.

No. 4.

I HAVE the honour to inform you that, during the period of my being in office, few tribes of the aborigines have come under my notice; but those that I have seen were, I am happy to say, very friendly and quiet; nor have I had any complaints from the settlers in my district of any outrages committed by them on their stations in the course of my visits. But from their migratory propensities, I cannot see the slightest prospect of confining them to any limited boundary.

His Honor C. J. La Trobe, Esq.  
&c. &c. &c.I have, &c.  
(signed) *G. S. Airey.*

## Enclosure E 6, in No. 43.

Encl. E 6, in No. 43.

Sir,

1 January 1842.

No. 6.

I HAVE the honour to report that during the last 12 months the aboriginal natives of the district of Western Port have been much less troublesome than heretofore.

Several of the natives of the Western Port tribe, accompanied by Mr. Assistant Protector Thomas, were lately of great use in capturing the Van Diemen's Land blacks now under sentence of death, and behaved exceedingly well during the four or five weeks they were with me.

I cannot say that I see any probability of the natives remaining for any length of time on the reserves allotted to them by the government; indeed, I doubt whether any plan could be adopted that would induce the adults not to visit the different places they have been accustomed to resort to from their childhood; with the children under a proper restraint and system of education it may be otherwise.

His Honor C. J. La Trobe.

I have, &c.  
(signed) *F. A. Powlett.*

— No. 44. —

(No. 51.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

Government House, Sydney,  
11 March 1842.

My Lord,

IN connexion with my despatch of this day's date, No. 50, and particularly in relation to the reports furnished in it from the chief protector and other officers employed in the protection and civilization of the aborigines in the Port Phillip district, I beg leave to forward to your Lordship a copy of a report furnished to me by Mr. La Trobe of an investigation made by his order into alleged acts of atrocity in the neighbourhood of Portland Bay, which happily have turned out to be, if not entire fabrications, at any rate exaggerations of the grossest nature.

A person of the name of Tulloh, a settler in the district of Portland, being an accidental visitor at the station of the Wesleyan missionaries, appears (and as it would seem, from the mere love of vainglorious talking,) to have made statements of a most exaggerated nature to one of the missionaries, by whom they were reported to the head of the mission, the Rev. Mr. Hurst, who again, without any doubt of their truth, and without inquiry of the trustworthiness of the person from whom they were received, repeated them on various occasions, and particularly at a missionary or Wesleyan meeting at Launceston, in Van Diemen's Land.

Mr. La Trobe has recommended that Mr. Tulloh should no longer be allowed to hold Crown lands under a depasturing licence from this government; and I have thought it proper in consequence, to give directions that his licence shall not be renewed.

I have, &c.  
(signed) *Geo. Gipps*.

Enclosure in No. 44.

(No. 42/156.)

Sir,

Melbourne, 1 February 1842.

Encl. in No. 44.

ON the 14th December I took occasion to state for his Excellency's information, that finding in the course of the previous month that the Rev. Mr. Hurst, of the aboriginal mission station, considered a certain report that had reached him of the continued wanton destruction of the natives by the settlers in the western district, sufficiently credible to authorize his giving them publicity, I took the earliest opportunity of inquiring the name of his informant and the substance of his communication; further, that having obtained these, I at once forwarded Mr. Hurst's communication to the police magistrate at Portland, calling upon that officer to give the matter full investigation, and to communicate to me the result.

Having now received Mr. Blair's report and the depositions taken by him in pursuing the investigation, I think it my duty to lay the whole of the documents connected with the subject before his Excellency. I at the same time forward a copy of a letter, which I have addressed to Mr. Hurst, the superintendent of the Wesleyan mission station, informing him of the result of the investigation, and remarking upon what I conceive to have been the improper course which he considered himself justified in pursuing in the promulgation of the report in question.

The information given by the enclosed documents is so full and clear that it may be unnecessary for me, perhaps, to make many remarks upon the subject.

That frequent and fatal collisions took place in 1839 and at the commencement of 1840, between settlers in the Portland Bay district and the natives, however difficult of legal proof, is too notorious to be denied. They must always be deplored by every friend of humanity.

It is clear from the depositions taken by Mr. Blair, that whatever foundation existed for the statements put forth by Mr. Hurst, that it is to be found in the occurrences of this period.

Mr. Blair's report and the evidence upon which it is based, I trust will satisfy his Excellency that the various measures which have been sanctioned by him for the better government of that district, since the commencement of 1840, have been attended in a great measure with the desired results, and will convince him that atrocities such as those mentioned in Mr. Hurst's statement, if they were even practised, would never be tolerated by the present class of settlers. I dare not yet hope that in such a wide expanse of country, thickly occupied by sheep and cattle runs, and so much exposed to incursions of wild natives, further collisions may not occasionally occur, and outrages be committed on one side or the other; but it appears to me that the chances of concealment are now exceedingly diminished.

NEW SOUTH WALES.

No. 44.  
Sir George Gipps  
to Lord Stanley.  
4 March 1842.

Page 156.

1 Feb. 1842.

NEW SOUTH  
WALES.

Encl. in No. 44.

diminished. The establishment of a branch of the Supreme Court in the district has removed one great obstacle in the way of the administration of strict and prompt justice, which existed in the time to which I have alluded.

Previous to the establishment of this court, the difficulties which presented themselves in the way of the local authorities in attempting any investigation of the causes and results of collisions in this distant portion of the district, were greatly enhanced by the unwillingness of even otherwise respectable parties to come forward and give evidence, because in so doing they would expose themselves to be bound over to attend the session of the Supreme Court at Sydney, and to a consequent absence of perhaps several months from the spot where their presence was daily required.

The Hon. the Colonial Secretary, Sydney.

I have, &c.  
(signed) C. J. La Trobe.

(No. 21/42.)

No. 4.

Sir,

Police Office, Portland, 15 January 1842..

I HAD the honour to receive on the 24th ult. your letter of the 3d December, marked "immediate," enclosing for my perusal the copy of a letter addressed to your Honor by the Rev. Mr. Hurst, relative to certain outrages upon the aborigines, alleged to be committed in this district, and requesting me, as a magistrate, immediately to call upon Mr. Robert William Tulloh, from whom Mr. Hurst states he received his information, for a full statement of these proceedings, and to communicate the result to your Honor.

I have now the honour to acquaint you that, in conformity with these instructions, I have examined Mr. Tulloh; and he denies upon oath, not only that he made such statements as have been imputed to him by the Rev. Mr. Hurst, but that he ever knew or heard of such atrocities being committed. As Mr. Tulloh's statement, however, is by no means so satisfactory as could be wished, and it is of paramount importance that the refutation of charges of so atrocious a nature be perfect, I have thought it advisable to examine settlers from different parts of the district; and from their depositions, which I enclose, the following conclusions are evident:

1st. That there is not a single authenticated instance of an aboriginal native having lost his life by the hands of a white man, in this district, within the last 18 months, although several white men have been murdered and eaten by the aborigines during the same period.

The aggressions by the aborigines, if report speak truly, have been of more frequent occurrence within the last few weeks than for 12 months previous; yet, with the exception of the case mentioned in Mr. Barnett's evidence, a single collision between the white men and the aborigines does not appear to have taken place for the last 15 or 18 months.

The statement that 43 out of 44 natives were shot on one occasion, refers, it will be seen by Mr. Tulloh's evidence, to the affair at Messrs. White's station, in which the number shot is variously stated. This occurrence took place about two years ago, and was, I understand, fully investigated by the government.

2d. That the practice of men going out upon the Sabbath, professedly to shoot kangaroo, but in reality to shoot natives in cold blood, is equally untrue as regards the past or the present time. It is a most clumsy fiction, for which I cannot detect the shadow of foundation. I find that on most stations the men, with the exception of bullock drivers, are as fully employed on the Sabbath as on week days. These latter, I am told, do occasionally go out on Sundays to shoot ducks or turkeys, which are abundant; and as they live at the head stations, their masters generally know on their return what they have shot. But kangaroos are so scarce and shy, they are seldom hunted, and then only with swift dogs which have been trained for the purpose.

3d. "That a black child had been murdered by one of Mr. Tulloh's men in cold blood," appears to be an exaggeration of what really did occur. I am sorry, however, to remark, that although I have twice examined Mr. Tulloh respecting this case, as will be seen by his evidence, his statements are far from satisfactory; and I am inclined to attach more credence to the version given of it by Mr. Edgar, who had heard the story from him, viz., "that the child had been caught by Mr. Tulloh and given in charge to a man named Robson; that the child struck Robson with a firestick, and he kicked it into the fire, or through the fire." It seems reasonable to suppose that some stronger feeling than a mere wish to compel the child to warm itself, induced Mr. Tulloh to submit to be bitten by it in the manner he describes; and the fire would account for the disgust he represents himself to have felt at its being pushed or kicked backwards by Robson. That the child was severely hurt there cannot be a reasonable doubt; but I do not discover any grounds for supposing it to have been killed. This occurred two years ago, and Mr. Tulloh and Robson are said to have been the only persons present.

4th. The statement "That many tribes are already extinct," mentioned immediately after the alleged outrages, and so inducing an inference that they had been exterminated by the hostile acts of the white men, is perfectly indefensible. It appears from the evidence of George Winter, Esq., a gentleman who has done as much or perhaps more than any other individual to conciliate and domesticate the aborigines; that although there are at times 150, and generally from 70 to 80, natives on his station, who are constantly travelling to and from different parts of the district, he has not observed any diminution in their numbers within the last two years. Disease, no doubt, contracted from the white men, is, I am told, making fearful inroads upon them; and if with this be considered the loss of life, taken in conformity with their own cannibal rites or customs, and the fact that they are

by

by no means a prolific race, it is rather matter of surprise that their numbers remain stationary.

There seems to be an unfortunate taste with some persons to exaggerate or misstate every circumstance connected with the aborigines.

A remarkable instance of this occurs in the report of the black, said to have been murdered at Mr. Gibson's station, (alluded to in the evidence of Messrs. Pelham and John Henty) and who, it appears from the evidence of Mr. M'Culloch, who witnessed the proceeding, was arrested for the murder of a shepherd, and escaped alive and unhurt by swimming across the Glenelg. But there is probably no individual in whom the habit of exaggerating or misstating such occurrences is stronger than the gentleman (Mr. Robert Tulloh) from whom the calumnies against this district are said to have originated. He talks a great deal, and, like most great talkers, does not hesitate to draw largely on his imagination to render his narratives interesting and palatable.

A painful instance of this failing was afforded in his evidence before me, in which he stated, on oath, that his horse was speared under him by the blacks; and it was clearly proved by Mr. Edgar, that he had accidentally wounded his horse himself with a sheep-shear blade, lashed to a pole, with which he was pursuing the blacks, and that no black was near him at the time.

In conclusion, I have the honour to observe, that after six years' residence in different parts of New South Wales, I can freely bear testimony, that in no part of the colony have I met with so respectable a body of settlers as in the Portland district.

The penal character of the colony has necessarily introduced into the early settlements many persons with whom it would not be desirable to associate. But the settlers of this district are, I may say, without exception, gentlemen of education; most of whom have arrived from home within the last two years, and who cannot, therefore, be supposed to have so soon forgotten the principles in which they were educated as to render their society dreadful.

In a young community like Portland Bay, every little irregularity attracts observation; and it is much to be regretted that the only individual who has shown himself unmindful of the respect due to the society should thus think it necessary to stigmatise its reputation.

I have, &c.,  
 His Honor C. J. La Trobe, Esq., (signed) J. Blair, J. P., Police Magistrate.  
 &c. &c. &c.

District of Port Phillip, in the Colony } *Robert William Tulloh, Esq.*, residing at Bochara,  
 of New South Wales, to wit. } in the district of Portland, being duly sworn,  
 deposes:—"I recollect visiting the Wesleyan Missionary Station, near Corio, in, I think, September last. I was returning home from Corio, and the River Barwou being very much swollen, I was looking for a fordable part of it, when I found myself upon the station of the missionaries. There was a gentleman at the station, whose name I do not know, to whom I applied for the service of a couple of men with a rope, to swim my horse across the stream, and he requested me to walk in. There were a number of the aborigines about the house, and some in it. There was one child to which he was paying particular attention; and on my asking him the reason, he said it was the last of a tribe. I dined with this gentleman, and nearly the whole of the conversation was about the blacks. Among the few blacks who were present he said there were several tribes. I enquired how they came to be reduced to so small a number, and he said he supposed it was owing to disease and the attacks of the white men. I remarked, it was a pity the government had not afforded the settlers more protection; that if they had, so much bloodshed would not have taken place. I alluded to the small remnants of tribes then present. In speaking of the want of protection from the government, I meant the present as well as the past time. He inquired how the blacks in the Portland district were getting on; he had heard they were very troublesome. I told him they were not so troublesome as they had been. I did not assign any reason for it. I was not aware that the government afforded any additional protection. I told him that the settlers in general had done everything they could to conciliate the aborigines; they had endeavoured to domesticate them, and finding that fail, had endeavoured to terrify them without doing them injury, but without effect. I did not mention to him that a number of the tribes were now extinct. I did not tell him that the men on the different stations go out on Sundays, professedly for the purpose of shooting kangaroos, but in reality to shoot the aborigines; nor have I ever heard of an instance of their doing so. Such a practice could not exist without my knowledge; a solitary instance might, as they of course would conceal it from the settlers. I am satisfied that such an occurrence has not taken place for the last nine months. I have no reason to believe that such occurrences took place previous to the last nine months, further than that the excited expressions given utterance to by the men, in consequence of the aggressions of the aborigines, induce me to suppose it possible they might have retaliated on the blacks, when out shooting on Sundays. I do not know, nor have I ever heard of, any instance of men going out professedly to shoot kangaroos, shooting the aborigines. I never said that a black child had been murdered at my station in cold blood, nor did such an occurrence ever take place. I can safely swear that since I have been in the district, I have never seen a dead aboriginal native. I have never heard of an aboriginal native being deprived of life by the white people, with the exception of the collision at Mr. White's station, which is about 30 miles from mine. It occurred

No. 5.

NEW SOUTH  
WALES.

Encl. in No. 44.

nearly two years ago. This case I mentioned to the gentleman at the missionary station. I at the same time told him that a government enquiry had been held in the matter. I do not know whether, from my manner of mentioning it, he would infer that it was of recent or remote occurrence; but it strikes me he said he had heard of it before. I had heard that 42 or 43 out of 44 were killed on that occasion. The only aboriginal remains which I have ever seen were the bones of a child's arm, and the bone of a leg, which I believed from its smallness to be that of a female, and which I, with others, discovered in a black camp, when looking for sheep of Mr. Elwood's. I am aware that the aboriginal natives are cannibals; and I have every reason to believe that a number of each tribe are annually sacrificed, in conformity with their religious rites or customs. In speaking to the gentleman at the missionary society, I mentioned that the hearing of the lower order was dreadful, but I did not cast any imputation on the upper class of society. I have been one of a party on six occasions, engaged against the blacks for the recovery of lost sheep. On two occasions they showed fight for about five minutes. There was a river and a very thick scrub between us on both occasions; there were no lives lost. I told my own men I would shoot them if they shot women or children, and firing at a male should be only in self defence. I was never struck by a spear.\* The child to whom, I suppose, the gentleman at the missionary station alludes, as having been murdered by one of my men in cold blood, was a child I found in the water at an early hour in the morning. I took it towards a fire, and it tried to bite me. A man named George Robson, who was in my service, asked me to give it to him. I did so, and he put it near a fire; when the child seized a piece of firewood and struck Robson on the legs, and he gave it a kick which threw it backwards. I was so disgusted I walked away. I have no reason to believe the child was killed by the injury it received. If he wished to kill it he had pistols and a gun he might have destroyed it with. I never asked any questions afterwards, what became of the child. This was very nearly two years ago, and was at a distance of nearly 45 miles from my own station. There were two other children taken out of a water-hole the same morning, and brought to the fire, who afterwards ran away.

(signed) *R. W. Tulloh.*

Sworn before me at Portland, this 30th day of December 1841.

(signed) *J. Blair, J. P., Police Magistrate.*

*R. W. Tulloh, Esq.*, recalled and sworn:—"I think it was very near the left shoulder the child was kicked by Robson. The child was in a squatting position, and the slightest push would have upset it. Robson was standing close to the child, and at the moment it struck him I saw the child fall; it was so instantaneous I could not undertake to say whether it was a kick or a push with his foot. The child uttered a sound at the time, which I considered to be a cooee for the natives in the scrub. I do not believe the child was killed. I mentioned the circumstance to two or three persons. They might have inferred from the way I told it, that the child was killed.† This case was reported to the government by Mr. Samuel Winter. I believe it was reported as a case of murder. Mr. Winter, I think, must have received his information from me; there was no person else a witness of the transaction. Robson did not make any observation when he gave the kick or push. I do not know if the child rose afterwards, as I went immediately away in disgust. I did not believe at the time that the child was killed, but I supposed it was severely hurt. I censured Robson afterwards, on our return home, and he said, 'Why did the child strike me? I did not hurt it severely.' I never made any inquiry afterwards about the child; if it had been killed I am sure I should have heard of it. I have never contradicted the report that the child was murdered. It was about nine or ten years of age. I thought the blow he gave Robson severe. It was my impression if Robson had not kicked or thrown him back, he would have repeated the blow with the firestick. He bit me several times before Robson took him. I mentioned this case to Mr. Robinson, the chief protector. I neither said the child was killed, or it was not.

(signed) *R. W. Tulloh.*

Sworn before me at Portland, this 1st day of January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony of } *Thomas Norris, Esq.*, residing at Coortralning on the  
New South Wales, to wit. } Chetwind, being duly sworn, deposesh:—"I have  
been a settler in this district for the last 21 months. The aborigines have on several occasions

\* Mr. Tulloh mentioned that his horse was speared under him, though it is not taken down.

(signed) *J. Blair, P. M.*

† This case, I have reason to believe, has been reported to government as an instance of the murder of an aboriginal native by a white man in cold blood; and from the evidence I have hitherto been able to collect, I should not feel justified in proceeding against the man, even for a common assault.

(signed) *J. B., J. P.*



sions driven off my sheep; the last occasion was in March last. A number of them came on the station about three weeks ago, and the shepherd went towards them and ordered them away, and they went immediately. When I and my men went to recover the sheep, we never had occasion to attack the aborigines. We always found the sheep in bush yards, but could not see a native. I have never heard of any of my men shooting an aboriginal native in retaliation for these aggressions, and it is my conviction they never did. I never heard of my own men or the men from any other station going out on the Sabbath, professedly to shoot kangaroos, shooting the aborigines. I do not think such a practice could exist without my hearing of it. I have seen human remains in the baskets of the aborigines, at their camps. I have every reason to believe they are cannibals. A number of them are annually sacrificed in conformity with some religious rites or customs. I do not consider the diminution of their numbers is to be attributed to the attacks of the white people, but altogether to their conformity to those rites or customs, and to disease. A case occurred about a fortnight ago, when a child of about three months old was killed and eaten by its own tribe. The only body of an aboriginal native which I have ever seen in a perfect state, was that of a female which had been buried in a tree by its own tribe. It had, of course, died of disease, and therefore they would not eat it. Shortly after my arrival in the district I think I heard that some blacks were killed at the Grampians, by a party who went out to recover sheep of Mr. Elwood's. I think Mr. Tulloh was of that party; with that exception I cannot call to my mind having ever heard of a black native being killed by the whites. I consider the state of society in the Portland district to be, if anything, better than in the other parts of the colony; it is quite the reverse of dreadful. There is a great change for the better among the labouring classes within the last 12 or 15 months. When I first came the lower order were a debauched, drunken, good for nothing set; now they are much more amenable. Formerly it was impossible to say within a week, when I came to Portland, when I could get my men out again; but now I have no difficulty.

(signed) *Thomas Norris,*

Sworn before me at Portland, this 1st day of January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony of } *George Winter, Esq.,* residing on the Wannon, being  
New South Wales, to wit. } duly sworn, deposeseth:—I have been a settler in this district for about two and a half years. On my first settling I had a collision with the natives, who came on the station and took sheep away; there were five lives lost on that occasion; the case was reported to the Government in October 1839, and it was inquired into by Mr. Sievewright; there has never since been any collision between the natives and my men. I have not heard of any natives having been killed by the white people for the last two years. I never heard of a practice existing of men going out from the stations on Sunday professedly to shoot kangaroos, but in reality to shoot natives; nor do I believe it ever existed. With the exception of the five men above alluded to, I never saw the body of a dead native. I have every reason to believe the aborigines are cannibals. There are generally from 70 to 80 natives on my station, and at times there are 150; I have not observed any diminution in their numbers within the last two years. I heard a rumour of a black child being killed by a man named Robson about two years ago, but I never heard any particulars. The blacks which I have mentioned are constantly travelling about the country, and if such a system of extermination were carried on as is mentioned in the report you have just read to me, I must have observed a diminution in their numbers.

I have travelled a great deal about the colony, and I do not consider the state of society in the Portland district dreadful; I consider it fully as good as in any other part; I do not consider either masters or men more lawless; my men are all very orderly now; I discharged a man the other day for kicking a black because he would not allow him the use of his gin.

(signed) *George Winter.*

Sworn before at Portland this 3d January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony } *David Edgar,* superintendent to Andrew Furlong, Esq. J. P.,  
of New South Wales, to wit. } being duly sworn, deposeseth:—I have been in charge of Mr. Furlong's station at the Grange since November 1840. The aborigines have not done any real mischief on the station during that time. I have never seen any of the men come in contact with the natives, and for the first nine months I am positive there was not a single black visited the station. I feel confident that the men have never gone out on Sunday or on any other day to hunt kangaroo; I do not believe that there is the slightest truth in the statement, that men in this district go out professedly to shoot kangaroo, but in reality to kill natives; I have never seen any white man manifest a wish to injure the black when he was not doing mischief. I never saw but one dead black in the district, and that was in a native tomb; I have seen pieces of blacks, generally feet or fingers, in the baskets of the gins. The aborigines are cannibals; I have reason to believe that many are killed and eaten, in conformity with their own religious rites and ceremonies; they kill each other

NEW SOUTH  
WALES.

Encl. in No. 44.

for a very slight cause; there was a child killed three or four months ago at Rum Creek for crying for something to eat. I do not observe any diminution in the numbers of the aborigines; if there be any, it is owing to their own acts, and not to the whites. I met a gin the other day with her arm broken; a black fellow had done it. About 12 months ago, I accompanied Mr. R. W. Tulloh, to endeavour to recover some sheep of his which had been driven off by the blacks; we were accompanied by two other persons, and two blacks as guides; on coming towards a large swamp near the Wannan, we saw something black among the reeds, which we doubted at first whether they were blacks or emus, but on galloping towards them we were satisfied they were blacks; they ran across the swamp, and Tulloh and I endeavoured to follow them; the blacks in the mean time were getting away fast; they were never nearer than 300 yards from us; both of our horses were bogged, and Tulloh, who was armed with the blade of a sheep shear lashed to a long pole, wounded his horse in the shoulder with it, owing to the horse struggling; after great difficulty we managed to get our horses out, but no black was visible. Mr. Tulloh was armed with pistols, and a sheep-shear tied to a pole; I never saw such a weapon before nor since; it would interfere with his managing his horse; I am pretty sure he had no carbine; there was only one shot fired; the report started the blacks from the swamp, and prevented them from coming to where they had their spears; there was no collision whatever.

I recollect hearing from Mr. Tulloh, that before I came to the district a black child had been caught, and they intended to keep it; that it was placed by a fire in charge of a man named Robson. The child struck Robson, and he kicked it into the fire, or through the fire. If he had not been so chilled, he said he thought he should have shot the man. I never heard what became of the child. His engagements or collisions with the blacks are a favorite theme with Mr. Tulloh, if he can only get anybody to listen to him. Before I knew him I heard of his exploits, as narrated by himself, in which he stated he expended a pound of powder per day on the blacks. I never heard him give the same version twice to the same story. It is ridiculous for any one who knows the truth, to hear him tell a story; he has a constitutional taste for making mis-statements; he is proverbial all over the country for telling untruths; so much so, that an extraordinary story is always called a Tulloh.

(signed) *D. Edgar.*

Sworn before me at Portland this 5th January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony of } *Arthur Pillian, Esq.*, residing on the Wannan, being  
New South Wales, to wit. } duly sworn, deposes:—I have been a settler in this district for the last two years. The blacks have never been troublesome at my station. Neither I, nor, to my knowledge, any of my men, have ever been engaged in a collision with the aborigines. Immediately after I settled in the district the natives drove away a number of sheep from the station of Messrs. White, at Bryant's Creek; they were followed, and an engagement ensued, in which it was reported a large number of the natives were slain. The case was afterwards investigated by Mr. Sievewright. During the first six months of my residence in the district the blacks were very troublesome at nearly all the stations round me, many of which they attacked in the night time, and it was reported that several were shot on those occasions. I believe Mr. Sievewright inquired into them. I do not recollect to have heard of any collision between the whites and blacks within the last 12 months, with the exception of a report in, I think, April last, that a shepherd of Mr. Gibson's, on the Glenelg, had been murdered, and that some settlers had pursued the blacks, and that an engagement had ensued; one black it was said was taken prisoner and given in charge to some men with a dray to bring down, and that they murdered him. I should think Gibson's station about 80 miles from Portland. I do not think the men in this district are by any means badly disposed towards the blacks. I do not believe the men go out from any station in this district on the Sabbath, or any other day, professedly to shoot kangaroo, but in reality to shoot natives; I feel confident that such a practice never existed; I have never heard of a kangaroo hunt by white persons in the district; I never saw the body of a dead black; there was a skull found on my station the day I took possession; there was a fracture, as from a waddy blow, on it. The blacks sometimes visit my station in large numbers; I am acquainted with the appearance of many of them, and I never miss any of them. I am not aware of the state of society in the district being dreadful; I consider it quite the reverse. When I first settled the labouring classes were great blackguards, there is now a very great improvement in them; I have no trouble whatever now with my men.

(signed) *Arthur Pillian.*

Sworn before me at Portland this 10th January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony of } *John Henty, Esq.*, residing at the Merino Downs, being  
New South Wales, to wit. } duly sworn, deposes:—I am a settler, and have resided in the district for upwards of five years. I had been about two years in the district before I had any trouble with the blacks. The first occasion was about three years ago, when the hut-keeper was cleaning out his yards, and a number of the natives came down. The man  
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not liking their appearance, went into the hut, where the natives rushed, and nearly killed him; and he discharged his piece at them, and shot one man through the chest. Another native was shot through the leg at my station about two years ago. About the same time two or three natives were killed at a station on the Wannan; they had attacked the station nine nights running, with one intermission. All these cases were reported to the authorities, and I believe inquired into. The collision at White's occurred a little before this. Since that period I have not heard of any of the aborigines being killed, with the exception of a rumour about nine months ago that one had been killed at Gibson's station. I do not believe that the labouring class, or any other class, has a bad feeling towards the aborigines. When violent outrages are committed by them the men at the time feel exasperated against them, but it soon wears away. I never knew a party to go out on the Sabbath to hunt kangaroo. I have known an individual to go out for that purpose, and bring one home. I do not believe that the men ever go out professedly to shoot kangaroo, but in reality to shoot natives. The greater number of men on a station are as fully employed on the Sabbath as on a week day. I have never seen the dead body of a black, with the exception of one in a tree, which I believe is commonly used as a tomb by the natives. I believe the aborigines are cannibals; when death occurs among them from an accident, they eat the fleshy parts of the body before entombing it. A white man once shot himself accidentally at my station, and the blacks asked me for his body, to eat it.

NEW SOUTH WALES.

Encl. in No. 44.

(signed) John Henty.

Sworn before me at Portland, this 10th day of January 1842.

(signed) J. Blair, J. P.

District of Port Phillip, Colony of } *Stephen George Henty, Esq.*, residing at Portland, being  
New South Wales, to wit. } duly sworn, deposes:—I have resided in this district upwards of five years; I and my brothers have several stations in different parts of the district. Formerly I visited them constantly, remaining there at times for weeks together; within the last 12 months I have only visited them occasionally; the improved discipline of the labouring classes is the reason I have not had occasion to visit them so frequently during the past year. The first collision which took place between any of my men and the aborigines was at a station called the Water-hole station, about three years ago; a number of natives came towards the sheep-yards, where the hut-keeper was employed; not liking their appearance, he ran to his hut for his gun, whither he was followed by them; they endeavoured to rush on him, and struck him across the head with a battle-axe, and then tried to get his gun, and in the struggle he either wilfully or by accident discharged it, and the ball went through the body of the native who had hold of the muzzle; the hut-keeper then ran to the home station for assistance, and the man who was shot carried out a large damper from the hut, and sat down on it; he was found dead in that position by the party who came from the home station. Immediately after this, a shepherd at another station was cutting a black fellow's hair, and another came behind and struck him on the head with, I believe, an axe; the aborigines mutilated the body shockingly and robbed the hut; there was no native injured on this occasion. There were two other collisions at my stations within the same year, in which either three or four black fellows lost their lives. All these cases have been inquired into by government. About the same time I heard that 34 (not 44) blacks had been killed at White's station. I also heard of five being killed at Winter's stations. These are the only instances in which I have heard of natives being killed. I have not heard a single authenticated instance within the last 18 months or longer. I have explored a great deal of the district; I never but once saw the body of a dead native; it was only the trunk, and was entombed according to the custom of the aborigines; the legs, arms, and fleshy parts had been cut off and eaten by his own tribe. The aborigines of this part of the colony are cannibals; some cases of their killing and eating each other, which have been reported to me, are of a most revolting nature; in one case a mother assisted to kill, roast, and eat her own child. I am perfectly satisfied that no such practice exists as that of men going out on the Sabbath professedly to shoot kangaroo, but in reality to shoot natives in cold blood; it could not exist without the knowledge of the masters. I believe the collisions between the blacks and whites are by no means so frequent of occurrence, or so serious in their results to the blacks, as is represented. One individual (Mr. Robert W. Tulloh) has made statements in my presence, which I know to be incorrect. I think I heard Mr. Tulloh state on his oath to the police magistrate, that his horse had been speared under him by the blacks, and I have since read an affidavit of David Edgar, from which it appears that Mr. Tulloh had himself wounded his horse with a sheep-shear blade, which he had tied to a pole for the purpose of pursuing the blacks, and that no black was near him at the time. I consider the state of society here to be fully equal to that of any part of the Australian colonies which I have visited, and superior to that of many; the lower orders were formerly a most turbulent and unruly race, and the place was the most lawless I ever met; they are now much more orderly, and the offence of drunkenness is wonderfully abated; I heard it remarked that there was not a single drunkard to be met, even on Christmas-day; any person might now walk the streets at any time without seeing or hearing aught that could be deemed offensive.

(signed) S. G. Henty.

Sworn before me at Portland, this 12th day of January 1842.

(signed) J. Blair, J. P.

NEW SOUTH  
WALES.

Encl. in No. 44.

District of Port Phillip, Colony of } *James Allison*, clerk of petty sessions, residing at Port-  
New South Wales, to wit. } land, being duly sworn, deposes:—I am acquainted with  
Mr. Robert William Tulloh, and have on different occasions passed an hour or two in his  
company. On one of these occasions he was speaking about the aborigines, with whom he  
represented he had had several encounters. "Our last engagement," he said, "cost us  
five hours hard fighting;" that before the battle he leaped his horse across a creek, when  
his horse bogged, and immediately a native, whom he had endeavoured to domesticate, and  
whom he had fed and clothed at his own station, came up to him, and saying, "Borah, borah,  
gammon, me no take sheep," let fly a spear at him, which wounded his horse in the shoulder,  
and glanced off his leg, upon which he fortunately at the time had a jack-boot. The blacks  
were at this time appearing in numbers bearing down upon him, and he immediately unslung  
his carbine and shot the black, who had wounded his horse, through the head; two other  
balls were subsequently put through him, and he was alive the same night. At this time  
he said some horsemen came galloping up, and the blacks retreated; that some of his men  
had rode round to the opposite side of the swamp, and it was surprising to see how the  
devils (meaning the blacks) crept off on their hands and knees through the reeds. I have  
understood that he stated on his oath to the police magistrate that his horse had been  
speared by a black; and I was present when Mr. David Edgar stated in his affidavit to  
the police magistrate that Mr. Tulloh had wounded his horse himself with a sheep-shear  
blade, which he had tied to a pole to attack the blacks, and that no black was near him at  
the time, and that he had no carbine. I have been laughed at for believing him. I have  
since heard of a number of these extravagant stories which he has told, and that in fact he  
is quite proverbial for it.

(signed) *James Allison*.

Sworn before me at Portland this 12th day of January 1842.

(signed) *J. Blair, J. P., Police Magistrate.*

District of Port Phillip, Colony of } *Thomas William McCulloch, Esq.*, residing on the  
New South Wales, to wit. } Glenelg River, being duly sworn, deposes:—I have  
been a settler in this district for nearly two years. About 18 months ago I had a collision  
with the blacks, which I reported to the government; there were no lives lost. I have never  
since had any collision with them. I have never known an instance of a black being killed  
by the whites. About eight months ago I and several other settlers went in pursuit of some  
blacks, who had murdered a shepherd of Mr. Gibson's; we took a black fellow, but he  
escaped from us the same evening. Our party consisted of settlers only; we had no men  
with us nor a dray, and there is no truth in the report that we handed him over to any one  
to take down the country; I positively swear that he escaped from us alive and unhurt; I  
fired at him, and he afterwards rushed into the river and swam across. I have travelled a  
great deal about this district, and I have never seen even the mortal remains of an aboriginal  
native, unless in one of their own burial grounds, which is near my station. I do not believe  
that men go out from the stations on the Sabbath professedly to shoot kangaroo, but in  
reality to shoot natives; the services of the men are usually as much required at the stations  
on a Sunday as any other day, and I do not believe such a practice could exist without the  
knowledge of the masters. I do not believe any of the men would wilfully injure a black,  
unless he were guilty of some aggression against them. I am acquainted with Mr. R. W. Tulloh;  
his engagements, as he terms them, with the blacks form a favourite theme with him; I have  
never heard his reports confirmed by any one. I have travelled much through the Australian  
colonies, and I do not consider the character of the settler here inferior to what it is in any  
other part; I consider the settlers here are quite as sensible of moral obligations and as ob-  
servant of them as they are in any other part of the world. When I first settled in the  
district the labouring classes bore a very bad character; they are now quiet and man-  
ageable.

(signed) *T. W. McCulloch*.

Sworn before me at Portland, this 12th day of January 1842.

(signed) *J. Blair, J. P., Police Magistrate.*

District of Port Phillip, Colony of } *Edward Barnett, Esq.*, residing at the Grampians, being  
New South Wales, to wit. } duly sworn, deposes:—I have been a settler in this  
district nearly two years. The blacks have several times attacked my station; twice in the  
course of last winter. My loss from these attacks was about 300 ewes and lambs. In fol-  
lowing the blacks, I found their track marked, for nearly two miles, by maimed sheep; some  
with three legs broken, some with two; some, again, with their eyes beaten out, and others  
trailing their entrails on the ground. The first occasion there were some shots fired, when  
the blacks were driving the sheep off, but I am not aware that any blacks were killed; I  
asked no questions. On the second occasion the blacks drove off 1,000 sheep, but the  
shepherds did not fire at them, as the blacks were too numerous for the shepherds to offer an  
effectual resistance. The torture to which they subject the sheep after driving them off is  
even more irritating to a settler's feelings than the loss of property. I am not aware of other  
collisions

collisions with the natives in my neighbourhood. I consider the story of men going out on the Sabbath professedly to shoot kangaroo, but in reality to shoot natives, to be an absurd fiction. I have never known a kangaroo shot since I have been in the district; they are scarce and extremely shy; such a practice could not exist without the knowledge of the masters. My men sometimes go out on Sundays to shoot duck or turkeys, but they come to me for shot before they go, and bring home their game with them. With the exception of some human bones, which were found in hollow trees and brought home by the shepherds, I have never seen the mortal remains of any aboriginal native. There is no doubt of their being cannibals; I have heard that members of their own tribes are frequently killed and eaten by them, in conformity with their own religious rites and ceremonies. I am not aware that the settlers of this district are inferior to those of any other part of the colony. I cannot imagine in what respect society in this district is dreadful; in fact, when I became a settler I was surprised at meeting so many young men of family and education, gentlemen in every respect. Mr. Tulloh is addicted to gross exaggeration.

(signed) *Edward Barnett.*

Sworn before me at Portland, this 14th day of January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, Colony of } *Robert Savage, Esq.*, residing at Nangeela, on the River  
New South Wales, to wit. } *Glencig*, being duly sworn, deposes:—I have been a settler in this district for two years. I had one collision with the blacks; it was about 19 months ago. I and Mr. Dance saw some blacks taking away about 30 sheep, which had been left at home by the shepherd. We went towards them and recovered the sheep, without firing a shot. The same afternoon we were riding up the river, looking for timber, when we met the same blacks; they instantly attacked us, before we could dismount or unsling our carbines. They threw a great number of spears at us. They saw us before we did them, and surrounded us. We were obliged to fire on them, and we saw one man fall dead. The blacks afterwards said there were two killed. This was reported to Captain Fyans. I have not since heard of any collision in my neighbourhood in which a black had been killed. I do not believe that a practice exists of men going out on the Sabbath professedly to shoot kangaroo, but in reality to shoot natives; such a practice could not exist without the knowledge of the masters. With the exception of the black who was shot on the occasion I have alluded to, I never saw the dead body of an aboriginal native. I do not consider the state of society in this district in the least dreadful. I think the settlers here are quite as observant of the duties they owe to society as those of any other place. The character of the labouring classes, when I first came here, was very bad; it is now decidedly improved. I have not the least difficulty in controlling my men.

(signed) *R. Savage.*

Sworn before me at Portland, this 14th day of January 1842.

(signed) *J. Blair, J. P., Police Magistrate.*

District of Port Phillip, Colony of } *Cecil Pybus Cook, Esq.*, residing at Portland, being duly  
New South Wales, to wit. } sworn, deposes:—I am a merchant. I have resided in Portland for about two years and a half. When I first settled in the district it was very thinly inhabited; so much so, I could scarcely say there was any society; but within the last 12 or 18 months there has been a great increase, and I think that as good society, for the number of the population, may be met with at Portland as at any other place. The settlers are, nearly without exception, gentlemen of education and family, who have arrived from home within the last 18 months or two years, and are quite as sensible of their moral obligations, and as observant of them, as persons in any part of the world. The lower orders, when I first came here, were a drunken lawless race, and the settlers could not control them. There has been a great improvement in them within the last 18 months; very few drunken characters are now to be met with, and any person may now walk the streets without seeing or hearing anything offensive to him. I have at different times heard reports of the collisions between the blacks and whites, and I have in many instances found that the reports were exaggerated, in many instances unfounded.

(signed) *C. P. Cooke.*

Sworn before me at Portland, this 15th day of January 1842.

(signed) *J. Blair, J. P.*

District of Port Phillip, in the Colony } *William McDowell*, being duly sworn, deposeseth:—  
of New South Wales, to wit. } I am a trader in Portland for the last 14 months. I arrived here a few days after the police magistrate. The state of lawlessness in which the lower orders were previous to my arrival was such, that an acquaintance of mine assured me on one occasion they threatened to break into his house after dusk and take him out of it. There was a great deal of drunkenness and disorder, but on the arrival of the police reformation became at once apparent. Very few drunken characters are now to be seen, and

NEW SOUTH  
WALES.

Encl. in No. 44.

the lower classes are in as good order as I have seen them anywhere during a colonial experience of eight years. I have been in the habit of reading the Church of England service on Sundays, and on the Sunday after Christmas (boxing day) five individuals, whom I knew to be accustomed to drink, came and attended service. It struck me as remarkable, from the character of the men and the particular day, when they would certainly get drunk if they could; and I attributed it to the strict observance by the publicans of the regulations not to supply liquors on Sundays. When I first arrived here a cessation from labour alone marked the distinction between the Sabbath and week-days; but now the observance of the Sabbath, to outward seeming at least, is as much attended to as in any other place I have been. Although a layman, I have never experienced the slightest insult or obstruction from any person in the place when publicly performing my religious duties. A good deal of scandal has lately been given by numbers of immigrant women sent down by the government cohabiting with the lower orders; but in most instances, I think, were a clergyman here, the parties would marry.

(signed) *W. McDowell.*

Sworn before me at Portland, this 15th day of January 1842.

(signed) *J. Blair, J. P. Police Magistrate.*

No. 6.

Sir,

Superintendent's Office, Melbourne, 1 February 1842.

I CONSIDER it my duty to forward to you, for your information, a copy of the Report which I have received from the police magistrate, Portland Bay, to whom I had referred the statement contained in your communication to me of the 1st December, requesting that the truth or untruth of that statement might be fully investigated.

You will perceive that Mr. Tulloh, the source from which you derived (through Mr. Skeffington) the particular information which furnished the main features in the picture which you drew of the state of the Portland Bay district, and the character of those inhabiting it, in their relation with the aboriginal natives, denies, upon oath, not only that he made such statements as have been imputed to him by you, but that he ever knew or heard of such atrocities being committed. The Report further goes on to state that, from the examination of other settlers from different parts of the district, also on oath, the following conclusions are evident:—

1. That there is not a single authenticated instance of an aboriginal native having lost his life by the hands of a white man during the last 18 months.
2. That the practice of men going out on the Sabbath professedly to shoot kangaroos, but in reality to shoot natives in cold blood, is equally untrue as regards the past and the present time.
3. That a child was murdered by one of Mr. Tulloh's men in cold blood appears to be an exaggeration of a circumstance that there is every reason to believe did occur two years ago.
4. The Report further alleges that the statement that many tribes are already extinct, mentioned immediately after the alleged outrages, and so inducing an inference that they have been exterminated by the hostile acts of white men, is perfectly indefensible, and, further, towards its close, conveys the opinion of the magistrate charged with the above investigation of the real character of the inhabitants of the district.

In general allusion to the result of the investigation conveyed in the Report, I beg leave to observe that I see no reason to call in question the truth of Mr. Skeffington's Report to you that a Portland Bay settler (or, more distinctly, Mr. Tulloh) had, in conversation with him, made the statements in question.

Neither can Her Majesty's Government blame you for taking up the matter zealously and fearlessly; such would have been your duty, had you been a simple inhabitant of the district, instead of a missionary, whose time and powers are specially devoted to benefit the aboriginal inhabitants.

But in whatever degree the result of the investigation now instituted be satisfactory or unsatisfactory to the government and the friends of humanity, I do not conceal my opinion that the circumstances under which you judged it your duty to publish those statements to the world lay you open to reprehension.

I must recall to your recollection that when, on the 27th October, in the course of casual conversation on board a steamer, you informed me that a Portland Bay settler had been at your mission station, and had made such and such statements, referring, as you appear to have done from first to last, the circumstances to the present time, my reply was that I did not believe them, and that I deemed it impossible that such atrocities could be committed without the knowledge of the government, but that if you judged them any way worthy of credit, it was your duty instantly to report officially the name of the party and the precise nature of his disclosures. From this course you excused yourself, under the plea that you were not certain of the name of the party, and that you were on your way to Van Diemen's Land.

Until your return, it was thus out of the power of the proper authorities to act in the matter; and on your return, it was not until reminded by my communication of the 25th November that I still looked for some information on the point, that you called on me with Mr. Skeffington, of whose connexion with the matter I had not till then heard. Declining

to

to take the mere verbal reports which you then offered, I at length, on the 3d December, received your letter of the 1st December, which has formed the basis of the investigation. In the mean time, however, notwithstanding the strong expression of my disbelief of the truth of such statements as applied to the district under present circumstances, and the consciousness that you had not given the local authorities opportunity of investigating their truth or untruth, you were induced to lend those statements, received at second-hand from an unknown authority, the weight of your own name, station, and character, in a place and manner best calculated to convey far and near the impression that these things really were so.

I cannot but consider that at the Wesleyan missionary meeting at Launceston, if you are justly reported, you stated, with the hope that it might be believed and produce a sensation, that which was exceedingly improbable, to say the least of it, and which ought, therefore, to have remained unstated, or, supposing it probable or even possible, ought, in common justice to the district and the local government, to have been tolerably proved before so promulgated.

If you have, as I consider, really erred in this instance, I still will not venture to attribute even that error to any other source than that of great zeal in a good cause; but I deprecate in you, or any other really conscientious man, any imitation, even in appearance, of the claptrap (I have no other word) unfortunately so much in vogue in our native country, where, in aid even of a holy cause, the most palpable fiction is not discountenanced, if it ministers to the popular impulse; where he who has the effrontery, or the simplicity, if you will, to debit the most striking statement, is welcomed with signs of sympathy and approval, not only by the multitude who came there to sympathise and approve at every sacrifice of common sense, but even by those whom reason and a sense of what is due to their own character, ought to teach to detect and abhor a false statement, however disguised; that the end proposed is one clearly in conformity to God's will, or one evidently pointed to by the finger of His providence, is no sanctification of the means often employed by men in their individual capacity to effect it.

I have, &c.

(signed) C. J. La Trobe.

The Rev. B. Hurst,  
Barwon River, Geelong.

— No. 45. —

(No. 52.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 11 March 1842.

In transmitting to your Lordship the various Reports respecting the aborigines contained in my despatches of this day's date (Nos. 50 and 51), it seems to me proper that I should report to your Lordship that two aborigines were executed, on the 20th January last, for the murder of two European sailors, not far from Western Port, in the Port Phillip district.

These aborigines were natives of Van Diemen's Land, and were, at the special request of Mr. Robinson, permitted to accompany him when he removed, in 1839, from that colony to enter on the duties of chief protector in the Port Phillip district, and their removal was especially reported in my despatch (No. 184) of the 10th November 1838.

They had been under Mr. Robinson's care for nearly 11 years previous to the commission of the crime for which they suffered; they understood and spoke English, and were supposed to have imbibed a considerable portion of religious instruction; nevertheless, being removed for a time from under Mr. Robinson's immediate care, they, in addition to various other atrocities, committed these murders entirely unprovoked and in cold blood.

I transmit a copy of a minute of the Executive Council made when their case was under consideration, together with the report of the judge by whom they were tried.

I have, &c.

(signed) Geo. Gipps.

3 Jan. 1842.

No. 45.  
Sir George Gipps  
to Lord Stanley.  
11 March 1842.

Pages 156-183.

NEW SOUTH  
WALES.

Encl. in No. 45.

Enclosure in No. 45.

NEW SOUTH WALES.

EXTRACT from Minute No. 1 of the Year 1842, dated 3d January 1842, of the Proceedings of the Executive Council in the cases of two Aboriginal Natives of *Van Diemen's Land*, convicted before his Honor Mr. Justice *Willis*, Resident Judge of the District of *Port Phillip*, of Wilful Murder, and sentenced to suffer Death.

Present :

His Excellency the Governor; His Excellency Major-general Sir Maurice Charles O'Connell, K.C.B.; the Honourable the Colonial Secretary; the Honourable the Colonial Treasurer.

His Excellency the Governor laid before the Council a Report from Mr. Justice *Willis*, resident judge, in the district of *Port Phillip*, of the Supreme Court of New South Wales, on the cases of five aboriginal natives of *Van Diemen's Land*, two men and three women, tried before him at a criminal sessions of the Supreme Court recently holden at *Melbourne*, of whom the two men were capitally convicted, and sentence of death passed. His honor the chief justice being in attendance, was introduced, and Mr. Justice *Willis's* notes of the evidence taken on the trial were read.

The Council, after an attentive and mature consideration of the case, cannot see any grounds for acceding to the recommendation from the jury, before whom the prisoners were tried, to mercy; and advise as follows, viz.—Robert Timney Jemmy Smallboy, and Jack Napoleon Timminaparena, convicted of wilful murder and sentenced to suffer death, that the sentence of the law be allowed to take its source.

(A true extract.)

(signed) *Wm. Macpherson*, Clerk of Councils.Council Chamber, Sydney,  
24 February 1842.

Enclosure A 1 to Minute No. 1 of 1842.

(No. 411/1481.)

Sir,

*Melbourne*, 27 December 1841.

I TAKE advantage of this mail to forward to you, for his Excellency's information, the copy of a letter which has been addressed to me this day, by his honor the resident judge, on the subject of the trial of five *Van Diemen's Land* natives for murder on the 20th instant.

His Excellency will perceive that the three females implicated in the charge were acquitted, but that the two males were brought in guilty, accompanied with a recommendation to mercy, on account of their general good character, and of the peculiar circumstances under which they were placed.

In my communication of the 24th instant (No. 411/1485) I have proposed, for his Excellency's consideration, the propriety of sending the three females liberated by the verdict of the jury, and now placed for the time in charge of the chief protector, to *Flinders Island*.

I regret that I am not able to advance anything in favour of the two male convicts, now in gaol awaiting his Excellency's decision, in any degree calculated to strengthen the recommendation of the jury, or lend force to the natural disposition which I am sure his Excellency feels in every case to exercise the prerogative of mercy delegated to him, whenever it be possible for him to do so.

Of the possession of property in *Flinders Island* by these *Van Diemen's Land* natives, it is my duty to state that I never had the slightest intimation from Mr. *Robinson* until after their conviction.

Besides the enclosure above mentioned, I have the honour to transmit the notes of Mr. Justice *Willis* on the recent trial of Mr. *George Bolden* for shooting at an aboriginal native.

The Honourable  
The Colonial Secretary, Sydney.I have, &c.  
(signed) *C. J. La Trobe*.

Enclosure A 2 to Minute No. 1 of 1842.

Sir,

Supreme Court, *Melbourne*, *Port Phillip*.

I HAVE the honour to enclose, for transmission to his Excellency the Governor, by the earliest opportunity, my notes of the trial for murder which took place before me on the 20th instant, of five aboriginal natives of *Van Diemen's Land* (two males and three females, named in



in the margin\*), who were removed from that country, under the care of Mr. G. A. Robinson, to Flinders Island, and thence brought by him, under the sanction of government, as he informs me, to these shores.

The men were found guilty, and on the following day I pronounced upon them sentence of death.

The women were acquitted. The jury accompanied their verdict against the men with a recommendation of mercy, "on account of their general good character, and of the peculiar circumstances under which they were placed."

The case strikes me as one of great atrocity. There were also charges of arson and robbery against the prisoners, which their conviction of murder rendered it unnecessary to try.

It now, therefore, rests with his Excellency the Governor to decide whether these wretched men, or either of them, shall be speedily executed, or reprieved until their case be submitted to Her Majesty.

Instead of permitting the females, on their acquittal, to go at large, without that care and protection which appears to me essential, I requested Mr. Robinson, the chief protector of aborigines, again to take them under his immediate charge.

The men were possessed of 200 or 300 sheep, now grazing at Flinders Island, given to them by Governor Arthur as a reward for their services in accompanying Mr. Robinson in his expeditions. As these sheep are now forfeited to the Crown, I would venture to suggest that they should remain for the benefit of such of the natives of Van Diemen's Land as are still on Flinders Island, with the exception of what might be procured by sale of a small portion of them, which I think might possibly be very beneficially applied by way of reward to the civil force by whom the prisoners were apprehended.

As in the progress of the trial I had occasion to refer to the previous cases of Boujon, an aboriginal charged with the murder of another aboriginal, and to the case of Mr. Sandford George Bolden, tried on the 2d instant for shooting at an aboriginal, I have also enclosed for his Excellency the Governor a copy of what took place in the latter case; in that of Boujon my opinion respecting the jurisdiction of the court in disputes of aborigines among themselves was reported from my notes in the Port Phillip Patriot of September 20th, 1841, which has already been forwarded to his Excellency.

The Crown prosecutor declined to proceed in Boujon's case, being convinced it must have failed from want of evidence, independently of the question of jurisdiction. May I beg that a copy of this letter may be forwarded with the enclosures?

His Honor C. J. La Trobe, Esq.  
Superintendent.

I have, &c.  
(signed) John Walpole Willis,  
Resident Judge.

Enclosure A 3 to Minute No. 1 of 1842.

Supreme Court, Port Phillip, 20 December 1841.

ROBERT Timmy Jemmy Smallboy, Jack Napoleon Tunninerparaway, Lallah Rookh Truganina, Fanny Waterpoordeyer, Maria Matilda Nattepolenimma, five aborigines of Van Diemen's Land, charged with the murder of two white men, William Cook and a person known only by the name of Yankee.

Mr. Barry, counsel for the prisoners, claimed the right to challenge the array under the local Act 4 Will. 4, No. 12, section 6, in consequence of the sheriff not having returned a jury *de medietate*.

The court referred to Mr. Justice Burton's judgment in the recent case at Sydney, of Meridio and Nuagavil (two aborigines tried and executed for the murder of William Tuck, the companion of Mr. Stapylton, government surveyor), where the same point had been raised by Mr. Cheeke.

The Crown prosecutor (Mr. Croke) relied on the decision, and urged the inconvenience of pursuing any other course.

The court overruled Mr. Barry's objection as having been already determined; but as he seemed to rely very strongly on the local Act he had quoted, and to think that the point had not received sufficient consideration when decided in Sydney, the judge promised to place this objection in favour of the prisoners on his notes, and submit it, if necessary, to the consideration of the Executive Council, as doubtless the Sydney judges had already decided it, when the objection was made by Mr. Cheeke.

The information contained two counts, the first charging the murder of Cook and Yankee to have been committed by Smallboy shooting them, the other prisoners being present, aiding and abetting him. The second count charging the murder to have been committed by all the prisoners striking, beating, and kicking the deceased parties.

The Crown-prosecutor opened the case at some length, and called the following witnesses:

Enclosure A 4 to Minute No. 1 of 1842.

Thomas Robins, who said:—I was whaling at Lady's Bay in September last; I left it on the 26th of September last; eight of us left it. I recollect, on the 6th of October, arriving at

\* Robert Timmy Jemmy Smallboy, Jack Napoleon Tunninerparaway, Lalla Rookh Truganina Fanny Waterpoordeyer, Maria Matilda Nattepolenimma.

NEW SOUTH  
WALES.

Encl. in No. 45.

at the coal mines, six of us; we left the other two at the river, because they could not swim. We arrived at Cape Patterson; huts there; no one in the huts, I was only in the first hut, close to the beach, 50 yards from high-water mark; Cook was with me; Yankee was with us; never heard him called by any other name. Cook and Yankee are dead; I helped to bury them; I saw them dead. I heard two shots fired, as close together as they could be fired; I was in the hut; I saw four people on the hill; I could not distinguish them, whether white or black, men or women. They had two guns and dogs with them. I saw them about a minute after the shots were fired. Three out of the four went down to the beach, and one stood on the hill. I did not see a gun in the hand of the man on the hill, nor did I see a gun in the hands of those on the beach. I saw two guns in the hands of the party before they came down from the hill. I could not see the beach where they went to, nor the guns after they left the rise. There was a sand hummock on that part of the beach. Evans was of the party. The other two with me were Howard and Ned. The three persons that went to the beach returned to the hill, and the other one went down. I could not discern if there was a female of the party. These persons went away out of sight, and I went into the hut; I could not tell whether they were black or white. While in the hut Mr. Watson and one or two of Mr. Anderson's men came. In consequence of the information we gave them, Paddy went out in search of our companions; Paddy returned; we all went out, and found the two bodies between 200 and 300 yards from the hut. Yankee was shot through one ear, and out of the other; there was a hole in each ear; he had been bleeding in each ear; blood upon the sand and on his clothes; no other marks of violence on Yankee; he was quite dead, not to say cold. Cook had blood issuing from his side; Cook's head looked as if it had been knocked about with sticks; four pieces of stick were lying near the body, as thick as my wrist (two of the sticks produced); Cook's features were not so disfigured but that I knew him; I am sure it was Cook. They were buried at a place above high-water mark in the sand, on a flat, about four feet from where the water beats, about 200 or 300 yards from the hut. Cross-examined.—Four of us in the hut when we heard the shots fired first; there was Howard, Ned, and this other man that came with Mr. Watson when he came into the hut. I was not with Evans then; he had left the hut. Yankee and Cook had been in my company 5½ months; we left our station from short provisions; always on good terms with each other. I swear Yankee was dead. I don't think he could be recovered. His arm was warm when I pulled up his shirt. Blood was flowing from Cook's side. Four people between 200 and 300 yards off when I went out and saw the bodies. I can't say that the dogs were such as the natives have. I can't say whether they were men or women, white or black; they had something in their hands that looked like guns. The bodies were 30 yards from the hill on which I first saw these persons.

Enclosure A 5 to Minute No. 1 of 1842.

*William Watson*:—I am a miner. On the 6th of October last I went to the higher station at Cape Patterson, with two of Massey and Anderson's men. First, when I came to the place, I saw a man with a red shirt, which I thought to be one of the natives. I found it to be a whaler, who accompanied me to our hut, where we found three of his companions. I did not fire a shot. A whaler and one of Anderson's men went out in search of the whalers who were missing. Patrick returned, and went and found two bodies, both dead. Nine of us went; Robins (last witness) was one. I saw blacks that evening; about 200 yards off when I first saw them. I arrived at Cape Patterson the 15th or 16th of May last. I never saw any blacks but those I saw that evening; I never saw any but the prisoners at the bar; they stopped beside us three or four days, from a Wednesday till Saturday. October 2d they destroyed my place; they had dogs; what they had, had the appearance of guns. The deceased (said to be Cook) was a Sydney native; he was lying on his back near the beach, shot through the side; a hole right through—perforated the body and came out at the back; it appeared to be a gun-shot wound, and his head was dreadfully cut with clubs or sticks; the back part of the head was the worst; the features were not disfigured at all. Yankee appeared to have been shot right through one ear and out of the other; his head also was dreadfully cut at the back with sticks; I saw the sticks now produced on the beach, lying close by the side of the heads of the deceased. The bodies were buried between 50 or 60 yards above high-water mark, in a gully of sand; the sand was elevated about 40 feet from the level of the sea. Robins was with me. I saw four blacks when we were burying the bodies; I could not distinguish them; I am sure they were blacks; whether men or women I could not tell. I saw some dogs; one a stock dog, with a short tail; I saw that dog different times before with the natives. On a Friday evening, the 1st of October, this dog belonged to a station 60 miles off; I am sure I saw that dog with the natives when we were interring the bodies; it was the dog I saw with them on the 1st of October.

Cross-examined:—I swear I never saw any other blacks; the country is open for miles; low scrub, six or eight inches high. I did not know any of these whalers. I never saw any triangular weapon with these natives; the wound on Cook might have been inflicted with such a weapon; I should think the wound in Yankee's ear could not; Yankee was not cold, but he was completely dead. I cannot identify these people (prisoners) as being present on the occasion. In dress and appearance the people I saw were the same as the prisoners. I first saw the whalers at the upper station, about 300 or 400 yards from where the bodies were found.

Enclosure A. 6 to Minute No. 1 of 1842.

NEW SOUTH WALES.

Encl. in No. 45-

*William Johnson*, corporal in the border police:—I recollect the 17th of last month. was at Western Port on that day, on the way from Massey and Anderson's station. I went in search of some natives, under the command of Mr. Powlett, nine police, commanded by Mr. Powlett, and eight soldiers, commanded by Lieutenant Rawson; 28th regiment, besides 10 or 12 settlers' men. On the 20th of November I saw the five prisoners. I only know the names of the men, and one of the lubras (women) "Trugannina Lalla Rookh." The men answered to the names of Bob and Jack (points out the prisoners of those names); I apprehended Bob. The lubras were not apprehended in my presence. Jack gave himself up to me afterwards. I found one of them in the scrub, Bob. When they were apprehended they were naked; nothing but shirts on. I found arms where they had been sleeping, two double-barrelled guns, one single gun, and a brace of pistols. The first question put to the male prisoners after they were taken was, where they had buried the whalers? They first proposed to take us to the place where the whalers were buried, and Mr. Powlett then said, Where are they buried? The prisoners were all together at Miami (a resting-place). The men were handcuffed. The two men and Trugannina took us to the place. We saw a rise in the sand, and they said, that was where the whalers were lying. We opened the grave, and found the bodies of two white men. We did not search for the wounds. One had no waistcoat on. The two black men, Bob and Jack, said they had shot the whalers. Mr. Powlett asked them what made them do so. Bob said, "They thought it was Mr. Watson." Trugannina said, "One of the men had beaten the brains out of one of the men that was shot." They all spoke English. The grave was 30 or 40 yards from the water's edge, on a place like a table of sand drifted from high-water mark. Cross-examined:—No person accompanied me who had been at the station before. Trugannina stated, that she was on the high bank when they were committing the depredations. She said she was frightened at seeing the man struggling, and hid herself. Only the police with us. No one there who could swear to the bodies. The prisoners\* never varied in their confession, nor gave any other statement relative to the alleged murder. Bob said, "Jack fired the first shot, and threatened to shoot him if he did not fire at the whalers." Trugannina said the other women were with her at the time the whalers were shot.

Enclosure A 7 to Minute No. 1 of 1842.

*Frederick A. Powlett, Esq.*, commissioner of Crown lands:—Recollects 20th of November last. Was at Western Port that day, by order of his honor the superintendent, for the purpose of apprehending some natives who were out in the bush, with arms. On the first occasion I acted as a magistrate, and on my general instructions, and on the second occasion from communications I had with his honor the superintendent, and the chief protector of aborigines. I had my border police, some mounted police, who, by my general instructions, I could employ when necessary, and eight soldiers of the 28th regiment, commanded by Lieutenant Rawson, under my direction as a magistrate. I had stated that, from the nature of the country, the larger the force was the better, and his honor the superintendent said, "that if requisite I might call in some military." On the morning of the 20th of November I captured the prisoners, with the whole of this force, between five and six o'clock; the two men and three women. After the prisoners were captured they appeared perfectly cool; asked for breakfast; smoked their pipes. Bob seemed terrified slightly for a few minutes. Trugannina said, (Mr. Thomas, assistant protector of aborigines, was also present, and six or seven natives,) when I asked her where the whalers were buried, the men who had been killed on the beach some time previous, Trugannina pointed to the spot; she conducted me to the place. Prisoners Bob and Jack accompanied us about six miles from where they were taken; they were a little in advance; the men were handcuffed. Trugannina pointed out the grave; the grave was opened, and I can distinctly state there was one body; I think there were two, but cannot swear. Very offensive; not all uncovered. After Trugannina said they had done it, I turned round to the men and said, "What made you do it?" The men seemed to accuse each other of firing the first shot; they also said they took them for the miners. I saw some sticks about the place; I looked at the sticks very particularly; I did not observe any stains on the sticks; I saw some on other sticks. Trugannina said, "One of the men was not killed, but the death was completed by knocking him about with sticks. Only Trugannina with me.

Cross-examined:—I will not take upon myself to state the sexes of the individuals interred, or by what means they came to their death. Trugannina said the women cried, and expressed their regret. The grave was four or five yards up a sandy bank, with a higher bank above it, and fully 200 yards from a hut near there.

Enclosure A 8 to Minute No. 1, of 1842.

*G. A. Robinson, Esq.*, chief protector of aborigines:—I know the prisoners; have known them about eight or nine years; they accompanied me from Van Diemen's Land to Flinders Island, and thence here. I have seen the Report of the Committee of the Legislative Council

\* *Mem.*—Nor have they done so since their conviction; and I am happy to add, that nothing has been disclosed to implicate the women.

(signed) J. W. W.

NEW SOUTH  
WALES.

Encl. in No. 45.

Council on Aborigines. I was examined. The report is correct. The prisoners were my attendants during the whole of my journeys in Van Diemen's Land. I endeavoured to civilize them; they have a knowledge of the existence of a Supreme Being, and know right from wrong. They have a plurality of wives; the women are in great subjection to the men they live with. Ample reserves have been set apart for the aborigines of this district. I think, if it were practicable, it would be beneficial to confine the natives and the settlers to the limits assigned to each by government. Any plan for the settlement of the natives would be considerably aided by the concurrence of the respectable settlers. I had permission to remove the prisoners to this district. I stated, in a letter appended to my evidence before the Committee of the Legislative Council, "that I wished the Van Diemen's Land aborigines to be taken from Flinder's Island and settled in some fixed abode in this district." If that had been done, this occurrence, I think, would not have taken place. I know that Robert (the prisoner Bob) undertook, with my concurrence, a journey to Adelaide, in the service of Mr. Alfred Langhorne; his services were considered of the highest order, and his character excellent. Robert (prisoner Bob) has been in my service between 12 and 13 years; was quite a lad when I obtained him. He accompanied me on my first journey to Port Davy. On account of his youth, I sent him back at that period. In all my subsequent journeys he was with me, and conducted himself entirely to my satisfaction. His conduct was always respectable, and I never knew him guilty of any dishonest act. He was a native of the north-east quarter of Van Diemen's Land, Cape Portland. Jack I obtained at Cape Grim, at the north-west extremity of Van Diemen's Land; he had associated with the sealers before I obtained him; he was with me up to my last expedition, and up to September last, and his conduct also has been most satisfactory. Truganina also had associated with white persons before I obtained her; she is a native of Brunee Island, and she also has accompanied me in all my journeys; she is the wife of Woradi, and not of either of the prisoners. I am indebted to that woman for the preservation of my life on one occasion, at Arthur's River; she swam and took me across. I have never found these persons wanting in humanity. The other two women were emancipated from the sealers in Bass' Straits (Fanny and Maria), and lived with me till September last. The women are not allowed by the men to act according to their own will; they are in entire subjection to the men; in absolute thralldom.

## Enclosure A 9 to Minute No. 1 of 1842.

Mr. Barry addressed the jury in a very able and feeling speech on behalf of the prisoners. I then commenced my charge to the jury, and said (in effect) that—The prisoners were natives of Van Diemen's Land, whose removal thence to Flinder's Island was effected some years ago, by the humane and praiseworthy exertions of Mr. G. A. Robinson, the chief protector of aboriginals in this district, by whom they were subsequently brought over to these shores. Mr. Robinson, in his evidence given in September 1838, before the Committee of the Legislative Council of this colony, appointed to inquire into the then state of the aborigines, of which an official copy was before me, after describing his first connexion with the natives of Van Diemen's Land, and their removal by him to Flinder's Island, states, that when examined before the Executive Council in Van Diemen's Land, upon the subject of the aborigines, he recollects having represented the disposition evinced by them towards the white population, as extremely hostile. The prisoners, however, were not among those of whom Mr. R. thus spoke. They were constantly attached to Mr. R.'s person, and of a much better description. "The aborigines of Van Diemen's Land," says Mr. R., "were extremely daring in their attacks, both on persons and property; they were extremely insidious in their attacks on dwelling-houses and individuals; they both plundered and set fire to the dwelling-houses when the inmates were in them, whom they attacked with the intention of destroying them, as well as plundering the premises. I cannot," he says, "enumerate the murders which were committed by the natives on white persons, but I know that they were very numerous. I believe, speaking from recollection, that one coroner sat upon 28. It was dangerous to allow any natives near a habitation; it was not possible to guard against their ravages; military force was quite ineffective. I stated before the Executive Council, and now repeat my opinion, that an entire army could not have subjugated these few miserable people, unless the whole country had been cleared of forest." The justice of this observation was, I thought, exemplified in the difficulty of apprehending the prisoners at the bar, and the military as well as civil force which appeared to have been employed for this purpose. How far the recourse to military aid on this occasion, was or was not altogether warranted by law, was not for me then to determine. I would only say, that the more sparingly such a force was used on any such occasion the better, and that I thought it would be always advisable to be prepared to show the inability of the civil power to act with efficiency previously to military assistance being invoked. Mr. Robinson's evidence proceeds, "When the natives were all assembled in Flinder's Island, in 1835, I took charge of them, and have continued to do so ever since. I did not find them retaining that ferocious character which they displayed in their own country; they showed no hostility, nor even hostile recollection towards the whites. Unquestionably these natives assembled on the island were the same who had been engaged in the outrages I have spoken of; many of them, before they were removed, pointed out to me the spots where murders and other acts of violence had been committed; they made no secret of acknowledging their participation in such acts, and only considered them a just retaliation for wrongs done to the or their progenitors. On removal to the island they appeared to forget all these facts; they could

could not of course fail to remember them, but they never recurred to them." Mr. Robinson now tells us that the prisoners at the bar were not among those of whom he spoke in his evidence before the Committee of the Legislative Council. In a subsequent part of his evidence before this committee, Mr. Robinson says, "I am fully aware that there have been natives of this colony so far civilized as to adopt, for a time, the European style of dress and living, who yet, when an opportunity offered, had gone back to their native and erratic life, and have shown that they were not permanently or effectually weaned from their original mode of life. Instances of the same kind, indeed more numerous ones (he says) have come to my knowledge in Van Diemen's Land, but these results have not occasioned me any surprise." Mr. Robinson also handed to the committee copies of letters from him to the Colonial Secretary at Van Diemen's Land, on the subject of the removal of the natives at Flinder's Island to the south coast of New Holland. In that of the 27th of October 1836, he states, "That the whole of the aboriginal population then domiciled at Flinder's Island, amounted to about 120." Of these, he says, "There are about 60 males (49 of whom are adults), several are aged, and the whole of them were then civilized," and amongst them, as we are now informed, were the prisoners. In another letter of the 29th of October 1836, Mr. Robinson writes as follows:—"In conclusion I would observe, that no doubt exists in my mind, that the Flinder's Island aborigines would remain and settle in one fixed abode, and thence the apparent comforts they would enjoy, arising from their knowledge of civilized life and acquirements, would constitute a most pleasing example to the inhabitants of the country among whom they might settle; and as it is an axiom that 'example teaches before precept,' it is more applicable to, and more easily understood by an untutored race, than it would be by any other mode of instruction, and therefore it might reasonably be hoped that such strangers as might occasionally visit the settlement, would carry back the impression they had received, and communicate the same to other tribes, who would be ultimately induced to adopt a similar mode of life, and thus lead to the formation of settlements of a similar character." I must here express my cordial assent to the importance which Mr. Robinson attaches to the permanent location of the aborigines, and whatever difficulty there may be in making reserves of land "for the natives which shall be really beneficial to them," (according to Lord John Russell's despatch of 25th August 1840, to Governor Sir George Gipps,) I cannot doubt the propriety of every effort being made for this purpose. Had these unfortunate prisoners been permanently located, according to Mr. Robinson's plan, in all probability they would not now have been arraigned as criminals at the bar of this court. I have, on a recent occasion, stated my opinion, which I still entertain, that the proprietor of a run, or, in other words, one who holds a lease or licence from the Crown to depasture certain Crown lands, may take all lawful means to prevent either natives or others from entering or remaining upon it. I am convinced that, until the natives become more civilized, the tacit permission and frequently direct encouragement given to the wandering tribes to reside upon the stations of the settlers, is, generally speaking, under all circumstances, spurious humanity; it places temptation in their way, and leads to aggressions which otherwise might never occur. For, to use the words of Lord John Russell, in the despatch to his Excellency the Governor, which I have already alluded to, "the natives finding the cattle unwatched, drive away a herd, and deprive the colonist of his wealth, a new source of retaliation and bloodshed. It is but too clear (says his Lordship) that the only effectual remedy for this lamentable evil, is an organized force to keep both parties in check, and confine each to the limits which the government shall assign." The settler must always, however, remember, that the lease or licence which gives him that actual possession and occupation of the soil, and which, in my opinion, enables him by all lawful means to prevent any incursion of others, is, by the 6th section of Act of Council for restraining the unauthorized occupation of Crown lands, subject to be immediately annulled, "for any malicious injury or offence committed upon or against an aboriginal native or other person." The liberality with which reserves have been granted by his Excellency the Governor, for the different tribes of natives in this district, has already been testified to us by the chief protector of aborigines, and that gentleman, I think, agrees with me, that the confinement of the natives and settlers to the limits assigned by government to each, as well as every other effort for the civilization of the aborigines, will have the fairest hope of success, if it be attended with that cordial co-operation of the settlers which both feeling and interest must induce them to afford. The aborigines of Van Diemen's Land were strictly commanded, by Governor Arthur's proclamation of the 15th of April 1828 (a proclamation of which his Majesty King George the Fourth, through the Right honourable the then Secretary of State, by a despatch of the 2d of February 1829, under the circumstances, signified his approval,) "to retire and depart from, and for no reason, and no pretence, save as therein provided, (viz., travelling annually to the sea coast in quest of shell-fish, under certain regulations,) to re-enter the settled districts of Van Diemen's Land, or any portions of land cultivated and occupied by any person whomsoever, under the authority of Her Majesty's Government, on pain of forcible expulsion therefrom, and such consequences as might be necessarily attendant on it, and all magistrates and other persons by them authorized and deputed, were required to conform themselves to the directions and instructions of this proclamation, in effecting the retirement and expulsion of the aborigines from the settled districts of that territory." This proclamation, together with copies of all correspondence on the subject of the military operations carried on against the aboriginal inhabitants of Van Diemen's Land, were laid before the House of Commons on the 23d of September 1832, and ordered to be printed. To me it appears that this correspondence contains much valuable information, and is worthy of the deepest attention by every friend of justice and

NEW SOUTH  
WALES.

Encl. in No. 45.

humanity, equally desirous of promoting the true interests of the aborigines and the colonists. I must, however, in all candour, admit that the attempt to prevent outrages on the part of the aborigines, by endeavouring to confine them within certain limits, was not successful, though I cannot but think that, had it been acted upon in accordance with the additional suggestion of his Honor the Chief Justice, contained in the minutes of the Executive Council of Van Diemen's Land, of the 23d February 1831 (see p. 82), there would have been every probability of its success, and the necessity of removing these miserable creatures from their native soil would very possibly have been obviated. But to revert to the transportation of the prisoners to this district, notwithstanding the evidence of Mr. Robinson, the Committee of the Legislative Council, by their chairman, the Right Reverend the Lord of Australia, on the 12th October 1838, reported to the Legislative Council as follows:—"Upon one subject only have they (the committee), after full consultation, arrived at any agreement, and that subject is the proposition which has been made for the removal to this colony, of those natives of Van Diemen's Land, who are now located on Flinder's Island. It is not desirable, in the opinion of your committee, that this suggestion should be complied with. Not to enter into a detail of all the reasons which have impelled them to form this conclusion, your committee deem it enough to state, that the measure in question would entail an expense upon the inhabitants of the colony, not only without the prospect of corresponding benefit, but at the imminent risk of exposing them to acts of violence and rapacity on the part of the aborigines, similar to those by which the colony of Van Diemen's Land was formerly devastated, and rendered almost untenable by the white population. The natives now assembled at Flinder's Island are the relics of the men by whom these ravages were perpetrated, and there is but little doubt may themselves have been personally engaged in acts of violence, rapine, and murder. It is impossible to say that the seeds of the same evil disposition may not yet be lurking within their minds, though for a time repressed by their change of residence, and the unceasing vigilance to which, within the limits of a small island, they may be subjected. Should they be restored to comparative liberty, and allowed to hold intercourse with the natives of this colony, it is not in the power of human foresight to determine that the effect of that intercourse will not speedily be manifested, in the excitement of the aborigines of New Holland to the same fierce and hostile deportment towards the settlers here, as those in Van Diemen's Land were with so much difficulty released from. The apparent civilization and improvement of disposition among the natives at Flinder's Island may be but delusive, and even if it be real, the argument deduced from it in favour of removing them to this colony, appears to your committee to prove too much, as it would show that, with more propriety, they might be restored to liberty within their native land. Your committee, therefore, having expressed a decided opinion upon this point, are compelled to reserve all others for further consideration." Notwithstanding this report, we are informed (but I have not seen the official correspondence on this point), permission was obtained for the removal of some of the aboriginals of Van Diemen's Land from Flinder's Island to this district, and among others the prisoners at the bar, whose guilt or innocence you are now to determine. Their case, gentlemen, differs from that of "Bonjou," for he was an aboriginal of this district, and placed upon his trial, or at least attempted to be, for an alleged act of aggression upon one of his own race. Here the prisoners are charged with an offence committed by them against the whites, and they are as clearly amenable to British law as were the aboriginals Meridie and Nungavil, lately tried before Mr. Justice Burton, and executed for the murder of William Tuck, one of the companions of Mr. Stappilton, the government surveyor. I see no reason whatever to alter the opinion I expressed in Bonjou's case. That opinion has long since been forwarded, not only to the principal members of the society for the protection of the aborigines in British settlements, but to the leading members of both Houses of the Imperial Parliament, and to the proper official quarter. Bonjou, however, was not liberated in consequence of that opinion, but because the Crown prosecutor felt he had not sufficient legal evidence to enable him to proceed with his case, subject to the question of jurisdiction. He judged wisely, in my opinion, from what I knew of the depositions, in declining to proceed, for it would have been difficult to prove that the deceased had been killed in the manner alleged by the information. I reiterate my opinion, that the aborigines of this district are not, "with regard to the prevalence of our law among themselves, in the unqualified condition of British subjects," and notwithstanding any assertion to the contrary, I think the following passage from the minute of his Excellency the Governor, laid before the Honourable the Executive Council of this colony, on the 6th of April 1838, (as appears by the Papers ordered to be printed by the British House of Commons, on the 12th of August 1839,) fully warrants my view. "As human beings (says his Excellency Sir George Gipps), partaking of one common nature, but less enlightened than ourselves; as the original possessors of the soil from which the wealth of the colony has been principally derived, and as subjects of the Queen whose sovereignty extends over every part of New Holland, the natives of the whole territory have an acknowledged right to the protection of the government, and the sympathy and kindness of every separate individual. In disputes among themselves they may be governed by their own ancient usages, wherever these do not interfere with the rights and safety of their more civilized fellow subjects. In disputes between the aborigines and the whites, both parties are equally entitled to demand the assistance and protection of the law of England. To allow either to injure and oppress the other, and still more to permit the stronger to regard the weaker party as aliens with whom a war can exist, and against whom they may exercise belligerent rights, is not less inconsistent with the spirit of that law, than it is at variance with the dictates of justice and humanity." Thus does it appear that the Executive has

itself

itself acknowledged (an acknowledgment acquiesced in by the British Senate), "that the aborigines, in disputes among themselves, may be governed by their ancient usages." That they are in fact, (to use the words of Chancellor Kent, with regard to the North American Indians,) dependant allies, rather than subjects, under "such constraint, and qualified control in their national capacity, as is considered by the whites to be indispensable to their own safety, and the requisite discharge of the duty of protection." Away then with the babblings of ignorance and hypocrisy, and let reason and truth alone prevail. Gentlemen, we have lately had a case of alleged aggression, on the part of a respectable settler, on a black, and such a case as I trust will never, for the credit of those who so perseveringly endeavoured to support it, on evidence so obviously illegal, occupy the attention of this court. But, gentlemen, I am sure that the same feeling, the same patient investigation, the same abstract sense of justice, will distinguish any case of alleged aggression by blacks against the whites, as was shown in that of a white man against a black. Gentlemen, I have kept you too long, I fear, from the examination of the more particular evidence adduced in support of the charge against the prisoners at the bar. I must, however, before I proceed to it, trespass on your patience with one more observation, which is this, that I, on my conscience, believe it to be the wish of the Executive, that the blacks as well as whites should equally be brought to justice, and punished for any breach of those broad principles of right which can equally be understood by both. I know by experience, as well as by official documents, this has ever been the anxious desire of his Excellency the Governor, nor can I for a moment suppose that any other feeling actuates his honor the superintendent.—I then recapitulated the evidence according to my notes, with such comments as I deemed necessary; and in conclusion said, Such, gentlemen, are the circumstances pertaining to this case; you will give them your dispassionate consideration, and in doing so you will exercise all those feelings of mercy which will naturally arise from the habits and condition of the prisoners, and their transportation from their native to a foreign land. You will, however, bear in mind (as was well said by the Attorney-general of this colony on a recent and somewhat similar occasion), that there is a duty you owe to yourselves, and to your fellow subjects, to protect not only their property, but more especially their lives, and by your verdict to prevent, if possible, (should you deem the prisoners, or any of them, to have been actors in them,) the recurrence of similar acts of aggression."

The jury retired, and, after an absence of half an hour, returned a verdict of guilty against Robert Timmy Jewmy Smallboy and Jack Napoleon Tunnierepareway, and of not guilty against the other prisoners. The verdict of guilty against Robert and Jack was accompanied by a recommendation to mercy, "on account of their general good character, and the peculiar circumstances under which they were placed."

I remanded them for sentence till the following morning, when I felt it my duty to condemn them to death.

(signed) John Walpole Willis, Resident Judge.

NEW SOUTH WALES.

Encl. in No. 45.

— No. 46. —

(No. 59.)

Copy of a DESPATCH from Governor Sir George Gipps to Lord Stanley;

Government House, Sydney;  
17 March 1842.

My Lord,

In continuation of the subject of my despatch, No. 51, of the 11th instant, I have the honour to forward herewith two reports from the police magistrate of Portland, one dated the 31st January 1842, containing an affidavit of Mr. Tyers, the surveyor of the district; the other, dated the 29th of the same month, transmitting to Mr. La Trobe a report upon the state of the aborigines of the district.

I have, &c.  
(signed) George Gipps.

No. 46.  
Sir George Gipps  
to Lord Stanley.  
17 March 1842.

Page 183.

31 Jan. 1842.  
No. 1.  
29 Jan. 1842.  
No. 2.

Enclosure 1, in No. 46.

(No. 44/42.)

Sir,  
REQUESTING reference to my letter, No. 21/42, of the 15th instant, enclosing depositions which I had taken from several settlers, relative to the alleged outrages committed by whites men upon the aborigines in this district, I have the honour to enclose the deposition of G. J. Tyers, Esq., on the same subject, which I was unable then to procure. From the nature of his occupation, and his general intelligence, there is probably no gentleman better qualified to give an opinion on this subject than Mr. Tyers.

Encl. 1, in No. 46.

His Honor C. J. La Trobe, Esq.

I have, &c.  
J. Blair, J. P.  
Police Magistrate.

&c. &c. &c.

NEW SOUTH  
WALES.

Encl. 2, in No. 46.

District of Port Phillip, in the Colony of New South Wales, to wit.

{ Charles James Tyers, Esq., being duly sworn, deposeth:—I am surveyor for the district Portland, and have resided in it constantly for the last 14 months; my duties necessarily require me to travel a great deal through the interior, and I am frequently brought in contact with the settlers at their stations. Before filling the office of surveyor of the district, I was commissioned by the government to determine the boundary line between New South Wales and South Australia, and visited this district for that purpose in October 1839, and remained in the field for about four months; there were only three settlers in the district at that time. I have never witnessed a collision between the white men and aborigines. On my first visit I heard that a collision took place at Mr. Winter's station, in which some lives were lost; I have not heard of any other collision during the period I have been in the district, in which the life of an aboriginal native has been taken. I have heard of several white men being killed by the aborigines within the same period. I have heard a report that a black was killed at Mr. Winter's station a short time ago, but it was by another black. I have heard several authenticated instances of many of these of recent occurrence, in which stations have been attacked by the aborigines, and property to a considerable amount carried away, and no black lives were taken. I have every reason to believe the aborigines are cannibals; and I have heard from good authority that they sometimes sacrifice members of their own tribes in conformity with their cannibal rites. I have occasionally had an aboriginal native travelling with my party, and have found they are always anxious to encourage hostilities against blacks of another tribe. I consider the assertion that men go out on Sundays from stations in the interior professedly to shoot kangaroo, but in reality to shoot natives in cold blood, to be a mere fiction; it is very unlikely such a practice could exist without my knowledge. I have never seen the body of a dead black; I saw some human hair in a gin's blanket, and also some bones which had been cooked, and which I believed to have been those of a black child. I have explored several rivers, localities at which the blacks generally congregate, and it is not probable if such a war of extermination as would be inferred from the alleged kangaroo hunts, were carried on against them, I should have missed seeing some indications of it; besides which, the black boy I have generally travelled with, would instantly have detected it. I have travelled a great deal through the colony, and I have not met a body of settlers in any part of it superior to those of the Portland district, either in point of intellectual acquirements or family. Several of the settlers here are university men.

(signed) Charles J. Tyers.

Sworn before me, at Portland, this 31st day of January 1842.

(signed) J. Blair, J. P.

## Enclosure 2, in No. 46.

(No. 39/42.)

Police Office, Portland, 29 January 1842.

Encl. 2, in No. 46.

I HAVE the honour to report to you that I have this day received a letter from Mr. Ritchie, of Port Fairy, informing me that an overseer of Dr. Kilgour had been rushed and speered in both sides, by some aboriginal natives, who then took away three horses, and requesting me to send assistance to capture the men. This, of course, it was out of my power to do; the entire force at my disposal consisting, as your Honor is aware, of three foot constables.

I have also received a report to-day, from the stock-keeper of Mr. Hunter's station, near Mount Napier, that a border policeman had been dangerously wounded in the head by some aboriginal natives, who then took away his horse, as they previously had two valuable horses of Mr. Hunter. Captain Fyans, he said, had been sent for, and his object in then coming to me was to request authority in the meanwhile to resist the blacks by force, as the protector informed him he should be hanged if he discharged fire-arms at them.

This question is one of such delicacy, I think it advisable to report to your Honor, the answer which I gave him, viz.—“That the measures which these settlers might adopt for their defence against the aborigines should be directed entirely by the emergency of the case, and that I thought the safest course for them to pursue would be to defend themselves against them, as they would under similar circumstances against white British subjects.”

There appears, I am sorry to say, to be a general move among the aborigines. Two days ago Mr. Henty reported to me that a large crop of oats, at Mr. Enersley's, had been burned down by them. The men saw the blacks in the act of firing the oats, and took immediate steps to check the flames, but unfortunately without effect.

The same day Mr. James Ryley, of the Grampians, reported to me that he had been obliged to send a man and three horses to the assistance of Mr. Barnette, upon whose station about 200 blacks had assembled, with, it was conceived, a hostile intention, and that immediately after six armed blacks were detected reconnoitring his own station.

Numerous reports have also been made to me of sheep and cattle being driven off by these aborigines. Mr. Tullock has, I believe, lost 200 sheep.

I have, &amp;c.

His Honor C. J. La Trobe, Esq.  
&c. &c. &c.(signed) J. Blair, J. P.  
Police Magistrate.



— No. 47. —

(No. 66.)

Copy of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord, Government House, Sydney, 1 April 1842.  
 REFERRING to my despatches, Nos. 51 and 59, of the 11th and 17th March last, on the subject of certain mis-statements respecting the treatment of the aborigines in the district of Portland Bay, made by the Rev. Mr. Hurst, a Wesleyan missionary, at a public meeting in Van Diemen's Land, on the authority of a person named Tulloh, I have the honour to forward herewith to your Lordship a copy of a further letter which I have received from Mr. La Trobe, with various enclosures, expressing the indignation which these mis-statements have caused in the district.

I have, &c.  
 (signed) George Gipps.

NEW SOUTH WALES.

No. 47.  
 Sir George Gipps  
 to Lord Stanley.  
 1 April 1842.

19 Feb. 1842

Enclosure in No. 47.

(No. 42/242.)

Sir, Melbourne, 19 February 1842.  
 It is my duty to forward to you, for his Excellency's perusal, copy of a communication addressed to me by certain of the settlers of the Portland Bay district, expressing their indignation at Mr. Hurst's statements, and requesting that I would direct that the whole of the documents connected with this subject may be published, in order that the public may themselves judge of the truth of such charges, and the district of Portland Bay be relieved from the odium which has been cast upon it.

Encl. in No. 47.

For his Excellency's information, I take leave also to enclose a copy of my reply, and of a letter written to Mr. Blair, acknowledging the receipt of the report, and accompanying affidavits, in reference to Mr. Hurst's statements, which formed the subject of my letter to you of the 1st February.

No. 156.

The Hon. the Colonial Secretary, Sydney.

I have, &c.  
 (signed) C. J. La Trobe.

Sir, Portland, 22 January 1842.  
 We, the undersigned, householders and settlers residing at, and in the neighbourhood of Portland Bay, beg leave to express to your Honor our indignation at the infamous atrocities laid to our charge by the Rev. Benjamin Hurst, a Wesleyan missionary. Feeling confident as we do, that the investigation that has taken place before Mr. Blair, the police magistrate of Portland, will contain a complete refutation of such charges, we beg that your Honor will direct that the whole of the documents connected with this subject be published, in order that the public may themselves judge of the truth of such charges, and the district of Portland Bay be relieved from the odium which has been cast upon it.

We beg, &c.  
 (Here follow 19 signatures.)

To the Portland Bay Settlers signing a Communication to the Superintendent, dated 22d January 1842.

(No. 42/.)

Gentlemen, Melbourne, 4 February 1842.  
 I HAVE had the honour to receive your communication of the 22d January, expressing to me your indignation at the infamous atrocities laid to your charge by the Rev. Mr. Hurst; and further stating, that feeling confident as you do, that the investigation that has taken place before Mr. Blair, the police magistrate of Portland, will contain a complete refutation of such charges, you request that I would direct that the whole of the documents connected with this subject be published, in order that the public may themselves judge of the truth of such charges, and the district of Portland Bay be relieved from the odium which has been cast upon it.

As I cannot see any objection to the request being complied with, I have the honour, in reply, to state that a copy will be furnished at my office to any one whom you may appoint to receive it.

Whether or no the evidence brought forward to disprove the statement made by the Rev. Mr. Hurst, on the faith of Mr. Tulloh, is such as to satisfy the mind that such state-

NEW SOUTH  
WALES.

Encl. in No. 47.

ments have no foundation when applied to the present times and present inhabitants of the district, I cannot but remark, that it would have been well if none had ever existed.

But the earlier history of the settlement of the Western district unfortunately furnishes abundant evidence of the evils attending the sudden occupation by Europeans of a new country inhabited by aboriginal tribes; and however difficult of legal proof, it cannot be doubted but there also a lawful anxiety to defend life and property was not unfrequently exchanged for a spirit of retaliation, leading in its satisfaction to the perpetration of actual crime.

Without giving undue credit to vague rumours or mere suspicions, or at any time applying to the mass of the settlers the atrocities of a few, no other conclusion than the above can be drawn from the voluntary evidence given by parties engaged in collisions with the natives, on various occasions in 1839 and 1840, strengthened as that evidence was by that which was obtained from collateral sources in the course of the imperfect investigation instituted.

Moreover, the inhabitants of the district must not be surprised if the unprincipled characters of the older hands employed formerly, and the recklessness of their language, strengthened the presumption that many of the acts of cold-blooded atrocity which it is whispered have been committed by such individuals in their intercourse with the natives, were but too true.

I trust, however, that the future will bear me out in the opinion which I have ventured to express to his Excellency, that whatever may have been the state of things at an earlier stage of the settlement of the Portland Bay district, atrocities such as are hinted at in Mr. Hurst's statement, even if they were practised would never be tolerated by the present class of settlers; and although it cannot be hoped that, placed as the majority of the stations in your district are, in the vicinity of savage tribes, attacks may not occasionally be made upon the lives and property of the occupants, the government would gladly consider that it had in the character of the gentlemen now inhabiting the district, in the better class of servants employed, and in a really improved state of feeling with reference to the aboriginal inhabitants, a far stronger guarantee that such acts of cruelty or lawless retaliation will not be perpetrated than any that can be afforded by a mere extension of police arrangements, which ordinary reflection, and a knowledge of the real circumstances under which the district lies, must show to be of otherwise little essential service, if not altogether futile.

I have, &c.

(signed) C. J. La Trobe.

(No. 42/198.)

Sir,

Melbourne, 12 February 1842.

I HAVE received your despatch of the 15th January, with its enclosures, furnishing me with the result of the investigation into the truth or untruth of the statements put forth by the Rev. Mr. Hurst, referred to in my letter of the 31st of December.

I have considered it my duty to transmit copies of the whole of the documents bearing on the subject, for the information of his Excellency.

I have also received a letter signed by a number of the settlers of your district, expressing their indignation at the infamous atrocities laid to their charge by the Rev. Mr. Hurst; and further stating, that feeling confident as they do, that the investigation that has taken place before you will contain a complete refutation of such charges, request that I would direct that the whole of the documents connected with this subject be published, in order that the public may themselves judge of the truth of such charges, and the district of Portland Bay be relieved from the odium which has been cast upon it. I take this opportunity to forward my reply to this communication, for your information, and delivery to the parties interested.

I have sent a copy of your report to the Rev. Mr. Hurst, with a communication, remarking upon the points in which I consider the line of conduct which he was led by his zeal to pursue may be considered reprehensible.

Concurring, as I do in the main, in the opinion which you express in your report as to the general improved state of the Western district during the last year or 18 months, and in the character of the majority of the settlers, I think that there still is, and will be reason for the exercise of the utmost vigilance on the part of the local magistrates within its limits.

The occasional recurrence of attacks by the natives upon the sheep and cattle runs cannot but be anticipated.

The passions of men, circumstanced like the settlers in this colony, are easily excited; and even with regard to the superior education and standing of many of them, I need not remind you how very liable the mind of man is to be moulded by the position in which he may find himself placed, and especially in circumstances so materially affecting his interests.

I have, &c.

(signed) C. J. La Trobe.

James Blair, Esq.  
Police Magistrate, Portland.

— No. 48. —

(No. 67.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord, Government House, Sydney, 4 April 1842.

CONNECTED with the subject of my recent despatches respecting the aborigines in the district of Portland Bay, I have the honour to enclose copies of two further letters which I have received from Mr. La Trobe, respecting various outrages and murders committed by them in the neighbourhood of Port Fairy, a place situated some miles to the eastward of Portland.

I have, &c.  
(signed) *George Gipps*.

NEW SOUTH WALES.

No. 48.  
Sir *George Gipps* to Lord *Stanley*.  
4 April 1842.

19 Feb. 1842.  
No. 1.  
2 March 1842.  
No. 2.

Enclosure 1, in No. 48.

(No. 42/273.)

Sir, Melbourne, 19 February 1842.  
I HAVE the honour to transmit to you, for his Excellency's information, copy of a letter from the Crown commissioner of the Portland Bay district, and of a communication received by that officer from Dr. Bernard, upon the recent frequent attacks of the natives on the stations in the vicinity of Port Fairy.

Encl. 1, in No. 48.

I also forward copies of my letter and its enclosure, in answer to the above communication, directing Captain *Fyars* to despatch a strong party of his police to the disturbed district; and leaving him to act according to his discretion in calling upon the officer in command of the detachment of the 80th regiment at Portland to give him assistance in affording, as far as practicable, protection to the settlers.

It is my duty also to state, that in a letter to the chief protector, of which the enclosed is a copy, I have given that officer instructions to proceed at once to Mount Rouse and its neighbourhood, with the view to inquire into the real character of the outrages committed by the natives, and to report upon the same, for the information of Her Majesty's Government.

The Honourable the Colonial Secretary. I have, &c.  
(signed) *C. J. La Trobe*.

(No. 115.)

Sir, Portland Bay District, 16 February 1842.  
I DO myself the honour to forward, for your information, a letter from Mr. Bernard regarding the destruction of his property by natives, and also in reference to a continued destruction of life and property on other settlers in the neighbourhood of Port Fairy.

Having reported the loss of one of the border police horses, and the state Private *Carty* has been left in by the same tribe of natives; and from the late loss sustained by Messrs. *Kilgour* and *Bernard* of almost all their horses (five in number), that a risk attaches to

\* being quartered in the place, I therefore beg leave to recommend that a strong party of soldiers are immediately sent to the assistance of the settlers, and quartered on the different establishments about Mount Rouse. From the nature of the country about Port Fairy, infantry will be more useful than mounted policemen. Under every circumstance, it is necessary that strong measures are immediately taken with these savages, to prevent a continuance of murder and destruction of property.

I have also to report to you that a hut-keeper on Mr. *Woolley's* run, Victoria Range, has been murdered by the natives.

His Honor Charles Joseph La Trobe, Esq. I have, &c.  
&c. &c. &c., Melbourne. (signed) *Foster Fyans*,  
Commissioner of Crown Lands.

To *Foster Fyans*, Esq. Commissioner of Crown Lands, &c. &c. &c.

Sir, Geelong, 16 February 1842.  
I TAKE the earliest opportunity of requesting your attention to the particulars of the very serious outrages which have been committed by the black natives within the last two or three weeks, at a station occupied by myself and Dr. *Kilgour* in the neighbourhood of Port Fairy; to which I beg to subjoin some notices of similar outrages which have taken place at other stations in the same part of the country. I would premise, that for six months previous to the present attacks the blacks had continually disturbed the cattle upon the station, many of which they are, with reason, believed to have killed, and on more than one occasion they showed themselves in large bodies about the neighbourhood of the huts, in a menacing manner (on one occasion to the number of 40), but were made to retire, without, however, having had either ball or shot fired at them, and without their having been in any degree injured. Their first appearance is dated from the day they were brought there by Mr.

\* No name inserted in the original.

NEW SOUTH  
WALES.

Encl. 1, in No. 48.

Mr. Protector Robinson himself. In the first week in January last, a stock-keeper riding within half a mile of the huts, was attacked by a large part of blacks, armed with spears and other weapons, who endeavoured to surround him and cut off his retreat to the huts towards which he was riding. They threw nearly a dozen spears at him, upon which he fired his gun over their heads without aiming at them; nothing daunted at this, they shouted in defiance, shook their weapons, and only retired on the appearance of two other men armed, who came out to the assistance of the stockman. On the 18th January a party of about 20 blacks came down to the stockyard at dawn of day, armed, but retired on the alarm being given. On the 24th of the same month, at 5½ A. M., a party of seven or eight blacks suddenly appeared at the stockyard at milking time, apparently divided into three parties, one of which came round either end, and the other through the middle of the stockyard. One of the parties (three natives) ran towards the overseer, who was standing unarmed close to the milking pen. He ran towards the huts, but seeing a large stake or top rail on the ground, he stopped to pick it up, and instantly received a severe spear wound on the right side, penetrating about four inches. He turned and struck one of the natives nearest to him a heavy blow on the head with the rail, which made him drop his spears and implements; upon which he ran off with his two companions. At the same instant the overseer received a spear wound in the left side from a party of blacks on the other side. He again inflicted a blow on the head upon the nearest native, who likewise dropped his arms and ran. By this time the alarm had reached the huts, and all the natives ran away upon the appearance of two armed persons. During this encounter a spear was also thrown (without effect happily) at the milkman, who was in the milking shed, from one of the party who were inside the stockyard. On the following day the blacks stole a horse, which was tethered close to the hut. In the same week they drove off two more horses, which were feeding close to the huts, and also made an attempt to get into the paddock where the remaining horses were now obliged to be kept. No man now dared move out of his hut unless well armed, and continual movements of the blacks frightened the cattle, and ruined the dairy. On the 1st of this month (February), a very few days after the preceding attack, a man was sent armed to watch a mob of cows which were running within half a mile of the huts, together with two horses. He had dismounted, and his horse was feeding by his side. Suddenly a black stole unawares behind his back, and pinioned his arms, while another seized his musket, and others drove off all the three horses (one of which, however, subsequently escaped and ran home). The blacks immediately prepared to kill the man, and gloated over the thoughts of his murder, patting him on the back, with a grin, and saying, "White fellows no good; must kill 'em." The black whom the overseer had wounded with the stave was one of the party. A black then aimed a blow at the man's head with a sangle, which happily turned in his hand, and hit him only with the flat side; another tried to shoot him with the musket, which he could not discharge. The man received a second blow as he was running away, and dropping his stock whip, he was providentially saved by their stopping to pick it up. Next morning a party was sent out in search of the horses, and they came upon the encampment just in time to see their flesh roasting at the fire and their bones scattered about. None of the blacks were seen; but they had decamped so hastily, as to have left all their spears and arms behind them.

Since this occurrence, a mob of about 60 cattle have been driven off; but many of them have been recovered, though some are believed to have been killed. The natives have evidently planned fresh attacks during the last week, prowling about the place at dawn of morning. On another occasion they threw spears from a distance at Dr. Kilgour himself. Under these circumstances, the whole property of the station is going to ruin. Five horses out of six being killed, the cattle cannot be watched; the calves are lost about the run, the dairy ruined, and no man's life is safe. These outrages have been committed on a station on which I have myself seen, within the last few days, hundreds of kangaroo, ducks, pigeons, and other birds, besides great quantity of fish, thereby removing every possible excuse of insufficiency of food for the blacks. Neither have they ever been maltreated, nor, on the other hand, needlessly encouraged. Their most common reply is, "You touch black fellow, Mr. Sievewright hang you." Under these circumstances, the danger both to life and property is urgent, more particularly as there are only two men upon the place, besides the overseer and his son. I therefore feel it my duty most earnestly to request that you will have the goodness to make a statement of the foregoing circumstances to the Government, not only on my own behalf, but also on that of the other settlers in the Port Fairy district, that no time may be lost in sending every available assistance, whether of the police or of the military, to that part of the country, in order to give protection to the lives and property of the settlers, and to prevent a state of open war between the two races, which must otherwise inevitably arise.

On Saturday the 5th instant, at dusk, a hut-keeper at an out-station of Mr. Rich's was barbarously murdered, known to have been done by the same party who attempted the life of my overseer and stockman, not in defence of his hut, for his musket was not loaded, but at the distance of 30 or 40 yards from the hut. He had five spears in his body, and his head was beaten to pieces. The hut was robbed of flour and other things.

On the 9th instant a very large party of blacks attacked an out-station of Mr. Whitehead's, and left the shepherd for dead, with three spear wounds, and a severe blow in the stomach. He was still alive when the circumstance was discovered. Three flocks of sheep were driven off, and 120 of them killed in a few hours.

At Mr. Burchett's a shepherd was shot at with ball, which whizzed close by him.

At

At Mr. Laughnan's party, headed by a tame black called Murray, drove off 120 sheep, and threatened to kill the shepherd. Kangaroo are most abundant on the station.

At Mr. Campbell's, at Port Fairy, they attacked the potatoe ground, set fire and burned the wheat, from 600 to 600 bushels, and threatened Mr. Campbell himself with spears.

A party of about 40 threatened his house during his absence.

A single black threatened to spear Mr. Campbell's sisters, if they refused him flour.

About seven miles from Port Fairy, a stout, tall black suddenly made his appearance before me on the road; made a signal to others who were near, and defied me to move along the road; but on my presenting a pistol at him, he drew aside, but hesitated whether to throw his spears or not. About two miles from Mr. Laughnan's also I was attacked by about 10 or 12 blacks, who endeavoured to surround me.

Many other outrages have occurred, and are occurring; and it is feared, with much reason, that the arrival of Mr. Sievewright with his blacks in the district will add greatly to the dangers and difficulties of the settlers, not only from the violent bearing of the blacks towards the whites, but also from the hostile encounters between the several black tribes themselves.

I have further to express my regret at the great length of my communication, which I hope the urgency of the case will pardon; and begging further that you will kindly communicate with his Honor the superintendent thereon,

I remain, &c.  
(signed) *Wm. Dallas Bernard.*

(No. 42/238.)

Sir,

Melbourne, 18 February 1842.

HAVING received your communication, dated the 16th instant, enclosing one from Dr. Bernard, reporting various aggressions at his and other settlers' property by the natives in the vicinity of Port Fairy, I have to state my regret at the distracted state of the district in question. I took it for granted that upon the receipt of previous information as to the aggressions of the natives in that quarter, you would have at once despatched a strong detachment of your police to the Western district.

This must be done immediately: the duty of affording, as far as practicable, protection to the settlers, under the circumstances detailed, is of paramount importance.

With regard to your recommendation that a strong party of soldiers should be immediately sent to the assistance of the settlers, and quartered in the different establishments about Mount Rouse, it is my duty to state that past experience leads me to differ from you in opinion as to the real benefit to be derived from such a course, and has shown me that there are strong objections to it.

However, when in that part of the country, you will be better able to judge in how far placing a party of the 80th regiment, now at Portland, in the troubled district will be advantageous; and I therefore enclose a despatch to the officer commanding, to request that should you call upon him as a magistrate to give you some assistance in making arrangements for the better preservation of order in the Port Fairy district, he would have the goodness to attend to your request, and place a non-commissioned officer and men at such a point as you may recommend, for the protection of the settlers.

I have, &c.  
(signed) *C. J. La Trobe.*  
Foster Fyans, Esq. Crown Commissioner  
for the Portland District, Geelong.

(No. 42/240.)

Sir,

Melbourne, 18 February 1842.

IN the event of an application being made to you by the Crown Commissioner of the Portland Bay district for assistance in taking measures to afford protection to the settlers in the vicinity of Port Fairy, who are now apparently more than ordinarily subject to attacks from the natives, I have the honour to request that you will despatch a steady non-commissioned officer, and such party of men as may be considered sufficient, to his assistance, placing them in such a position as may be considered advisable; and furnishing them with such orders as will satisfy you that the object, which is merely to afford the settlers protection in case of attack, will not be misunderstood nor departed from.

I have, &c.  
(signed) *C. J. La Trobe.*  
The Officer in Command of the  
Detachment of the 80th Regiment at Portland.

(No. 42/241.)

Sir,

Melbourne, 18 February 1842.

THE reports that I receive of the extremely troubled state of the Port Fairy district especially in the vicinity of Mount Rouse, where, I understand, the assistant protector has now taken up his station, leads me to request that you will proceed at once to that locality, to inquire into the real character of the outrages committed by the natives, and to report upon the same for the information of Her Majesty's Government.

I wish particularly to learn from you in how far Mr. Sievewright possesses the power of control over the natives by whom he is accompanied; in how far these are concerned in the outrages complained of; and what is the line of conduct adopted by Mr. Sievewright in reference to them

## PAPERS RELATIVE TO THE

NEW SOUTH  
WALES.

Encl. 1, in No. 48.

I should be glad if you will visit Dr. Kilgour's station and others in its neighbourhood, which seem from the reports received to be most exposed to the attacks of the natives, and take the statement of the different parties with reference to them.

G. A. Robinson, Esq. Chief Protector,  
Melbourne.

I have, &c.  
(signed) C. J. La Trobe.

Enclosure 2, in No. 48.

(No. 42/317)

Encl. 2, in No. 48.

Sir,  
Melbourne, 2 March 1842.  
REFERRING to my letter of the 19th February, on the subject of the attacks of natives at this time on the stations of settlers in the Western district, I regret to state that I have received a further communication from the police magistrate of Portland Bay, stating that a man named Thomas Bird was murdered on the 6th February at a station of Mr. Ritchie, near Port Fairy, by some aboriginal natives, who then robbed the hut of everything it contained, about 200 lbs. of flour, a quantity of tea, sugar, and other provisions, wool mattresses, blankets, and slops; a musket, 1 lb. of powder, and a quantity of balls and shot.

Mr. Blair further informs me, that on receiving intelligence of the murder, Mr. Henty accompanied him at once to the station, and held an inquiry on the body. It had been interred some days, but was still in a sufficient state of preservation to enable them to trace the wounds. There were six spear wounds in the chest and stomach, one through the neck, one through the forehead, and one through either eye, and the bone of the nose was split, apparently with a spear wound. Having no force, they were of course unable to take any steps for the apprehension of the murderers.

All Mr. Ritchie's out-stations have now been deserted, and the sheep brought into the homestead. The attack in question, it appears, was the third upon this station, and another had been also recently robbed.

Mr. Blair concludes by observing, that information was given to him at Mr. Ritchie's, that a second man had been speared at Dr. Kilgour's station; and that the five horses which had been taken from it had been found cut up into junks, near a native spring; and that 30 acres of wheat had been set on fire and burnt down by the aborigines, at Mr. Campbell's station, a day or two previous.

The Honourable the Colonial Secretary,  
Sydney.

I have, &c.  
(signed) C. J. La Trobe.

— No. 49. —

(No. 89.)

No. 49.  
Sir George Gipps  
to Lord Stanley.  
16 May 1842.

COPY of a DESPATCH from Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 16 May 1842.

WITH reference to my despatches, numbered and dated as in the margin, respecting outrages committed by or on the aborigines, in the neighbourhood of Portland Bay, or of Port Fairy, both within the district of Port Phillip, I have the honour to forward herewith a copy of a further letter from Mr. La Trobe, enclosing a report from the chief protector of aborigines, who had been sent to the parts of the country above mentioned to inquire into and report on these outrages.

Little additional light, however, appears to me to be thrown upon the subject by this report.

I have, &c.  
(signed) *George Gipps*.

Enclosure in No. 49.

(No. 42/539.)

Encl. in No. 49.

Sir,  
Melbourne, 26 April 1842.  
I HAVE the honour to forward to you, for his Excellency's information, a copy of the chief protector's report of his recent visit to the Port Fairy district, to which a list of the recent losses by the settlers has been appended by that gentleman.

His Excellency will observe, that Mr. Robinson traces most of these outrages, in the vicinity of Port Fairy, to one band of natives, under a native black of the name of Murray, for whose apprehension, I understand, a warrant was issued.

The Honourable the Colonial Secretary, Sydney.

I have, &c.  
(signed) C. J. La Trobe.

Sir,  
Chief Protector's Office, Melbourne, 9 April 1842.  
I BEG to report, for your Honor's information, the result of my proceedings during my late visit to Port Fairy, its neighbourhood, and the native establishment at Mount Rouse, and trust the same will meet with your Honor's approval.

On

On the 8th ultimo I left Melbourne, and proceeded (unattended) to the Western district. The Barabull blacks were in numbers at Cario; and on my way to the Barwing I met a party of Colijons, with whom I conversed. The brother of Yammening, the man murdered by Bonjon, was highly incensed, as indeed were the tribe, at his acquittal; and I was charged with being accessory thereto. They were alarmed, and felt apprehensive the Barabulls, who were powerful, would commit further aggressions upon them, as, since the death of Yammening, they had killed two Jarcoorts, and ill treated them, the Colijons. I promised I would do my best to prevent further mischief.

I called at the mission station; 25 natives, men, women, and children, were present. Leaving the mission, I proceeded by Lakes Colac and Carangamite, and arrived at Colour, the Mount Rouse of Mitchell, on the 15th March. At this spot the reserve for the blacks, and homestead for the assistant protector, have been fixed; and subsequent experience and observation have tended materially to confirm me in the choice of this locality. One thousand natives can be conferred with; and the greater part (under judicious management) would locate at the establishment. The soil is rich, and the pasture abundant; the water is good, and well supplied; and ample scope of country is to be met with to the south and west, no squatter being nearer than 20 miles. The country is wooded, with stony rises, and being without water is not likely to be taken up; and to the north there are but two squatters, 15 miles distant, and on the east none nearer than seven miles. The assistant protector arrived at Colover from Lake Farong on the 12th of last February, accompanied by 210 natives, viz. 69 men, 65 women, and 76 children. The number at the time of my visit was 264, viz. 91 men, 71 women, and 102 children.

The Boolucburers, a tribe belonging to Lake Boloke, came in the day of my arrival. The natives at the station were personally known to me: they expressed satisfaction at the arrangements making for their benefit; but they greatly need blankets and clothing, as, with few exceptions, they are destitute, and as the cold weather is setting in, covering of some description is desirable. On the 16th I selected the site for the homestead on an eminence at the northern base of the mount. I also marked and planned the settlement and building adjacent to the water. The huts at present are on a low flat, which at all times is objectionable, and ought never to be occupied when an elevated position can be obtained. With the majority of the outrages by the blacks the assistant protectors appeared unacquainted; but a revolting and cruel murder of three native women and a child by some white ruffians was brought under my notice. The blacks reported it to the assistant protector, by whom the circumstances were investigated; but I regret to add, that at present no information has been obtained that would lead to the apprehension of the murderers. I personally sought every opportunity to discover the guilty parties, but without effect. I have no doubt, from the numbers of persons said to have been engaged, that in a short time this atrocious deed will be discovered, and the murderers brought to condign punishment. I was informed by the assistant protector that, anterior to my arrival, the whole of the papers relating to this barbarous transaction had been transmitted to the Crown prosecutor at Melbourne; and hence I felt satisfied this painful business would be promptly brought under your Honor's notice, and every possible means adopted for the discovery of the guilty parties. The papers relating to this melancholy affair I do myself the honour to enclose. The wounded woman I saw. She was in a precarious state; and from the nature of the wounds I fear she will not recover, especially as no medical aid is afforded. A medical attendant is much required. Having in my possession a copy of Dr. Bernard's letter, forwarded by him through the Crown commissioner to the government of the colony, I resolved personally to visit every station therein enumerated; and for the particulars I beg to refer to the depositions herewith enclosed.

On the 18th I left Colover, and proceeded westward to Tapoc, the Mount Napier of Mitchell, accompanied by the assistant protector, his servant, and one aboriginal native, and thence to Mr. Cox's station, south of the Mount. This establishment was removed from Colover, and is under charge of a Mr. Brock. The run is good; and a spring of water, equal to that at Mount Rouse, has been discovered. A short time previous to my visit the natives had speared a shepherd; but I was glad to find the man convalescent. Subsequently a small number of natives, men, women, and children, came to the home station; the shepherd pointed out one as the man who speared him, at least he thought so. An attempt was made to capture him without effect; some shots were fired; the case has been misrepresented; women and children are seldom present on these occasions. On the 19th I visited Mr. Hunter's station, situated about six miles south of Cox's; Mr. H. was absent. The station had been robbed; two horses belonging to Mr. Hunter, and a policeman's horse belonging to government, had been stolen, and, was supposed, eaten by the blacks. Whilst in the neighbourhood I deemed it advisable to effect a communication with those natives, and on the 20th crossed a swamp to some strong rises, and succeeded in conferring with the blacks; they had a sort of village, and some of their habitations were of stone. I passed several stone and wooden weirs for taking fish, also places for snaring birds; their dwellings are among rocky fragments and loose crags, thickly wooded and bounded by swamps. This country extends to the coast a distance of at least 30 miles. To remove the natives from these fastnesses by means of horsemen would be impossible, and footmen would find it difficult to travel. The hooves and vertebra of a horse I found at an old native encampment. The natives were willing to go to Mount Rouse. Towards evening I returned to Mr. Hunter's station. The following morning, at sunrise, 30 natives, principally men, came to the station; I lost no time in sending these forward to Mount Rouse, and the assistant protector was ordered to see them on their journey. By the same opportunity the native messenger

NEW SOUTH  
WALES.

Encl. in No. 49.

messenger was sent back; the women and children had gone by another route. I had seen these natives on a former visit, and was recognised by them. On the 21st I reached Port Fairy, and was gratified to find that, so far from Mr. Campbell's charging the blacks with aggressions, that gentleman assured me that he was on better terms with them than ever. Formerly he had a man to watch his eight-acre paddock of potatoes, and then had to dig them before ripe; now his potatoes are seldom touched, and which is the more surprising, as this paddock adjoins a thick wood, and is near a native camp, and at least a quarter of a mile from a hut. He has natives continually about him, and finds them useful; indeed the natives, on several occasions, have protected his property against other tribes; horses belonging to him have been found in the bush, and brought home; and a man who had missed his way was conducted to the station. There were about 30 natives at Mr. Campbell's.

Last winter I conferred with at least from 300 to 400 natives at a large swamp, 12 miles east of the whaling station.—22d. Rode to Mr. Richie's, six miles west; took the depositions in the murder case, and returned to Port Fairy. In consequence of a report that an hired servant of Mr. Allan's was living with the natives, near the entrance of the Hopkins, I felt it my duty to proceed thither and have him removed, conceiving that such a connexion would lead to mischievous results. I was glad to find, on visiting the blacks, that at Mr. Allan's request they had sent him away. Mr. Allan is on good terms with the natives, and has them employed; I met about 60 natives on the coast; I conferred with them; they speak a different language to those in the interior. On the 27th visited Dr. Kilgour's, and took the depositions in the case of the outrage by the blacks; Dr. Kilgour was absent; five horses had been taken, station and men attacked, and two tons of potatoes stolen; the cattle were unmolested. On my way to Dr. Kilgour's I met six native men, who were friendly. Visited Loughnen's and Whitehead's stations on the Mere. Mr. Woolly's man lost at the Grampians is doubtful. I inquired of Knowles, Dr. Martin's overseer; but whether lost in the bush, or killed by natives, there is no proof. Mr. Carmichael's horse was eaten by the natives, as part of the remains was found at the native camp. Dr. Bernard's personal encounter with the blacks appears to have been a mistake, and which arose from the doctor's nonacquaintance with the native character: no harm was done, nor any intended; indeed, I find the settlers have treated the matter as a joke. I beg to add, that on the 18th a fine young man was murdered at Mount Rouse by another black; the spear was thrust through his body, and protruded nine inches beyond the abdomen. This murder was committed soon after I left the station, and without provocation; such crimes are deserving punishment. The outrages at Port Fairy, recently committed, were nearly all done by the same band, led on by a native named Puntkum, *alias* Mr. Murray. When Kilgour's station was first attacked, Murray was at Carmichael's; there is sufficient evidence to convict him, and, in consequence, I advised his apprehension; he is the same man that fired at Loughnen, and was the leader in sheep-stealing. These facts have been sworn to. No aboriginal native should be apprehended, unless a conviction can be obtained. The commissioner was accompanied by several troopers, among whom was Bonjon, the native lately tried for the wilful murder of Yammerwing. The outrages at Port Fairy commenced before the arrival of the native establishment from Farang; but, judging from the fact of the natives having stolen all the potatoes belonging to the government establishment at Farang, and having committed other thefts, as also speared cattle at the Mount Rouse station, and the circumstance of the assistant protector being unacquainted with the native language, leads me to think this officer has not that control over the natives which it is desirable he should have for the safe government of such a community. With the causes which have led to the commission of the outrages at Port Fairy I am unacquainted; but they may be supposed. 1. Evil example and bad advice is, no doubt, a primary one. This may be inferred from Robinson's evidence, who states that he always endeavoured to keep them away; but they were encouraged by the servants for sinister purposes; and on one occasion he saw a native woman coming from the splitter's hut; and Robinson informed me that he believed the servants had incited the natives to do him bodily harm. I visited Dr. Kilgour's station 12 months ago, and a more depraved set of servants I never met with; the stockman was Kelly, the noted horse-stealer. The Yower-cone-deets, the tribe belonging to the neighbourhood, I met at that time, about three miles from Dr. Kilgour's. There was a time when the natives of Port Fairy were remarkable for good conduct; Mr. Hunter employed them, and they slept in his hut. I believe no injury was done when Mr. H. was present. Loughnen had two men lost in the bush for some days; the natives fed them, and brought them safe to the station; and a man belonging to Mr. Maddocks informed me he had been lost near Mount Rouse, when the natives gave him food to eat, and a hut to sleep in, and next morning conducted him on his journey. Incidents of the kind mentioned are by no means uncommon. Settlers have borne testimony to the efficiency and willingness of the natives in showing them runs and water; and the natives have complained that, when they had done so, the settlers have driven them away. It is possible the natives were incited to acts of outrage by the nefarious portion of the white community. The splitters are a class that require control. In the thickest part of the bush, and miles from any station, they hold intercourse with the native women; a source of every mischief. A greater part of these men have been convicts; they are wiley; and it is seldom they are molested by the natives. 2. Another probable cause may be the want of food; for, notwithstanding what has been said to the contrary, this would appear to be the case, for it is a fact that the horses were eaten by the natives. The large quantity of kangaroo mentioned by Dr. Bernard I have not seen, although I have traversed the country



in every direction; but, indeed, were they abundant the white inhabitants would prevent their being taken, for the natives hunt in large bodies, and ignite the bush: this would scatter the flocks of the settlers in all directions. The supply of fish too, mentioned by Dr. Bernard, is purely imaginary, for the rivers mapped are in reality but a chain of water holes; and a large portion of the waters of the western district is saline; besides, the settlers are averse to the natives going to the water holes, lest their cattle be disturbed. (*Vide* Robertson's Evidence.) The attacks of the natives on the lives and property of the settlers are, I admit, irritating; they are deeply to be deplored; yet I have observed, that those settlers who have taken an interest in the welfare of the natives, who have fed and employed them, as Campbell at Port Fairy, the Messrs. Campbell at the Pyrenees, Linton, Baylie, Urquhart, M'Cloud, Black and Steel, and others, have seldom been injured by them; and I cannot help thinking were settlers in general to adopt a similar line of conduct towards the natives (now that an ample supply of immigrants have been furnished), they would find it their advantage. 3. There are, I know, among the aborigines, as in all communities, good and bad; the latter, no doubt, at times commit aggressions without provocation. Moral power is humane, and most effectual for controlling savage nations. Thus the axiom, "That prevention is better than punishment." On this principle I would recommend that native tribes in the thickly-settled parts of the province, and who mix with settlers, be placed under control. Such a system would be in strict accordance with the Right honourable the Secretary of State's instructions, which enjoin that the assistant protectors should travel among and sojourn with the natives. Some of these officers, however, appear averse to this kind of duty, and have not yet travelled. Under these circumstances I would suggest a more economical and probably a more efficient means, by the appointment of travelling overseers, as men of good character may now be engaged at 50 *l.* per annum, with rations. An agent of this description should be appointed to the Port Fairy district. He should have the oversight of the Nil-can-cone-deets, who are, if I mistake not, the most powerful tribe in that portion of the district. The Nil-can-cone-deets exercise a control and influence over the other tribes, as do the Wadourerers, or the Barabals, over the natives of the eastern portions of the district. It is desirable the natives should be under surveillance. The overseer should acquire the native language; he should travel among and sojourn with the tribe; he should gain their confidence, and control their proceedings. This is quite practicable. I testify to this, as I dwelt among and travelled with the natives for five months. At present the natives are not under the control it is desirable they should be; and hence aggressions are frequently perpetrated, which an agent of the kind mentioned would doubtless prevent. The native establishment at Colover, if properly conducted, would be found of great advantage and utility to the aboriginal natives and the white inhabitants. Three hundred natives have already located at the station, and a greater number might be obtained. A third of those natives are children; they are without instructors. A religious missionary, a medical attendant, and a schoolmaster, are required. It would be desirable to remove the convicts from that station; I am apprehensive they will do harm. Ex-convicts are equally objectionable; and none but men of good character should be employed on such establishments.

I beg to add, that 600 miles of country has been travelled over by me since my absence from head-quarters; and I was gratified to find, that at some establishments the old servants had been superseded by free immigrants.

His Honor Charles Joseph La Trobe, Esq.  
Superintendent, &c. &c. &c.

I have, &c.  
(signed) G. A. Robinson.

LIST of STATIONS visited at Port Fairy, with recent Losses by the Blacks.

| NAMES.               | LOSSES.   |
|----------------------|---|
| Mr. Campbell - - -   | None.   |
| Mr. Richie - - -     | 1 man killed, and hut robbed.                   |
| Mr. Allen - - -      | None.   |
| Mr. Hunter - - -     | 2 horses; hut robbed; policeman's horse stolen. |
| Dr. Kilgour - - -    | 5 horses stolen; station and men attacked.      |
| Mr. Longhner - - -   | 353 sheep stolen; Mr. Longhner fired at.        |
| Mr. Whitehead - - -  | Shepherd speared; 85 sheep stolen.              |
| Mr. Cox - - -        | Shepherd speared.                               |
| Mr. Carmichael - - - | Horse stolen.                                   |

(signed) G. A. Robinson.

NEW SOUTH  
WALES.No. 50.  
Sir Geo. Gipps to  
Lord Stanley.  
16 May 1842.Nos. 1842.  
51 - 11 March.  
59 - 17 March.  
66 - 1 April.  
89 - 15 May.29 March 1842.  
No. 1.21 April 1842.  
No. 2.

— No. 50. —

(No. 90.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 16 May 1842.

I REGRET to have occasion to bring under your Lordship's notice a further correspondence which I have had with Mr. La Trobe, on the subject of atrocities committed by the aborigines, or on them, in the Port Phillip district, the same being in continuation of my despatches named in the margin.

Mr. La Trobe, in a letter dated the 29th March last, of which a copy is herewith enclosed, transmits to me a copy of a representation (without date) which had been made to him by the settlers residing in the neighbourhood of Port Fairy, of the insecurity to life and property existing in that part of the Port Phillip district, in consequence of the aggressions of the blacks; also of the answer which he had returned to the gentlemen making this representation; and I beg to point out as especially worthy of notice, the passage in Mr. La Trobe's answer, in which he mentions an apparently unprovoked and atrocious murder of three defenceless aboriginal women and a child, by a party of white inhabitants, the report of which reached Mr. La Trobe at the very time that he received the representation from the settlers, to which he was replying.

Another enclosure in Mr. La Trobe's letter, consists of a copy of one which had been addressed to him (dated Mount William, March 1842) by Mr. Horatio Willis, a settler in the same district, equally complaining of the aggressions of the blacks.

I further transmit to your Lordship, a copy of the answer, which by my direction was returned by the Colonial Secretary to Mr. La Trobe's letter.

I cannot but draw your Lordship's attention to the complaints made by Mr. La Trobe, of the inefficiency of the protectors of aborigines, and to the paragraphs in my reply, which relate to the same subject. I am painfully convinced that the protectors have as yet effected no good that can be put in comparison with the irritation which they have created; though at the same time I feel very reluctant to put a stop to their proceedings, so long as the remotest hope can be entertained of a better result from their labours.

I have, &amp;c.

(signed) *Geo. Gipps*.

Enclosure 1, in No. 50.

(No. 42/434.)

Sir,

Melbourne, 29 March 1842.

Encl. 1, in No. 50.

RECURRING to my letters of the 15th February, No. 233, and 4th March, No. 317, bringing under his Excellency's notice the disturbed state of the western district, from the continual attacks of the natives upon the sheep and cattle stations, and the murder of a man at Mr. Richie's station, it is now my duty to forward a copy of a memorial which has been presented to me by a number of the settlers of the Port Fairy district, setting forth the great and increasing want of security to life and property, in consequence of the absence of any protection against the natives; and a list appended of the losses incurred by them within the two last months, from which it appears, that four men have been killed and seven wounded within the above period.

I enclose for his Excellency's information a copy of a reply which I have addressed to this communication.

It is also my duty to transmit a copy of a letter which I have since received from Mr. Wills of the Grampians, detailing the frequent attacks made in that quarter also, by the hostile bands of natives.

In soliciting his Excellency's immediate and serious attention to the present disturbed state of the western district of this colony, from the continual aggressions of the natives upon the lives and property of the settlers within the last two or three months, and the occurrence of one known act of vindictive retaliation by Europeans, I beg leave to make the following remark.

Without

Without pretending to determine the various causes that may have conspired to render the preventive measures adopted by the government by the appointment of a protector for the western district, of little or no avail, I cannot but consider it a complete failure; further, it would appear as though existing danger had been seriously aggravated by the course pursued by the assistant protector, in collecting from far and near a large number of natives, whom circumstances neither enabled him to employ nor feed; and over whom he could exercise neither physical nor moral control.

NEW SOUTH WALES.  
Encl. 1, in No. 50.

A catalogue of robberies and aggressions, in the adjacent stations, by parties of the natives so brought together, both in the vicinity of Mr. Sievwright's temporary station at Keelambut, and now in the vicinity of Mount Rouse, would convince his Excellency of this.

On the other hand, I fear that the demeanor of the protector towards the settler, has been in too many instances that of defiance rather than that of conciliation; and very much calculated to give the latter the impression that their interests were neither considered nor protected; thus fostering a spirit in the European residents, which it is the most anxious desire of the government to remove.

His Excellency is already aware, that as soon as the state of the Port Fairy district was made known to me, I requested the chief protector to proceed thither to inquire into the real character of the outrages committed by the natives, and to ascertain what line of conduct was pursued by Mr. Sievwright in reference to them.

18 Feb.

The Crown commissioner of the district, with the whole of the border police under his command, were also despatched to the disturbed district, under orders not to withdraw the troopers thence, until the disorders were repressed.

18 Feb.  
12 men.

He has been further directed, to consider his head-quarters permanently fixed to the eastward of the Lakes (Colac, &c.)

Further, in order to meet the exigency of the case, I have now in addition to two mounted police, sent some time since to the assistance of the police magistrate of the Grange, sent three others to act under the orders of the police magistrate at Portland. More it is quite out of my power to do. The whole of the strength of the mounted police in the district of Port Phillip at this date, exclusive of a sergeant and two troopers beyond its boundaries on the Hume River, only numbers 13 men and a non-commissioned officer.

I have, &c.  
(signed) C. J. La Trobe.

The Hon. the Colonial Secretary.

REPRESENTATION to His Honour C. J. La Trobe, Esq., by the Settlers and Inhabitants of the District of Port Fairy.

WE, the undersigned settlers and inhabitants of the district of Port Fairy, beg respectfully to represent to your Honour the great and increasing want of security to life and property which exists here at present, in consequence of the absence of any protection against the natives.

Their numbers, their ferocity, and their cunning, render them peculiarly formidable, and the outrages of which they are daily and nightly guilty, and which they accomplish generally with impunity and success, may, we fear, lead to a still more distressing state of things, unless some measures, prompt and effectual, be immediately taken to prevent matters coming to that unhappy crisis.

We would represent to your Honour, that where life and property are in constant hazard, there can be no prosperity, and that the hard-earned gains of the settler, his only recompense for a life of seclusion, are in these times of violence never to be counted his own for one moment. No immunity is to be purchased by kindness; such treatment only accelerates the fate it was meant to avert.

We would represent to your Honour that this district is eminently well qualified for the support of stock, as well as for the purposes of agriculture, and that a large population would be attracted here by these advantages, if the knowledge of this dreadful drawback did not oppose it.

Your Honour will doubtless learn with regret that some of our number intend leaving this district wholly and entirely, on account of the natives.

Their usually large number is swelled by the addition of those resident with the protector, and we are bound to say that these latter are in nowise better disposed towards the settlers than are the former, and their knowledge of our habits makes them still more dangerous as neighbours.

The enormous loss which this district has sustained within these few months in horses, cattle, and sheep, as well as the several attempts, some of them successful, made upon human life during that period, make it imperative on us, the sufferers, to lay these our circumstances before your Honour.

We esteem it our duty and privilege so to do, and sincerely hope that we shall not be disappointed in our expectation of receiving that protection from your Honour, of which we stand so much in need.

List of Outrages recently committed by Natives in the neighbourhood of Port Fairy:  
Man killed, 100 sheep taken, and hut robbed of everything it contained, including a double-barrelled gun, with ammunition.

NEW SOUTH  
WALES.

Encl. 1, in No. 50.

300 sheep and 100 tons of potatoes.

Five horses taken, and seven head of cattle killed; 56 calves; also 33 driven off; and two men wounded. The station has been attacked four times.

600 sheep taken, of which 130 were recovered; hut robbed, and two double-barrelled guns taken; 10 cows and 40 calves killed; hut attacked several times, and man severely wounded.

Three flocks attacked simultaneously, one of which was taken away, and the shepherd desperately wounded. The major part was eventually recovered; one man taken, but recovered.

200 sheep taken, and man speared.

Shepherd fired at.

Two horses taken, station attacked, and flock of sheep carried off, and shepherd dreadfully wounded.

Two horses killed, hut robbed, and men driven off the station.

Shepherd killed; found with a spear through his heart.

One horse taken.

30 sheep.

50 sheep.

250 sheep, and man wounded.

50 sheep.

260 sheep, and man killed.

300 sheep.

700 sheep taken, but mostly recovered.

180 sheep, station attacked and robbed, and hut-keeper severely wounded.

A very valuable bull killed, and a number of calves.

Six cows, three bullocks, 20 calves, man killed, and cattle driven off.

200 ewes, and 150 lambs.

450 ewes and lambs.

These losses have principally occurred within the last two months.

(No. 42/316.)

Gentlemen,

Superintendent's Office, Melbourne, 26 March 1842.

I HAVE had the honour to receive the memorial which you presented to me by the hands of Dr. Kilgour, setting forth the great and increasing want of security to life and property which exists at present in your portion of the western district, in consequence of the absence of any protection against the natives, accompanied by a list of losses incurred by certain of your number from attacks of the natives, during the last two months. It will be my duty to transmit the same for the information of his Excellency the Governor.

You will not doubt but his Excellency will peruse your statement with feelings of regret. That your losses are great, and the state of excitement in which many of you are kept, from the constant expectation of attack, exceedingly harassing, will readily be admitted. From my own knowledge of the circumstances under which many of you betake yourselves to the life of a settler, and my belief (which I hope never may be shaken), that in the case of the majority, these losses have been unprovoked by any proceeding on your part, beyond that of placing yourselves, and your property in circumstances of manifest peril, I consider that your position presents a strong claim upon the immediate attention of the government; but situated as you are, it is far easier to deplore your losses than to prevent them. The evils you complain of, are those which have everywhere accompanied the occupation of a new country inhabited by savage tribes. Even under circumstances far more favourable both to the settler who seeks for protection, and the Government desiring to afford it—for instance, where a well-defined frontier or neutral ground could be interposed between the civilized and uncivilized—I need scarcely remind you, how little real security has been enjoyed. Here there is not even such a line; the savage tribes are not only upon our borders, but intermingled with us in every part of this wide district. If I state this, it is to remind you, that whatever augmentation of the present means of protection be practicable, it will never fully meet the difficulties of your position.

That the presence of a protector in your district, and other means of prevention hitherto employed, have not succeeded better than they have done in repressing aggression or retaliation, and have failed to establish a good understanding between the natives and the European settlers, is greatly to be deplored.

As far as the local government has power, every practicable extension of these arrangements shall be made without delay; but, gentlemen, however harsh, a plain truth must be told, the destruction of European property, and even the occasional sacrifice of European life, by the hands of the savage tribes, among whom you live, if unprovoked and unrevenged, may justly claim sympathy and pity; but the feeling of abhorrence which one act of savage retaliation or cruelty on your part will rouse, must weaken, if not altogether obliterate every other, in the minds of most men; and I regret to state, that I have before me a statement presented in a form which I dare not discredit, showing that such acts are perpetrated among you.

It reveals a nightly attack upon a small number of natives, by a party of the white inhabitants of your district, and the murder of no fewer than three defenceless aboriginal women

women and a child, in their sleeping place; and this at the very time your memorial was in the act of signature, and in the immediate vicinity of the station of two of the parties who have signed it.

NEW SOUTH WALES.

Will not the commission of such crimes call down the wrath of God, and do more to check the prosperity of your district, and to ruin your prospects, than all the difficulties and losses under which you labour?

Encl. 1, in No. 50.

I call upon you as your first duty to yourselves, and to your adopted country, to come forward in aid of the authorities, to clear up the obscurity with which this deed is as yet involved; and purging yourselves, and your servants, from all knowledge of and participation in such a crime, never to repose until the murderers are declared, and your district relieved from the stain of harbouring them within its boundaries.

I have, &c.  
(signed) C. J. La Trobe.

To the Gentlemen signing a Representation without date, to His Honour the Superintendent, received by the hands of Dr. Kilgour.

Sir,

Mount William, March 1842.

I TAKE the liberty of addressing you, from the conviction that it is the best plan I can pursue in the present alarming state of this district, from the intrusions of the wild tribes of aborigines. Situate as this neighbourhood is, at a remote distance from magisterial authority, we are subjected to loss of life and property, without redress, unless we infringe the laws. We submit in many instances to loss of property without repining, but when life is at stake, unless some effectual means of lawful resistance be applied, we shall be compelled, in self-defence to measures that may involve us in unpleasant consequences. Until lately the natives of this neighbourhood have for the last 12 months, from the conciliatory measures used by the proprietors of stock, been pacific. Occasionally, however, for the last two months, our stations have been plundered, our stock driven off, and our men attacked by them. In my own case I took no steps to prevent the loss of property, till from property life was threatened, my shepherds rushed on by the natives, and threats of bloodshed held out by them; I then thought it high time to interfere. Strong parties from the distant tribes have made their appearance, and the lives of my people have been openly threatened and attempted. Now as I have frequently, at the hazard of my own life, used means to effect a good understanding with the natives in my immediate vicinity, I do not feel myself called upon to venture it again, unless with arms in my hands, to restrain the lawless and sanguinary incursions of distant predatory tribes. I am willing to concede the right of their hunting grounds to the original possessors, and my place for some considerable time back has been a general rendezvous for them; but I consider our late visitors as men whose destructive incursions place them beyond the pale of the law. The cattle-herd of my immediate neighbour, from 1,200 head, are now supposed not to exceed 600 on the run or its vicinity. They have been driven through the country, and within the last seven days he has had two of his best horses killed in endeavouring to collect them. This is too serious a loss to be submitted to with patience. The blacks of my neighbourhood assure me that the "wild blacks" have destroyed a considerable number, and have frequently urged me to go out with them to drive their enemies away from the cattle of my neighbour. They attacked my sheep, they have openly attacked my shepherds, and threatened the lives of those at my head station. This was more than I could submit to. A few evenings ago one of our "Lubras" having informed us that a certain black had been at the camp the previous night, and had expressed his determination to take the life of one of my shepherds, I thought I would endeavour to take him into custody. In order to avoid bloodshed I took but one man with me, and a native to pilot us. It was dark, about nine o'clock, when I came up to the fire, and being on foot, we approached the camp without being perceived. A feeble light was emitted by the dying fires, and I could distinguish nothing but a mass of blacks, with a great quantity of weapons around them. One glance at the numerous warlike implements convinced me that they were strangers. Without the slightest intention of hurting them, I stood on a log, at about the distance of a yard from some of the sleepers, and desired them, in their own language, to remain quiet. The man nearest sprang at me; I stepped back off the log, and fell over a stump into a large hole. At this critical moment the black stumbled also across the log on which I stood, but not having so heavy a fall as I had, was on his legs before me, and was making a second charge, when the man I had with me fired at and wounded him; not to hurt him much however, I am happy to state, but sufficient to cause him to fall back on the main body. Hearing the rustling of spears, but not wishing to injure the natives, I fired over their heads, and they retreated. It is utterly impossible to deal with such characters as you would with whites. To suppress the incursions of distant tribes forcible means must be resorted to; and we require a person in this vicinity with authority; with resolution to act promptly and sufficient to guard against any unnecessary exercise of force. It would take the whole time of a regularly constituted police force, and therefore the settlers here expect no such measure. An unpaid magistrate, with special constables, would do much better, being always on the ground, acquainted with the country, and with the natives of their own vicinity; such a force could always act promptly.

Before I conclude this abrupt address, I beg to point out to your Honor the injury inflicted

NEW SOUTH  
WALES.

Encl. 1, in No. 50.

fricted on the grazing interests of the colony by the present method of granting black reserves. The finest stations are usually selected, and from the manner in which the selection is made, and its extent, it destroys all confidence in the sheep farmer. I am told that the principal protector, Mr. Robinson, has pitched upon the head station of Mr. Kirk as a black reserve; and as such a reserve embraces the lands for six miles on every side, it will render useless the runs of Kirk, Thompson, Bunburry, and myself; and I have no doubt if such large limits are assigned, that it will cause, and it has caused, immense loss to individuals, and will be very detrimental to the best interests of the colony.

Let the blacks have the country unmolested to range upon; but I trust that such a hurtful system of extensive reserve will not be persisted in.

From a severe fall which I met with a few days ago, your Honour, I hope, will pardon the manner in which this letter is written, and I trust will receive my observations in the same spirit in which they are tendered.

His Honour C. J. La Trobe, Esq.  
&c. &c. &c.

I beg, &c.  
(signed) *Horatio Wills.*

Enclosure 2, in No. 50.

Encl. 2, in No. 50.

Sir,

Colonial Secretary's Office, Sydney, 21 April 1842.

I HAVE had the honour to receive, and to submit to the Governor, your letter of the 29th ultimo, reporting the murder of three aboriginal women and a child, by a party of eight white men, near Mount Rouse; and in reply I am directed by his Excellency to inform you, that he approves of your proceedings in having offered a reward for the discovery of the perpetrators of this murder, and of the other steps which you took in respect to it; but that he has thought it right to increase the reward from 50*l.* to 100*l.*, and to substitute a free pardon, with a passage to England, for a conditional pardon.

I beg to refer your Honour to the notice published in the Government Gazette of the 19th instant.

His Honour the Superintendent,  
Port Phillip.

I have, &c.  
(signed) *E. Deas Thomson.*

— No. 51. —

No. 51.  
Sir Geo. Gipps to  
Lord Stanley.  
16 May 1842.

(No. 91.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord Stanley.

My Lord,

Government House, Sydney, 16 May 1842.

CONNECTED with the subject of my despatches of this day's date, Nos. 89 and 90, I forward herewith a copy of a letter addressed to the Colonial Secretary of this colony, by Mr. La Trobe, representing to me in a more formal manner than he had theretofore done, the inefficiency of the department which was organized in 1839 in the district of Port Phillip for the protection of the aborigines.

When this letter reached me, I entertained doubts as to the necessity or propriety of forwarding it to your Lordship; but since I have received from Mr. La Trobe the additional information contained in the papers forwarded with my despatches above alluded to, of this day's date, I feel that I ought not to withhold it.

With the exception of the chief protector (Mr. Robinson), it would be difficult, I think, to find men less equal to the arduous duty of acting as protectors of the aborigines, than those who were selected for this purpose in England in the year 1838; and the chief protector, though efficient as far as his own mode of holding intercourse with the blacks is concerned, is quite unequal to the control of what is becoming a large and expensive department: and moreover he is already advanced in years, and far beyond the prime of life.

The course pursued by the protectors, has been; as far as I am able to form a judgment of it, one from the beginning, of feeble action, and puling complaint. With power in their hands to command the respect of the settlers, they have failed to make themselves respected; and I greatly fear that their measures have tended rather to increase than allay the irritation which has long existed between the two races.

I have, &c.  
(signed) *Geo. Gipps.*

March 4, 1842.

Enclosure in No. 51.

(No. 42/305.)

Sir,

Melbourne, 4 March 1842.

Encl. in No. 51.

In connexion with the subject of my communication of the 1st of February, No. 156 and its enclosures, I consider it my duty to present the following brief remarks upon the existing arrangements for the protection and civilisation of the aboriginal natives, to his Excellency's notice :

It is now full three years since the five gentlemen, selected by the Secretary of State as chief and assistant protectors, arrived in this district.

I am not disposed to assert that absolutely no good has accrued from their appointment, or that their efforts have been altogether misdirected or fruitless ; but, considering that ample time has now been allowed to test the real merits of the arrangements under which they have been supposed to labour, and the aptness of the instruments employed for the work, I feel no hesitation in stating my belief, that all the advantages that may have resulted from the formation of the department might have been secured by far more simple and unpretending machinery ; and moreover, that in many respects its internal structure, and the anomalous character of the duties undertaken by it, have added greatly to the inherent difficulties of the enterprise.

In my communication of the 15th of January 1840, No. 66, it was my duty to report the total inefficiency of the department, 12 months after its formation ; and to account for that inefficiency in the best manner I was able. Could I gather from the two years' experience since gained that I had been deceived in the views taken at first sight of the experiment, and its probable fruits, I should be exceedingly happy to recall my opinion. This, however, I am unfortunately unable to do : at this date the same want of harmony, the same absence of system in details, and of co-operation in pursuance of the object in view, and the same spirit of internal distrust and dissatisfaction are to be remarked.

It follows that no result, commensurate with the importance assumed by the department, with the magnitude of the object aimed at, or even with the expense incurred, can be looked for.

In little more than three years a sum exceeding 16,000 L. has passed into the hands of the department ; and this outlay has neither contented the individuals composing it, nor been of any essential benefit to the aboriginal natives.

The local government possesses no really satisfactory guarantee, that the means placed at the disposal of the assistant protectors are in all cases wisely and carefully employed, to the real advantage of the natives.

Though the amount of correspondence between the chief protector and his assistants, and with the local government, is exceedingly heavy, it is impossible, after the most careful sifting, to glean from it any quantity of really valuable and trustworthy information, capable of being employed in taking those important steps for the better government of the natives, in their various relations to one another, or to the Europeans, which are so imperatively called for.

At this date correct information, even with regard to the numbers, position, and character of the various tribes within the district, or upon its borders, has not been furnished.

A conviction that but few men in ordinary life are to be found capable of performing with judgment and success, the varied duties imposed upon the assistant protectors, may perhaps relieve me from the disagreeable duty of examining closely, the internal structure of the department, and disclosing how far the want of success is to be charged upon the character of the individuals of which it is composed.

I trust, however, that his Excellency will, from his own knowledge of the indifferent working of the present plan, allow that I only do my duty after three years' trial, in calling his direct and most serious attention to the facts here stated, and requesting to be informed in how far his Excellency may consider himself justified in sanctioning another arrangement, and a complete change of system.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) C. J. La Trobe.

£. 16,000.

— No. 52. —

(No. 92.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 16 May 1842.

IN my despatch of this day's date, No. 90, I pointed out as especially worthy of notice, a passage in Mr. La Trobe's answer to a representation made to him by some gentlemen residing near Port Fairy, in which allusion was made to the atrocious murder of three aboriginal women and a child, supposed to have been committed by some persons of European origin ; I herewith transmit a

627.

F. F.

copy

No. 52.  
Sir Geo. Gipps to  
Lord Stanley.  
16 May 1842.

29 March 1842.  
No. 1.

NEW SOUTH  
WALES.

21 April 1842.  
No. 2.

copy of an official letter from Mr. La Trobe on the same subject, wherein he informs me that he had offered a reward of 50 *l.* for the discovery of the perpetrators of this murder, or a conditional pardon if information leading to such discovery, should be given by any person suffering under a sentence of transportation; and I further enclose a copy of the answer which I caused to be returned to Mr. La Trobe, desiring the offered reward might be increased to 100 *l.*, and the promise held out to any convict, should be that of a free pardon instead of a conditional one.

I regret to be forced to add, that nothing has yet come to my knowledge tending to throw light on this abominable deed.

I have, &c.  
(signed) *George Gipps.*

Enclosure 1, in No. 52.

No. (42/435.)

Sir,

Melbourne, 29 March 1842.

Encl. 1, in No. 52.

Pwe-bin-gan-nai,  
Calangamite.

It is my duty to enclose for his Excellency's information, copy of a communication addressed by Mr. Assistant Protector Sievwright, to the Crown prosecutor, giving that officer information, that on the afternoon of the 24th February, two aboriginal natives named in the margin returned to the encampment near "Mount Rouse," which they had left with their families on the 22d of that month, and reported, that late on the previous evening, while they, with their wives, two other females, and two children, were asleep, a party of eight white people on horseback surrounded them, dismounted, and fired upon them with pistols; that three women and a child had been thus killed, and the other female so severely wounded as to be unable to stand, or to be removed by them.

The assistant protector further states that he repaired to the spot, found the bodies, and drew up the enclosed report of the wounds upon the same, in the presence of the two nearest settlers.

I have received no further information with reference to this detestable murder, but what is to be gathered from this document.

Immediately, however, that it was brought under my notice, I sent two troopers to the westward with despatches for the chief protector and Crown commissioner, who are both at this time in the vicinity of "Mount Rouse;" and also to the police magistrates of the Grange, and Portland, urging the adoption of the strongest measures to discover the perpetrators of the murder. Further, as I considered the circumstances of the case would fully justify the measure, I published a notice, offering in his Excellency's name, a reward of 50 *l.* to any free person or persons who might give such information as should lead to the conviction of any of the guilty parties; and stating, moreover, that if such information were given by a prisoner of the Crown, application would be made to Her Majesty for the allowance to him of a conditional pardon.

His Excellency may remain satisfied, that every practicable effort shall be made to bring the murderers to justice.

It appears to me impossible but some clue must be found to lead to their detection, if proper steps are taken by the authorities charged with the duty.

The Honourable the Colonial Secretary.

I have, &c.  
(signed) *C. J. La Trobe.*

(No. 42.)

Western Aboriginal Establishment,  
Tholor, 26 February 1842.

Sir,

Pwe-bin-gan-nai,  
Calangamite.

I HAVE the honour to report that on the afternoon of the 24th instant, two aboriginal natives, named in the margin returned to this encampment, which they had left with their families on the 22d, and reported "that late on the previous evening, while they with their wives, two other females, and two children, were asleep at a tea tree-acrub, called One-oderang, a party of eight white people on horseback surrounded them, dismounted, and fired upon them with pistols; that three women and a child had been thus killed, and the other female so severely wounded as to be unable to stand or be removed by them;" they had saved themselves and the child, named "Uni-bicqui-ang" by flight, who was brought to this place upon their shoulders.

At daybreak yesterday I proceeded to the spot indicated, and there found the dead bodies of three women, and a male child about three years of age; and also found a fourth woman dangerously wounded by gunshot wounds, and severely scorched on the limbs by the discharge of the fire-arms.

Having



Having proceeded to the station of the Messrs. Osbrey and Smith, distant about 700 yards from where the bodies were found, and requested the presence of those gentlemen as witnesses, I proceeded to view the bodies, upon which were found the wounds as set forth in the accompanying report.

All knowledge of this barbarous transaction is denied by the proprietors, overseer, and servants at the home station, so near to which the bodies were found, nor have I as yet obtained any information which may lead to the discovery of the perpetrators of these murders.

James Croke, Esq., Crown Prosecutor,  
&c. &c. &c.

I have, &c.  
(signed) C. W. Sievewright.

Encl. 1, in No. 52.

DESCRIPTION of Gun-shot Wounds upon the Bodies of Three Aboriginal Woman and One Male Child found Dead, and an Aboriginal Woman founded Wounded, in a Tea-tree Scrub, near the Station of Messrs. Osbrey and Smith, Portland District, upon the 25th February 1842, by Assistant Protector Sievewright.

No. 1. RECOGNISED by the assistant protector as "Wooi-gouing," wife of aboriginal native "Pui-bin-ganneie;" one gun-shot wound through the chest (a ball), and right thigh broken by a gun-shot wound (a ball).

No. 2. Child (male); one gun-shot wound through the chest (a bullet), left thigh lacerated by some animal.

No. 3. Woman big with child; one gun-shot wound through the chest (a bullet), left side scorched.

No. 4. Woman; gun-shot wound through abdomen (a bullet), by right hip; gun-shot wound, left arm broken (a bullet).

No. 5. Woman wounded; \* gun-shot wound in back (a ball), gun-shot through right hand (a ball).

Recognised as Neal-sowchee, widow.

Recognised as Canayer, widow; mother of child saved.

\* Wonigoniber.

(signed) C. W. Sievewright, J. P.

(signed) Thomas Osbrey, Witness.  
(signed) S. Smith, Witness.

Bush, near Station of Messrs. Osbrey and Smith,  
25 February 1842.

Enclosure 2, in No. 52.

(No. 198.)

Sir,

Colonial Secretary's Office, Sydney, 21 April 1842.

Encl. 2, in No. 52.

I HAVE had the honour to receive and to submit to the Governor your letter of the 29th ultimo, reporting the murder of three aboriginal women and a child, by a party of eight white men, near Mount Rouse; and in reply, I am directed by his Excellency to inform you, that he approves of your proceedings in having offered a reward for the discovery of the perpetrators of this murder, and of the other steps which you took in respect to it; but that he has thought it right to increase the reward from 50*l.* to 100*l.*, and to substitute a free pardon, with a passage to England, for a conditional pardon.

I beg to refer your Honor to the notice published in the Government Gazette of the 19th instant.

His Honor the Superintendent,  
Port Phillip.

I have, &c.  
(signed) E. Deas Thomson.

— No. 53. —

(No. 94.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley,

My Lord,

Government House, Sydney, 20 May 1842.

No. 53.  
Sir Geo. Gipps to  
Lord Stanley.  
20 May 1842.

In my despatch, No. 50, of the 11th March last, I transmitted the various reports from persons employed in the protection of the aborigines of this colony, called for by Lord J. Russell's despatch, No. 132, of the 25th August 1840, with the exception of the reports from the five commissioners of Crown lands, which I stated had not then reached me.

627.

F F 2

I herewith

NEW SOUTH  
WALES.

Lachlan District.  
No. 1.  
Port Macquarie  
District.  
No. 2.

220

PAPERS RELATIVE TO THE

I herewith transmit two of the missing reports; and I beg to inform your Lordship, that I have caused a communication to be addressed to each of the three commissioners whose reports are still wanting, informing them that I have been obliged to report their negligence to the Secretary of State; and that I have given an order for their salaries to be suspended until their respective reports may be received.

I think it right, however, to add, that these officers are all employed in very remote districts, and that the communication with them is at all times uncertain.

I have, &c.  
(signed) *Geo. Gipps.*

Enclosure 1, in No. 53.

Sir,  
Border Police Office, Binalong, 12 March 1842.  
Encl. 1, in No. 53. In reply to your letter of the 2d July 1841, calling for certain returns respecting the aborigines, I have the honour to forward the accompanying reports upon the natives of this colony, for the information of his Excellency the Governor.

To the Honourable the Colonial Secretary,  
&c. &c. &c.  
I have, &c.  
(signed) *Edgar Beckham,*  
Commissioner of Crown Lands, Lachlan.

REPORT.

I do not consider the condition of the natives likely to improve in any essential manner, owing, in my opinion, chiefly to their great dislike to remain for any considerable period at any fixed place of residence. If they could be persuaded to give up their present wandering habits for a more settled life, and closer intercourse with Europeans, it would tend very materially towards changing their present condition for the better.

There are from 700 to 800 blacks in the Lachlan district, extending down the right bank of the Murrumbidgee River to the south, and the left bank of the Lachlan River to the north.

The blacks have no particular place of residence; they are usually wandering up and down the banks of the rivers, in parties varying in numbers, and generally encamp in the vicinity of the settlers' stations. The Lachlan blacks occasionally cross over the country to the Murrumbidgee River, and those of the Murrumbidgee visit the Lachlan, but this only occurs for the purpose of holding some jubilee.

With regard to the social condition of the aborigines, they lead a wandering, wild life. The men have their wives, called gins; they frequently change their gins, and many fights take place between the different tribes in consequence of the men stealing the gins from each other. I have heard that the women sometimes kill their children, but could never find it out, and if they do, it must be in very few instances.

The present state of the natives is somewhat better than formerly, owing to the kind treatment they experience from government, in allowing different articles to be issued to them, particularly blankets, which they value very much. The settlers are also extremely good to them, especially in the Lachlan district, in occasionally killing a bullock, and issuing it out to them; this tends, in a very great degree, in preventing the aborigines from spearing and driving the cattle off their runs, and consequently prevents many disputes that otherwise might occur between the natives and Europeans in charge of the stock.

The blacks appear to have a very great dislike to hard work, or to remain long at one particular station, which is the cause of their not being employed by, or having that intercourse with the settlers which would tend so much towards their civilization, and give their future prospects a greater probability of improving. From their present mode of living, I do not consider there is any great hope of the future prospects of the aborigines being much better; and I think, as the colony becomes inhabited, they gradually disappear.

(signed) *Edgar Beckham,*  
Commissioner of Crown Lands, Lachlan District.

Enclosure 2, in No. 53.

Encl. 2, in No. 53.

ABORIGINES.

LITTLE change has taken place in the natives of this district, or the Clarence River; the natives at the last-named place have shown no inclination to communicate with the whites; since the unprovoked murders committed by them, they continue to traverse the coast during the season favourable for fishing, and the interior during the hunting season, and to plunder whenever they have a chance. Such has been the kind feeling manifested by the white people towards them, that clothing and provisions are the only incitement to the outrages committed by them. On the M'Leay River they are far more civilized, and remain longer in one place; this is entirely owing to the good understanding and confidence subsisting between the whites and themselves. They are chiefly employed by the whites in hunting, fishing, going errands, and seeking crooked timber, and such other as may be required by the shipbuilders. Their numbers are fast decreasing: six of the best and most civilized blacks I have ever known have died within the last year; one killed in open combat, one treacherously murdered by an adverse tribe, and the others by the common course of nature, all exceedingly regretted by the white people. I do not think that 150 blacks occupy the space between Wabbra and Trial Bay, a distance of 80 miles. As yet, little is known of the blacks on the Hambuckra; in consequence of the late attacks on the sawyers, they keep out of sight, waiting an opportunity of a successful attack for provisions. The blacks of Trial Bay are, or appear to be, highly incensed against them, fearful, as they say, lest such outrages should be attributed to the Trial Bay tribe.

The transactions of the last year as regarded the blacks, having been a subject that has been investigated and reported upon; I shall merely state, that I continue of the same opinion as expressed by me on a late occasion, that the distribution of tools and implements to the tribes is likely to check their depredations and encourage industry,

Commissioner of Crown Lands Office,  
M'Leay River, 22 March 1842.

(signed H. Oakes,  
Commissioner of Crown Lands.

— No. 54. —

(No. 225.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

No. 54.  
Lord Stanley to  
Sir George Gipps.  
20 Dec. 1842.

Sir,

Downing-street, 20 December 1842.

I HAVE the honour to acknowledge the receipt of your despatches of the dates and numbers mentioned in the margin, reporting the information which has reached you in respect to the aboriginal tribes of New South Wales, and the result of the attempts which have been made, under the sanction of Her Majesty's Government, to civilize and protect these people.

I have read with great attention, but with deep regret, the accounts contained in these despatches. After making every fair allowance for the peculiar difficulty of such an undertaking, it seems impossible any longer to deny that the efforts which have hitherto been made for the civilization of the aborigines have been unavailing; that no real progress has yet been effected, and that there is no reasonable ground to expect from them greater success in future. You will be sensible with how much pain and reluctance I have come to this opinion, but I cannot shut my eyes to the conclusion which inevitably follows from the statements which you have submitted to me on the subject.

Your despatch of the 11th March last, No. 50, contains an account of the several missions up to that date, with reports likewise from the chief protector and his assistants, and from the Crown Land Commissioners. The statements respecting the missions, furnished not by their opponents, nor even by indifferent parties, but by the missionaries themselves, are, I am sorry to say, as discouraging as it is possible to be. In respect to the mission at Wellington Valley, Mr. Gunther writes in a tone of despondency, which shows that he has abandoned the hope of success. The opening of his report is indeed a plain admission of despair; I sincerely wish that his facts did not bear out such a feeling. But when he reports, that after a trial of ten years only one of all who have been attached to the mission "affords some satisfaction and encouragement;" that of the others only four still remain with them, and that these continually absent themselves, and when at home evince but little desire for instruction; that "their thoughtlessness, and spirit of independence, ingratitude, and want

|     |               |
|-----|---------------|
| No. |               |
| 50, | 11 Mar. 1842. |
| 89, | 16 May -      |
| 90, | 16 - -        |
| 91, | 16 - -        |
| 94, | 20 - -        |

Page 156.

NEW SOUTH  
WALES.

of sincere, straightforward dealing, often try us in the extreme;" that drunkenness is increasing, and that the natives are "gradually swept away by debauchery and other evils arising from their intermixture with Europeans," I acknowledge that he has stated enough to warrant his despondency, and to show that it proceeds from no momentary disappointment alone, but from a settled and reasonable conviction.

Nor do the other missions hold out any greater encouragement. That at Moreton Bay is admitted by Mr. Handt to have made but little progress, as neither children nor adults can be persuaded to stay for any length of time; while that at Lake Macquarrie had, at the date of your despatch, ceased to exist, from the extinction or removal of the natives formerly in its vicinity. The Wesleyan missionaries at Port Phillip, notwithstanding an expenditure in 1841 of nearly 1,300*l.*, acknowledge that they are "far from being satisfied with the degree of success which has attended our labours," and "that a feeling of despair sometimes takes possession of our minds, and weighs down our spirits," arising from the frightful mortality among the natives.

In the face of such representations, which can be attributed neither to prejudice nor misinformation, I have great doubts as to the wisdom or propriety of continuing the missions any longer. I fear that to do so would be to delude ourselves with the mere idea of doing something; which would be injurious to the natives, as interfering with other and more advantageous arrangements; and unjust to the colony, as continuing an unnecessary and profitless expenditure.

To this conclusion I had been led by your despatch, No. 50, but anticipating that the protectorate system would promise more beneficial results, I postponed my instructions in the matter until I should receive some further information.

Your despatches of the 16th and 20th May have furnished that further information, although they contradict the hopes which I had been led to entertain. After the distinct and unequivocal opinion announced by Mr. La Trobe, supported as it is by the expression of your concurrence, I cannot conceal from myself that the failure of the system of protectors has been at least as complete as that of the missions.

I have no doubt that a portion of this ill success, perhaps a large portion, is attributable to the want of sound judgment and zealous activity on the part of the assistant protectors. Thus the practice of collecting large bodies of the natives in one spot, and in the immediate vicinity of the settlers, without any previous provision for their subsistence or employment, was a proceeding of singular indiscretion. That these people would commit depredations rather than suffer want, and that thus ill-blood, and probably collisions, would be caused between them and the settlers, must, I should have thought, have occurred to any man of common observation; and no one could have better reason than Mr. Sievwright to know his utter inability to control them. When such a course could be adopted, I am not surprised at your opinion that the measures of the protectors have tended "rather to increase than allay the irritation which has long existed between the two races."

But after allowing for the effect of such errors, and for the possibility of preventing their recurrence, there is yet enough in Mr. La Trobe's reports to show that the system itself is defective, at least in the hands of those whose services we are able to command. I am unwilling, at this distance from the scene, and without that minute local knowledge which is essential, to give you any precise instructions as to the course which under present circumstances should be pursued: but I have the less hesitation in leaving the matter in your hands, because your whole correspondence shows that no one feels more strongly than yourself the duty as well as the policy of protecting, and, if possible, civilizing these aborigines, and of promoting a good understanding between them and the white settlers. At present, though I am far from attributing to the white settlers generally an ill disposition towards the natives, there is an apparent want of feeling among them, where the natives are concerned, which is much to be lamented. Outrages of the most atrocious description, involving sometimes considerable loss of life, are spoken of, as I observe in these papers, with an indifference and lightness which to those at a distance is very shocking. I cannot but fear that the feeling which dictates this mode of speaking, may also cause the difficulty in discovering and bringing to justice the perpetrators of the outrages which from time to time occur. With a view to the protection of the natives, the most essential step is to correct the temper and tone adopted towards them by the settlers.

Page 156.

Pages 208. 212.  
216. 219.

NEW SOUTH  
WALES.

settlers. Whatever may depend on your own personal influence, or on the zealous co-operation of Mr. La Trobe, will I am sure be done at once, and I will not doubt that your efforts in this respect will be successful. In regard to the missions and the protectors, I give you no definite instructions. If at your receipt of this despatch you should see no greater prospect of advantage than has hitherto appeared, you will be at liberty to discontinue the grants to either as early as possible; but if circumstances should promise more success for the future, the grants may be continued for such time as may be necessary to bring the matter to a certain result. In the meantime, agreeing as I do in the general opinion, that it is indispensable to the protection of the natives that their evidence should, to a certain extent at least, be received in the courts of law, I shall take into my consideration the means by which this can be effected in the safest and most satisfactory manner.

I cannot conclude this despatch without expressing my sense of the importance of the subject of it, and my hope that your experience may enable you to suggest some general plan by which we may acquit ourselves of the obligations which we owe towards this helpless race of beings. I should not, without the most extreme reluctance, admit that nothing can be done; that with respect to them alone the doctrines of Christianity must be inoperative, and the advantages of civilization incommunicable. I cannot acquiesce in the theory that they are incapable of improvement, and that their extinction before the advance of the white settler is a necessity which it is impossible to control. I recommend them to your protection and favourable consideration with the greatest earnestness, but at the same time with perfect confidence; and I assure you that I shall be willing and anxious to co-operate with you in any arrangement for their civilization which may hold out a fair prospect of success.

I have, &c.  
(signed) Stanley.

— No. 55. —

(No. 136.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord, Government House, Sydney, 30 July 1842.  
I HAVE the honour herewith to forward a copy of a letter from Mr. La Trobe, enclosing a report which had been made to him from the Rev. Mr. Tuckfield, one of the members of the Wesleyan mission to the aborigines, established in the Port Phillip district.

Mr. Tuckfield's report gives an account of his visit to the junction of the Goulburn and Murray rivers, and may tend to illustrate the efforts which are now making in this colony for the civilization and improvement of the aborigines.

I have, &c.  
(signed) Geo. Gipps.

No. 55.  
Sir George Gipps  
to Lord Stanley.  
30 July 1842.

4 July 1842.

Enclosure in No. 55.

(No. 42/873.)

Sir, Melbourne, 4 July 1842.  
I HAVE the honour to forward to you, for his Excellency's satisfaction, copy of a detailed report which I have received from the Rev. Mr. Tuckfield of his visit to the country at the junction of the Goulburn and the Murray, whither I had requested him to proceed, with a view to obtain personal information on the character of the tribes frequenting it, and of deciding upon the propriety of forming a mission station there at an early period, as mentioned in my letter of the 4th of April, No. 438.

Encl. in No. 55.

The Hon. the Colonial Secretary.

I have, &c.  
(signed) C. J. La Trobe.

NEW SOUTH  
WALES.

Encl. in No. 55.

Sir,

Bunting Dale, Geelong, 20 May 1842.

I beg permission to acknowledge the receipt of your Honor's communication, dated the 29th March 1842, No. 42; and also to lay before your Honor a report of my proceedings during my recent visit to the River Murray, with the views I have been led to entertain respecting the aborigines of this very important locality.

In compliance with your Honor's wishes, expressed in the above-mentioned communication, I proceeded at once to the aboriginal station on the Goulburn River. Mr. Le Souef, the officer in charge, received me with much cordiality, and attached to my small party two aboriginal natives and a white man, with a dray and two bullocks, and supplied me with some stores for the journey. During my short stay at this station I had the opportunity of witnessing its operations and of administering the ordinances of religion; and, as far as the temporal department of the establishment is concerned, to me it was highly satisfactory. There were about 40 natives on the station at the time, all of whom appeared to be attentive to its regulations, and the amount of labour performed speaks well for their progress in civilization.

In five days after I left Mr. Le Souef's station I crossed the Goulburn, 10 miles from its junction with the Murray, and fixed my encampment on the left bank of the latter river, where I remained a week; during which time I had an introduction to two important tribes, and examined most minutely the country on either side of the river for about 20 miles up, from its junction with the Goulburn. The lay of the country, for the most part, is particularly flat, thickly studded with trees. The quality of the soil is very inferior, being of a very close, stiff clay, intermixed with small patches of yellow loam and sand. On the banks of the river, near the water's edge, and in some of the hollows, are to be found reaches of superior forest forage. The most remarkable feature in the character of the country to the north of the Murray is a sandy range, which runs in a north-westerly direction to an extent not yet discovered. It commences about three miles to the south of the river, and continues unbroken except by the Murray, which passes through it. This range, covered only by a rich carpeting of grass, rises from 40 to 60 feet above the forest on either side, and is about half a mile in width. Here the kangaroo and stately emu are seen grazing during the day on its table tops, while at night they repair to the forest for shelter. These, however, are already moving toward the distant interior, as the fleecy charge of the white man approaches. In following up the river for about 20 miles, I came upon a fine flat of considerable extent, and called by the natives "Mo-re-a." This flat is the principal haunt of a small tribe, who were gone at the time to the Murrumbidgee on a visit, and were not expected to return for two months. The natives say that this flat is inundated every winter by the overflowing of the Murray. The low parts of it are intersected with fish fences of brushwood, displaying remarkable ingenuity in their methods of fishing, and presenting admirable facilities for subsistence to the amphibious habits of this people.

After distributing a few presents to the natives, consisting of tomahawks, knives, shirts, &c., I moved down the angle formed by the two rivers for a few miles, and at length crossed the Goulburn and encamped at the junction. The general appearance of this intercepted space presents nothing inviting to the enterprising settler, while the rivers by which it is bounded are superior to any which I have seen in Australia Felix. The average width of the Murray River, below its junction with the Goulburn, is about a hundred yards. Its stream, which is deep and placid, moves onward in a westerly direction. Its banks are precipitous and picturesque, and the water most delicious. Finding but a few fresh natives at this place, I remained only three days; and being informed that there were considerable tribes farther down the river, who had never seen a white man's face, I despatched two of the most intelligent of the natives 20 miles down, giving them instructions to meet me, with as many of those tribes as were disposed to come, at the junction of the Campaspee Creek, on the evening of the second day. They returned with the principal men of two tribes, their wives and children, amounting in all to 130, to whom I was introduced according to their own customs, which to me was novel and interesting, for I never witnessed among the tribes of Australia on any previous occasion such exactness in the observance of outward decorum. The two persons who conducted the ceremony of introduction have visited the protector's station on the Goulburn; and they appeared to know what is doing for other tribes in Australia Felix. They took the advantage of this by informing their friends that I was in communication with the great governor; and, according to all probability, the great governor would do the same for them as he has done for others. As soon as they heard this their countenances began to brighten, and there was a spontaneous expression of surprise and joy.

As soon as these formularies were over I endeavoured to make them acquainted (as well as my smattering of their language would admit of) with the object of my visit, and with the nature of the projected mission; and the interest and solicitude displayed were of such an encouraging character as I could not have expected from any heathens in their pristine state. During the eight days I spent with them, such was their attention and apparent anxiety to make my visit interesting, that they made me a present of a large fish every day, and took me to see almost every patch of grass, belt of trees, and open plains in the vicinity of my encampment; and in all my peregrinations on the Murray I never witnessed a single instance of that treacherous and vindictive feeling which so frequently mark the savage disposition, but on the contrary, they were tractable, peaceable, and kind.

It

NEW SOUTH  
WALES.

Encl. in No. 55.

It is sufficiently apparent from the paucity of war instruments, and also from the union which exists among the different tribes, with the absence of that dread of each other, that they are not such a warlike race as the natives are on the southern coast; yet there are numerous characteristics of a physical, political, and religious nature sufficiently indicative of the great bond of relationship existing among them. As a familiar illustration of this hypothesis, I might also advert to their language; for although the dialects are unquestionably as numerous as the tribes themselves, yet there prevails a striking similarity in many of the terms, as the few specimens which I have annexed to this communication show; and as to the construction and character of these dialects, they are radically and grammatically the same. Respecting the relation in which these dialects stand to those of other parts of the great Australian continent, very little can be said, for the want of information. I have observed in the Rev. Mr. Threlkeld's Australian grammar, and in the outlines of a grammar written by the missionaries of Adelaide, that there are many points of resemblance between those dialects and the dialect spoken by the natives of Port Phillip, which serves to corroborate the conjecture ventured by Captain Grey (who has written a vocabulary of the dialects spoken by the natives of South-western Australia), that all the Australian languages are derived from one root.

There is a coincidence with which I was particularly struck while on the Murray, viz. nearly all the words of the dialect of the "Pine-go-rine" tribe terminate in vowel sounds. This is the case with the dialects of the natives of Adelaide; but it is the only instance which I have met with among the tribes of Port Phillip. Whether this tribe is originally from the west, or whether this fact is a mere accident, must remain undecided until subsequent discoveries are made.

On leaving the junction of the Campaspee, I sent back the bullock dray with which Mr. Le Souef kindly favoured me, and proceeded two days' journey farther down the river. About 60 of the natives accompanied me over the Campaspee Plains, when, through hunger, they were obliged to separate into convenient parties for the purpose of procuring food. In taking an affectionate leave of them I carried away in my heart the remembrance of a scene, to which the place, the people, and the occasion united in producing feelings of deep sympathy and of earnest desire for their salvation.

The second day, in following down the bends of the river, I came upon a great number of fires and breakwinds, where natives had slept the previous night; but the shrill intonations of my black companion as we approached, or the unexpected appearance of a white man, I judge, caused them to take their flight. In continuing along the margin of the river, which runs through a rather gloomy, cheerless forest of gum trees, in a north-westerly direction, I observed fresh notches cut in the trunks of the trees; the banks of the river at intervals covered with shells and bones of fish, and in the distance were to be seen columns of smoke curling up among the forest foliage, which convinced me that I was in the midst of a numerous but unseen tribe. When the shades of the evening came on I turned back a short distance and fixed my encampment in a position where I was surrounded by the fires of these children of the woods. The following day, having accomplished the great object of my visit, I started for home in a south-easterly direction, and made the Campaspee Creek about 20 miles from its junction with the Murray. After following up this tributary for about 60 or 70 miles, I crossed the country and came on a line of road which brought me to the aboriginal station on the Loddon, where I was most affectionately received and kindly entertained by Mr. and Mrs. Parker. It was to me peculiarly gratifying to find that the present state and opening prospects of this establishment are of the most encouraging character. The orderly conduct of the natives, the union which seems to exist among the members of the establishment and the surrounding settlers, and especially the success which has attended Mr. Parker's labours in concentrating the scattered tribes of that district, produced in my mind a hope that under discreet management, and by the blessing of Almighty God, these wild hordes may yet become useful members of society. During the Sabbath which I spent with Mr. Parker I had the opportunity of conducting religious service both morning and evening. The morning service was held within the framework of a new church which is in course of erection, in the presence of all the white members of the establishment and 144 natives, all of whom listened to the word of life with profound attention. After the prayers were read, Mr. Parker and I addressed the natives as well as we could in their own language, on some of the first principles of Christianity. In the evening the service was held in Mr. Parker's own house, when two white children and one of the native boys, a little foundling, whom Mr. Parker has taken into his family, were initiated into Christ's visible church by water baptism. This little native may, I hope, be safely regarded as one of the first fruits of European labour amongst the wanderers of Australia Felix. He can talk the English language as well as any boy of his age. He is receiving a religious education, under the fostering care of Mr. and Mrs. Parker, and can already answer with an astonishing acuteness many of the questions in the Wesleyan Conference Catechism.

The Monday morning, on leaving this establishment, a summer hat, manufactured by one of the native women, displaying much improvement in skill and taste, was kindly presented to me by Mr. and Mrs. Parker, with some requisites for the remainder of my journey. I pursued my course for the first 10 miles after I left Mr. Parker's through a thickly-timbered range, after which I got on the line of road leading to Buninyong. From thence I crossed the river Lee, near its source, and made for the "Woode-yal-wok." I then kept

NEW SOUTH  
WALES.

Encl. To No. 55.

due south over the large plain skirting the foot of Mount Gillebrand, and reached home in perfect health and safety on Friday the 6th instant, having accomplished the visit, from the time I left Bunting Dale, in six weeks and five days.

In conclusion, I feel it my duty to inform your Honor, that it is my decided opinion that the section of country which I have visited, from the peculiar circumstances and position of its native inhabitants, presents superior advantages for missionary operations; as there is an immense space of country watered by the Murray, which this section embraces, and as subsequent operations may connect it with inland discovery, and acquaintance with the tribes of the Murrumbidgee and the Lachlan; and especially as these lands are far less available to the exterminating progress of the white man than the more fertile district of the south and west, a permanent occupation by its aboriginal inhabitants may therefore be expected.

I am not prepared to give your Honor any definite information as to the number of natives in the vicinity of the Goulburn with the Murray, as one of the tribes was absent when I was there, and several sections of the other tribes were scattered. I was, however, particularly struck with the unusually large proportion of children among those tribes which had no previous intercourse with Europeans. There were 27 women of the "Gunn-el-ban" tribe present when I was introduced to them, and I counted 31 children on their backs, as they were seated around the fire, besides a number of grown-up boys and girls running about.

I was also gratified to find that they were entirely free from those loathsome diseases under which vast numbers of those who are associated with Europeans groan, and which have in so many instances terminated in death.

To form and support an establishment at such a distance from town, under existing circumstances, must, I am aware, be attended with considerable expense, especially if it be conducted on the principle of partially supplying the natives with food and clothing, as the other establishments are in Australia Felix; for the mission cannot be relieved, I presume, to any great extent from the burden which this mode of operation would necessarily incur by cultivating the soil, in consequence of its very inferior agricultural qualities. The Campaspee plains are better adapted for sheep-grazing than for anything else; and whatever might be the character of the mission which may be formed there, if it be thought advisable, a sufficient number of ewes at least, to supply it with meat, would greatly lessen the annual expenditure; while the natives are always more willing to employ themselves shepherding or herd-keeping than in the more manual labour connected with the cultivation of the soil. But I consider the secular or temporal department of the mission should be under the general supervision of a person qualified to undertake the duty, and that he should be made responsible for its operations in all the details thereof, in order that the missionary might be entirely relieved from employments which would otherwise in a great measure take from him the proper and more important work of religious instruction.

As I had received instructions from the chairman of the district, the Rev. John M'Kenny, during his recent visit to Port Phillip, to place myself under your Honor's instructions and directions in reference to a visit of observation to some distant tribes, with a view, at some future period, of forming a new establishment; and as the prospects of our present mission are by no means encouraging, I shall be expected probably to lay before the district meeting, to be held in Sydney in the early part of October next, some plan or mode of practical operation. Any suggestion, therefore, plan, or information of any kind, with which your Honor might be pleased to favour me previous to that period, will be most thankfully received.

Hoping that your Honor will excuse the length of this communication,

His Honor C. J. La Trobe, Esq.  
Superintendent, &c. &c. &c.

I remain, &c.  
(signed) Francis Tuckfield.



A SPECIMEN of the Difference of DIALECTS spoken by the Native Tribes of *Port Phillip*.

| ENGLISH.    | Woddowrong, or Corio Natives. | Koligon, or Colack Natives. | Dautgart, or Natives to the West of Colack. | Jhongworong, or Goulburn Natives. | Pine gorine or Natives of Junction of Goulburn with Murray. | Gnurrelleau, or Natives West of Campaspee. |
|-------------|-------------------------------|-----------------------------|---|-----------------------------------|---|--|
| Head        | Mor-rok-gnet-ok*              | Mor-rok-grun-ok             | Be-nia-nen                                  | Mor-rom-gna-ta                    | Po-ko   | Tong-go-gnen-a                             |
| Eyes        | Mer-gnet-ok                   | Mer-gnen-ok                 | Mer-gna-nen                                 | Mer-ing-gna-ta                    | Ma  | Mer-e-gnen-a                               |
| Forehead    | Ment-gnet-ok                  | Gner-on-gnen-ok             | Mer-then-quan-nen                           | Me-gnen-gna-ta                    | -   | Mean-de-gnen-a                             |
| Nose        | Kanug-gnet-ok                 | Kong-gnen-ok                | -   | Kaw-ing-gna-ta                    | Kow-o   | Tan-de-gnen-a                              |
| Lips        | Wor-ung-gnet-ok               | Wor-ung-gnen-ok             | -   | Wor-ro-gna-ta                     | Wor-o   | Wor-om-de-gnen-a                           |
| Arm         | Far-ong-gnet-ok               | Ken-e-gnen-ok               | -   | Far-ok-gna-ta                     | Po-re-ne  | Tar-ok-e-gnen-a                            |
| Leg         | Kar-gnet-ok                   | Kar-e-gnen-ok               | -   | Ho-ra-gna-ta                      | Tut-en-ga   | Ko-rom-bo-gnen-a                           |
| Foot        | Gen-ong-gnet-ok               | Ken-ong-gnen-ok             | -   | Gnen-ong-gna-ta                   | Gen-a   | Gen-ong-be-gnen-a                          |
| Sun         | Mer-e                         | Na                          | Derug                                       | Now-an                            | Yourug-ga   | Now-wer                                    |
| Moon        | Yern                          | Bard-bard                   | Bar-i-nan-nen                               | Yam-buk                           | Yourug-kud-a  | To-rong-i                                  |
| Star        | Pot-ba-rum                    | Kar-art-kar-art             | Bom-mar-a-morug                             | Fort                              | Tut-ta  | Tort-tok                                   |
| Earth       | Du                            | Ta                          | Mering                                      | Beak                              | Wok-a   | Mil-a                                      |
| Stone       | Lu                            | Tre                         | Mor-i                                       | Lang                              | Bo-ren-a  | Kor-dob-e                                  |
| Fire        | Weang                         | Wean                        | -   | -                                 | Pe-da   | Wem-be                                     |
| Water       | Gno-bet                       | Kan                         | Baret                                       | -                                 | -   | Kor-den-ok                                 |
| Kangaroo    | Ko-im                         | Ko-ra                       | Ko-rin                                      | Mar-ons                           | Ki-e-me   | Kori-e                                     |
| Emu         | Kar-wer                       | Por-i-mul                   | Por-i-mul                                   | -                                 | -   | Kow-wer                                    |
| Opossom     | Wol-ard                       | Pong-o                      | Pi-e  | -                                 | -   | Wo-i-e                                     |
| One         | Ko-i-moil                     | -                           | -   | Kap                               | You-a   | Lu-a                                       |
| Two and two | Bul-ad-barp-bul-ad            | Bul-ad-duk-bul-ad-duk       | Bul-ad-da-bul-ad-da                         | Bul-mo-gur-nen-bul-mo-gur-nen.    | Bul-tu-bul-bol-tu-bol                                       | Bo-ri-de-bo-ri-de                          |

\* The letters "gn," at the commencement of words and syllables, represent a peculiar nasal sound common in the dialects of Port Phillip; to form this sound, the organs of speech must be placed in the same position as they are to sound *g* hard; and then the sound is emitted through the nose like the letter *u*.

NEW SOUTH  
WALES.No. 56.  
Sir George Gipps  
to Lord Stanley.  
1 August 1842.Pages 156 & 219.  
Liverpool Plains.  
No. 1.

New England.

No. 2.

Bligh.

No. 3.

— No. 56. —

(No. 137.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 1 August 1842.

WITH reference to my despatches, Nos. 50, and 94, of the 11th March, and 20th May last, I have the honour to forward herewith the reports on the condition of the aborigines, from the Commissioners of Crown Lands in the district of Liverpool Plains, New England, and Bligh, which had not been received by me at the date of the last of those despatches.

Attached to the report from New England, your Lordship will find a copy of a letter which I caused to be addressed on the 29th ultimo to Messrs. Everett and Halked, the occupiers of a station in that district, expressing to them the sense I entertain of the exertions which they are making for the employment and improvement of the aborigines.

I have, &c.  
(signed) *Geo. Gipps*.

Enclosure 1, in No. 56.

Commissioner of Crown Lands Office, Peel's River,  
District of Liverpool Plains, 3 July 1842.

Encl. 1, in No. 56. REPORT for the last Year, stating Transactions relating to the Condition, &c. &c. of the Aboriginal Natives in the District of Liverpool Plains, Colony of New South Wales.

THE district of Liverpool Plains, for which I have held the appointment of Commissioner of Crown lands for nearly four years, has been always very extensive, and within the period of the last two years, has increased very considerably. It now comprises a territory of about 400 miles in length, by 200 miles in breadth.

The number of aboriginal natives inhabiting it in tribes consisting of from 10 to 150 persons each, is about 4,000.

The proportion is considerably less in the first 200 miles, proceeding northward from the Liverpool Range; that part having been in the possession of white people for the last eight or ten years; and as appears to be the result on all such occasions, the aboriginal natives have diminished and dwindled away to a much smaller number than when in possession of the country themselves.

I do not believe that more than 1,000 aboriginal natives could be found in the first tract of country mentioned.

In the other 200 miles extending to the north, north-east, and north-west, the aboriginal native population is much more numerous, attributable to the circumstance of such country being only lately taken possession of and occupied by white people.

The transactions with regard to the aboriginal natives have been to have them fairly and kindly treated.

They are aware they have protection from oppression by white persons; they often claim and receive it.

The orders relative to non-interference with their women are most strict, and are to a great degree complied with.

A distribution of blankets, shirts, &c. is made periodically from my station, as also from some others in the district, when the natives have made themselves useful, and lived on friendly terms with the occupants.

Any number of them who come to my station, and evince a willingness to work, are fed; they are encouraged as much as possible to do so.

Their condition, as far as being treated with more justice and kindness, is considerably improved within the last four years.

I do not think there has been any virtual change for the better in their social condition, ever since I have known them.

They do not attach that value to being either fed or clothed as it might be supposed they would, although they are pleased with it for the moment; but they give away both food and clothes to their companions as freely as they receive it; and seem to prefer and enjoy their life in the bush, accompanied by all its apparent hardships and privations, to that of living for a continuance at any of the stations.

That such feeling really exists I am certain of from personal observation at my own station, where, with the exception of being obliged to do a little work, no restraint is placed upon them, but are encouraged as much as possible to be about the place, and are well fed, clothed, and kindly treated; yet they all prefer their bush life; some remarkable instances of the kind have come within my own knowledge.

I do not consider them as a vicious, ill-disposed, or dishonest people, but much the contrary.

The

The aborigines now inhabiting the first 200 miles in my district are perfectly harmless, nor do they ever think of spearing cattle, or committing other outrage upon white people; they seem to be gradually diminishing and dying away.

NEW SOUTH WALES.

Encl. 1; in No. 56.

Those inhabiting the more distant 200 miles of the district, and which has been comparatively recently discovered and occupied, are in many places very troublesome and dangerous; spearing and killing cattle has been carried on to a very considerable extent; they have also attacked and speared both men and horses at their huts.

The chief employment of the greater part of my division of police is confined to that part of the district, and the duty is both constant and severe; endeavouring to prevent outrage on both sides, but principally on the part of the aborigines. I must add, that I have every reason to believe that they have been treated by the white people, in almost all instances, with kindness and forbearance; nor has any act of cruelty or retaliation come to my knowledge, as exercised towards them by the white population there.

The relative position of the parties is much changed. The white people are aware they cannot take the law into their own hands, and commit any act they may be inclined to, by way of retaliation on an aboriginal; the aboriginal also knows that such is the case, and like every savage, presumes upon it. They have become much more expert and cunning in watching and hunting cattle; and from intercourse with the white people, have obtained a knowledge of training and making their dogs most efficient assistants to them, a number of which they always travel about with.

Much could be done, in my opinion, to ameliorate the social condition of both parties; but an attendant and considerable expense must be gone to for the purpose; without it, I look upon the present state of the aboriginal races in this country as most pitiable and wretched, and their future prospects most gloomy and without a hope.

I have, &c.  
(signed) Edward Mayne.

The Honourable the Colonial Secretary.

Enclosure 2, in No. 56.

SIR,  
Border Police Office, New England, 1 July 1842.  
REFERRING to your circular of 2d July 1841, calling for an annual report of the condition and prospects of the aboriginal tribes frequenting this district, and more especially on the points included in the 6th paragraph of Lord John Russell's despatch of the 25th August 1840:

Encl. 2, in No. 56.

I do myself the honour of acquainting you, for the information of his Excellency the Governor, that although during the past year some hostile attacks were made by the aborigines, more especially on the stations of Mr. R. McKenzie, Mr. Garden, and Mr. Gill (situated near the wild and mountainous country on the eastern falls of the table land) in which two shepherds were slain, and a considerable number of sheep destroyed and driven off; yet, when it is considered that the district has extended its limits so rapidly to the northward since the location of the large tract of country adjacent to Moreton Bay, and that consequently the "squatters" have encroached upon the hunting grounds of tribes hitherto holding no communication or intercourse with Europeans, these aggressions appear to be much less extensive than might have been anticipated, and trivial when compared with those of previous years; and I am induced to attribute this in a great measure to the growth of a more just, humane, and tolerant spirit, influencing the conduct and feeling of the settlers in their intercourse with the aboriginal sons of the soil, and to the more general growth of this good feeling I look forward as a foundation for future beneficial results.

It is at all times a matter of much difficulty to determine the number of the natives frequenting particular districts of country with any certainty, in consequence of their wandering and unsettled habits of life; a tribe rarely remaining in any one encampment for more than a week or ten days at a time, except when they congregate in force at certain seasons of the year from different parts of the district, during the celebration of their religious ceremony of the Kebarrah, or Boro (that is, the initiation of the young men to the immunities and privileges of manhood), and from personal observation on these occasions, and information gathered from the police, it does not appear to me, that their number in New England exceeds five or six hundred.

With respect to any change in the social condition of the aborigines, I am not, I regret, enabled to hold out much prospect of any general improvement; for from the widely scattered state of the tribes, their distrust and fear of each other, their constant feuds, the diversity of their dialects, and our almost entire ignorance of them, I apprehend there is but a very remote probability of effecting any radical change in their moral or social condition as a people; yet it must be conceded, that nevertheless, individual instances of their aptitude and capacity for social improvement not uncommonly occur; and I would more particularly instance in this district as a most praiseworthy example of the beneficial influence and policy, of a kind, tolerant, and judicious treatment of the natives by the settlers, the case of the Messrs. Everett and Halked; these gentlemen having succeeded by kindness and perseverance in inducing a small tribe frequenting the tract of country contiguous to their station of Wandsworth, to remain almost constantly upon it, the young men being employed in various capacities on the establishment, not only as stockmen and shepherds, but as domestic servants also in the house; and although these gentlemen have settled nearly four years in the district,

NEW SOUTH  
WALES.

Encl. 2, in No. 56.

and stations in their neighbourhood have been attacked on various occasions by the natives, yet no outrage of any kind has ever been attempted on them.

I would also beg further to instance these gentlemen as affording the only solitary example of any attempt having been made to study and acquire the aboriginal dialects of the district.

In conclusion, I am happy to have it in my power to assert with confidence, that the outrages, formerly of such frequent occurrence in the colony, from shepherds and stockmen taking the law into their own hands, and making indiscriminate reprisals on the natives, for cattle scattered and flocks driven off, have in this district entirely ceased; and taking into consideration the good feeling that is gaining ground in the colony, on the subject of the aborigines, the protection afforded them both by the border police and from the increase of magistrates in the district, and the great interest taken in their welfare and improvement by the local government, I am induced to hope that my next report on this most important subject may be such as will afford satisfactory evidence of a progression in the prospects and condition of this primitive and long neglected people.

I have, &c.

(signed) *G. J. Macdonald, J. P.*

The Honourable the Colonial Secretary,  
&c. &c. &c.

Commissioner of Crown Lands.

Colonial Secretary's Office, Sydney,  
29 July 1842.

Gentlemen,

I AM directed to inform you that the Governor having observed in a report addressed to him by the Commissioner of the New England district, that you have in your employment several of the aborigines, and are taking pains to protect and civilize them; his Excellency desires to express to you his sense of the services which you are thus rendering to the colony, and to the cause of humanity; and his hope that your example may be extensively followed in the district wherein you reside.

I have, &c.

(signed) *E. Deas Thomson.*

Messrs. Everett and Halked, Wandsworth,  
New England.

Enclosure 3, in No. 56.

REPORT of the ABORIGINES in the District of *Bligh*, in accordance with the Despatch of the Secretary of State, No. 132, 25th August 1840.

Commissioner of Crown Lands' Office,  
6 June 1842.

Sir,

Encl. 3, in No. 56.

In reply to your circular of the 2d July 1841, respecting the aborigines, I have the honour to forward the Report.

1. As to the transactions and condition of the natives for the past year, transactions that have come under my notice are very few; any that I have seen are when the aborigines have been employed by me, and when they are so I found them willing and obliging; I can attribute this principally to never having deceived them in any article of clothing or food that was promised them on their completing the work that was required of them; it often happening that parties inform them, that on their doing a portion of work, they are to receive a certain remuneration; on the work being finished, they receive a very inadequate reward for the services they render, which causes a discontent, and they then take to their former wandering habits.

2. As to the number of aborigines in this district, from the returns I have from the different stations, and what I have seen and taken account of myself while travelling in the district, there are about 700, one-third females; but at the same time I have to remark, that many are never seen by white people; those are relating to the most remote stations in the district, nearly 250 miles from this station.

3. As to the residence of the aborigines in any particular spot, it is necessary to remark, that a tribe never leave a certain part or portion of country known to them, and called their *Jouri*; but there are some that will and do attach themselves to parties for six months together, and make themselves generally useful; but on a number of the aborigines coming to the station, they will often wish to leave with them.

4. As to the change in their social condition, I can observe none.

5. As to the particular state and prospects of the aboriginal races, I am inclined to be of opinion that they will degenerate very fast as the white people advance into the interior; the verity of this is exemplified by observing stations that have been occupied many years, the blacks in those parts being very few.

I am not aware of anything further having occurred that would be considered of importance.

I have, &c.

(signed) *Graham D. Hunter, C.C.L.*

To the Hon. the Colonial Secretary,  
Sydney.

NEW SOUTH WALES.

— No. 57. —

(No. 15.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,  
I HAVE received your despatch, No. 137, of the 1st of August last, transmitting reports on the condition of the aborigines, from the Commissioners of Crown Lands in the district of Liverpool Plains, New England, and Bligh.

In reply, it is only necessary for me to refer you to my despatch of the 20th ultimo, on the subject of those tribes.

I am, &c.  
(signed) Stanley.

No. 57.  
Lord Stanley to  
Sir George Gipps.  
30 Jan. 1843.

Page 221.

— No. 58. —

(No. 226.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord,

Government House, Sydney,  
22 December 1842.

I AM sorry to have to report to your Lordship that, notwithstanding the exertions of this government, and the large expenditure now incurred on account of the aborigines, the acts of violence committed by, or on them, continue in some parts of the colony to increase, and especially in the neighbourhood of Portland Bay, and the country to the north of it, forming the western and most remote part of the district of Port Phillip.

The papers which I inclose\* contain various accounts of occurrences of this nature, in the course of the last few months.

I have, &c.  
(signed) Geo. Gipps.

No. 58.  
Sir George Gipps  
to Lord Stanley.  
2 Dec. 1842.

\* Mr. La Trobe,  
23 August 1842.  
No. 1.  
Mr. La Trobe,  
13 September 1842.  
No. 2.  
Colonial Secretary, in  
reply, 27 Sept. 1842.  
No. 3.  
Mr. La Trobe,  
25 October 1842.  
No. 4.  
Mr. La Trobe,  
14 November 1842.  
No. 5.

Enclosure 1, in No. 58.

(No. 42/1084.)

Sir,

Melbourne, 22 August 1842.

It is with great regret that I forward to you copies of two communications from the police magistrate at the Grange, dated respectively July the 23rd and August the 9th; and also a third from the police magistrate at Portland, dated the 19th July, bringing under my notice the continued outrages of the natives upon the lives and property of the settlers in the western district.

I am inclined to fear at times that this state of things is beyond all remedy under present circumstances. It is out of my power to increase the stationary mounted police force, which, as reported in my letter of the 18th of April, No. 42/505, I had sent to the assistance of the police magistrates in question. With reference to the Crown Commissioner, his Excellency is aware, that for nearly two months in the early part of this year he confined his whole exertions to that portion of the country in which these disturbances still take place; and that with great trouble, certain of the natives charged with being leaders in such acts of aggression were taken; and that their capture was not effected without violence, and even loss of life. Further, that two of the men thus apprehended, who, though undoubtedly leaders in many of these attacks, could not be legally convicted on their trial in the Supreme Court, and had to be sent back to their district. One of them, if the enclosed reports are correct, immediately reappears as the leader in the acts of aggression.

In the case of a third individual, captured and positively sworn to as the leader in the attack upon certain drays, as reported in my letter of the 12th of July, No. 214, it is decided that he is not in a position to understand the nature of the proceedings proposed to be instituted against him; and an application has this day been made to me to furnish him with an opportunity of return to his district.

The Hon. the Colonial Secretary.

I have, &c.  
(signed) C. J. La Trobe.

Encl. 1, in No. 58.

NEW SOUTH  
WALES.

Eucl. 1, in No. 58.

Sir,

Police Office, Grange, 28 July 1842.

It is my unpleasant duty to inform you, that the natives continue very troublesome in this district.

I understand from Mr. Ricketts, of the Glenelg, that they have taken a number of his sheep, and that a shepherd of his is missing, whom he supposes to have been murdered by them.

As Mr. Ricketts happened to be in Portland when the above circumstance took place, he applied to Mr. Blair for assistance, who sent up three troopers, who returned, as I understand, without being able to accomplish anything. Mr. Ricketts also applied to Mr. Blair to know if he could leave a trooper at his station for future protection, which Mr. Blair refused to do, it being out of his district. Mr. Ricketts has also applied to me to render him assistance, by leaving a trooper at his station, which I am not able to do, on account of the small disposable force under my charge, and also in consequence of the hourly expectation of being called upon to render assistance to the surrounding settlers.

I have just returned, having rescued from the natives a flock of sheep belonging to Mr. Thompson, a settler in this district. On Sunday last they spared his shepherd, taking his flock from him; they then drove them off amongst the swamps and stony rises to the south-west of Mount Napier, having taken a circuit of upwards of 40 miles. Our party tracked them through the bush all the way, and found them encamped close by a large tea-tree scrub, into which they escaped as soon as we rode up; thus eluding our attempt to apprehend them in the fact. They had slaughtered about 200 of the sheep, having broken their legs and ripped them open in a most revolting manner. I have reason to apprehend very ill consequences from their being allowed to escape so often with impunity; and which arises from the shelter which the scrub (except to them almost impenetrable) of this country affords.

I take this opportunity of bringing before your Honor's notice the great benefit to be derived from the native police in cases like the foregoing, both in the tracking of stolen property and the hunting out the perpetrators from their own dens by means of the native police; and to request your sanctioning some of them to be added to the force already here.

His Honor Charles J. La Trobe, Esq.  
Superintendent.

I have, &c.  
(signed) A. French,  
Police Magistrate.

Sir,

Police Office, Grange, 9 August 1842.

I HAVE the honour to inform you, that almost every day brings fresh intelligence of some depredations committed by the aborigines, on either the shepherds or the flocks of the settlers in this district. Since my last despatch to your Honor, dated July 28th, they have taken sheep from Messrs. Henty, Winter, Tulloh, Carey, M'Rae, and Hunter; and in each instance, as well as in the case of a shepherd of mine own, they have attempted the lives of those in charge of their respective flocks.

I have just received the enclosed from Mr. Hunter's overseer, which will give your Honor an idea of the state of affairs in this quarter. I am sorry at the same time to say, that I think the natives will be more emboldened in their depredations on account of the escape of the native "Jupiter," with immunity from his confinement.

His Honor Charles J. La Trobe, Esq.,  
Superintendent.

I have, &c.  
(signed) A. French,  
Police Magistrate.

Sir,

Eumorralla, 8 August 1842.

As manager for Mr. Hunter during his absence, and in consequence of the natives making another attack at this station yesterday, I consider it my duty to report the same to you.

The aborigines (about 20 in number) came yesterday about noon, pitched several spears at the shepherd, and succeeded in taking the flock, which was upwards of 1,000 sheep. The men immediately came home and gave the alarm; and I, with a few of the men, made all haste to overtake them, which we did at the rocks near to Mount Els. They were then driving them very fast, and seemed to show fight before they would give the sheep up. It was upwards of an hour before we got possession of the sheep; they were so closely pushed that they did not even succeed in destroying a single sheep. The noted "Jupiter" seemed to be the leader; he pitched one spear at myself, but it had no effect. There were several other spears thrown by the others.

Ever since Captain Fyans took the said Jupiter, there was not a native to be seen; but now as he has returned to his old quarters, the consequence is much to be dreaded unless we get help.

A. French, Esq. Police Magistrate, Grange.

Yours, &c.  
(signed) Samuel M'Gregor.

NEW SOUTH WALES.

(No. 217/42.)

Sir,

Police Office, Portland, 19th July 1842.

HAVING received information on the 4th instant from Mr. Ricketts of the Glenelg (about 100 miles from here) that the aborigines, who had lately committed several outrages on his and the adjoining stations, under the direction of a native named Bob, who was formerly domesticated on his station, had a few days previous driven away one of his flocks, taking with them the shepherd named Foreman, whom it appeared, by the statement of a gin, they had cut into pieces and eaten as they had proceeded on their march with the sheep, I deemed it my duty to at once dispatch a corporal and two troopers of police to the scene of outrage; but I regret to state they returned this afternoon without being able to effect any good, the natives having all disappeared. A party who went in pursuit previous to the arrival of the police, found the unfortunate man's boots, with his dog lying beside them, on the track of the sheep, and on the following day came on a native camp, which the blacks deserted on their approach, having first however thrown some spears at the party. Here they found Foreman's gun, the breach of which had been taken out; and recovered all the sheep with the exception of about 40, which were so dreadfully mutilated as to be perfectly useless, being either dead or dying; and it was here they discovered from a gin, who was not swift enough to escape with the others, the fate of the unfortunate shepherd. No further trace of him has been discovered.

Encl. 1, in No. 58.

I have, &c.  
(signed) J. Blair, J. P.  
Police Magistrate.

His Honor C. J. La Trobe, Esq.  
Superintendent.

Enclosure 2, in No. 58.

(No. 42/1241.)

Sir,

Melbourne, 13 September 1842.

Encl. 2, in No. 58.

REFERRING to recent communications bringing under his Excellency's notice the present disturbed state of the western district, from the continued attacks of bodies of natives on the property of the settlers, I have the honour to enclose, for his Excellency's information, copies of two communications which I have received from the police magistrates of the Grange and Portland, containing particulars of certain of these outrages. I found myself obliged, in consequence of their receipts, to direct the Crown Commissioner of the Portland Bay district immediately to return to the disturbed part of the country with the whole of his border police; and by instructions forwarded to the police magistrates of the Grange and Portland, have directed that the whole of the police of every description should, in addition, be placed under his orders.

7 mounted police.  
10 native police.

I have instructed Captain Fyans to take the most decided measures to put a check to these disorders, and to secure the persons of such of the natives as can be positively identified as parties concerned in them; and further requested that he would consider this duty as paramount to every other at the present time.

I have, &c.  
(signed) C. J. La Trobe.

The Honorable the Colonial Secretary.

(No. (247/42.)

Sir,

Police Office, Portland, 18 August 1842.

It having been represented to me on the 30th ultimo, that almost daily outrages were committed by the blacks in the neighbourhood of the plains; that on one occasion they had given battle to, and beaten off a party from one of Messrs. Henty's stations, who endeavoured to recover some sheep which they had taken, I deemed it my duty to send two troopers of police with the district constable (the remaining three troopers having just returned from Glenelg) to the scene of outrage; but I regret to say they returned on the 7th instant without being able to effect any good. While at Mr. Henty's station they received information that a flock of sheep had been driven away from Messrs. Winter's station, and immediately repaired there; but Mr. Winter considered it useless for them to go in pursuit. He had been out himself with a party, and found 160 of the sheep in such a mutilated condition, he was obliged to have their throats cut to put an end to their sufferings, and the remainder he was unable to find any trace of. The losses which the settlers are sustaining almost daily from the attacks of the blacks are really deplorable. Scarcely a day passes but some new outrage is spoken of. Mr. Thomson, Messrs. Winter, Messrs. Henty, Mr. Carey, and Mr. M'Crea, have all been sufferers; and I have just heard from a respectable source, that an attack was made a few days ago on Mr. French's shepherd at the Grange; after which the hut of Mr. Cameron's station was robbed and burnt down, and 700 sheep driven off, none of which were recovered; and about the same time the blacks gave notice to Mr. O'Neil of the Smoky River, that they will take the sheep the property of the late Mr. M'Kenzie, who, with his hut-keeper, was murdered by them a short time ago, now in his charge; and he has in consequence been obliged to request Mr. Henty to remove them to one of his runs, where there are better means of defence, his own shepherd having refused to go out with them.

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NEW SOUTH  
WALES.

Encl. 2, in No. 58.

These outrages are said to have been committed principally by the Smoky River tribe; and Court Killop and Peter, who murdered Mr. McKenzie, have been seen at some of the stations.

His Honor C. J. La Trobe, Esq.  
&c. &c. &c.

I have, &c.  
(signed) J. Blair, J. P.  
Police Magistrate.

Sir,

Melbourne, 1 September 1842.

I REGRET to inform you that intelligence has reached me from my station at Eumarrable, in the Portland Bay district, of a series of outrages committed by the blacks there, from which I have sustained severe losses.

It appears, from what I can learn, that on the 7th ultimo a party of blacks, headed by Jupiter and Cocknose, who were recently discharged from the Melbourne gaol, attacked my shepherd, and drove off a flock of sheep. On the alarm being given, my superintendent and several of the men on the station, went in pursuit of the marauders, and after a severe skirmish succeeded in recovering the property. On the 10th, the shepherds were again attacked by upwards of 150 blacks, armed with spears and other weapons; a part of the blacks took possession of the sheep, and the remainder attacked the shepherds, who were in a position of great danger, but being well armed, they were fortunately able to keep their assailants at bay until assistance arrived, when the blacks made off, and the men obtained repossession of the sheep. On the 18th the blacks again attacked the shepherds, during the absence of the superintendent at Port Fairy, and drove off 1,014 sheep. On his return a party went out to recover the sheep, and they describe the road as strewn with dead carcasses. About eight miles off the station they came up with the blacks, and it was not until they had overcome a vigorous resistance, during which three of the blacks were shot, and several others wounded, that they succeeded in recovering the remainder of the sheep, 511 having been killed or destroyed. Jupiter and Cocknose were the ringleaders on each of these occasions, and they were concerned I believe in an attack made upon Mr. Ritchie's station about the same time.

Independently of the very heavy losses I have thus sustained, my superintendent informs me, that it is with the greatest difficulty he is able to keep the men on the station, their lives being hourly in the most imminent danger.

I trust, therefore, your Honor will take some immediate steps for the protection of the settlers from these continued outrages, otherwise they must lead to our irretrievable ruin.

His Honor C. J. La Trobe, Esq.  
Superintendent.

I have, &c.  
(signed) James Hunter.

## Enclosure 3, in No. 58.

(No. 462.)

Colonial Secretary's Office, Sydney,  
27 September 1842.

Encl. 3, in No. 58.

Sir,

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, No. 42/1241, enclosing copies of communications received by your Honour from the police magistrates at the Grange, and Portland, respecting the outrages committed by the aborigines.

I am directed by the Governor to state, that whilst he greatly regrets to hear of the continued aggressions of the blacks on the property of the occupiers of Crown lands, his Excellency thinks it proper that enquiry should in every such case of aggression be made, whether the permission of the commissioners of the district was obtained before the station was formed in which the aggression took place.

His Honor the Superintendent,  
Port Phillip.

I have, &c.  
(signed) E. Deas Thomson.

## Enclosure 4, in No. 58.

(No. 42/1486.)

Melbourne, 25 October 1842.

Encl. 4, in No. 58.

Sir,

IN reference to your letter of the 27th of last month, acknowledging receipt of certain communications which it was my duty to forward to you, for the information of his Excellency, respecting outrages committed by the aborigines in the Portland Bay district; in reference to which his Excellency directs enquiry to be made, whether the lands on which such outrages have been committed were occupied by permission from the Commissioner of Crown Lands, I have to express my belief that in every case hitherto reported of such collisions, the stations at which they took place have been held under regularly issued depasturing licences. I have, however, drawn the attention of the Commissioners of Crown Lands to the subject.

The Hon. the Colonial Secretary,  
Sydney.

I have, &c.  
(signed) C. J. La Trobe.



Enclosure 5, in No. 58.

(No. 42/1573.)

Sir,  
Melbourne, 14 November 1842.  
ALLUDING to my letter of the 13th of September, stating that I had despatched Captain Fyans a second time with his border police to the Western district, on account of the intelligence which reached me of fresh outrages in that quarter, I have the honour to inclose, for his Excellency's information, the only communication which I have received from that officer since his departure; and copies of certain reports from the police magistrates of Portland, dated the 5th and 8th of September, giving information of certain of these attacks of the natives on the property of the settlers, in order that his Excellency may form an idea of the character which the aggressions of the aborigines assume, and the difficulties which must interpose in the way of affording protection.

Encl. 5, in No. 58.

The Hon. the Colonial Secretary.

I have, &c.  
(signed) C. J. La Trobe.

(No. 195.)

Sir,  
Emuralla, 9 October 1842.  
I do myself the honour to inform you that the depositions regarding the attacks on this station were taken by Mr. French, P. M. of the Grange, and warrants issued by him, on the complaints of Mr. Macgregor. In the hope of seeing them, I left this on the morning of the 9th instant, three o'clock; we could make no use of the horses, from the quantity of water in the marshes and rocky ground we proposed to enter close to Mount Eels. The party proceeded on foot, and waded with considerable difficulty through the marsh nearly one mile, and entered the great stone range to a part called the Township; we reached it about nine o'clock, a distance not more than seven miles from this. Not finding any natives, we proceeded as far as we were able through the range, I am sorry to inform you, without success; we were obliged to return to the station, and reached it late in the evening.

I beg leave to bring to your notice that the attacks on this station are made from about Mount Eels; and as I shall be obliged to visit Messrs. Winters and the Glenelg, to put some warrants in execution for the safety of this place; and as I feel that you will consider the plan a good one, I have ordered M'Dona and the native police close to Mount Eels. A hut can easily be thrown up to accommodate them; and I really believe that is the only means of our ever being able to take Jupiter and Cocknose again, or to restore peace to this place.

I regret to inform you that, after a long journey at a bad season, we are unable to do any service in this part of the country: we find the horses almost useless, and are obliged to lead them for miles.

His Honor C. J. La Trobe, Esq.  
Superintendent.

I have, &c.  
(signed) Foster Fyans,  
C. C. Lands.

(No. 284/42.)

Sir,  
Police Office, Portland, 5 September 1842.  
I do myself the honour to transmit herewith the copy of a statement made to me by Mr. Trevor Winter, relative to two collisions which had taken place about a month ago, between a party from his station and some aboriginal natives, in one of which a native was killed.

I pointed out to Mr. Winter the impropriety of his not having immediately reported these collisions to Mr. French, and he promised to wait upon him on his return from Portland, for that purpose.

I have sent Mr. French a copy of Mr. Winter's statement, for his guidance.

His Honor C. J. La Trobe, Esq.

I have, &c.  
(signed) J. Blair, J. P.  
Police Magistrate.

STATEMENT of Trevor Winter, Esq.

ABOUT a month ago, one of his cousin's shepherds, when at his supper, heard the sheep rush: he went to the yard unarmed, supposing it to be occasioned by native dogs, and found the sheep gone; and following them, found they were driven away by natives. He returned to the hut for assistance and arms, and recovered, as he thought, all the sheep; but on counting them the following morning, found 196 missing: and deponent, Mr. Butcher, and a servant started immediately on the tracks of the sheep, and found the remains of 35 of them a short distance from another of his stations. Deponent then followed on the tracks again till he came to a fire, where the blacks were: he told them if they would give up the

NEW SOUTH  
WALES.

Encl. 5, in No. 58.

remainder of the sheep, he would not be angry with them: they were principally blacks that had been residing on deponent's station, and whom he has been feeding for the last two years. One of them asked deponent, "What for you sulky? sheep no belong you; come on, me no frighten; buy, buy plenty you black fellow." They then made preparation to surround him, and the black just alluded to poised his spear to strike him, when he fired and shot him, as he has since heard, mortally. To escape being surrounded, deponent and his party then retreated, and were pursued by the blacks. Three days after, he went out with Mr. Cook, his cousin, and three men, to endeavour to recover some of the sheep, or at all events the skins; and on passing through the scrub, found 80 sheep alive, with their legs twisted out of the sockets, and the remains of about 12 sheep; and proceeding further on, found where the blacks had just been encamped, which was close to the spot where he had first fallen in with them, and where they still were. Mr. Cooke and one of the men rode up to them, to say where the remainder of the sheep were; when they threw their spears at him and the man. Mr. Cook called to deponent, who was on the opposite side of the swamp, to come over; he did so, and as he was approaching, a black jumped from behind a tree, cried "Come on," and threw his spears at him, which stuck into a tree over his head; deponent instantly fired at, and surrounded him. The spot where they had the sheep was not above 12 miles from the stations; and they had driven them by a circuit of at least 30 or 40 miles to it, crossing every swamp they came to, so that horses could not follow on the track.

(signed) Trevor Winter.

Given before me at Portland, this 3d day of September 1844.

(signed) J. Blair, J. P.  
Police Magistrate.

(No. 285/42.)

Sir,

Police Office, Portland, 6 September 1842.

HAVING received information on the 3d instant, from Mr. Purbrick of the Wannan, that two shepherds in the service of Mr. Ricketts of the Glenelg, who had been left in charge of a flock of sheep which had been taken from the station by the blacks, and was recovered by them, and two others who had gone in pursuit about 20 miles from it, for the purpose of being driven back, had not returned, nor could any trace of them or the sheep be discovered after a lapse of five days, I deemed it my duty to despatch three troopers of police to the station to look after the men; and as that part of the country is reported to be greatly disturbed by the blacks, and the distance from Portland is upwards of 100 miles, I directed them to remain out for three weeks, and to acquaint the settlers on their line of march with their destination; so that their services might be made available in case of need.

Mr. Purbrick has confirmed the report of the murder of a shepherd in the employment of Mr. De Soilly, a neighbour of Mr. Ricketts, which I mentioned in a private communication to your Honor as a rumour. From this gentleman's statement it appears, that this shepherd, who had charge of about 1,100 sheep, not having returned home in the evening, Mr. De Soilly and some men went in search of him, and found his body on an open plain; it was stripped of clothing, with the exception of his shirt, and his boots were placed beside it. It was covered with spear wounds, and had a deep gash on the temple, as it was supposed from a tomahawk, but I think it much more likely from a boomerang, as his gun was afterwards found in a black camp still loaded, and it seems most probable that he was first stunned by a blow from this weapon, and so prevented from defending himself against the blacks, whom, from the open character of the country, he must have seen approaching. The greater portion of the sheep were recovered 60 miles from the station; but in such a wretched state, it occupied Mr. De Soilly five days to drive them back.

On his return to the station he heard that during his absence another party of blacks had attacked it and driven off the bullocks, and that his brother and some men had gone in pursuit. The prolonged absence of this party gave rise to fearful conjectures of their fate; they, however, at length returned with the bullocks, which had been driven upwards of 100 miles in the opposite direction to the sheep.

It was reported that the blacks had then attacked the station of Mr. Norris, another settler in that part of the district; and a rumour is current that a lad named Shaw (a shepherd in his employment) has been murdered; but I have not been able to trace it to any credible source, and I am inclined to disbelieve it.

It appears, I am sorry to say, that the outrages by the natives have not been confined to the Glenelg.

I have just been informed by Mr. Cox, of Port Fairy, that a large flock of sheep belonging to Mr. Hunter has been totally destroyed by a party of 300 natives; and the horse of a man named Faro, residing on the Tuil River about 11 miles from Portland, was speared by the natives a few days ago.

I have, &c.

(signed) J. Blair, J. P.  
Police Magistrate.

His Honor the Superintendent, &c. &c.  
Melbourne.

—No. 59.—

NEW SOUTH WALES.

(No. 228.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

No. 59.  
Sir George Gipps  
to Lord Stanley,  
4 December 1842.  
Page 113.  
Page 106.

My Lord, Government-house, Sydney, 4 December 1842.  
By your Lordship's despatch, No. 12, of the 5th October 1841, I was directed to institute further proceedings in a case reported in my despatch, No. 90, of the 9th April of that year, wherein a homicide had been committed on an aboriginal native, named "Mickey," in the vicinity of the Ovens River, on the road between Sydney and Port Phillip; and accordingly I have to inform your Lordship, that under the opinion of Mr. Croke, the Crown Prosecutor of the Port Phillip district, the Chief Protector, Mr. Robinson, was, in the early part of the month of June last, directed by Mr. La Trobe to repair to the Ovens River, and collect, as far as possible, the evidence considered by the Crown Prosecutor necessary, in order to ascertain whether any criminal proceedings could be instituted against the parties who were accessory to Mickey's death.

Not having received any further report in the matter from Mr. La Trobe, I caused inquiry to be made in the course of October last, whether Mr. Robinson had attended to the duty with which he was thus charged; and I have received from Mr. La Trobe, in reply, a letter, of which I have herewith the honour to enclose a copy.

Your Lordship will perceive by this letter, that Mr. Robinson had not then visited the Ovens River; and that his failing to visit it was one of the reasons for the stoppage of his salary, which was reported in my despatch to your Lordship, No. 162, of the 9th September last.

I have, &c.  
(signed) 'Geo. Gipps'.

25 October 1842.

Enclosure in No. 59.

(No. 42, 1482.)

Sir, Melbourne, 25 October 1842.  
In acknowledging receipt of your letter of 7th of October instant, in which you inquire whether any further information has been received in relation to an homicide committed on an aboriginal native, named Mickey, in the Ovens River district, in 1841, I have to state my regret; that up to this date, Mr. Robinson, the Chief Protector, who was charged with this duty, has not found time to make the investigation entrusted to him seven months ago; and that it was in consequence of the non-performance of this and similar points of duty required of him, that I felt myself obliged to decline sanctioning the issue of salary to him, as mentioned in my letter of 6th September, No. 1209.  
He is now, however, reported to be engaged in this duty, and I trust that before long, I shall have the satisfaction of stating the steps he has taken in pursuance of the orders he has received.

Encl. in No. 9.

The Honourable the Colonial Secretary,  
Sydney.

I have, &c.  
(signed) C. J. La Trobe.

—No. 60.—

(No. 239.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord, Government House, Sydney, 22 December 1842.  
In my despatches of the 9th September and 4th December 1842, Nos. 162 and 228, I explained the reasons why up to the date of the latter of them, the inquiry had not been made, which by your Lordship's despatch of the 5th October 1841, No. 12, was directed, as to the nature of the homicide committed at the Ovens River, on an aboriginal native, named "Mickey," in 1841, the particulars of which were reported to Lord J. Russell, in my despatch, No. 35, of the 3d February 1841.

No. 60.  
Sir George Gipps  
to Lord Stanley,  
22 December 1842.  
Page 113.

Page 85.

I have now the honour to inform your Lordship, that the Chief Protector of Aborigines has returned from his visit to the Ovens River; and I transmit a copy of a letter from Mr. La Trobe, in which is enclosed the Chief Protector's report on the subject of the said homicide.

14 December 1842.

627.

H H 3

From

NEW SOUTH  
WALES.

From these documents your Lordship will perceive, that the homicide was committed by Mr. Mackay, under circumstances such as, in the opinion of the Crown Prosecutor, to whom the several papers have been submitted, would have rendered it a justifiable one had "Mickey" been a white man.

I have, &c.  
(signed) *Geo. Gipps.*

Enclosure, in No. 60.

(No. 42, 1688.)

Encl. in No. 60.  
Mickey.

Melbourne, 14 December 1842.  
Sir,  
REFERRING to my letter to you of the 25th October last, No. 42/1482, stating in answer to the inquiry contained in yours of the 7th of that month, that the Chief Protector was then engaged in the duty of making a fuller investigation into the circumstances which led to the homicide of the aboriginal native named in the margin, at the Owens River, in 1841; I have now the honour to report the return of Mr. Robinson from that part of the country, and enclose without loss of time that gentleman's statement of the result of the further inquiry instituted by him, and two magistrates who accompanied him, into the above case, with copies of certain depositions annexed.

His Excellency will perceive, that in the opinion of the Chief Protector, no proceedings can with justice be instituted against Mr. Mackay, as a white man under similar circumstances would have been liable to have lost his life. I have further to state, that I have laid these papers before the Crown Prosecutor, who gives it as his opinion, that every step to ascertain the real facts of the case has been taken, and which, under existing circumstances, could have been resorted to.

I have, &c.  
The Honourable the Colonial Secretary. (signed) *C. J. La Trobe.*

(No. 1030.)

Chief Protector's Office, Melbourne, 8 Dec. 1842.  
Sir,  
I HAVE the honour to report, that in pursuance with your instructions, I proceeded, accompanied by Mr. Assistant Protectors Le Souef and Thomas, to inquire into the circumstances attending the death of the aboriginal native named in the margin, shot by Mr. J. S. A. Mackay, at the Hume River, on the 10th day of December 1840; I beg to state, that the most rigid inquiry was instituted, and that deeply as the magistrates regretted the loss of life in this case, it was considered that no proceedings, with justice, could be instituted against Mr. Mackay, as a white man under similar circumstances would have been liable to have lost his life.

The depositions in this case I do myself the honour to enclose.

I have, &c.  
His Honour C. J. La Trobe, Esq. (signed) *G. A. Robinson.*

New South Wales, } BEFORE George Augustus Robinson, Esquire, Chief Protector of  
to wit. } Aborigines, and William Le Souef, Esquire, Assistant Protector of  
Aborigines, two of Her Majesty's Justices of the Peace for the said Colony:

Mickey, Larry,  
Ginnon.

APPEARED *John Keefe*, an assigned servant of Mr. George Faithful, this 15th day of November 1842, to give evidence in the case of a certain aboriginal native, shot at the River Hume, on or about the 10th day of December 1840; and being duly sworn, deposeth, That, he and a mounted policeman, named Peter Byers, were assisting Mr. John Scobie Anderson Mackay, in escorting the aboriginal natives named in the margin, from the police barracks to the Broken River; that in attempting to cross the River Hume, the blacks repeatedly attempted to escape, and that Mickey, the most desperate of the three, nearly succeeded in pulling Mr. Mackay off his horse, and attempted by diving to draw him under the water; that they used every exertion to get the prisoners forward; it was moonlight, and the natives assembled on the opposite bank of the river were preparing to rescue the prisoners; we considered ourselves in danger, and expected every moment to receive a volley of spears, when Mr. Mackay turned round and asked us whether we also considered ourselves in danger, he being himself apprehensive of an immediate attack; Keefe and Byers stated, that they were quite of the same opinion, when to save himself and his party, Mr. Mackay fired, and Mickey fell dead; Mr. Mackay had previously requested Byers to take charge of Mickey at the barracks, which he was fearful of doing, in consequence of the large number of blacks congregated in the neighbourhood, who had made use of threatening language. Before the party quitted the barracks, they had heard several guns discharged, which they supposed

supposed to be fired by the natives, who were known to be in possession of fire-arms, and there were no huts nor any station near the barracks; and they also distinctly heard the voices of the natives after they had quitted the barracks.

NEW SOUTH WALES.

Encl. in No. 60.

(signed) his  
John ~~X~~ Keefe,  
mark.

Sworn before us, this 15th day of November 1842.

(signed) G. A. Robinson, J. P.  
W. Le. Souef, J. P.

—No. 61.—

(No. 243.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord,

Government House, Sydney, 28 December 1842.

CONTINUING the practice which I have for some time adopted of furnishing to your Lordship selections from the numerous and voluminous reports which are now made to this Government by the different persons employed in the protection or civilization of the aborigines, I have the honour to forward herewith the following papers:—

No. 61.  
Sir George Gipps  
to Lord Stanley,  
28 December 1842.

1. Extracts from a report made to the superintendent of Port Phillip, by the Chief Protector of Aborigines, Mr. Robinson, detailing his proceedings during a visit to the aborigines in the western part of the Port Phillip district.

Extracts, No. 1.

Mr. Robinson was engaged in this expedition very nearly five months, having left Melbourne on the 20th March and returned to it on the 17th August 1842.

He appears to have visited all the country to the north of Portland Bay, on the confines of South Australia, and to have opened a friendly communication with numerous tribes of natives.

He mentions various instances of collisions between these tribes and the settlers, or, more correctly speaking, the squatters, and gives the names of 22 of the aborigines who are supposed in these collisions to have lost their lives.

He also mentions some customs of the natives in this part of the country, which seem to show them, in some respects, superior in knowledge to the tribes which are better known, whilst in others (especially in regard to their cannibalism) they are more savage in their nature.

The extracts show, that for the purpose of catching fish, the natives of some parts of the country passed over by Mr. Robinson, have erected weirs of considerable extent, and which would seem to afford evidence at once of forethought and combined labour, such as have not, I believe, been observed amongst the aborigines of any other part of Australia.

Though written upon 302 pages of foolscap paper, Mr. Robinson's report contains no other passage which it seems to me necessary to extract for your Lordship's perusal.

2. The second extract which I forward is from the appendix to Mr. Robinson's report (not included in the 302 pages). It is taken from a report made to Mr. Robinson by Mr. Assistant Protector Sievwright, and describes the manner in which a young woman of the Bolagher tribe, who had been killed by a hostile tribe, was (after they had indulged in the most violent grief for her loss) devoured by her own friends and relations. It exhibits, perhaps, one of the most ferocious acts of cannibalism on record.

Extract, No. 2.

I have, &c.

(signed) Geo. Gipps.

Enclosure 1, in No. 61.

EXTRACTS from a Report made by the Chief Protector of Aborigines (G. A. Robinson, Esq.), of his proceedings on a visit to the country lying to the north of Portland Bay, in the months from March to August 1842.

ON the following day reached Lake Boloke; my native companions had a dread of the Boloke people, and it was with much difficulty I persuaded them to accompany me.

During the night of our encampment on the margin of the lake, they apprehended we should be slain; they said the Boloke natives were extremely insidious in their attack, and that before we could offer resistance we should be killed. I endeavoured to dispel their fears, but it was to no purpose; the day dawned, and finding themselves uninjured, they took courage.

Encl. 1, in No. 61.

NEW SOUTH  
WALES.

Encl. 1, in No. 1.

No natives were to be seen; the lake, an unusual circumstance, was nearly dry. The fishing season had terminated; putrid eels, some of them three feet in length, lay in mounds, and tainted the air; and I might observe, that on our approach the position of the lake was indicated to our olfactory nerves by the tainted breeze, when at the distance of at least a couple of miles. Our camp had been reconnoitred by a small party of blacks during the night; this, the acute vision of my native friends soon discovered, and in pointing out to me their foot-marks, did not fail to hint that their fears were not altogether groundless. A large body of natives had evidently been at the lake anterior to my arrival; this was plainly indicated by the innumerable foot-marks on the beach, and the camping places on the sand-hills. I made the circuit of the lake, but could not discover any aborigines, although I felt assured they were in the neighbourhood. My native friends were timid, and would not venture alone. Among the many temporary contrivances for shelter done by the natives, the covering with turf the projecting branches of dwarf trees, appeared to me the most ingenious. In addition to eels, muscle and tortoise are also obtained; the natives are extremely partial to the latter. At two salt lakes, a mile and a half north-west from Boloke, we encamped for the night; water was procured from a small hole in the margin of Colan, the largest of the two lakes, and although turbid, was found acceptable, as it was the only water in the neighbourhood. Like Boloke, these lakes were dry; their entire beds were covered with a compact layer of pure white salt, sufficiently firm to walk over, and from two and a half to three inches in thickness; when seen from a distance it resembled ice; the salt was pungent to the taste, and the settlers, of whom there were several gathering salt, assured me it answered better for curing meat than that imported; the salt on the verge of the lake was of fine quality. The Jarcoort natives observing my anxiety to communicate with the Boloke tribe, did all in their power to gratify my wish, and their power of vision was strikingly evinced in their observing, when at a great distance from Boloke, natives in the mud groping for eels; suffice to say, a communication was effected, and a small party, consisting of two men and a woman, agreed to accompany me to Kil-ambete.

Being anxious personally to confer with the other tribes of the interior in their own locality, I resolved to proceed by a devious route to Coloner and the Grange, ere I visited Portland. In pursuance therewith, sent forward my party, consisting of one white and seven blacks; other natives returning to their district, went at the same time.

At the request of the natives, visited Patwoordeck, a favourite fishing resort at the rapids, several stages and weirs for taking fish had been erected.

Travelled northerly for 20 miles; at evening encamped at Tarcone, adjacent to the station (then being formed) of Drs. Bernard and Kilgour. The greater part of the servants at this establishment had been convicts, they were in a state of great insubordination. My native attendants pointed out an extensive weir, 200 feet long and five feet high; they said it was the property of a family, and emphatically remarked, "that white men had stolen it and their country;" the Yow-ew-nil-jurns were the original inhabitants.

"Tapoe," the Mount Napier of Mitchell, is an isolated hill of volcanic formation; the crater is broken down on the west side to its base. The great swamp is skirted by low hills and well grassed open forest land; the natives are still the undisputed occupants, no white man having been there to dispossess them. The people who occupy the country have fixed residences; at one village were 13 large huts, they are warm and well constructed, in shape of a cupola or "kraal;" a strong frame of wood is first made, and the whole covered with thick turf, with the grass inwards; there are several varieties; those like a kraal are sometimes double, having two entrances, others are demicircular; some are made with boughs and grass, and last are the temporary screens; one hut measured 10 feet diameter by five feet high, and sufficiently strong for a man on horseback to ride over.

Left early, attended by Pevay, to reconnoitre the country. In the marshes numerous trenches were again met with; these resembled more the works of civilized than of savage men; they were of considerable extent; one continuous treble line measured 500 yards in length, two feet in width, and from 18 inches to two feet in depth; these treble dikes led to extensive ramified watercourses; the whole covered an area of at least 10 acres, and must have been done at great cost of labour to the aborigines, a convincing proof of their persevering industry. These are the most interesting specimens of native art I had seen; thousands of yards had been accomplished; the mountain streams were made to pass through them. In fishing, the natives use the arabine or eel-pot of platted grass, from nine to 12 feet in length. On the elevated ground were some of the largest ash-hills I had seen, and must have been the work of generations; one measured 31 yards in length, 29 in width, and two in height, with hollow cavities for the natives' bivouacs and camping places. An extensive range of country had been examined, traces of the aborigines were seen, but none met. Reached, as the sun declined the horizon, on the entrenched ground, and sent Pevay to bring up the party; it was long after dark, and he did not return. I went in quest of them, and for some time wandered among trees, but finding it useless, I tied up my horse, and supperless lay down to sleep, with my saddle for a pillow, under a gum tree; cold and wet during the night.

## Enclosure 2, in No. 61.

Lake Tarong, 25 April 1841.

Encl. 2, in No. 61. About two o'clock in the morning of the 24th instant, I was awoke, by a shout and general alarm in the huts of the Bolagher tribe, who were encamped about 20 yards in front of my tent.

On

On looking out I saw them armed and rushing in the direction of the Targurt tribe, who were encamped about 50 yards to the right; a severe conflict immediately took place, and some of the Targurt tribe came and burst violently into my tent, begging for assistance and protection.

On going out I found the whole of the men of the different tribes (amounting to upwards of 100) engaged hand to hand in one general *melée*.

On being directed by some of the women, who had likewise sought shelter near my tent, to the huts of the Bolaghers, I there found a young woman, supported in the arms of some of her tribe, quite insensible, and bleeding from two severe wounds upon the right side of the face; she continued in the same state of insensibility till about 11 o'clock, when she expired.

After fighting for nearly an hour, the men of the Bolagher tribe returned to their huts, when finding that every means I had used to restore the young woman was in vain, they gave vent to the most frantic expressions of grief and rage, and were employed till daylight in preparing themselves and weapons to renew the combat.

Shortly before sunrise they again rushed towards the Targurt and Elengermite tribes, who, with about a dozen of Wamambool natives, were encamped together, when a most severe struggle took place between them, and very few escaped on either side without serious fractures or dangerous spear wounds. Although the Targurt tribe were supported by the Elengermite and Wamambool natives, and were consequently much superior in number, they were, after two hours hard fighting, driven off the ground and pursued for about four miles to where their women and children had retired; when one of the former, named Mootinewhannong, was selected, and fell, pierced by about 20 spears of the pursuers.

The body of this female was shortly afterwards burned to ashes by her own people, and the Bolagher natives returned to their encampment, apparently satisfied with the revenge they had taken, and remained silently and sullenly watching the almost inanimate body of the wounded female.

When death took place, they again expressed the most violent and extravagant grief; they threw themselves upon the ground, weeping and screaming at the height of their voices, lacerating their bodies and inflicting upon themselves wounds upon the head, from blows which they gave themselves with the *leangville*. About an hour after the death of the young woman, the body was removed a few hundred yards into the bush by the father and brother of the deceased; the remainder of the tribe following by one at a time, until they had all joined what I imagined to be the usual funeral party. Having accompanied the body when it was removed, I was then requested to return to my tent, which request I took no notice of. In a few minutes I was again desired, rather sternly, and by impatient signs, to go. I endeavoured to make them understand that I wished to remain, and I sat down upon a tree close to where the body lay. The father of the deceased then came close up to me, and pointed with his finger to his mouth, and then to the dead body. I was at this moment closely and intensely scrutinized by the whole party. I at once guessed their meaning, and signified my intention to remain, and, with as much indifference as I could assume, stretched myself upon the tree, and narrowly watched their proceedings.

With a flint they made a small incision upon the breast, when a simultaneous shriek was given by the party, and the same violent signs of grief were again evinced. After a short time the operation was again commenced, and in a few minutes the body disembowelled.

The scene which now took place was of the most revolting description; horror-stricken and utterly disgusted, while obliged to preserve that equanimity of demeanour upon which I imagined the development of this tragedy to depend, I witnessed the most fearful scene of ferocious cannibalism.

The bowels and entire viscera having been disengaged from the body, were at first portioned out; but from the impatience of some of the women to get at the liver, a general scramble took place for it, and it was snatched in pieces, and, without the slightest process of cooking, was devoured with an eagerness and avidity, a keen, fiendish expression of impatience for more, from which scene, a memory too tenacious upon this subject will not allow me to escape; the kidneys and heart were in like manner immediately consumed, and as a climax to these revolting orgies, when the whole viscera were removed, a quantity of blood and serum which had collected in the cavity of the chest was eagerly collected in handfuls, and drunk by the old man who had dissected the body; the flesh was entirely cut off the ribs and back, the arms and legs were wrenched and twisted from the shoulder and hip joints, and their teeth employed to dis sever the reeking tendons, when they would not immediately yield to their impatience. The limbs were now doubled up and put aside in their baskets; and on putting a portion of the flesh upon a fire which had previously been lit, they seemed to remember that I was of the party; something was said to one of the women, who cut off a foot from the leg she had in her possession, and offered it to me; I thought it prudent to accept of it, and wrapping it in my handkerchief, and pointing to my tent they nodded assent, and I joyfully availed myself of their permission to retire. They shortly afterwards returned to their huts with the debris of the feast, and during the day, to the horror and annoyance of my two boys, and those belonging to the establishment, they brought another part, and some half-picked bones, and offered them to us. The head was struck off with a tomahawk and placed between hot stones in the hollow of a tree, where it has undergone a process of baking, and it is still left there otherwise untouched.

From the general testimony, given by about 100 aborigines, it appears that the native "Warawá" crept to the hut of the deceased Worangrew, and inflicted with a spear the

NEW SOUTH  
WALES.

two wounds from which she died. From a *post mortem* examination of the skull, I found the spear had penetrated the brain through a wound in the right temple.

(signed) C. W. Siewwright, A. P.

— No. 62.—

(No. 4.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

No. 62.  
Sir *George Gipps*  
to Lord *Stanley*,  
4 January 1843.

29 November 1842.

My Lord,

Government House, Sydney, 4 January 1843.

I HAVE the honour herewith to forward to your Lordship a copy of a letter from Mr. La Trobe, as also of the annual report enclosed in it, of the Wesleyan Mission to the aborigines, which was established towards the end of 1838, at a place called "Bunting Dale," about 40 miles west of Geelong, in the Port Phillip district.

Your Lordship will perceive with regret, that the object for which this mission was established has entirely failed, notwithstanding all the assistance has been afforded to it which was asked for from the Government.

The cause of its failure is ascribed by the Rev. Mr. Hurst, who signs the report, to three principal causes :

1st. To the fact of the mission having been established in the neighbourhood of four different tribes, which though at first considered advantageous, as bringing a greater number of the natives within the sphere of its action, was afterwards found injurious, in consequence of the hostilities constantly existing between these different tribes.

2d. To the difficulty of communicating with the tribes in their own languages.

3d. And principally, to what Mr. Hurst not inappropriately designates "the deadly influence of ungodly Europeans."

It is to escape as far as possible from this influence, that the heads of the mission are now desirous of removing their establishment to the river Murray, lately visited by the Rev. Mr. Tuckfield, one of the missionaries, whose report of his journey was transmitted to your Lordship with my despatch of the 30th July 1842, No. 136.

Page 223.

But were the mission removed to this locality, there can be little doubt that it would, in the course of a very few years, be even there surrounded by the establishments of white men ; and I can, moreover, scarcely think that any projects for the amelioration of the native race can be successful, which are founded on the principle of separating them entirely from intercourse with white men.

If, however, such a plan be ever to be tried, a much more favourable spot for trying it presents itself, I think, at the other (that is to say, the northern) extremity of the colony.

A plan is actually under consideration for removing the German mission in the district of Moreton Bay to a spot where it might reasonably expect to remain undisturbed by white men for many years ; on this project, however, it would be premature now to enter.

I have, &amp;c.

(signed) *Geo. Gipps*.

Enclosure in No. 62.

Enclosure in No. 62.

Sir,

Melbourne, 29 November 1842.

I HAVE the honour to enclose to you for his Excellency's satisfaction, the annual report which I have received from superintendent of the Aboriginal Missionary establishment on the Barwen; and also a memorandum of the expense incurred in the maintenance of the same, during the year commencing the 1st of October 1841, and ending the 30th September 1842, the moiety of which they trust will be met by Her Majesty's Government.

Mr. Hurst further observes, that as I at the time intimated that the Government would bear the expense of Mr. Tuckfield's visit to the Murray, he had entered the whole of that sum in the amount requested from the Government ; and I trust that his Excellency will not object to this claim being admitted. It is my duty to state, that previous to sanctioning the issue of the sum in question, I have, in conformity to my instructions, taken an opportunity of visiting the station. His Excellency will perceive, that in consequence of the evident want of success, and of other difficulties attending the labours of the missionaries, the establishment has been already very considerably reduced ; and that the claim on Government

£. 602. 4s. 10d.  
£. 301. 2s 5d.



Government for the past year does not amount to one-half of that made in the previous years.

It appears to me, that the establishment ought in future, under good management, to meet the bulk of its own expenditure, for the benefit of the aboriginal inhabitants of the neighbourhood.

With reference to that part of Mr. Hurst's report which treats of the obstacles thrown in the way of the missionaries, by the bad influence and practice of European settlers, I think it my duty to state, that the evil effects of that influence can scarcely be exaggerated; but I regret, that, however undeniable the fact, I have not been furnished with a single opportunity of marking the feeling of the Government with regard to the bad conduct in this respect of those holding depasturing licences. It appears to me, that the missionaries shrink from the duty of openly exposing the vicious connexion which too often exists between the Europeans and the native women. That there are great difficulties in the way of obtaining positive proof of the same, there can be no doubt; and that such have always stood in the way of the Crown Commissioners when seeking to bring charges of such impropriety of conduct home to the settlers or their servants. It is evident, that nothing but the adoption of extreme measures could effect that complete separation between the aboriginal inhabitants and the European settlers which Mr. Hurst appears to advocate; and yet I fear that nothing short of a complete separation would put a stop to the evils complained of.

I have, &c.

(signed) *C. J. La Trobe.*

The Honourable the Colonial Secretary.

To his Honour *Charles Joseph La Trobe*, Esq. Superintendent of Port Phillip, &c.

Sir,

Sydney, 21 October 1842.

As another year has terminated, I feel it to be my duty again to make you acquainted with the state and prospects of the Wesleyan Missionary Society's mission to the aborigines of Port Phillip.

Although no exertions have been wanting on the part of the missionaries to improve both the civil and moral condition of the natives, both when they have been at the station, and when they have been absent, yet I have not the pleasure of reporting, that any very considerable degree of success has as yet attended our exertions. This has been to us a source of deep and painful anxiety, and has often led to serious inquiry as to the cause; and the conclusion to which we have come is, that our want of greater success is to be attributed in part to the circumstance of our not being able to make them acquainted to a greater degree with some of the most important and fundamental verities of the Christian religion.

From the commencement of our labours we have paid diligent attention to the acquirement of the language, and, considering our circumstances and opportunities, have, I think, made tolerable proficiency; yet it must be admitted, that although we are able to converse with the natives in their own language on all the common topics of conversation with considerable fluency, yet we have always found a difficulty in conveying ideas to them upon religious subjects, especially with regard to the atonement; so that, properly speaking, they have not as yet been made acquainted with that gospel, which is the divinely appointed means for the restoration of a rebel world to its allegiance to the King of Kings and Lord of Lords. If we look at the circumstances in which the heathen are placed, at the means which have been employed for the promotion of their civil and religious improvement, and the success of some of those means, and at the failure of others, and at the same time bear in mind that the preaching of the gospel by faithful and devoted men is the only means which Almighty God has been pleased to appoint for the evangelizing of the world, we shall perceive that it is in vain that we expect the deeply degraded aborigines of Australia to be raised from their wretchedness, until that gospel is brought to bear upon their condition. But let them be made acquainted with the gospel, and let that gospel be applied to their hearts by the spirit of God, and a great moral change will at once take place; the power of their superstitions will be broken, their wandering habits will be abandoned, their wars will cease, their thirst for blood will be removed, they will betake themselves to the habits of civilized life, and become the faithful and acceptable worshippers of the true God. Nor is this a distorted representation. It is true they are degraded in the extreme; and that many plans adopted for their benefit have failed; but no one, I presume, who is acquainted with them, will say, that their intellects are so obtuse, that they cannot comprehend the truths of the gospel, when those truths are conveyed to them in a language with which they are familiar. They are the purchase of the Redeemer's blood; and as I am credibly informed, one of their number in the older part of the colony has been led, through the blessing of God upon Wesleyan instrumentality, to embrace the Christian religion; nor is he a Christian in name only; his love to God, his attention to the means of grace, and his concern for the salvation of his fellow-men, form a very striking contrast to what is observable in the conduct and pursuits of too many who bear the Christian name.

Another circumstance which has very considerably interfered with the success of our labours, particularly during the last year, is the frequency of quarrels which take place between the different tribes; the ground we at present occupy, although within the boundary

NEW SOUTH  
WALES.

Enclosure in No. 62.

of a small tribe, was chosen because of its central situation, under the mistaken idea, that several tribes could be brought to locate upon the same reserve; but very soon after the commencement of our labours, we found there were almost insuperable obstacles to be overcome before this part of our object could be accomplished, so inveterate are the prejudices of one tribe towards another, so constant their jealousies, so powerful their superstitions, and, in consequence, so frequent their quarrels, that until the gospel shall have been brought to bear upon their hearts, there can be but little hope that any attempt to induce them peaceably to associate for any very great length of time, will be successful. And in consequence of the tribe more immediately connected with the mission being at war with the neighbouring tribes, and also on account of the smallness of their number, and our inability to afford them protection, they have several times during the year been driven from the station, and scattered among the settlers; and although we have visited them in their wanderings, yet as they have been divided into small parties, and mixed with the worst class of Europeans, the prospect of doing them good under such circumstances is of the most discouraging character.

But that which appears to me to present the most formidable obstacle to their evangelization, is the deadly influence of ungodly Europeans. I have thought much and seriously upon the subject, and every day's reflection and observation tends to confirm me in the opinion, that if the natives of Australia Felix are to be raised to the condition of civilized and religious men, they must be preserved from that destructive influence to which at present they are subjected. The acquirement of the language so as to be able to preach to them in their own tongue the unsearchable riches of Christ, although a difficult task, and must necessarily be a work of time, yet may be performed, and notwithstanding they are sunk to the lowest degree of degradation and misery, yet the means which have been so successful among the Indians in America, the Hottentots in Africa, and the Cannibal Islands of the South Seas, will, by the blessing of God, if faithfully used, produce the same effects among this people also. The blood of the covenant retains its efficacy; the gospel is still the power of God unto salvation to every one that believeth; and wherever it is faithfully and perseveringly preached, men will be turned from darkness to light, and from the power of Satan unto God; but in consequence of the intercourse which the natives have with wicked men, they are not only taught to practise vices of which before they were ignorant, but to such an awful extent are the women prostituted, that procreation has almost entirely ceased, and disease, the result of illicit intercourse, has been introduced among them, and has been and still is most destructive in its ravages. From these and other causes, the four tribes in the neighbourhood of the mission station have decreased at least one-half since the commencement of our labours; so that should the present state of things continue, but a very few years will suffice to complete the annihilation of the aborigines of Australia Felix, and place this fine country in the sole possession of the white man. How dark, then, and cheerless is the prospect! Judging from present appearances, it is evident, that by the time the missionary shall have acquired the language, so as to be able to preach the gospel therein, and is thus prepared to pursue his work with vigour and efficiency, he will have no one to preach to. But let it not be said in such a case, that his labours have failed of success because the natives are incapable of improvement; let the effect be attributed to its proper cause, and let it be said, that the heathen were destroyed by men who call themselves Christians, before the means he was preparing to employ for their conversion to God were fairly brought to bear upon their circumstances and condition.

Your honour is already aware, that in consequence of the discouraging circumstances of the mission at Bunting Dale, we have been thinking of removing further into the interior; where, as we suppose, the influence of which we have had so frequently to complain will not be felt to so great an extent; and with reference to this object Mr. Tuckfield has, during the year, visited the tribes in the neighbourhood of the junction of the Murray and the Goulburn. He was very much pleased with what he saw, and is of opinion that a more eligible site for a mission establishment may be found on the Murray, than in any other part of Australia Felix with which he is acquainted. But in consequence of an intimation given by his Excellency Sir George Gipps, that in future the Government could not render us any pecuniary assistance, the district committee recently assembled in Sydney did not think it would be prudent to effect a removal without first consulting the parent committee in London, especially as the Society's funds are still in an embarrassing condition, and as a mission on the Murray would necessarily involve an additional expense.

It has therefore been determined that the mission shall be continued at Bunting Dale for another year, and that as one missionary is sufficient to perform all the duties of that station, Mr. Tuckfield shall still remain there, and that in the mean time I shall be employed in another department of our work.

It has also caused us sincere regret to learn, that since Mr. Tuckfield's return a considerable number of settlers are gone to the neighbourhood of the Murray; still, however, we presume, that from the comparative barrenness of the soil, that part of the district can never be so thickly populated by Europeans as in the vicinity of Bunting Dale.

Your honour will perceive by the annexed accounts, that our expenditure has been much less during the past than in any previous year.

I have, &c.

(signed) *Benj. Hurst.*

EXPENDITURE.

ABORIGINES, AUSTRALIAN COLONIES.

245

EXPENDITURE at the Wesleyan Mission Station, Bunting Dale, Geelong, Port Phillip, New South Wales, for Twelve Months, from the 1st October 1841 to the 30th September 1842.

NEW SOUTH WALES.

Encl. in No. 6a.

|   | Amount Expended. |     |      | Amount requested from Government. |    |    |
|---|------------------|-----|------|-----------------------------------|----|----|
|   | £.               | s.  | d.   | £.                                | s. | d. |
| Expenses of two Missionaries, including board, and all other allowances for themselves, families and servants, and for travelling and horse expenses. | 372              | 12  | —    | 186                               | 6  | —  |
| Wages of overseer, bullock-driver and extra man - - -   | 77               | 18  | —    | 38                                | 19 | —  |
| Food and clothing given to the natives, and rations for bullock-driver, extra man and overseer.   | 135              | 8   | 10   | 67                                | 11 | 11 |
| Miscellaneous expenses, including repairs of bullock gear and agricultural implements.  | 16               | 11  | —    | 8                                 | 5  | 6  |
|   | £.               | 602 | 4 10 | 301                               | 2  | 5  |
| Expenses of Mr. Tuckfield's visit to the Murray, including presents to natives.   | 13               | 17  | 8    | 13                                | 17 | 8  |
| TOTAL - - -   | £.               | 616 | 2 6  | 315                               | —  | 1  |

—No. 63.—

(No. 5.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 5 January 1843.

HAVING in several of my late despatches had occasion to report to your Lordship the continuance of great outrages by and on the aborigines in that part of the district of Port Phillip which lies to the north of Portland Bay, and on the confines of South Australia, it is with much satisfaction I now forward to your Lordship a copy of a letter recently received from Mr. La Trobe, giving a somewhat better account of the state of that part of the country.

Appended to Mr. La Trobe's letter is one from Mr. French, a police magistrate resident at "The Grange," near to which, in latitude about 37° 53' south, and longitude 142° 28' east, is the aboriginal station called "Mount Rouse."

This station is one of the reserves or homesteads for the aborigines, which are described in my despatches of the 7th May 1840, No. 60, and 3d February 1841, No. 35. It was until lately under the charge of Mr. Sievwright, one of the Assistant Protectors of Aborigines; but since his suspension from office (reported in my despatch of the 9th September 1842, No. 161) has been confided to the care of Dr. Watton.

I have, &c.  
(signed) *Geo. Gipps*.

No. 63.  
Sir George Gipps  
to Lord Stanley,  
5 January 1843.

30 November 1842.

Page 33.  
Page 85.

Enclosure in No. 63.

(No. 42/1832.)

Sir,

Melbourne, 30 November 1842.

REFERRING to my letter of 6th August, informing his Excellency what arrangements I proposed to make pending the decision of the Governor with regard to the suspension of Mr. Sievwright, and the nomination of another as Assistant Protector, I have the honour to enclose a copy of a communication which I have received from the police magistrate of the Grange, who was ordered to visit and report upon the state of the establishment at Mount Rouse.

My information with regard to the proceedings of the Chief Protector's department on the station in question, has hitherto been so broken and so scanty, that I am unable to give an opinion as to the expediency or in expediency of adopting the measures proposed by Mr. French for the more economical conduct of the same. It is, however, my intention to take an early opportunity, should such become open to me, of visiting that part of the country, when it will be my duty to form a judgment on these points.

I am glad to be able to state, that for the last two months, from one cause or another, there seems to have been a pause in the previous continual attacks of the natives on the property of the settlers in the western district.

I have, &c.  
(signed) *C. J. La Trobe*.

The Honourable the Colonial Secretary.

627.

113

Sir,

Encl. in No. 63.

NEW SOUTH  
WALES.

Encl. in No. 63.

Sir,

Police Office, Grange, 12 November 1842.

In accordance with your wishes expressed in a former despatch, that I should visit and report on the efficiency of the native station at Mount Rouse, I have the honour to inform you, that it appears to me to be at present carried on in as satisfactory a manner as circumstances will permit.

The number of natives at present there amounts to between 180 and 200, and I am informed by Dr. Watton, who has recently been to the Hopkins and succeeded in bringing with him to the station about 60, that a great many more are shortly expected. I have the honour to make the following remarks on the disadvantages of the establishment, and suggest the following remedies.

The greatest difficulty in detaining the natives at the station, and breaking them from their erratic habits, has arisen in consequence of the scanty supply of flour occasioned by the badness of the roads to Port Fairy.

I am informed by Dr. Watton, that they evince a very great preference of flour and rice to meat, and he says that he could make 50 lbs. of flour and 30 lbs. of rice avail more than 200 lbs. of meat. This would obviously suggest the propriety of laying in a large stock of those two commodities in the summer months.

In order to supply the establishment in the most efficient manner with meat and flour, and at an incalculable saving to the Government, the expedient of purchasing a mixed herd of breeding cattle appears to be the best.

Dr. Watton is sanguine in the idea, that if there was a sufficient number of working bullocks and farm implements for the station, a quantity of wheat might be grown enough to supply all the natives of the country, even in the event of minor establishments being formed in other and more remote parts of this extensive district, and which, I think, would be a great desideratum.

It is calculated that the expenditure on meat alone for this establishment amounts to between 1,800*l.* and 2,000*l.* per annum. I therefore think that the justness of the above suggestion will at once appear obvious to your honour, and that in two years' time the expenses of Government connected with the aboriginal department in this district would be little more than the salaries of its officers.

I have the honour to suggest, that the appointment of an assistant protector, in addition to the gentleman at present in charge, would be an useless expense to Government, as that office is fully and efficiently filled by Dr. Watton.

His Honour C. J. La Trobe, Esq.,  
&c. &c. &c.

I have, &c.  
(signed) A. French, Police Magistrate.

—No. 64.—

(No. 46.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

No. 64.  
Sir George Gipps  
to Lord Stanley,  
3 April 1843.

My Lord, Government House, Sydney, 3 April 1843.  
AGREEABLY to the instructions contained in Lord J. Russell's despatch, No. 132, of the 25th August 1840, I have the honour to forward herewith, the annual reports for 1842, of the different officers of this Government employed in the civilization or protection of the aborigines, and also from the different Missionary establishments receiving aid from the Government.

The following is a list of the Reports:—

1. Report of the Mission at Wellington Valley, in connexion with the Church of England.
2. Report of the German Mission at Moreton Bay, in connexion with the Presbyterian Church.

Reports from the Crown Commissioners employed in the older parts of the colony in the undermentioned districts:—

3. Wellington.
4. Bligh.
5. Maneroo.
6. Murrumbidgee.
7. Lachlan.
8. M'Leay River.
9. Clarence River.
10. New England.

Reports from Port Phillip:—

11. Chief Protector's Report.
12. Wesleyan Mission at Geelong.

Crown Commissioners' Reports from the under-mentioned districts:—

13. Portland.
14. Grant.
15. Bourke.
16. Western Port.

I have, &c.  
(signed) Geo. Gipps.

9 January 1843, No. 1.  
No date, No. 2.

31 Dec. 1842, No. 3.  
No date, No. 4.

11 Jan. 1843, No. 5.  
No date, No. 6.

29 Jan. 1843, No. 7.  
9 Jan. 1843, No. 8.

24 Feb. 1843, No. 9.  
13 Jan. 1843, No. 10.

14 Dec. 1842, No. 11.  
No date, No. 12.

26 Dec. 1842, No. 13.  
28 Dec. 1842, No. 14.

24 Dec. 1842, No. 15.  
21 Dec. 1842, No. 16.

Enclosures in No. 64.

(No. 1.)

NEW SOUTH  
WALES.ANNUAL REPORT of the Aboriginal Mission at *Wellington Valley*, addressed to the  
Honourable E. Deas Thomson, Colonial Secretary.

Encls. in No. 64.

Sir,

Wellington Valley, 9 January 1843.

IN attempting to furnish the Colonial Government with a report of the state and proceedings of this mission during the past year, I candidly acknowledge I am at a loss what to say; I would rather keep silence altogether, for I really can speak of no improvement of any consequence, either in the generality of the aborigines of this district, or in those who are more or less attached to the mission, whilst every year seems to bring fresh trials, to add to those baneful influences which have long acted so unfavourably upon the morals of these untutored children of the forest. For a time, I was beginning to hope that several of our young people would become more steady; for, during the greater part of the year, there were three couples, sometimes four, living at the mission, which is something unusual; for these aborigines generally become more unsettled and addicted to their wandering habits, when they live as husband and wife together, than when single; but, in a measure, I am disappointed in my expectations; for the very couple who had always been most steady and useful when single, and even for a time when united, have gradually yielded to bad and uncivilized habits, and have now, for several weeks, been wandering in the bush. There are two young women, however, staying, who for many months, the one for the whole year, remained, and conducted themselves tolerably well, although their husbands have repeatedly gone away. One of these young men has, above all others, disappointed me; for he had for years afforded more hope than any other, of a better principle gaining ground in him by degrees. Indeed, it is truly distressing to me, when I consider the serious reflection which at times he evinced; the anxious inquiries after religious and other useful information, and the striking observations which he made from time to time, for more than three years, to see him once more in a measure fall back into heathen customs. Nor has his better judgment utterly left him; he often acknowledges he knows he is doing wrong, but adds, he cannot help it; he imagines, if he was separated from his black countrymen, he would become a better man. The influence of the elderly men, by threatening and superstitious notions, is certainly very strong: they seem to contrive every scheme they can to keep the rising generation in a savage state. Another young man, the same who was so prominently introduced to his Excellency the Governor, on his visit two years since, as one far advanced in civilization, has almost entirely returned to wild habits; he has been more unsettled for these 18 months past, than ever I have known him to be before. The men in general, whether old or young, single or married, have during the last year led more of a savage life, than I have known them to do for years. For eight or ten months they have been mostly engaged in preparations for a fight, or were off on fighting excursions. They certainly do rarely any serious harm to each other, but it is on account of these disturbances among them principally, that they are so often drawn away into the bush. On one occasion they seemed to have premeditated rather a serious engagement, when I, having received an intimation of it, hastened to Mr. Commissioner Alman for assistance, who kindly, together with some other gentlemen and police, accompanied me to the scene of battle. It was with much difficulty we could prevent them from determinate fighting; they made repeated attacks, and were very passionate; all my young men, I regret to say, joined the ranks; no reasoning could detain them. They will go when challenged, lest they should be called cowards, or their friends urge them for assistance.

I have availed myself, in a few instances, of the kind allowance of his Excellency, to give rewards for industry, improvements and good conduct; but I am sorry to say have seen no good fruit of it as yet. Indeed those few, of whose late conduct I have already complained, are the principal parties that previously had received rewards. They can in general bear little or no encouragement; they seem to be fit only as yet for rigorous measures. I feel more and more convinced that no advantages of civilization or European comforts held out to them, will tend much to civilize them. Numerous and striking instances have produced in me the conviction that their habits never will be settled, or they enjoy a civilized life, though they may seemingly be civilized, until they are truly christianized; I mean, so as to have a Christian principle implanted in their minds. They want moral power, nay, power from above, to overcome their innate disposition, and the opposing influence of others. Past experience has shown that they will, for years, do remarkably well, and put some Europeans to shame by their conduct and manners, and yet return once more to the ways of their fathers. One very discouraging feature in their character is, that they scarcely ever form a grateful attachment to a person which is of a lasting nature. So long as they are not truly converted to Christianity, I can think only of one remedy to improve their manners, and render them more useful members of society, viz. to put them under certain restrictions, by interfering with their customs and laws; though I am aware of the difficulties and objections raised against any such proceedings. It is lamentable to observe how soon the majority of these unfortunate blacks fall in with European vices (of which they certainly see far more than of good morals). Drunkenness now, since we have two public-houses in the neighbourhood, has become very general among them; they usually spend their earnings in spirituous liquors; on this account their anxiety for money has become very great; they will hardly do any thing of consequence now without payment in money. During our last sheep-washing and shearing, a number made themselves very

NEW SOUTH  
WALES.

Encls. in No. 64.

useful; the former they did with very little European assistance; in the latter (shearing) some made also a good effort. I therefore, to encourage them, paid them fairly; but to my great grief, they spent the several pounds they had between them, within a few shillings, in spirits. The prohibition against supplying the blacks with spirits seems to be cunningly evaded; if they cannot obtain them at the public-house themselves, they find, alas! too many helping hands among Europeans to fetch what they want for them. Thus, by giving them money, I am rather liable to encourage them for evil than for good. I have long dreaded public-houses, and my apprehensions are now verified.

We have repeatedly, during the year, had considerable numbers visiting at the mission; and some would have continued longer, had we not been so sadly inconvenienced, through want of water. But having had the water to fetch such a distance, we could scarcely afford a sufficiency for those who are attached to the mission. Several have told me, "We cannot stay with you where there is no water." The native is not comfortable when he cannot encamp near a bed of water, or at least a water-hole; he requires in summer not only much for drinking, but will often bathe. I have long regretted that the locality of this mission should be so unfavourable in this respect; in fact, for the last two or three years it was utterly unsuitable; I therefore had intended to urge strongly its removal, for I often thought I would rather live in a bark hut near water, than to continue in such a dry place as the present. However, very unexpectedly, I had the pleasure, in the latter days of December, to see the Bell River running bank high, after almost every body had despaired of its running again, it having not run for five years, and for miles been dried up these two or three years. I feel truly thankful to Almighty God, and trust he will once more be gracious to this dry and barren land.

In conclusion, I lament to say, that for the last six months, since the departure of the "Agriculturist," my hands have been fully occupied in secular affairs, so much so, that I have had to neglect almost entirely the proper sphere of my calling. I have to act as common overseer and storekeeper, &c. &c., almost from morning to night, a business which I know but little of, and much less delight in. I sincerely hope I shall, ere long, be relieved of such a burden, and see some better arrangements made, that I may have time and opportunity to make proper efforts, without which we cannot expect the divine blessing.

I have, &c.

(signed) *James Günther.*

(No. 2.)

REPORT of Transactions relative to the Aborigines in the District of *Moreton Bay*, for the Year 1842.

THE wild habits of the aborigines are the same as they were in the former year, but they have not been so troublesome this year to the settlers of this district as they were before. Their fights have likewise been less in number, two or three only having taken place between the neighbouring and the distant tribes; and, as far as I could discover, one individual only was killed. The number of deaths has also been small in comparison with that of the former year. The aborigines are, therefore, on an average, as numerous as at the end of the year 1841, viz. from about 1,000 to 1,500, fifty miles in circuit.

The exact number of the various tribes is difficult to be ascertained, as it scarcely ever happens that all the members of one tribe are collected at one and the same spot; a few of them generally straying in the bush separate from the rest. The number of individuals composing one distinct tribe may vary from 80 to 150, or even more.

They live in a state of nudity, except that in very few instances they wear some kangaroo or opossum skins sewed together. Here and there a blanket may be seen among them, which they have received from the German missionaries as a reward for services rendered.

They subsist on almost every kind of animals, roots, nuts, honey, &c., the procuring of which is frequently connected with much toil. Their food is sometimes plenty, and at other times scanty, according to the season.

The sicknesses they are subject to are chiefly consumption and rheumatism; and many of them, children not excepted, are infected with the venereal disease. The males, in almost every tribe, are more numerous than the females; the former are in proportion to the latter, on an average, as three to two.

In general it may be said, that those who have been with white people, are in some degree civilized, having become useful in performing common manual labour; and in particular and more especially this may be applied to those who have stayed for a shorter or longer period with the missionaries. The adults may have made a little progress in religious knowledge by their intercourse with the missionaries when at their station, or in the bush, when the latter are travelling among them, which they frequently do; but the progress they may thus have made, is almost impossible to be traced or pointed out.

The children are instructed at the mission station twice a day, in the morning and afternoon, about five hours altogether, though there be but two or three present. There is likewise, as far as is practicable, a school kept in the bush by these missionaries, whose turn it is to travel among the natives. The method of instruction they have adopted, is similar to that used in infant schools; besides that the children are taught the principles of religion, they are instructed in spelling, reading, ciphering and writing; in the school-room they write with chalk on a board, and in the bush with charcoal on a sheet of bark, or with a stick in the

the sand. The progress they have made bears, however, an inferior proportion to the time and strength which have been spent upon them; not so much on account of their being in want of faculties, as by reason of their unsettled and fugitive habits.

NEW SOUTH WALES.

Encls. in No. 64.

(signed) *J. C. S. Handt.*

(No. 3.)

Commissioner of Crown Lands' Office, Wellington,  
31 December 1842.

Sir,

In accordance with the instructions of the Government, I beg leave to submit the following information respecting the aboriginal natives located in my district, and the result of my observations on their habits and customs, since the transmission of my last report.

During the past year, I have had opportunities of communicating with those natives frequenting the Lower Lachlan River district in considerable numbers. I cannot say that I have remarked any amelioration in their moral or social condition; whilst amongst those in the more immediate neighbourhood of Wellington Valley, I very much fear the establishment of two public-houses has been productive of any thing but advantage to them.

Those natives with whom I have been in communication on the Lower Lachlan, all appear to be quiet and well-disposed, and are of considerable service to the stockholders in many respects.

I am sorry to say, that the same good understanding does not exist with the natives on the Lower Bogan, who are inclined to be troublesome, and to take advantage of any opportunity afforded them of making aggressions on the whites; I allude to the blacks who inhabit that part of the Bogan which is not now taken up by settlers, and which has already been the scene of an unfortunate occurrence, which has occupied the attention of the Government.

I have, &c.

(signed) *J. Allman, J.P.*

Commissioner of Crown Lands.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(No. 4.)

REPORT on the Condition of the Aboriginal Natives in the District of *Bligh*, for the Year 1842, by *Graham D. Hunter*, Commissioner of Crown Lands.

THE aboriginal natives in this district, where stations have been formed many years (15 or 16), are found by the settler very useful, for which he remunerates them with clothes and food. The labour they are required to perform being uncertain and irregular as to its demand, is the cause of their not being more employed than they really are; but from their general disposition for idleness, it would be difficult to have any one of them brought to that state where dependence could be put for the due execution of any particular work they may be required to perform. The natives being ignorant of our laws, it would be rigorous on our part to put them in force on such unfortunate people, without, in the first place, endeavouring to establish civilization to some extent amongst them.

It will often happen that when you may have brought an aboriginal native to almost have that degree of feeling to be compared with a white person, that he will be compelled by the other natives to return to the bush, and will remain for some considerable time absent; during that time, it will be found, on his return to the station, that he has lost all his zeal for any industry he may have acquired beforehand.

The numbers, in those parts long located by white people, are decreasing very fast, from disease long prevalent amongst them. In those parts where the white people are few, and newly located (on the lower Macquarie and Castlereagh Rivers), the natives are found very numerous and athletic, both male and female; they seldom come in numbers to any station when in this primitive state, but generally in small detached parties, which is a forerunner to give information to the whole tribe. It is during this period, when stations are newly formed, that any outrage takes place on the part of the aborigines; and when a proper feeling is formed with the white people, and no improper conduct on the part of the whites, there is little risk to be run of any outrage being committed.

(signed) *Graham D. Hunter,*

Commissioner of Crown Lands.

(No. 5.)

Commissioner of Crown Lands' Office, Manero,  
11 January 1843.

Sir,

I HAVE the honour to report, for the information of his Excellency the Governor, in reference to your letter of the 2d July 1841, accompanying papers respecting the aborigines, that very little change has taken place in their condition in this district during the past year. Some of the tribes, particularly those on the coast, continue, as formerly stated, occasionally to assist in sheep-washing, hoeing and reaping, but their services cannot be relied on, for

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NEW SOUTH  
WALES.

Encls. in No. 64.

when most required they are frequently found to be absent on some hunting or shooting excursion.

Three of the young men accompanied some of the parties who first took stock into Gipps' Land, and have remained there acting as stockmen; one of them now owns several head of cattle, which he has received in compensation of his services, and which appear to attach him to his employment; but the others seem less contented, and intend to return to their tribes.

The census herewith forwarded is exclusive of Gipps' Land; there the natives have not yet come in communication with the stockowners, and no correct estimate could be obtained of the number, but which I have reason to think is considerable.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) *John Lambie*,  
Commissioner of Crown Lands.

CENSUS of the Aborigines in the District of *Manero*, for the Year 1842, accompanying Letter to the Honourable the Colonial Secretary, dated 11 January 1843.

| NAMES OF PLACES USUALLY FREQUENTED. | MALES.                 |                        | FEMALES.               |                        | REMARKS. |
|-------------------------------------|------------------------|------------------------|------------------------|------------------------|----------|
|                                     | Above 12 Years of Age. | Under 12 Years of Age. | Above 12 Years of Age. | Under 12 Years of Age. |          |
| Tolbodildo - - - - -                | 7                      | 7                      | 6                      | 6                      |          |
| Norawa - - - - -                    | 14                     | 8                      | 10                     | 3                      |          |
| Boat Ally, Borgalia and Gundary -   | 80                     | 20                     | 40                     | 12                     |          |
| Wendela, Marabrine and Bowerga -    | 16                     | 15                     | 9                      | 9                      |          |
| Twofold Bay - - - - -               | 34                     | 13                     | 22                     | 8                      |          |
| Cape How - - - - -                  | 16                     | 1                      | 10                     | 3                      |          |
| Pambula - - - - -                   | 9                      | 1                      | 3                      | 4                      |          |
| Biggab - - - - -                    | 62                     | 20                     | 55                     | 20                     |          |
| Omeo - - - - -                      | 50                     | 20                     | 30                     | 18                     |          |
| Maharatta - - - - -                 | 20                     | 6                      | 16                     | 2                      |          |
| Mowenbar - - - - -                  | 12                     | 3                      | 10                     | 2                      |          |
| Snowy River - - - - -               | 25                     | 7                      | 20                     | 3                      |          |
|                                     | 345                    | 121                    | 231                    | 90                     |          |

(No. 6.)

REPORT on the Condition of the Aboriginal Natives of the *Murrumbidgee* District.

1. Supposed number of blacks in the Murrumbidgee district - - - 1,500.
2. Temporary residence:—

|                           |     |
|---------------------------|-----|
| At Tumut - - - - -        | 50  |
| Mungaboreena - - - - -    | 100 |
| Courang - - - - -         | 50  |
| Howlong - - - - -         | 100 |
| Munenmurrenbong - - - - - | 50  |
| Gulpha River - - - - -    | 200 |

3. Changes in their Social Condition.—As yet, in this district, they have shown but little value for social comforts. Two young men, named "Matong Jamie" and "Tommy," the latter the son of the chief, "Bengelimong," have been murdered by treachery, and a female child belonging to an old man, "Mickey," carried off at night by hostile blacks. I lament to report that infanticide still continues frequent amongst them; and I have recently discovered that they kill all the half-caste male children.

4. Schools.—No establishment of this nature in the district, and to do any good in the reformation of the aboriginal natives, the missionaries must learn the native language, and go beyond the settlements, and remain with the tribe, and endeavour to instruct the children, and secure the tribe to which they might attach themselves from all restless apprehension of an onslaught from another tribe, by having a small protecting force near them.

5. State and Prospects.—Living chiefly by hunting and fishing, and many of them wandering from station to station, afraid to remain long at any one station, for fear of incurring the dislike of those of their tribe who, from various causes, may not have gained the same favour with the whites

(signed) *Henry Bingham*,  
Commissioner of Crown Lands.

(No. 7.)



(No. 7.)

YEARLY REPORT upon the Condition, &c. of the Aborigines inhabiting the *Lachlan* District.

Border Police Office, Bunlong, 29 January 1843.

I do not consider the condition of the natives improving, neither do their habits in any material point change. I have frequently endeavoured to persuade the aborigines to remain at my station, for the purpose of giving them instruction, but they have invariably left after remaining a few months, and taken to their wandering habits through the bush.

There are from 700 to 800 blacks in the Lachlan district. They have no particular place of residence, but generally camp upon the banks of the rivers, remaining only two or three days in the same place.

There is no change in the social condition of the natives; they lead a wild and wandering life, males and females living in the same camp. The men have two or three wives, called "gins." Fights frequently take place between the different tribes, when the strongest party carry off the "gins" belonging to the other.

The present state of the natives is rather better than formerly, owing to the kindness they receive from Government in issuing blankets, &c. The settlers are also very good to them, occasionally supplying provisions, particularly meat, which prevents the blacks from spearing and driving the cattle from their runs; and no disputes take place between the men in charge of the stock and the aborigines.

I do not consider there is any great hope that the future prospects of the natives will improve, as they have such a great dislike to remain long in one place, or to labour of any kind; and I think, as the country becomes inhabited, they gradually disappear. I have endeavoured to obtain children from the different tribes for the purpose of sending them to school, but have never succeeded.

(signed) *Edgar Beckham*,  
Commissioner of Crown Lands, Lachlan.

(No. 8.)

Commissioner of Crown Lands' Office, M'Leay River,  
9 January 1843.

Sir,

I HAVE the honour to enclose the accompanying report on the aborigines of this district, and regret that in consequence of my having been here only for such a very short time, the information I can afford is so very trifling.

The blacks immediately on the M'Leay, from Trial Bay up to Mr. Hitchcock's station on the head of that river, a distance of about 120 miles, are fast diminishing in numbers; they appear harmless and inoffensive, although totally disinclined to work; this partly arises from subsistence being so easily obtained, from the quantity of fish in the river, and partly from the indolence of disposition peculiar to their race, and which the settlers in this district appear to have taken but little pains to combat against.

In the more distant parts of my district, at the Nambucca, Bellingen Rivers, &c., the natives are much more numerous, although they steadily avoid all intercourse with the white population. This arises from the wanton aggressions committed on them by the sawyers upon their first going to the Nambucca, and which the blacks appear to remember. Since, however, I have taken charge of the district, I have not been able to hear of a single instance in which they have been molested. On my first coming up the police took one black prisoner, who was accused of having killed several white shepherds on this river some years back. I forwarded him to Port Macquarie, where he was detained in gaol for about three weeks; but as no one could identify him, he was discharged; he is now in the district, and appears perfectly harmless and well behaved.

I have, &c.  
(signed) *Robert Geo. Massie*,  
Commissioner of Crown Lands.

The Honourable the Colonial Secretary,  
&c. &c. &c., Sydney.

(No. 9.)

Commissioner of Crown Lands' Office, Clarence River,  
24 February 1843.

Sir,

As this is the first report which I have had the honour to lay before you exclusively relating to the aborigines in this district, I shall premise my observations by stating what I conceive to be their number and distribution throughout the tract of country at present under my charge.

The subsistence of the natives in this portion of the colony being in a great measure derived from fishing, the localities which they inhabit are consequently the immediate banks of the rivers Clarence and Richmond, together with those of several minor streams running into them. The vicinity of the Clarence, including its numerous sources, I have observed to be occupied by seven distinct tribes, each varying from fifty to one hundred and fifty in number. The Richmond being in point of magnitude considerably inferior to the

NEW SOUTH  
WALES.

Encls. in No. 64.

Clarence, sustains a population proportionate to its extent; four tribes, amounting perhaps to four hundred individuals, appearing to have been its sole possessors previous to the arrival of the Europeans. Owing to the dense and impervious bush, with which the country to the northward of the Richmond is covered, it has hitherto been found quite impossible to explore it; I am therefore necessarily ignorant as to the precise situation of its occupants; but judging from its extent, I conceive that throughout the entire district of Clarence River, the aborigines may be safely stated to extend to two thousand in number.

The manners and customs of the primitive inhabitants of New South Wales are so generally known, and so very similar, that I consider it superfluous to allude further than to such distinctions as appear to me to exist between the tribes on the Clarence, and those I have known in other districts, the most striking of which is the disinclination they evince to almost any intercourse with the settlers; a circumstance rather difficult to account for, as I believe them to have been invariably treated with kindness and humanity; the fact, however, is manifested by the exceeding unfrequency, and the short duration of their visits to the stations; nor can they be prevailed on to allow a white person to approach their camps, and in no instance have they ever become domesticated, or attached themselves to any of the establishments on the river. A great scarcity of arms, and a want of energy, is also apparent, when contrasting them with other tribes, but both these circumstances may be attributed to their food, which, consisting principally of fish and honey, is procured with facility, and without the aid of those weapons so indispensable where the kangaroo and emu are the chief means of existence. Referring to their conduct and demeanour towards the European residents in the district, I regret to state, that during the last twelve months, besides some inconsiderable thefts, three outrages connected with murder have been committed by them, each equally unprovoked, and all exactly corresponding in the details of their execution. However, as steps have been taken to prevent aggressions of so melancholy a description in future, I am induced to believe that their recurrence need not be anticipated.

I have, &amp;c.

(signed) *Oliver Fry.*

The Honourable the Colonial Secretary.

(No. 10.)

Crown Commissioner's Office, New England,  
13 January 1843.

Sir,

IN conformity with the instructions conveyed to me in your letter of 2d July 1841, I do myself the honour of transmitting you, for the information of his Excellency the Governor, this my second annual report of the condition and prospects of the aboriginal tribes frequenting the district of New England.

It would be adverse to the fact if I were to affirm that any general progression or improvement had been manifested during the past year, in the moral or social condition of this indigenous people; or that there is much probability of any material amelioration taking place in future among so scattered, distrustful and disunited a race; and more especially in the absence of any public institutions for the advancement of such a laudable purpose; yet I am happy in again being enabled to state, that in one great and paramount particular, viz. the diminution of hostile feeling and outrage on the part of the shepherds and stockmen towards the aborigines, and the comparative cessation of their attacks on the life and property of the Europeans (in which former years were ever so rife and prolific of frequent and savage retaliations), a marked and undeniable improvement is every where apparent; the only instance of the contrary that has come to my knowledge since my last report, having been an attack of three natives upon three labourers at the station of a Mr. Nowland, in March 1842, in the which two of the labourers were killed, and the third narrowly effected his escape; and it would appear from the evidence of the survivor, that these unfortunate men lost their lives almost or entirely from their utter want of all courage and self-possession; and although I exerted every effort in the course of the investigation to elicit and disentangle the truth of the cause which induced and originated this outrage, it was without avail; yet from its occurring on a newly formed and isolated station, the probability is, that these men were either looked upon by the natives and treated as intruders and enemies, or that it was in retaliation of some old offence committed upon them in former years; for the revenge of the Australian savage lives a life of long duration, and it is ever their custom to take that revenge whenever and wherever the opportunity may offer.

In numbers the tribes do not appear to have suffered any diminution, either from the ravages of disease or war. Their intercourse with the stockholders seems to be more frequent, and on a more trustful and friendly footing than formerly; indeed, there are but few stations in the district that have not now one or two natives constantly on the establishment, and it has become a common and constant practice with the proprietors, in their journeys, to take one with them as an attendant or servant; but as labourers and shepherds they are not, I regret to say, so generally or so advantageously employed as I think they might be.

In conclusion, I beg to state, that on all occasions of their visiting the border police station, it is my earnest endeavour to encourage and promote that good feeling that seems mutually to be growing up between the two races, and in my official and ordinary intercourse with them,

them, to carry out as much as may be in my power the humane and enlightened instructions of Her Majesty's Government.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) G. J. Macdonald,  
Commissioner of Crown Lands.

NEW SOUTH  
WALES.

Encls. in No. 64.

(No. 11.)

Sir,

Chief Protector's Office, 14 December 1842.

IN submitting the following for the information of Government, I feel satisfaction in stating that the prospects of the department are encouraging, and that the almost cessation of hostilities between settler and aborigine, as well the moral, social and physical improvement of the aboriginal races, are proof that its labours have been of utility; and this has more especially been evinced, where the agents employed possessed the requisite qualifications for office.

At the Loddon Central Station (North Western District) the aborigines have progressed in civilization, and are acquiring industrious habits. Building, agriculture, fencing and other improvements have also been considerable.\* On the Sabbath, religious instruction is imparted by the Assistant Protector, and in his absence prayers are read by the medical attendant or overseer; on those occasions the natives are well conducted, but the want of a properly qualified religious instructor and a schoolmaster, is much felt. Now that the natives frequent the station, and are settling down in tolerable numbers, it would be desirable that this aid be conceded. The average attendance of natives is from 100 to 133; the number visiting the station 500, and the number personally communicated with by the Assistant Protector, from 600 to 700. At the time of my visit, the latter end of last month, there were present, 47 men, 33 women, 40 youths and boys, and 22 girls, and before I left, their numbers had increased to near 200.

On the subject of labour the Assistant Protector writes:—

"The white people were actively employed in tilling the ground, sowing grain, fencing and erecting the necessary buildings, particularly a large structure 54 feet by 21, for a church and school. In these labours they were most cordially aided by the aborigines, who on no former occasions evinced so willing a disposition to make themselves useful; they stripped several hundred sheets of bark, and cut down 20 loads of saplings for fencing and roofing; every day, weather permitting, parties of from 12 to 18 men were at work in the bush, under the direction of a white man. Two or three young men are learning to split timber. At the end of August the improvements done at the station were 30 acres in cultivation, of which 20 were sown with wheat, 40 acres were enclosed with substantial fencing, and 10 more in progress. There were six good houses and huts, church and school, a double store, a smithy, a cook-house and a large shed for various purposes; a carpenter's hut and workshop; a large and well-constructed barn is in course of erection; there is a stock-yard and a piece of ground enclosed for burial purposes; great quantities of fencing and building materials have been procured by the natives; during the past month 3,000 yards of two and three-rail fencing has been completed."

The Assistant Protector in reference to religious instruction states, that signs of improvement are visible; many of the natives are becoming more settled in their habits, and are less frequent in wandering. The old men cleave to the establishment. Frequent remarks are made about God, the great Father, the soul, heaven and hell, and other topics on which the Assistant Protector is able to speak to them. These indicate that they are beginning to reflect on what they hear; but little scholastic improvement, however, has been made, for want of a suitable teacher; a person acquainted with the infant system is much required.

The appointment of the medical attendant has been attended with great benefit.

The women, in addition to their domestic employment, are engaged in making from rushes baskets, hats, mats and a variety of other useful articles. The men also make neat rugs, by sewing together the skins of the opossum.

At the Goulburn Central Station, North Eastern District, the natives are acquiring industrious and civilized habits. In reference to this subject the Assistant Protector in August last thus writes, "A great deal of work has been done on the station; so much so, that when it was visited by Mr. La Trobe, his honour expressed himself highly satisfied with what had been accomplished. The natives turn out three times a day, and frequently resort to their work at the hour prescribed, without being summoned; a few of them begin to adopt some of our habits; they gradually acquire considerable skill in the various works assigned them, assisting in fencing, gardening and in the cultivation of the land. They have cut a considerable quantity of saplings and bark, some of them using the hatchet and adze with great dexterity, and assisting in mortising the posts used in fencing. There are 20 acres of wheat in a most healthy condition, about six acres of maize planted; potatoes and various kinds of vegetables have been raised in great abundance; early in the season 1,800 plants of the Swedish turnip were successfully transplanted, chiefly by the natives; and enough tobacco has been planted to cover an acre of ground when removed. Commodious and solid houses are now being constructed; the fencing, in which the natives materially assisted, is of a very superior description, and is constructed in a durable and workmanlike manner. A close-railed fence, nearly a quarter of a mile in length, has been erected for the purpose of preventing the dogs of the natives from running over and injuring the crops and gardens. This fence forms part of a line to enclose about 200 acres of excellent land, nearly 50 acres of

Central Aboriginal  
station, North  
Western District.  
\* Vide Appendix.

Central Aboriginal  
Establishment,  
Goulburn River,  
North Eastern  
District.

NEW SOUTH  
WALES.

which have been entirely cleared of wood, the natives having grubbed up and burned upwards of 700 trees."

Encls. in No. 64.

The Assistant Protector represents the conduct of the natives to be orderly, tractable and industrious; and hopes that a suitable instructor may be appointed, as he considers it vain to expect any great improvement in their morals, unless this aid be granted. The native inhabitants are numerous, and the officer in charge states, that he has no difficulty in collecting numbers, provided the means for their support be afforded.

Western District.

The five reserves for the Western District were selected by the Chief Protector when on special service in 1841; and the central station at Coler (Mount Rouse) first occupied by the removal, in February 1842, of 210 natives from the temporary camp at Lake Tarong. Mr. Sievwright, from circumstances already known to the Government, was suspended from office in July last, since which period the station has been under charge of the medical officer, Dr. Watton. For the short period, ten months, since this establishment was formed, very considerable progress has been made. There are in general at this station a large influx of natives, and for industry they are, to my knowledge, inferior to none; and judicious management is all that is necessary to render them a useful community. For the months preceding March 1842, 469 natives had been registered; and with little difficulty this number might be trebled. At the time of my visit to the establishment in March last, there were present 264 aboriginal natives, viz. 91 men and 71 women, and 102 children. A properly qualified religious instructor, and a schoolmaster is greatly required. The other reserves for the Western District, viz. the junction of the Wannoon with the Glenelg, Killambee and Burrumbeep, are still unoccupied; but the latter it will be desirable to take up at an early period, the more especially as Lake Boloke, the spot where the tribes hold their annual meetings, is now being possessed by settlers. These natives, with the exception of the Galgalbullucks, and the tribes of the plains, do not associate with the Jarjoworongs. At Willambeparamal, the native establishment on the Loddon, an overseer is all that would be necessary to occupy the station at Burrumbeep; Burrumbeep is on the southern boundary of the North-western District, and consequently would have to be visited by Assistant Protector Parker, alternately with the Loddon station. The services of the medical officer might also be reasonably extended to the natives at Burrumbeep. Much good would accrue to settlers as well as to the aborigines by the occupation of this reserve.

Central Establish-  
ment, Nerre Nerre  
Warrew, South  
Eastern District.  
\* *Vide App. (C.)*

At Nerre Nerre Warrew, the central establishment for the Melbourne, or south-eastern District, the farming operations have been satisfactory;\* but the aborigines, unlike those of the other districts, have seldom made it their abode, and in consequence the assistant protector has had to attend them in their migratory movements from one place to another. Excepting Gipps' land, the number of natives belonging to this district is 170, 12 of whom are employed as police. When not at the station, the natives are in general to be found in the vicinity of Melbourne. This establishment, in consequence of the Assistant Protector not being able to induce the natives to settle, will be considerably reduced. From the earliest settlement to the colony, these natives have been remarkable for their quiet and orderly conduct; the profuse liberality, however, of the white people to these natives are among some of the causes why they do not settle on the reserve. The natives are not wanting in capacity for acquiring knowledge, nor are they wanting in disposition; all that is necessary is method, capacity and decision on the part of the agents employed. At the time of my visit, I was much pleased with the progress of four boys, who had been under the care of the schoolmaster (Noble Kennon); they could repeat fluently the Lord's Prayer, the Apostles' Creed, the Ten Commandments, some Hymns, and answered a variety of questions on scriptural and other subjects. Their persons and dormitory were also clean.

Medical appoint-  
ments.

The medical appointments, I am happy to say, have been attended with beneficial results, and the amount of disease in consequence considerably reduced. Dr. Campbell, the officer entrusted with the medical duties at the Goulburn and Loddon stations, reports most favourably on the health of the aborigines.

Appendix, (D.)

Dr. Wilmot's report on the disease of the natives I beg leave to append.

*Vide the Right  
hon. the Secretary  
of State's Instruc-  
tions.*

The duty necessarily devolves on me, in this report, to bring under notice of the Government the necessity that exists for some system of judicature to be established, suited to the state and condition of the aboriginal races; such a code is now urgently required; for although it is certain the department has done much to prevent the perpetration of crime, yet, under existing circumstances, all that can virtually be accomplished is to "protect by personal influence the aboriginal natives from acts of injustice, cruelty and oppression, faithfully representing their wants, wishes and grievances to the government of the colony." It were greatly to be desired, especially in the absence of suitable laws, or whilst they may be in abeyance, that special power were given to the department for the due governance of the aborigines. At present, the evidence of aboriginal natives, by reason of their ignorance of the knowledge of God, is inadmissible in our courts of law; and hence, properly qualified religious instructors, to impart to them the truths of Christianity, and prepare them for the reception of their legal rights, as proposed by the Right honourable the Secretary of State, is, in consequence, absolutely needed. It were much to be regretted that the Colonial Act of Council on aboriginal evidence was disallowed; for it frequently happens that for want of this evidence the highest and foulest crimes go unpunished. Since my last report, the following are among some of the leading occurrences that have happened:—

Mr.

Mr. Richies's shepherd, murdered on the 5th February, at Port Fairy, by the aboriginal natives.

The particulars of the several cases were reported to the Government soon after their occurrence.

Mr. Mackenzie and servant, murdered on the 15th March, at Emu Creek, near the Glenelg, by aboriginal natives.

Mr. Allen, a settler on the Loddon, northern frontier, murdered by the Murray natives.

The Commissioner, it is said, of the Western District, killed two blacks in attempting to apprehend two others charged with robbery.

In February a most revolting and cruel murder was perpetrated on aboriginal natives in the Western District, by some white ruffians unknown, when three women and a girl, one of the former advanced in pregnancy, were shot dead, and a fourth woman shot in the back, and through the hand, of which wounds she subsequently died. Most extraordinary exertions were made by the Government to discover the perpetrators, but without effect. This, however, will be thought less surprising, when it is known that the several murders of Europeans by white men are still undiscovered. The atrocities of the natives are exceedingly distressing, yet it is a merciful interposition of Providence that no white woman or child are to be found among the catalogue of these offences, at least as far as this province is concerned. During the months of March and April, the Chief Protector made a journey of 600 miles on special service through the Western District, when it was ascertained, after a most rigid inquiry, that many of the outrages said to have been committed by blacks were greatly exaggerated, and that others were without foundation. The country at the time of the Chief Protector's visit was peaceable. In the months of October and November the Chief Protector made another journey of several hundred miles through the Northern and North-eastern Districts. That extensive country was also in a tranquil state; the only outrage that had happened was the robbery of 600 sheep by the Murray blacks, prior to the Chief Protector's visit. In consequence of the rapid occupation of both banks of the Murray by settlers, the Chief Protector was induced to recommend the appointment of a Sub-protector for that part of the district, more especially as the natives are known to be numerous.

"Alkeperet," alias Roger, an aboriginal chieftain of the Western District, was publicly executed at Melbourne on the 15th September, as being accessory to the murder of a Mr. Codd, overseer to Mr. Cox, of Mount Rouse. At the Loddon, one male child was baptised by Mr. Tuckfield, a Wesleyan missionary.

The estimated expense of the department for the current year, 1842, is seven thousand nine hundred and ten pounds, six shillings and threepence-halfpenny. A principal item in this estimate being provisions and clothing for the aboriginal natives, amounting to three thousand two hundred and ninety-eight pounds, three shillings and one halfpenny, besides other expenses incidental to the formation of new establishments, such as buildings, drays, oxen, agricultural implements, &c.

Estimate :  
£. 7,910. 6 s. 3 1/2 d.  
£. 3,298. 3 s. 0 1/2 d.

I have, &c.  
(signed) G. A. Robinson, J. P.

His Honour C. J. La Trobe, Esq.,  
Superintendent.

Appendix (A.)

RETURN OF AGRICULTURAL PRODUCE on the Aboriginal Establishment, River Loddon.  
Season, 1841—1842.

| Description of Produce. | Quantity in Cultivation. | When Sown.   | When Harvested. | Quantity Harvested. | How disposed of.   | REMARKS.   |
|-------------------------|--------------------------|--------------|-----------------|---------------------|--|--|
| Wheat                   | 5 acres                  | 25 Aug. 1841 | 22 Jan. 1842    | 30 bushels          | -- Reserved for consumption.   | All the crops suffered materially from the drought of the season.                            |
| Wheat                   | 2 1/2 acres              | 17 Sept. "   | 12 Jan. "       | 24 bushels          | -- 16 bushels sold, 8 ditto reserved for seed.                                   | The wheat crop was much blighted by the intensely hot wind of November 15.                   |
| Potatoes                | 4 acres                  | 21 Oct. "    | 1 March "       | 8,419 lbs.          | -- issued to natives, 4,909 lbs.; reserved for seed, 3,340 lbs.; waste, 170 lbs. | The potato crop was also greatly injured by two severe frosts in the latter part of December |

(signed) Robert Baxley,  
Overseer.

NEW SOUTH  
WALES.

## Appendix (B.)

Encls. in No. 64. RETURN of Work done by the Aboriginal Natives, North Western District, during the  
Month of August 1842.

| N A M E.          | Number<br>of Days. | Kind or Description of Work done. | Where.            | REMARKS.  |
|-------------------|--------------------|-----------------------------------|-------------------|---|
| MEN :             |                    |                                   |                   |   |
| Merringoodeet (1) | 27                 | } bakers and butchers - - -       |                   | Work done by natives during the month, under European superintendence :   |
| Weragoodeet -     | 27                 |                                   |                   |   |
| Boraboondalla -   | 24                 | } splitting and fencing - - -     |                   | 534 yards of two-rail fencing put up, 160 perches of ground hoed up, 160 posts split, 205 saplings cut for fencing and roofing; with much other labour which cannot be specified. |
| Wirmakurnim (2)   | 22                 | } general labour - - -            |                   |   |
| Maitgurrer -      | 21                 | - ditto - - -                     |                   |   |
| Morang -          | 21                 | fencing - - -                     |                   |   |
| Nowoot -          | 20                 | messenger, and general labour     |                   |   |
| Milpameotnim -    | 18                 | splitting and fencing - - -       |                   |   |
| Dindarmin -       | 17                 | general labour - - -              |                   |   |
| Nandclowandite -  | 18                 | baker - - -                       |                   |   |
| Nowarramin -      | 14                 | general labour - - -              |                   |   |
| Dongdong -        | 14                 | - ditto - - -                     |                   |   |
| Kemiengin -       | 13                 | - ditto - - -                     |                   |   |
| Brokil -          | 13                 | - ditto - - -                     |                   |   |
| Tepuarramin -     | 12                 | - ditto - - -                     |                   |   |
| Tolkonamin -      | 11                 | splitting and fencing, &c. -      |                   |   |
| Weembowire -      | 10                 |                                   |                   |   |
| Kerripaemin -     | 10                 |                                   |                   |   |
| Yarnumamin -      | 10                 |                                   |                   |   |
| Moorinwalla -     | 9                  |                                   |                   |   |
| Patkanurmin -     | 9                  |                                   |                   |   |
| Munangabum -      | 9                  |                                   |                   |   |
| Werargonurmin -   | 7                  |                                   |                   |   |
| Talgorurmin -     | 7                  |                                   |                   |   |
| Karingaboot -     | 7                  |                                   |                   |   |
| Danamil -         | 6                  |                                   |                   |   |
| Goodurnim -       | 6                  |                                   |                   |   |
| Nirmo-Arrarmin -  | 6                  | - - general labour, as felling    |                   |   |
| Yerngoodeet -     | 5                  | timber, stripping bark, fencing,  |                   |   |
| Learpurnim -      | 5                  | breaking up ground, building      |                   |   |
| Walpuldurem -     | 3                  | &c. - - -                         | - all at station. |   |
| Wernarramin -     | 3                  |                                   |                   |   |
| Nartkengebunger - | 3                  |                                   |                   |   |
| Tigonurnim -      | 3                  |                                   |                   |   |
| Winjurnum -       | 3                  |                                   |                   |   |
| Talakurnim -      | 3                  |                                   |                   |   |
| Berietgoodeet (1) | 2                  |                                   |                   |   |
| Noolamillah -     | 2                  |                                   |                   |   |
| Jillejille -      | 2                  |                                   |                   |   |
| Boys :            |                    |                                   |                   |   |
| Merringoodeet (2) | 31                 | shepherd - - -                    |                   |   |
| Nowe -            | 31                 | } care of cattle - - -            |                   |   |
| Pagoornuin -      | 31                 |                                   |                   |   |
| Karakalcoodeet -  | 28                 | shepherd - - -                    |                   |   |
| Wainmarramin -    | 28                 |                                   |                   |   |
| Narkom -          | 27                 | } domestic work - - -             |                   |   |
| Wortparab -       | 27                 |                                   |                   |   |
| Wegairbil -       | 27                 |                                   |                   |   |
| Nindangarramin -  | 27                 |                                   |                   |   |
| Yeritarramin -    | 27                 |                                   |                   |   |
| Teemuarramin -    | 27                 |                                   |                   |   |
| Maddebarramin -   | 17                 |                                   |                   |   |
| Koriengbin -      | 12                 | general labour - - -              |                   |   |
| Boiboi -          | 10                 |                                   |                   |   |
| Nyar -            | 4                  |                                   |                   |   |
| Wilwilmaring -    | 2                  |                                   |                   |   |
| Beembarmin -      | 2                  |                                   |                   |   |
| Wundkarremin -    | 2                  | shepherd - - -                    |                   |   |

(signed)

E. S. Parker,  
Assistant Protector.

Appendix (C.)

RETURN showing the Quantity of Work, &c. performed at the Central Station of Aborigines, Nerre Nerre Warrow, for Three Months ending 30th September 1842.

| Ground Ploughed. | Potatoes Planted. | Melons and Pumpkins Sown. | Trees grubbed, Average Size. | Buildings erected of Slabs, in Grooved Plates, &c.   | Fencing done.   | Drains made.              | Time, &c. occupied in drawing Supplies, &c. | Time occupied supplying the Station with Water. |
|------------------|-------------------|---------------------------|------------------------------|--|---|---------------------------|---|---|
| 3 acres          | 2½ acres          | 1 acre                    | 98, 10 inches diameter.      | hospital, 1 apartment, 21 feet 10 inches by 12 feet 3 inches; store, 1 apartment, 28 feet by 14 feet 9 inches. | 146 perches, 3-railed, of sapplings, in mortised posts. | 76 perches, 2½ feet by 2. | 15 days, man and team of 8 bullocks.        | 8 days, man and team of 4 bullocks.             |

N.B.—The slabs and sawed timber for the above buildings had to be carted upwards of five miles.

(signed) George Bertram,  
General Overseer.

Appendix (D.)

Sir,

Melbourne, 17 August 1842.

I beg to forward the following account of syphilitic disease, as it occurs amongst the natives, founded on facts collected during my professional visit at the aboriginal station, Nerre Nerre Warrow; on looking over my papers, I found the original notes from which my former report was copied, which I had the honour of forwarding to the colonial surgeon.

"The natives declared the disease was unknown amongst them before they had intercourse with the white people. It generally originates with a small cluster of irritable papulæ on the inside of the thigh or scrotum and perineum, which rapidly coalesce, and degenerate into foul ulcers, terminating ultimately in a warty excrescence; in a few weeks it spreads very widely, and the skin becomes at length affected with a scaly eruption of a circular form, with a well-defined margin, giving it much the appearance of lepra-vulgares. The action of the virus is singularly modified by the habits and constitution of the native, as it does not appear to pass through the ordinary channel of the lymphatic system into the constitution, but directly through the general circulation or capillary vessels, as only in one instance, and that of a dubious kind, did I meet with any appearance of specific glandular affection.

"In no case did I find any other than the inguinal glands affected; in no case was there any ulceration of the fauces, nor did I meet with a single instance of a venereal node. I saw the disease in its various stages, from its development of a few weeks, up to a six months' duration, and from what I could elicit from the natives themselves, confirm my own opinion, that although it no doubt arises from a specific virus, still the disease is much aggravated by their filthy habits.

"I expect in the arsenical solution to find a valuable remedial agent in the treatment of this form of disease. In the soundness of your expressed opinion before I proceeded to the station, of the inapplicability of mercurial medicine to the circumstances of the natives, I entirely accord."

I am, &c.

G. A. Robinson, Esq.,  
Chief Protector of Aborigines.

(signed) W. B. Wilmot, M.D.

(No. 12.)

REPORT of the Wesleyan Missionary Society's Mission to the Aborigines of the Sub-District of Geelong, Port Phillip, for the year ending December 1842.

In reviewing the society's operations among the aborigines of the district of Geelong, for the past year, it is painful to remark that the mission, for a considerable portion of the time, presented a rather gloomy and discouraging aspect.

The natives, in the exercise of their own barbarous customs, especially in their wars and revengeful and clandestine aggressions on each other, have been in a constant state of excitement and agitation. The mission establishment is known to be a kind of rendezvous for the surrounding tribes, whose forces have been weakened through European intercourse, and it is an established law among the natives of the great Australian continent to revenge the death of their friends, by killing some one of another tribe; and it is a well known fact, that they always revenge where they are least likely to meet with resistance. The consequence has been, that the injured tribes around us have not ventured to come to the mission establishment but seldom, and when they have been there, they could not be prevailed upon to remain but a very short period at a time, fearing lest the more distant tribes should come upon them in their unprotected state.

In the midst of these conflicting circumstances and discouragements, the missionaries have embraced every opportunity within their reach of directing the untutored minds of these savages to some of the great and most important principles of Christianity; and it is pleasing to remark, that although they cannot report of any instances of real conversion, yet many of them are receiving ideas of God, of his omnipresence, omniscience, justice, goodness,

NEW SOUTH  
WALES.

Encls. in No. 64.

goodness, &c., together with the immortality of the soul, and the future destinies, both of the righteous and the wicked. And in seasons of solemn reflection, when in company with the missionaries, some of the young men have displayed much concern about their immortal souls, and have frequently promised to abandon their erratic and barbarous habits. But these children of the woods are not their own; they have been compelled again and again to return to the bush by the older natives, who have at their disposal the means of effectually preventing any individuals of their own tribe, who may be disposed, to adapt themselves to European habits and mode of life.

At the latter part of the year, for a short period, the mission assumed a more gratifying appearance. The circumstances which led to the change were as follows:—During the months of April and May, one of the missionaries went on a visit to some strange tribes on the River Murray, under the direction of his honour the Superintendent C. J. La Trobe, Esq., with a view at an early period of abandoning the present mission, and of establishing another among those tribes who have not been mixed up so much with Europeans; and but for imperative circumstances on the part of the local Government being unable at the time to grant any pecuniary assistance, the mission would have been commenced. As soon as the natives in the vicinity of the present mission heard of the preliminary arrangements which were making to establish a mission elsewhere, and that one of the missionaries had been withdrawn from the aboriginal work on account of the paucity of blacks visiting the station, they called a meeting, and on the 28th November, 120 of them assembled on the station, when the missionary felt it his duty to communicate the favourable intentions of the Government towards them as the original proprietors of the soil, and reminded them of the means in operation within the districts of Port Phillip, with a view to promote their temporal and spiritual interests, and the manner in which they had resisted these means. The probable abandonment of the present mission, in case they did not locate themselves on the land reserved for them, was also mentioned, and the great object of all missionary and other exertions were more fully explained. On this very interesting occasion, the natives particularly complained of the want of protection, intimating, that as the white men had killed some of their fighting men, the great governor ought to send them the police to protect them from the violent and revengeful attacks of those tribes whose forces have not been so much weakened through the same cause; but as the natives are not amenable to British laws, and as no law has been framed to meet the exigence of their case, and especially as they have been allowed to butcher each other, and that in the presence of Europeans, with impunity, no promise of protection, such as they required, could be made to them. They however engaged, that if the present mission be continued, they would not leave it as they had been accustomed to do. Fresh arrangements were again made for the instruction of the young; six boys and four young men began to learn, in good earnest, the English language, the women attended to their needlework and other domestic arrangements, some of the men made themselves useful in grinding wheat at the mill, cutting and drawing of wood, &c., while others of them spent a portion of their time in hunting and fishing on the back ground. The whole were fed twice a day, and attended prayers every morning at seven o'clock. Thus they continued in peace and harmony (the average daily attendance on the station being 95) from November 28th, 1842, to January 4th, 1843, when a young man, by the name of "Dereperebarn," from the Tollerbollock tribe, came in the evening of that day, about nine o'clock, to a breakwind, where there was a woman of the Dantgurt tribe sitting by her fire, and drove a large spear through her body, and immediately left the station. The poor unfortunate young woman groaned in an agony for a few hours, and then expired. A part of the Tollerbollock tribe were on the station at that time, but they declared they knew nothing of the felonious intentions of this young man, but they supposed it to be in revenge for a relative of his, who was murdered about fifteen months since. The following day (according to their custom of leaving the place at which a person is killed) they all left the station, deeply mourning over this most affecting circumstance, which had caused them to separate. Some of the young men, with one of the chiefs, came to the missionary, and promised to return in four weeks, lamenting at the same time over the absence of a law that would supersede their own barbarous customs, or a force adequate to keep the tribes in check, that they might live peacefully together.

It is an appalling fact, that all the murders which have been perpetrated on the Wesleyan establishment since its commencement have been on the Dantgurt tribe; a tribe which has suffered more through European intercourse than any other tribe with which the missionary is acquainted. Natives have been known to travel 120 miles for the purpose of revenging the death of some of their own friends, by taking the life of a Dantgurt native, solely because, through the paucity of their numbers, they were afraid to offer any resistance.

The Kolifon tribe, who are only about thirty in number, including men, women and children, would have been frequently in the same dilemma, if it were not for some humane settlers in the vicinity of the Lakes to have thrown around them the shield of protection. Some of the natives, therefore, in the settled districts are languishing and expiring under their own customs, which are rendered tenfold more aggravating and oppressive, through their intercourse with the white population, and under this yoke they groan, without any power of appeal.

It has been remarked, that we have no right to interfere with the natives so long as they exercise their own customs upon themselves; but we are not to suppose, that if we protect the natives from the violence of their fellows, that they will consider it an infringement on their rights; for this is what they want, and it is what they ask for; and some of them talk as if they believe it to be what they ought to have; and it is the opinion of the writer, that we are (to say the least of it) laid under a moral obligation to help the weak, as they cannot



cannot help themselves, and especially so, as we are the cause of their imbecility. It might be said, that upwards of 12,000 *l.* are annually expended already, within the districts of Port Phillip, in support of a system of protection for the aborigines; but this system is to protect the natives from the aggressions of the whites, and not from the violence of hostile tribes. It is of the latter evil the natives in the settled districts most commonly complain; and complain they may; for the protectors have no power or authority to interfere. The natives on the outskirts of the territory suffer most from the whites; for in extending themselves they come in contact with fresh tribes; and in the absence of proper persons to effect a reconciliation, they are obliged to have recourse to arms for the protection of their wealth, which, in many instances, have proved to be sources of retaliation and bloodshed.

Other persons have said, that it is an act of generosity to allow the natives the full power of exercising their own customs upon themselves; but a careful study of the language, prejudices and traditional customs of this people, lead to the conclusion that this is a mistaken charity. Their customs have imparted unto them a character differing in some respects from every other known race; and every system which has been in operation with a view to their improvement, seems to have been defective, or has contained some erroneous principle. The course, therefore, which true humanity seems to point out, and which it is hoped will speedily be adopted, is to make them, as far as it is practicable, amenable to British laws, both as regards themselves and Europeans.

Let, then, the missionary societies send among them proper persons to make them acquainted with the gospel of our Saviour, which is the power of God unto salvation to every one that believeth; and let the Government pay prompt attention to their relative and civil circumstances.

In pursuing the work in this manner, it might be advisable to restrain the tribes to the limits of their own territory, and prohibit their resorting to the townships and stations of the settlers without permission. Encouragement should be given to those who may be disposed to settle on the lands reserved for them; and let the protector and missionary teach them, that the British laws are to supersede their own, and for the violation of these laws let them at first be slightly punished. If a few of the police were to visit the aboriginal stations occasionally, and give the natives to understand the object of their visits, it is presumed there would not be much difficulty in keeping them all in order; and such a plan, if properly managed, would incur no additional expense to the Government.

That civilization would proceed in a ratio proportionate to the moral influence of Christian instruction, is demonstrable by the universal concurrence of all historical testimony.

(signed) *Francis Tuckfield,*  
Wesleyan Missionary.

(No. 13.)

Commissioner of Crown Lands Office,  
Portland Bay District, 26 December 1842.

Sir,

In compliance with your commands, I do myself the honour to furnish you with the required information regarding the natives of this district, and collisions between them and the border police under my command. During the months of March, April, May and June, I was on constant duty in the district, on account of the numerous outrages committed by the natives in the neighbourhood of Port Fairy. I acted on warrants issued against them, as named in the margin, by police magistrate Mr. French.

In the month of March we reached Eumeralla station, where great depredations had been committed on the stock depasturing there, and also on the neighbouring settlers in destruction of sheep, cattle and horses, and finally forcing the people from the house and station Eumeralla. Two policemen left for the protection of the place nearly killed, one of their horses taken and destroyed.

On the following day after my arrival with a strong party, we succeeded in finding two natives of notorious character; one was apprehended after considerable difficulty without injury, the other was so desperate and resolute that force was used; he lost his life.

Some days after, two others were apprehended with considerable difficulty. The police acted with great coolness and forbearance, submitting to insults and risk of life, until it became necessary to use force, and protect themselves doing their duty. One received a ball in the thigh, which caused mortification; he died in two days; he was a most desperate savage.

A short time after this, we proceeded to Mount Rouse station, established by Government under the charge of Assistant Protector Sievewright, and endeavoured to apprehend a native charged with the murder of the late Mr. Codd. On this occasion I waited on the native protector, and after explaining the nature of the case, he in a cool and most deliberate manner said that the native was innocent of the charge, which is totally at variance with Mr. Brock's statement, declaring that Mr. Sievewright for the last two years was fully convinced of the guilt; we succeeded in apprehending the native,\* who was tried, condemned, and executed. After accomplishing this duty I returned, late in June.

In the following month, September, I was again obliged to visit that part of the district, Port Fairy, and the station Eumeralla, where considerable losses had taken place. The property under Mr. Hunter's charge had suffered much; on one occasion upwards of five hundred sheep left on the ground, their hinder legs broken, or twisted from the hip sockets. A collision took place between the Europeans on the establishment and the natives, and investigated by Mr. French, police magistrate, Grange.

Cocknose, Jupiter,  
Bumbletoe, Doctor  
Jackey.

Jackey, Jupiter.

Jackey.

Roger.

\* Roger.

NEW SOUTH  
WALES.

Encls. in No. 64.

On my tour of duty in September, October, November, to 17th December, I visited numerous stations, and passed over nearly two thousand miles in different parts of the district.

On visiting stations and making inquiry regarding the thefts committed by the natives, I beg to subjoin them as follows:—

Eumeralla, 511 sheep destroyed; Messrs. Riley, 200 sheep; Messrs. De Saille, 200 sheep and lambs; Mr. Rickett, 944 sheep; Messrs. Jackson, 180 sheep; Messrs. Corney, 195 sheep; Mr. Winter, 240 sheep; Mr. Norris, 740 sheep; Mr. Henty lost some, and one horse.

Lost some this year; on former occasions these stations suffered losses:—Mr. Gibson; Messrs. Dana & Savage; Mr. Robertson, J. G.; Messrs. Winter; Messrs. M'Cullab; Mr. Corney, J.; Messrs. Addison; Mr. Robertson, W.; Mr. Cameron, A.; Mr. Pollow; Messrs. White; Mr. Barton.

These establishments are near Mount Rouse, and no losses sustained, or complaint:—Messrs. Swanston; Mr. Smyth; Mr. Whitehead; Messrs. Campbell & Co.; Mr. J. Cox; Messrs. Campbell, Conolly & Co.; Mr. Longbuans; Mr. French; Mr. Patterson, Mr. Barrett; Mr. Kennedy; Mr. Campbell.

I beg leave to add, that the natives immediately about Port Fairy have behaved extremely well; and on visiting the place I gave them a small portion of flour; and I am of opinion that the tribes on the Glenelg will become more quiet than hitherto, and that I do not consider them in a worse state than the different tribes were in other parts of the district some years ago. The newspaper accounts exaggerate all their crimes, and I am of opinion that many of the settlers act in accordance with them, and in returning their lists of losses far exceed their bounds.

I have, &amp;c.

(signed) *Foster Fyans*,  
Commissioner of Crown Lands.

His Honour C. J. La Trobe, Esq.,  
Superintendent, Port Phillip.

(No. 14.)

ANNUAL REPORT upon the Barrabool Tribe of Aborigines, *Port Phillip*.

28 December 1842.

REVERTING to my report bearing date December 1841, I have the honour to observe, that I therein stated the tribe of natives it became my duty to report upon, was the Barrabool, alias the Warra-tribe, as their hunting-ground nearly comprised the county of Grant, consequently were more immediately under my own personal observation. I also stated that this tribe had ceased committing any acts of aggression upon the settlers, and in consequence met with kindness and generosity from them. I am most happy in being enabled to state, that no circumstance has transpired during the last twelve months to warrant me reporting less favourably on so important a point.

The general health of the tribe has much improved, which I attribute to the greater degree of certainty in procuring substantial food, from the increased number of settlers in both town and country.

The facility of having their wants supplied militates against their visiting the missionary station, the only establishment in this district for their direct moral improvement and civilization.

The time appears far distant when their wandering habits will be so far checked as to admit of the restraint necessary for their direct education being otherwise than irksome to them.

But few deaths have taken place in the Barrabool tribe the past year, and still less births, that has come to my knowledge, which must tend to their gradual extinction, if they continue in their present state of moral degradation. The proportion of women being considerably less than the men, leads me to believe that they are generally common to the tribe.

(signed) *E. B. Addis*,

Commr. of Crown Lands for County of Grant.

His Honour C. J. La Trobe.

(No. 15.)

Crown Commissioner's Office, Melbourne,

24 December 1842.

Sir,

IN compliance with your instructions for the information of the Right honourable the Secretary of State for the Colonies, I do myself the honour of stating, that during the last year I have had frequent intercourse with the aborigines of the Western Port District, and have learned from the various settlers that no aggressions have been committed by them, with the exception of slight thefts and pilferings; but from their habit of roving about from station to station, I cannot see the slightest probability of their being induced to confine themselves for any length of time on the reserves allotted to them by the Government; and from their migratory dispositions I see no plan which could be adopted with success to prevent them visiting from time to time the haunts they have been accustomed to from their infancy.

With respect to the children, I am under the impression, that with a proper system of education and restraint (that is, weaning them as it were from their wild habits), some hopes of a beneficial result might arise, in making them, as they grow up, useful members of society.

I have, &amp;c.

(signed) *G. S. Airey*, Commissioner.His Honour C. J. La Trobe, Esq.  
&c. &c. &c.

(No. 16.)

(No. 16.)

Crown Commissioner's Office, Melbourne,  
31 December 1842.

NEW SOUTH  
WALES.

Sir,

IN compliance with instructions received from your honour, I beg leave to report that during the last year the aborigines in the district of Western Port have seldom come in collision with the white population; in fact, with the exception of the murder of Mr. Allan, on the Loddon River, in the early part of the year, and a few sheep having been stolen from Mr. Carr's station, near the junction of the rivers Goulburn and Murray, I am not aware that any outrages have been committed. On the other hand, I am happy to say, that the settlers, generally speaking, have used forbearance when the natives have camped on their stations, which it is useless for the Protectors to attempt to prevent, for the simple reason, that nearly all the stations are near the very waters that the natives were in the habit of camping at before the country was settled.

Encl. in No. 64.

As to the probability of ever persuading the tribes to remain altogether at the Government stations of the Assistant Protectors, I am of the same opinion as expressed in my last report on the subject for the information of the Right honourable the Secretary for the Colonies, viz. that the adults at the fine seasons of the year prefer a roving life with a precarious subsistence, visiting the haunts of their infancy, to remaining at a fixed station, with a sufficiency of food, under control, and in some measure obliged to perform a certain amount of labour.

A party of the native police accompanied me lately to the Murray, and as far as I have had an opportunity of judging, it appears to me that they will be of use, and if mounted, will continue to like the employment, even under a stricter discipline than can at present be enforced.

His Honour C. J. La Trobe, Esq.  
&c. &c. &c.

I have, &c.  
(signed) F. A. Powlett.

— No. 65. —

(No. 155.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,

Downing-street, 29 September 1843.

I HAVE received your despatch, No. 46, of the 3d of April last, enclosing the annual reports for the year 1842, of the different officers of your government, employed in the civilization or protection of the aborigines, and also the reports from the different missionary establishments receiving aid from your government.

No. 65.  
Lord Stanley to  
Sir George Gipps,  
29 September 1843.

I have attentively considered these reports, and I perceive nothing in them which enables me to add any thing to the instructions on this subject generally, conveyed to you by my despatch, No. 225, of the 20th December 1842.

Page 221.

There is, however, one point to which I think it necessary to call your attention. In the report of the Wesleyan Missionary Society's mission to the aborigines of the district of Geelong, Port Phillip, reference is made to the murders perpetrated by the natives of the different tribes on each other, and particularly on the members of the comparatively weak and defenceless tribes; in some cases on those connected with the establishment of the mission. An individual instance is cited of a murder of this description committed on a native woman, and it is observed as a prevalent notion, that we have no right to interfere with the natives so long as they exercise their own customs on themselves.

From such an opinion I must express an unqualified dissent. I cannot admit an unprovoked murder, committed on a woman living under the protection of our missionary establishment, to be one of the customs with which we cannot interfere, and it will be the duty of the local Government to use its utmost influence to counteract such an opinion, and to check so barbarous a custom.

I am, &c.  
(signed) Stanley.

— No. 66. —

(No. 101.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,

Downing-street, 6 July 1843.

I TRANSMIT to you herewith a copy of an Act of Parliament which has recently been passed, to authorize the legislatures of certain of Her Majesty's colonies to pass laws for the admission, in certain cases, of unsworn testimony in civil and criminal proceedings, the object being to provide for the admission of the evidence of aboriginal natives. The circumstances which have given rise to the

No. 66.  
Lord Stanley to  
Sir George Gipps,  
6 July 1843.

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NEW SOUTH  
WALES.

passing of this Act have been so fully entered into in previous correspondence, that it is only necessary for me now to instruct you to propose to the Legislative Council of New South Wales a law for giving effect to the provisions of the Act of Parliament.

I have, &c.,  
(signed) *Stanley.*

—No. 67.—

(No. 103.)

COPY of a DESPATCH from Lord *Stanley* to Governor Sir *George Gipps*.

No. 67.  
Lord *Stanley* to  
Sir *George Gipps*,  
10 July 1843.

Sir,

Downing-street, 10 July 1843.

I HAVE received at various times from the Governor of Western Australia reports on the state of the aboriginal inhabitants within the limits of that colony, which have appeared to me to give a satisfactory indication of the success which has attended the attempts made by that Government to protect and civilize the natives within its jurisdiction.

I am aware that the circumstances of the colonies are so various, and possibly the characters of the tribes so different, that it by no means necessarily follows that the same measures which have been successfully pursued within the colony of Western Australia are applicable to all the cases which may present themselves elsewhere, or would, if applied under such modified circumstances, produce the same results. I have, however, thought that it might be beneficial to direct the Governor of Western Australia to transmit to you, to the Superintendent at Port Phillip and to the Governor of South Australia, a memorandum, showing the measures which he has adopted for that purpose, and the result which those measures have produced. You will, I am convinced, not conceive that I have, in giving that instruction, been influenced by any disposition to undervalue the efforts which you have made for promoting the welfare of the natives within your Government.

As I have directed that Governor *Hutt* should address a similar communication to the Superintendent at Port Phillip, it will be desirable that you should transmit a copy of this despatch to Mr. *La Trobe*, for his information.

I have, &c.,  
(signed) *Stanley.*

—No. 68.—

(No. 143.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

No. 68.  
Sir *George Gipps*  
to Lord *Stanley*,  
11 September 1843.

My Lord,

Government House, Sydney, 11 September 1843.

IN my despatches, Nos. 90 and 92, of the 16th May 1842,\* I brought under your Lordship's notice the atrocious murder of three aboriginal women and a child, committed on or about the 23d February in that year, at a grazing station, belonging to Messrs. *Smith & Osprey*, near Port Fairy, in the district of Port Phillip. In a subsequent despatch of the 11th June 1842, I assured your Lordship that no exertion should be wanting to discover and bring to justice the perpetrators of the horrid deed; and, after the lapse of more than a year, I transmitted to your Lordship papers with my despatch, No. 104, of the 2d July 1843, showing that three persons named as in the margin had been committed to take their trial for the murders in question. These latter papers were, I may remark, transmitted in connexion with some of the various charges made in the Port Phillip district against the late resident judge, and for the purpose of showing on the part of Mr. *La Trobe*, and the official Protectors of Aborigines, the tendency which the interference of the judge was likely to have to defeat the ends of justice.

I have now to report to your Lordship that the trial of the three men already named came on at Melbourne, before the acting judge, Mr. *Jeffcott*, on the 31st July last, and ended in an acquittal.

I enclose copies of the following documents:—

1. The Judge's notes of the trial.
2. Letter from the Judge to Mr. *La Trobe*.
3. Letter from Mr. *La Trobe* to the Colonial Secretary, with one enclosure.

From these documents it seems to me to be established beyond any rational doubt, that the three aboriginal women and the child were murdered by a party of white men.

31 July and 1 August  
1843, No. 1.  
16 August 1843, No. 2.  
Confidential, 24 August  
1843, No. 3.

men, who left Mr. Osprey's hut with fire-arms, and returned to it after about an hour's absence on the 23d February 1842; that two at least of the persons who have been acquitted accompanied the party; and that there is no doubt of the identity of two or three others, though they have, I believe, left the colony.

NEW SOUTH WALES.

I have, &c.  
(signed) Geo. Gipps.

Enclosures in No. 68.

(No. 1.)

A REPORT of the Trial of *Richard Guinness Hill, Joseph Betts* and *John Beswicke*, before William Jeffcott, Esq., Resident Judge of the Supreme Court of New South Wales, for the District of Port Phillip, at a Criminal Session holden at Melbourne, in the said District, in the Territory of New South Wales, on Monday the 31st day of July, and on Tuesday the 1st day of August 1843. Encls. in No. 68.

First Day.—Monday, 31 July 1843.

At Ten o'clock, A. M., the Court was opened.

THE prisoners, *Richard Guinness Hill, Joseph Betts* and *John Beswicke*, were placed at the bar, and arraigned for Murder.

Before they pleaded, Mr. Williams, as counsel for the prisoner Hill, took six objections to proceeding with his trial, upon which objections he relied as entitling the prisoner Hill to his immediate discharge.

The objections having been overruled by the Court, Mr. Williams, on behalf of the prisoner Hill, then pleaded, that the said information on which the prisoner was about to be tried, had been prepared and found before the 21st day of June 1843 (*see* Plea and Affidavit, Appendix, Pleadings), and he contended that Mr. Justice Willis having adjourned the criminal session from the 21st of June last (before which day the information had been prepared and found) to the 26th day of June, and no adjournment having taken place on said last-mentioned day, that said criminal session had then terminated, and that such termination should operate as a general gaol delivery, as to all persons against whom informations had been previously found.

The Crown prosecutor replied, taking issue on the plea (*see* Replication, App., Pleadings). Similar pleas, supported by similar affidavits, were filed on behalf of the other prisoners, and similar replications on behalf of the Crown (*see* App., Pleadings). A jury was returned instantly, and sworn to try the following issue:—

Whether, before the 21st day of June 1843, the said information was prepared and found against the prisoners.

Mr. Williams having examined Mr. Joseph William Belcher, the attorney for the prisoner Hill, and Mr. Gurner, the Crown solicitor, called upon the Crown prosecutor, Mr. Croke, to state whether the information was in fact prepared and found before the 21st of June last. Mr. Croke stated that, in fact, the information was not prepared and found before the 21st of June, and expressed his willingness to declare the same upon oath, when Mr. Williams declined to press the issue further, and the jury having returned their verdict, that the information was not prepared and found before the 21st of June 1843, the Court gave judgment that the prisoners do answer over.

The jury panel was then called over, when Mr. Williams, as counsel for Hill and Betts, having challenged 12, and Mr. Cunninghame, as counsel for Beswicke, having challenged two, the panel became exhausted, 11 jurors being then in the box.

The Crown prosecutor prayed a tales, when one juror was added, and the following jury was sworn.

George Hydne.  
William Hutton.  
Isaac Hind, tales.  
John Hodgson.  
John Hawdon, Foreman.  
Charles Hutton.

John Headlam.  
John Harrison.  
John Kennedy Hill.  
A. H. Hart.  
Joseph Hawdon.  
Thomas Howe.

The prisoners, *Richard Guinness Hill, Joseph Betts* and *John Beswicke*, were then indicted for the wilful murder of an aboriginal native woman, named Coneyer.

Mr. Croke, the Crown prosecutor, and Mr. Barry, the standing counsel of the aborigines, conducted the prosecution.

Mr. Williams conducted the defence, as counsel for the prisoners Hill and Betts, and Mr. Cunninghame and Mr. Stawell, as counsel for the prisoner Beswicke.

Mr. Barry opened the information, which contained 10 counts (*see* Information, App.)

Mr. Croke, the Crown prosecutor, stated the case.

*Charles Whiteman Sieveuright*, sworn; and Examined.

I am Assistant Protector of Aborigines; I recollect about the 25th of February 1843, I was at the aboriginal station at Mount Rouse; I know Smith and Osprey's station; I visited it about that time, in consequence of information I received from natives.

I was led by a native to a tea-tree scrub on the station near the hut; I went into the scrub, and found the bodies of some aboriginal natives; I went into the scrub on the 25th of February; I knew some of the natives whom I found dead. (*Witness here referred to a paper*

NEW SOUTH  
WALES.

Encls. in No. 68.

*paper which he held in his hand*). The paper is in my handwriting, and was taken at the time.

One of those I knew was Nied-Goucka, a woman; another, was Coneyer, a woman; Coneyer was lying dead. There was a gun-shot wound through her abdomen, and her left arm was broken by a gun-shot wound; I can take upon myself to say it was a gun-shot wound. I identified the woman Coneyer as having seen her before; I had no difficulty in recognizing her; I had seen her before within a week; she was in health when I saw her before. After I had seen the bodies, I went to Smith and Osprey's to make inquiries; I brought Smith and Osprey with me, to view the bodies, to the scrub. I took a description of the wounds; no fresh wound had been inflicted during my absence at Smith and Osprey's station; the wounds remained the same as when I first saw the bodies; I took an accurate description of the wounds; I was absent about 20 minutes or half an hour.

*(A document describing the wounds was here handed to the Witness.)*

A document was taken at the time, in writing, describing the wounds; that document was sent to Government. The document now produced is not that document.

Mr. Williams objected to the witness refreshing his memory by the document now produced, or giving any evidence as to the wounds, as the document describing those wounds, which was written at the time, was not produced.

The Court, on referring to the notes of the evidence already given, found that the witness had already described the wounds without referring to any document.

Mr. Williams then pressed the Court to expunge the evidence so given, as the document, which was the best evidence, having been made at the time, was not produced.

The Court refused to expunge the evidence, as the document (if in Court) could not be given in evidence at all, but could only be used as a memorandum to refresh the witness's memory, and as the witness had given his evidence without requiring any aid for his memory, in the opinion of the Court it was unnecessary to produce the document, and the evidence ought not to be expunged.

Examination resumed.

When I had finished taking the description of the wounds, the dead bodies were burnt; before the body of Coneyer was burnt I swear that life was extinct—*(Here Witness again referred to the paper which he had first used, and on which the names were written)*.

In answer to questions from Mr. Cunninghame, witness said—The paper which I hold in my hand was copied within the last two or three days, from my letter-book, in which the entry was made at the time.

Mr. Cunninghame contended that the previous part of the evidence of witness, for which he had used the paper, should be expunged, but the Court refused to expunge it, as the witness had stated that he distinctly recollected what he swore, although it now appeared that he had refreshed his memory by an improper document. The Court further stated that the usual course was to prevent the witness from using any document to refresh his memory, until it had been ascertained that the document was such as the witness had a right to use according to the law of evidence, but if the witness had been allowed to refresh his memory by an improper document, and then was able to speak from his recollection without the aid of the document, that the Court would not refuse the evidence.

I know the prisoners—*(Here the Witness identified each of the prisoners)*.—I saw them before; about that time I examined two of the prisoners, Betts and Hill; I made inquiries about the business of all who were at the station that day; I made inquiries of Osprey, Smith, the prisoner Hill, and George Arabin, also of some females who were on the station; Mrs. Smith, and a young lady whose name I do not know.

I can take upon me to swear to the wounds; the bullet went in apparently at the right side, and came out at the left; the left arm was broken by a gun-shot wound; I should imagine the wound through the abdomen was a mortal wound.

I was 25 years an officer in the army; I have seen gun-shot wounds, and can form a correct opinion of gun-shot wounds; I am morally certain that the wound I saw on the body of the woman Coneyer was a mortal wound.

The wound on the arm was above the elbow; the bone was fractured; there was not much blood about either wound; I did not examine internally; I cannot say that there was no internal hemorrhage.

I saw the woman who was dead, with other natives, about a week before; they were at the station; I did not see them leave the station; I cannot say whether they left the station armed—*(Here the Witness proved a map of the locality to be correct)*.

Cross-examined by Mr. Williams.

I saw the bodies on the 25th of February; a native led me to the spot; a male native; I do not recollect his name *(The Witness here paused to recollect)*. His name was Pinching-an-nock; I can swear to a gun-shot wound; the day was hot; not very. It was in the middle of summer; in one body decomposition had commenced; I can swear that there is a difference between a spear wound and a gun-shot wound in 48 hours; I examined upon that day the persons I have named, but not upon oath; in the month of April I took depositions upon oath; I did not reduce the evidence to writing on the first day; I was never in service where wounds were received; I have seen wounds after duels; in my opinion the wound on the body was in a vital part, and mortal; I will swear it; the native who conducted me mentioned the names of persons who were present at the affray; I saw no black men dead; I do not know that any black man was wounded; the depositions I took in April are in the possession

possession of the Crown prosecutor; I took the deposition of Osprey, who denied all knowledge of the transaction; Arabin was examined upon oath, and denied all knowledge of the transaction; Osprey stated that he had not seen an European on horseback that day on the station—(*Osprey's deposition was handed to Mr. Williams.*)

*Cross-examined by Mr. Cunninghame.*

I received the information which took me to Osprey's on the day before, about mid-day; I received it from the natives; they arrived at the station, as I heard, on the morning of the day on which they gave me the information; I recollect the arrival of Mr. Brock from Burchett's station on the same day, the 24th of February; the natives stated that Mr. Brock was one of the parties concerned in the transaction, and the reason they gave was, because he rode a greyish horse.

There would be a difference in the appearance of the marks if the ball had entered on the left side and come out at the right. The reason why I believe the ball had entered on the right side, was because the wound on the right side was smaller than on the left. I did not trace the course of the ball internally; I did not see any of the bowels torn. The appearance from which I judged it to be a gun-shot wound was, that it was a small round wound; there was very little inflammation. I cannot state whether the wound was inflicted during life or after death; there was not much blood; there was a little; there was a little oozing out of the wounds, both on the right and left sides.

There was decomposition on the body of the woman Coneyer; no appearance of decay; I have seen spear wounds principally from barbed spears; I would not venture to swear that the wound had not been inflicted by an unbarbed spear.

*Re-examined by Mr. Barry.*

I have not seen many wounds from spears which were not barbed; a spear could pass through the body, thrown in the way in which the natives throw the spear; it could not pass through without a lacerated wound; this wound was a clean wound; it was not lacerated.

To a *Juror*.—The scrub was a thick tea-tree scrub; a horseman could not pass through it; I did not find any male bodies; there might have been bodies in the scrub, which I did not see; the distance from the scrub to the hut is from 700 to 800 yards.

*Patrick Cussen, sworn; and Examined by Mr. Croke.*

I AM a doctor of medicine and colonial surgeon; I know gun-shot wounds; I have heard the last witness describe the wounds; it would be almost impossible for me, on the evidence I heard, to come to a conclusion whether the wounds were gun-shot wounds or not; if a wound was made through the abdomen it would positively be mortal; I cannot come to the conclusion that it was a gun-shot wound from the description given by Mr. Sievewright; a small circular wound may be inflicted by many instruments; I have seen such inflicted by native spears; in many wounds where I have discovered spears in the wound, it was quite as probable from appearance that they were gun-shot wounds; men have come to me with wounds, which they told me had been inflicted by spears, and I doubted the truth of what they said, until I had discovered the spears deep seated, and those wounds had in all respects the appearance of having been inflicted by a ball; I heard the wound on the arm described; such a wound would not be likely to cause immediate death; in such a case death may be caused by hemorrhage from the artery, which is very unusual, or it may be caused by subsequent mortification.

*Christopher M'Guinness, sworn; and Examined by Mr. Barry.*

I AM a bush carpenter; I recollect the month of February 1842; I was then in the employment of Mr. Osprey at his station about 16 miles from Mount Rouse.

I know George Arabin; I was at work with him on the 23d or 24th of February, dressing sheep the day some blacks were killed; I do not know what day it was, but I am certain it was either the 23d or 24th; I did not see Mr. Sievewright about that time at the station; Arabin and I were called up late to dinner on that day; I wondered it was so very late; I had not been very long in the hut, when Joseph Betts (the prisoner) came riding home up to the master's hut; I am not certain whether he went into the hut to Hill, or called him out, but he had some conversation with the prisoner Hill; I saw Hill and him conversing; Betts afterwards came to our hut about 10 or 12 yards from the master's, and asked Arabin to lend him a gun; Arabin asked him what he wanted with it; he said he wanted to shoot some old men kangaroos; I advised him to take the dogs; he said no, he would take the gun; he got the gun from Arabin; a fowling-piece, single-barrelled; he asked Arabin to load it; I saw Arabin load the gun with two balls; he put two balls in; while Arabin was loading the gun, Betts went to help the others to saddle their horses; he came back and got the gun from Arabin; he asked Arabin if he was sure the gun would go off; Arabin said it would; when he got the gun he mounted his horse, and accompanied the others on horseback; he rode in the direction of Mr. Kemp's station; I saw him ride away with the others; I followed them with the dogs; I went about three-quarters of a mile, when I heard two shots fired; I stopped, expecting to see the kangaroo; I did not stop any length of time; I saw Hill, Betts and Beswicke on horseback with the party; I was within five yards of them when they started; the horsemen I then saw were the same who had started from the hut.

At the time I heard the two shots fired I was going up the hill; the horsemen were going down on the other side; the hill was between us; one of the shots fired was from a gun; the other from a pistol; one report was louder than the other; from the report I judged that

NEW SOUTH  
WALES.

Encs. in No. 68.

one was a gun-shot, the other a pistol-shot. After I heard the shots I proceeded till I came to the summit of the hill, where the horsemen had gone down; I saw Betts clear at the bottom of the scrub where there was nothing to cover him; I saw him clear; he was on horseback; I saw him level the gun and fire in the direction of a small scrub; he appeared to me to fire at a black, for I saw a black fall; she shrieked and fell; some more blacks then rushed out and were fired at; I heard Hill cry out, "Look out, here they are coming;" three shots were fired; there was a dreadful shriek, and I heard no more of the black voices; I heard Hill sing out three or four times to Betts, afterwards the blacks were fired at.

I cannot be mistaken in what I have just sworn; I did not see Beswicke in the scrub; I saw him go from the hut and return to it with the others; I returned home; I saw them afterwards; they returned in about half an hour after I returned; they returned on horseback, bringing back boomerangs and weapons of the blacks; Betts had a triangle; Hill had a shield and spear; they were apparently playing with them; Betts brought the gun back unloaded; Arabin proved the gun in my presence. The only persons at both huts that day were, Mr. Osprey, witness, George Arabin, one woman (Betts's wife), and the six men on horseback; at supper the same night, Betts and Arabin had some conversation about the blacks; Betts said some Labras and a child were shot in the hollow, and Arabia asked where, and he said where the horses or bullocks were found; Arabin asked him where he got the black weapons; he said some blacks had run away, and left them in the hollow; the hollow in which the scrub is, is in the direction of Kemp's station; I am positive the prisoner Betts is the man who fired; I saw him, horse and all, at the time; I heard Hill's voice only; I was distant 140 or 150 yards; I am positive Beswicke was of the party; I saw Beswicke there; all the party were armed, to the best of my knowledge; Hill had a brace of pistols in his belt; Beswicke had a short rifle, or gun of some description; I cannot say that the native who fell was a man or a woman; I did not see any of the blacks fall when the three last shots were fired.

Cross-examined by Mr. Williams.

I am a free man, free by servitude; my time was up in August 1828; I was a bush carpenter before I went to Mr. Osprey's, at the Grampians; I do not recollect the day of the week on which the transaction took place, either Wednesday or Thursday; I swore it was the 23d or 24th of February; I recollect it on account of the extraordinary circumstance occurring; I did not swear that I recollected the day in consequence of looking at an almanack.

Deposition read.

I can read, but I cannot write—(a law book was put into his hands, which he read fluently).—I told Mr. Powlett that I knew nothing about the transaction—(the Witness here requested to be allowed to explain)—when I heard that the witnesses Osprey, Arabin and others had denied all knowledge of the transaction, I did not think that my evidence alone would be believed, and on that account I did not give the party up, but when I heard they were divided, I then came forward; I do not remember swearing that I did not see what Bates fired at.

Deposition read.

I cannot swear whether it was a man or woman that fell; I judged it was a woman by the shriek.

There were five or six kangaroo dogs on the station; there were no kangaroos on the station; I never saw a kangaroo on the station during the 14 months I lived there; I first told what I knew about the transaction to Mr. Robinson, about ten weeks ago, at his own house, on the Yarra Yarra.

Mr. Osprey, Arabin and I are the only persons who knew about the murder; I had conversations with Osprey about the transactions; we used to work together; I have since been at work at Mr. Robinson's, except when subpoenaed to attend the court; I never saw Mr. Robinson at Osprey's station; I do not know Samuel Duke, a policeman; I do not know him by that name; I went with some policeman to the scrub, when Mr. Griffiths and Mr. Powlett were down; I do not know the name of that policeman; I was about half an hour with him; Mr. Powlett sent me to show him where the blacks were killed; I showed him a skull; he would not believe it belonged to the blacks.

The scrub is not in the direct road from the out-station to the home-station; it is about a quarter of a mile out of the road; I went out of my way to the scrub next morning, to see what had been done; I refused to go the night before, as it was night, and I was afraid of the blacks; I told the policeman I knew nothing about the transaction; that I did not know where the blacks were killed; I did not wish to be put upon my oath; I met the policeman afterwards in Melbourne; probably talked to him about the reward; I talked to him many a time; I might have said to him, when we were going to the scrub, that it would be a good thing to get the reward.

The policeman first told me about the reward; a printed paper was brought by Messrs. Powlett and Griffiths to each station, offering the reward.

I was put into a cell in the watchhouse with Arabin; I think I was put in on a Saturday; I was not a prisoner; I was put in by the chief constable, and the door was bolted; Arabin did not speak to me; I was there for an hour. Arabin said, he wanted nothing to say to me, and he never spoke to me after; he turned away from me, and lay down in a corner and covered himself up; I spoke to him several times after, but he would not answer; I do not know for what purpose I was put in; I had asked to see Arabin; I wanted to see him, to advise him to speak the truth, as I knew he had given false evidence; I was let out by the watchhouse keeper, by the same person who bolted the door on me.

Arabin



Arabin and I were both examined on the Monday following at the police office; I was not above an hour in the watchhouse; I have received wages from Mr. Thomas, but no other money; I received it after I had been subpoenaed; I received about 2*l.* 5*s.* out of my wages; I have stopped at Mr. Thomas's since the 26th of June; Thomas is an Assistant Protector of Aborigines.

I know Thomas Stephens; I saw him in Van Diemen's Land; I accused him of robbery; I left Van Diemen's Land shortly after, and never prosecuted; Stephens was discharged by proclamation; I was robbed of 2*5*l.**; I think I only got 6*l.* back from the magistrates; I saw Stephens first at Campbell Town, in Van Diemen's Land; I was robbed by him at Ross Bridge, when I was speechless drunk; I gave no information; the persons in the house gave the information; the constable searched Stephens, and the money found on him was kept by the magistrates, and given to me; I was afterwards hired by Mr. Rucker, who paid my passage, and I left Van Diemen's Land; I have seen Stephens since in Melbourne, and drank with him; Stephens accused me in Fleming's public-house, of having robbed him; others were present; I denied it; there was a roomful present; I never remember having seen Stephens in Carr's public-house; I never admitted in Carr's public-house that I had tricked him.

Cross-examined by Mr. Stawell.

I stopped in the hut a minute or two after Betts rode up; I could see from one hut to the other; both huts face the same way towards the creek; a person inside in one hut could not see a person inside in the other; Betts rode a dark bay pony; Hill rode a bay mare of Osprey's; Beswicke, a light chestnut horse, with a switch tail; does not remember there was a grey horse among them.

I had four dogs with me; two belonged either to Beswicke or Whitehead, and two belonged to the station; I went after the party; they were in great glee; I kept them in sight from the hut to the summit of the hill; I was not 30 yards from the summit when the first, when the two shots were fired; I saw two blacks running; when the blacks were running they were running towards Osprey's station.

Those dogs of Beswicke's were on the station; I was afraid of Beswicke; I went to his station since the transaction; it was in the day; I had a carbine with me; I went to change some boots; I was not afraid to go there in the daylight with a carbine in my hand, but I would be afraid to go there without arms.

The day after the transaction I went to the out-station to get wood to build a shepherd's hut; this is about one mile and a half from the head station.

I swore that I saw one black fall when Betts fired; I also swore that I saw some blacks rush out, and heard three shots.

(The witness was then asked by Mr. Stawell, who read from his deposition, whether he ever swore as follows, "After this, Arabin and I returned to our work in the wool-shed; Arabin asked me what they had been doing, and I said, 'it was not kangaroos but blacks they had been shooting'; I supposed so, because I saw the blacks running; heard the shots fired and the weapons brought.")

The witness with great vehemence,—“I never said any such thing to Arabin.”)

Re-examined by Mr. Barry.

I may have sworn what is stated in that deposition at the police office, but I now swear I never said so to Arabin.

He afterwards admitted he might have said so to Arabin; and in the whole of his examination as to this point his confusion was very manifest.

Thomas Osprey, sworn; and Examined.

I DID live at Muston's Creek station; I resided there about February 1842; I know the prisoners; Hill was in my employment as manager, Betts as hut-keeper; on the 23d or 24th of February 1842, some gentlemen visited my station; Charles Smith, Whitehead and Arthur Bardsicot; no other strangers came; they called at the hut, went in, and took lunch or dinner; we generally dine at 12 o'clock at the station; Betts came to the door of the hut and said there was a mob of blacks near; I do not recollect the exact words, but it was something to that effect; the party got up and got their arms to look after the blacks; the strangers were armed; persons generally go armed through the bush; Hill had his own arms; they were absent about one hour or two; they did not mention on their return what they had been doing; Betts did not come into the hut at all; I did not hear Hill say a word about what they were doing; he is a man who says very little on any subject; he is a very silent man; the common conversation at a station is about blacks; they may have been talking about blacks, but I do not recollect it; I saw a shield, the only black weapon I saw on their return; if I saw any others I took no notice of them, and I do not recollect them; I recollect Sievewright's arrival at the station; the next day but one after the transaction, I accompanied him to the scrub; I saw three female natives and a child dead, and one female wounded; I never heard any of the prisoners say that they would shoot any one who would give information on this business; one of the prisoners (Mr. Beswicke) I did not see at the station on the 23d of February, and I do not believe that he was there, for if he was, I have no doubt he would have come into the hut, for Mr. Whitehead, his master, with whom he does business, was in the hut; I am quite convinced that Beswicke was not of the party.

Mr. Williams and Mr. Cunninghame here interrupted the examination, and called the attention of the Court to what they designated a most improper proceeding, namely, that the witness, M'Guinness, since his examination had been placed in the same room with George Arabin, the principal witness who remained to be examined. The Court ordered them to be separated immediately.

NEW SOUTH  
WALES.

Encls. in No. 68.

Examination continued.

I recollect Mr. Powlett and Mr. Griffiths coming to the station; I was not examined by them; they never asked me for any information, and I gave them none; I did say in a written statement which I sent to Government, that I was afraid of threats, but not from the prisoners; that statement was not sworn to, and I am sure I made several erroneous statements in it, as it was done in a hurry.

[This witness was not cross-examined.]

*George Arabin*, sworn; and Examined.

I AM a labourer; I was in Mr. Osprey's employment in February 1842; I recollect the latter end of that month; I recollect seeing M'Guinness at the station about that time; I recollect the 23d of February 1842; I was dressing sheep on that day at the station; not sheep-skins, but sheep; I had a late dinner that day; I dined in company with M'Guinness; after dinner Betts came up; he was living at the farm—[*here the Witness identified the prisoner Betts*—he came riding up on a bay pony, and asked me to lend him a gun; I asked him what he wanted the gun for, and he said to shoot three boomers; M'Guinness advised him to take the dogs; I gave him the gun; it was a single-barrelled gun, shattered in the stock; Betts said either that he had no ammunition, or that he could not get at it, and he asked me to load the gun for him; I did so; I loaded the gun with powder and ball; I put two or three balls into the gun; Betts then went to the master's hut; I saw him, Hill and Beswicke there; there were six persons there altogether; they were on horseback; Hill rode a chestnut horse, Beswicke another chestnut horse, and Betts his own bay pony; they rode off in the direction of Kemp's station; you go over a little hill, and then come to a gully; I did not see a dog with them; I saw M'Guinness following them; he had dogs, two of Whitehead's dogs, one of Hill's and one of his own; he said he was going to get a kangaroo skin; M'Guinness was away about 15 or 20 minutes; the horse-men were not away above an hour; Betts had my gun; I did not see any arms with any of the rest; I did not take notice of any other weapons; I was in the hut when they returned, and they had black fellows' instruments with them; the three prisoners had them; I had no conversation with M'Guinness, but I had with Betts; I asked him where he had seen the blacks; he said where he and I had been looking for the horses; that was a tea-tree scrub, one part thicker than the other; he said the blacks had dropped their instruments and run away; Betts said something about the blacks; I do not recollect what it was; M'Guinness said he ought to be ashamed of himself, to hold his noise; I think he alluded to what was said about the blacks; I do not recollect that Betts talked of kangaroos, or that any of the party said they had seen any; I did hear shots fired that day; when Betts returned the gun it was not loaded; Betts said the gun carried well, for he had hit twice with it; he hit a gum-tree with it; on the Friday after the Wednesday, Mr. Sievwright came to the station; I saw him there; he addressed all in the hut and said, three women and a child were killed, and he would offer 50*l.* reward to any one who would give information on the subject; I saw the remains of the Lubras, who were burned; I judged them to be the remains of the Lubras; I did not see them burned; I have been in this country since 1833; I do not recollect, even on their return, to have seen any arms with any of the party except Betts.

Cross-examined by Mr. Williams.

I AM a free man; I never was a prisoner; I was arrested on this charge in Geelong, on the 25th of May 1843, by the chief constable; I was taken to a watchhouse in Geelong; then to the gaol, then to the steamer, and then to the watchhouse in Melbourne; I was placed in a room and locked up; while in that cell I saw M'Guinness, I believe on a Saturday; I do not know who put him in; the door opened, and he walked in; he said, "what are you here?" and I said, "I am;" I said I would have no conversation with him, and I knocked at the door and desired the gaoler to put him out; I did not wish to have my name brought in question; I lay down in a corner, and refused to speak to M'Guinness; after remaining about an hour in the cell, M'Guinness was let out on whispering to the gaoler.

I asked the gaoler what he was put in there for, and he said that he had orders to do so; I do not recollect that I said anything more; I never said, "Take that villain, M'Guinness, away; he wants me to take away innocent blood." I was examined on the Saturday; I was put into the watchhouse, and on the Monday and Tuesday following, and then discharged on my own recognizance; no terms were mentioned to me; I have since been in the employment of Mr. Thomas, the Assistant Black Protector; and M'Guinness has been there also.

I did state to Mr. Sievwright that I knew nothing at all about the business; I stated it on the deposition which I swore; I was in bodily fear when at the station; Mr. Hill was then present; I was afraid of him.

Here the case for the Crown closed, at 11 o'clock at night.

Mr. Croke (the Crown prosecutor) moved that the Court adjourn until 10 o'clock next morning, and that the jury, in the meantime, be given in charge to sworn constables, and be allowed to remain at an adjoining hotel. The counsel for the prisoners joined in the application.

This motion was granted by the Court. Two constables were duly sworn to take charge of the jury; and the Court adjourned till 10 o'clock the following morning.

Tuesday,

Tuesday, 1 August 1843.

The Court was opened at 10 o'clock.

Mr. Williams addressed the jury on behalf of the prisoners, Hill and Betts. At the conclusion of Mr. Williams's address, Mr. Cunninghame, one of the counsel for the prisoner Beswicke, requested to be permitted to defer his address to the jury on behalf of Beswicke, until Mr. Williams had examined his witnesses, and closed his case on behalf of the other prisoners, when he (Mr. Cunninghame) would be prepared to address the jury and examine witnesses on behalf of Beswicke, whose defence was entirely distinct from that of the other prisoners.

This request was acceded to by the Court.

*Thomas Stephens*, sworn; and Examined.

I AM a shoemaker; I know M'Guinness; I have not much acquaintance with him: I have seen him before; I travelled with him once from Perth to Ross in Van Diemen's Land; when we came to Ross we went in to take a glass together, when I called for a pint of rum, and took out a 5*l.* note to pay for it; the landlord returned in change, four 1*l.* notes, and 16 shillings.

Among the notes was one which had four holes in it; it had been a long time in use, and any one that saw it would know it again.

The Court here interposed, and said, that if the witness was produced to discredit the witness, M'Guinness, he should be asked, whether from his general character he believed M'Guinness worthy of credit on his oath, but that the details of any particular transaction could not be gone into.

Examination resumed.

From his general character I would not believe M'Guinness on his oath.

Cross-examined by Mr. Barry.

I was but once in his company, about six years ago; I was transported; I was imprisoned in Van Diemen's Land by M'Guinness.

After the court interposed, and obliged the witness to answer, he admitted he was also imprisoned on a charge made by another person.

Re-examined by Mr. Williams, who insisted he was now entitled to examine the witness as to the particular transaction for which he had been imprisoned by M'Guinness.

M'Guinness charged me with robbing him; among the notes I got in change at Ross was one note with four holes in it; I put all the notes into my pocket, and afterwards M'Guinness charged me with robbing him, and swore that the note with four holes in it was his, that he had it a long time, and that I robbed him of that with the others; the magistrates handed over the money which I had about me to M'Guinness, eight 1*l.* notes, and a 5*l.* note, and I was sent to prison; while I was in prison M'Guinness left Van Diemen's Land, and I was discharged by proclamation, M'Guinness not appearing to prosecute; I accused M'Guinness, in a public-house at Melbourne, of robbing me, and he did not deny it; John Shank was present.

*John Shank*.

I AM a publican; I know Thomas Stephens; I worked with him as a journeyman shoemaker; I know M'Guinness; I was in a public-house with Stephens and M'Guinness.

Here the Crown prosecutor objected to this line of examination: The objection was allowed.

Examination continued.

From his general character I would not believe Christopher M'Guinness on his oath; I have known him about seven years.

Cross-examined.

I knew him first in Van Diemen's Land; I did not know him continually during the seven years; my evidence is not grounded on my knowledge of him in Van Diemen's Land; I only knew his person in Van Diemen's Land about seven years ago; about two years after he came to Port Phillip, where I first spoke to him, and I have known him since; he has been constantly drunk, and turned out of several public-houses; I have frequently turned him out of my own house for his bad character; he was always a very disorderly man.

*James P. Mayne*, sworn; and Examined.

I AM a builder; I have built the new gaol; I know the witness, M'Guinness; from his general character I would not believe him on his oath; I knew him about four years ago; he was in my employment.

Cross-examined.

I have not known much about him for the last four years; but I have been looking for him during that time.

To the Court.] I have been looking for him, for when he left my employment he robbed me.

*Samuel Gleason*, Watchhouse-keeper, called; but on Mr. Croke objecting to his being examined in any matter in which he was confidentially employed by Government, Mr. Williams yielded to the objection, and he was not examined.

Mr. Williams here closed his case for Hill and Betts.

Mr. Cunninghame then addressed the jury on behalf of the prisoner Beswicke.

1843.

M M 3

James

NEW SOUTH  
WALES.

Encls. in No. 68.

*James Brock*, sworn; and Examined.

I REMEMBER going to Beswicke's station in February 1842; I went to borrow bullocks and get some assistance; I arrived there about half-past 11 or 12 o'clock, and remained till half-past four; I then returned to Mr. Burchett's station, where I remained for the night; I went next morning to Mount Rouse, to Mr. Sievewright's; I saw natives there; I arrived about half-past ten in the morning, and I saw Mr. Sievewright shortly after; I had a conversation with him; he had not heard of this business when I arrived; he heard of it after; I saw Beswicke on his own station the day before, from about half-past 11 to half-past four; during the whole of that time he was on his own station.

Cross-examined by Mr. Croke.

I do not know the day of the month on which I saw Beswicke at his station; I know Smith and Osprey's station; the distance of Smith and Osprey's station from Beswicke's is about seven miles; it was after four o'clock when I left Beswicke's.

*Charles Gray*, sworn; and Examined.

I KNOW the prisoner Beswicke; I saw him at his station in the latter end of February 1842; I went there to return the pole ring of a dray I had borrowed; I arrived about five o'clock, and found him at home dressing sheep; he was very far from having the appearance of having made a hasty ride; he seemed as if he had been dressing sheep all day; I remained with him that night, and returned home the next day; I am convinced I went to Beswicke's station on the 23d, and returned on the 24th; I saw a bitch there which I knew belonged to Mr. Brock; I asked him how she came there; Beswicke said, that Brock had been there, and just left the station, and that he left the bitch to be stinted by a dog of Beswicke's called "Gott."

Cross-examined.

I said it was the latter end of February; I am convinced it was on the 23d; on the 24th I made an entry that I had returned the article the day before; the distance between Smith and Osprey's station, and Beswicke's, is about seven miles.

Mr. Cunningham, for the prisoner Beswicke, here closed his case.

Mr. Barry replied generally for the Crown.

And the Judge had commenced his charge to the jury, when the foreman rose and said, that the jury had already unanimously agreed on their verdict, and that it was unnecessary for him to deliver any charge.

His honour then asked the Crown prosecutor if it was his wish that a charge should be delivered to the jury, and the Crown prosecutor having intimated that it was not necessary, the jury were then asked in the usual form if they had agreed on their verdict, and having answered in the affirmative, the foreman delivered the verdict—*Not Guilty*.

Mr. Williams then moved that the prisoners be discharged.

Mr. Croke at first objected, but on consultation with Mr. Barry, he intimated to the Court, that although he had it in his power to put the prisoners on their trial a second time for the same transaction, yet he did not think he would be exercising a sound discretion in so doing, as he could only produce the very same witnesses to testify to the same transaction.

The Court intimated its approval of the sound discretion exercised by Mr. Croke, and also of the humanity and ability with which he and Mr. Barry had conducted the prosecution.

The Court also expressed its opinion, that if the whole circumstances of such a case had not been thoroughly and minutely investigated, it would have been an indelible disgrace to the Government of the country. And further, that if the prisoners had been convicted of the crime with which they had been charged, it would have been the duty of the Court to pass sentence of death upon them, without the slightest hope of mercy.

The prisoners were then discharged.

(No. 2.)

(Private.)

My dear Sir,

Melbourne, 18 August 1843.

I BEG leave to forward to you for your own information and that of his Excellency Sir George Gipps, a report taken from my notes of the trial in the case of the "Queen v. Hill and others," for the murder of an aboriginal black woman, and at the same time to state, that I was not dissatisfied with the verdict of the jury, as I considered that they were justified in not giving credit to the evidence of M'Guinness and Arabin, the principal witnesses for the Crown. I will now proceed to give you briefly my reasons for so considering. In the first place, in the case of Beswicke (one of the prisoners), I think his defence, "an alibi," was satisfactorily proved by two most respectable witnesses produced by the prisoner, whose evidence was corroborated by that of Mr. Osprey, one of the witnesses for the Crown. Mr. Osprey swore most distinctly, that he was convinced Mr. Beswicke was not of the party; that he was not on his station during the day in question.

M'Guinness and Arabin swore with equal distinctness that he was.

Now, if we contrast the means of knowledge of both parties as it appeared in evidence, we will find that Mr. Osprey had a much better opportunity of knowing whether Beswicke was present or not, than either M'Guinness or Arabin: he was master of the hut, and received the strangers on their arrival; he gave them lurch or dinner, conversed with them, and received them again on their return from the tea-tree scrub. He must, therefore, have been some hours

hours in their company, face to face with them. On the other hand, M'Guinness and Arabin do not say that they were in the master's hut that day. Both in their depositions and evidence they merely state, that they saw the gentlemen come out of the hut and mount their horses, and that they again saw them on their return from the scrub, as they passed on horseback, and dismounted at the master's hut.

M'Guinness further swears distinctly in his evidence on the trial, that he did not see Beswicke at the tea-tree scrub.

M'Guinness and Arabin (it thus appears) had but a transient and momentary view of the horsemen, and they may (to take the most charitable view of it) have mistaken about Beswicke.

Osprey was for hours in the presence of the party, in his own hut, and he could not have been mistaken about Beswicke. If Beswicke was present that day, Osprey must at the trial, in my opinion, have committed deliberate perjury.

I do not think that Osprey committed perjury at the trial. He appeared to me to show no anxiety to screen any person. He did not hesitate to give the names of all the other parties. He gave his evidence freely against Hill, his own superintendent, and against Betts, his own hut-keeper, and his evidence in favour of Beswicke (a stranger) was corroborated by the evidence of two respectable witnesses, who proved that Beswicke was at home at his own station during the whole time that this atrocious act was being perpetrated.

If the jury believed the evidence for Beswicke, it must have raised very great doubts in their minds as to the truth of the evidence of M'Guinness and Arabin on all other points, and those doubts must have been very considerably increased by contrasting (as was done on their cross-examination) what those witnesses swore at different times in their different depositions, and also by contrasting their depositions with their evidence.

I lay no stress on the general denial by both witnesses, when first questioned, of all knowledge of the transaction; for I think they have sufficiently accounted for that by stating that they were afraid to give evidence while at the station, and in the power of the parties. But in M'Guinness' first deposition at the police-office (29th May) I find him stating, that he saw the party at the scrub; that he heard shots fired, but he could not see who fired them; that he saw the blacks running, and when asked in the evening by Arabin what the party had been doing, that he answered shooting blacks; he supposed so, because he saw blacks running, heard shots fired, and the weapons brought.

In his second deposition (30th May), he says, in stating yesterday that I "could not see the shots fired, I thought only of Hill, who was the only prisoner at the bar then; but I did not see one man who rode down to one end of the scrub (which was only thin, and just a light scrub), fire a gun, and that man was Betts the prisoner; I could not see what he fired at." (See Depositions.)

As this deposition was made to correct an error in the former one, it is natural to suppose that an effort of memory was then made to recall all that occurred, when he saw Betts fire; yet in that deposition (30th May) he swears that he could not see what Betts fired at.

In his evidence on the trial (nearly three months after) he swears, "He appeared to me to have fired at a black, for I saw a black fall; she shrieked and fell." He afterwards said he did not know whether the black shot was a man or a woman; he judged it was a woman by the shriek. On the whole, it appeared to me, both from his depositions and evidence, that this witness was more anxious to make his evidence complete for his own objects, than to tell the truth; and in my opinion the jury were justified in not giving credit to his evidence, on account of those gross contradictions, even if his character had not been impeached (as it was on the trial), by witnesses who swore that they did not believe him worthy of credit on his oath. It is true he was corroborated by Arabin in most of the essential particulars; but the evidence of Arabin may also, with great justice, have been suspected by the jury, for it appeared that M'Guinness had used extraordinary exertions to procure his corroboration; and that he and Arabin had many opportunities of communicating with each other after they had met in the watchhouse cell. It is true he was also corroborated to some extent by Mr. Osprey, and as far as he was corroborated by Osprey, or even by Arabin, I am disposed to believe he told the truth. I believe that Hill and Betts, and the other parties named by Mr. Osprey, were concerned in this atrocious affair, and I think it not improbable that M'Guinness followed the party with the dogs, and that having heard shots fired, and seen blacks running, he returned to the hut without seeing who fired the shots, or at whom they were fired.

This is the extent of his first deposition. All that he has since added I think most suspicious, and that the jury were fully justified in disbelieving every word of it. If, then, the portion of M'Guinness' evidence which rests upon his own unsupported testimony be expunged, the facts proved will be, that three native black women were found dead, with wounds which appeared to be gun-shot wounds, but which, according to Dr. Cussen, may have been inflicted by spears; that the prisoners Hill and Betts, with others named, had left Mr. Osprey's hut on that day, on which it is supposed those women were killed, with arms, avowedly for the purpose of hunting blacks; that shots were heard, and that they returned within an hour or two with blacks' weapons in their hands. But what happened in the interval, or how those women came by their death, would remain without direct proof.

The case would then have been a very strong case of circumstantial evidence against Hill and Betts, but M'Guinness, by his gross contradictions, by his attempts to make the case one of direct proof, by his efforts to procure corroboratory evidence, and by his bad character

NEW SOUTH  
WALES.

Encls. in No. 68.

threw such discredit on the whole case as it appeared before the jury, that, in my opinion, they were fully justified in refusing on such evidence to bring in a verdict of guilty.

His Honour C. J. La Trobe, Esq.

I have, &c.  
(signed) *W. Jeffcott.*

(No. 3.)

(Confidential.)

Sir,

Melbourne, 24 August 1843.

WITH the concurrence of his honour the Resident Judge, I have the honour to enclose to you for his Excellency's information, copy of a private communication which I have received from him respecting the proceedings at a recent trial of the parties named in the margin, on the charge of being concerned in the murder of the aboriginal females at Smith and Osprey's station, in February 1842, with other documents enumerated in the margin.

Without impugning at all the propriety of the verdict of the jury in this case, I think that after a perusal of these documents, his Excellency will feel no more hesitation than myself in coinciding in the opinion of the Resident Judge, "that Hill and Betts, and the other parties named by Mr. Osprey, were concerned in that atrocious affair;" and that the main facts sworn to by M'Guinness, one of the witnesses for the Crown, were strictly true, however that witness and Arabin may have departed from the plain truth in minor particulars.

I consider it my duty to add to the documents herewith sent, copy of a communication addressed to me by Mr. Osprey, \* when first apprehended by Captain Ryans, in the Port Fairy district, some weeks before the trial.

I have, &c.  
(signed) *C. J. La Trobe.*

The Honourable the Colonial Secretary.

THOMAS OSPREY'S Statement of the Facts which came to his knowledge respecting the shooting of the Blacks at Muston's Creek, on or about the 23d February 1842.

WHILE in my hut on the day above mentioned, with Richard Guinness Hill, my manager, three persons, namely, Charles Smith, Whitehead and Arthur D. Boursignot, a cousin of R. Hill's, came on horseback to see Hill: they came in, and while sitting chatting, Joseph Betts, my hut-keeper, came in in a great hurry, and said, "you are sitting quietly there, while a mob of blacks are close on you," or some such expression. The whole party, except myself, took what fire-arms were in the hut along with what they already had, started off on horseback I knew not whither. I saw or heard nothing further until they returned in about an hour; they brought with them some of the arms which belonged to the natives; they talked together of what they had done. On remonstrating with them on the impropriety and danger of what they had committed, they made light of it, but threatened one and all to shoot any person who dared to give any information against them, which I considered as a threat to myself, and the same language was frequently repeated to me; and I was on one occasion asked by Charles Smith, would I swear that Whitehead was not in my hut on the day the blacks were shot, which I refused to do.

The intimidation held out, and the impossibility of remaining on the station, alone prevented me giving the names of the persons above mentioned. On their return they took a drink of milk as well as I recollect, and shortly after the three visitors left for their respective homes. Next morning R. Hill took the native arms, and hid them, I knew not where.

The foregoing is a true statement of all I know respecting the melancholy circumstance to which it relates.

Port Fairy, 29 May 1843.

(signed) *Thos. Osprey.*

— No. 69. —

(No. 29.)

COPY of a DESPATCH from Lord Stanley to Governor Sir George Gipps.

Sir,

Downing-street, 2 March 1844.

No. 69.  
Lord Stanley to  
Sir George Gipps,  
2 March 1844.

I HAVE received your despatch, No. 143, of the 11th September last, reporting the result of the trial of the three persons who had been committed for the murder of three aboriginal women and a child, at a grazing station belonging to Messrs. Smith and Osprey, in the district of Port Phillip.

Although I of course abstain from questioning the propriety of the verdict which acquitted the prisoners, I cannot dismiss the subject without recording my deep regret, that, from whatever cause, the perpetrators of so atrocious a murder should remain unpunished.

I am, &c.  
(signed) *Stanley.*

No. 70.

— No. 70. —

(No. 68.)

COPY of a DESPATCH from Governor Sir George Gipps to Lord Stanley.

My Lord, Government House, Sydney, 21 March 1844.

I HAVE the honour herewith to forward the reports for 1843, from the officers of this Government employed in the protection or civilization of the aborigines, agreeably to the instructions contained in Lord John Russell's despatch, No. 132, of the 25th August 1840.

There are no longer any missions to the aborigines receiving aid from the Government. The last of them, namely, that of the Wesleyans, in the district of Port Phillip, having, on account of its want of success, been brought to a close, as reported in my despatch, No. 4, of the 4th January 1843.

The mission at Wellington Valley was closed as soon as it conveniently could be, after the receipt of your Lordship's despatch, No. 140, of the 29th June 1842; and the Moravian Society, at Moreton Bay, although it continues to exist, is no longer a mission to the aborigines. It was, originally placed (contrary to my advice) so near to the settlement as to have scarcely a chance of success.

The following is a list of the Reports forwarded herewith:—

From the Crown Commissioners in the Northern and Middle Districts of the colony; namely,

1. Moreton Bay.
2. Darling Downs.
3. Macleay River.
4. New England.
5. Bligh.
6. Maneroo.
7. Murrumbidgee.

Reports from the Port Phillip District:—

8. Chief Protectors.

From the Crown Commissioners in the undermentioned Districts:—

9. Portland.
10. Grant.
11. Bourke.
12. Western Port.

The last Report (No. 19) is from the Rev. Mr. Watson, who, though he receives no pecuniary aid from the Government, has, with great zeal and personal exertion, maintained during more than three years a missionary establishment in the neighbourhood of Wellington Valley.

The circumstances under which Mr. Watson left the mission (of the Church Missionary Society) at Wellington Valley, and formed the establishment which he still so zealously conducts, may be gathered from my despatch, No. 87, of the 5th April 1841, written after my own visit to Wellington.

Mr. Watson's previous disagreements with his colleague, the Rev. Mr. Günther, which led to his removal from the mission, were the subject of an investigation before the Executive Council in 1840, and are mentioned in my despatch, No. 60; of the 7th May in that year.

In a separate despatch, No. 69, of this day's date, I shall have the honour of addressing your Lordship on some other points of interest connected with the aborigines.

I have, &c.

(signed) Geo. Gipps.

P. S.—I regret that the reports from the Crown Commissioners of the districts of Wellington, Lachlan and Clarence River, have not yet been furnished to me.

G. G.

No. 70.  
Sir George Gipps  
to Lord Stanley,  
21 March 1844.

Page 244.

Page 97.

Not dated, No. 1.  
5 January 1844, No. 2.  
16 December 1843, No. 3.  
8 January 1844, No. 4.  
Not dated, No. 5.  
9 January 1844, No. 6.  
15 February 1844, No. 7.

30 December 1843, No. 8.

January 1844, No. 9.  
30 Dec. 1843, No. 10.  
30 Dec. 1843, No. 11.  
1 January 1844, No. 12.

3 January 1844, No. 13.

Page 63.

Page 53.

Page 286.

NEW SOUTH  
WALES.

Encls. in No. 70.

Enclosures in No. 67.

(No. 1.)

REPORT of the present State of the Aborigines in the District of *Moreton Bay*, for the  
1st January 1844.

In a district so recently settled, it would be in vain to attempt an enumeration of the numerous tribes of aborigines which are scattered over its surface, extending, as it does, from Point Danger on the south to Frazer's Island on the north, and occupying the whole country between the dividing range and the sea-coast. For the purpose, however, of a rough estimate, they may be divided into three classes; as inhabitants of the sea-coast, of the mountain ranges, and of the inland creeks and rivers.

The aborigines of the sea-coast are probably the most numerous; a distinct tribe occupying every island or inlet of the sea, from the river Tweed to the Numabulla or Wide Bay River; they are probably not overrated at 3,000. Upon the whole, their condition is superior to that of the inland blacks; having more ample means of existence in the abundance of fish on the coast, they are consequently less migratory in their habits, and in general of a more mild and humane disposition; cannibalism, I am told, being held in abhorrence by them. The Stradbroke Island tribe, about 300 in number, and the Brebies Island tribe, about 200, are, however, the only ones which have yet come in contact with civilization; the former having for some years been in constant communication with the pilot's station, and the latter with the German mission. Their condition, however, can scarcely be said to be ameliorated, as with the exception of a man or two employed in the pilot's boat, and occasional assistance rendered to the missionaries in the cultivation of their gardens, they pursue their usual occupations; nor am I aware of any progress made in the conversion of the natives, either by the German mission, which has now been established for some years near the settlement, or by the Catholic mission, which has been recently formed on Stradbroke Island.

The next most numerous class of aborigines are those inhabiting the dividing range and the eastern branch of it, which divides the waters of the Brisbane from those of the Numabulla or Wide Bay River. These are, in every sense of the word, wild blacks, and rarely visit the stations in the vicinity of the mountains but for the purposes of pillage, and often bloodshed, not less probably than 12 individuals having fallen a sacrifice to their predatory habits during the last year; they are very numerous, perhaps not less than 1,500, and are divided into numerous small tribes, principally occupying the heads of the creeks and rivers, whence they direct their predatory incursions against the cattle and sheep stations in the vicinity; they recently took possession of the high road to Darling Downs, and plundered several drays; but the formation of a military post at the foot of the range has for the present checked their aggressions. One or two of the tribes have shown great ferocity. I am not, however, inclined to consider this as any particular characteristic of these tribes, but rather of their leaders or principal fighting-men, who, with threats, urge on their more feeble brethren to the committal of these atrocities. They are decided cannibals.

Finally, the third class, or those occupying the banks of the rivers and creeks in the settled parts of the interior. These tribes are less numerous, and may be said to be serving an apprenticeship to civilization; they are in general named after the locality they principally inhabit; each tribe, and indeed each family, claiming some particular spot as its special right. When encouraged, they frequent the stations situated on their hunting-grounds, and if treated with kindness and circumspection, render some little service in cutting timber, drawing water, and occasionally acting as shepherds. Every thing, however, depends upon the judicious management of the proprietor or superintendent of the station, in preventing any improper intercourse between their gins and his men, and taking care that they are fairly and honestly dealt with for any little services they may render. The settlement blacks, or those inhabiting the immediate neighbourhood of Brisbane, about 200 in number, the Limestone blacks, about 150, and those residing near my station, 60 in number, have for some years past been in close contact with the penal establishments, but with little improvement to their moral condition, having acquired more of the vices than the virtues of civilization. Since the district has been thrown open to settlers, their state has somewhat improved; many of them are gradually settling down to more industrious habits, and on my own stations I have rarely less than five or six of them either assisting the police in the bush, or labouring in the garden.

The whole number of aborigines in this district cannot, therefore, be much under 5,000; their condition that, for the most part, of untutored savages, without the knowledge of a superior being, though they entertain a superstitious dread of an evil spirit; they seem also to have an indefinite notion of a return to life in this world, as even among the tribes of the north they believe white men to be black men returned to life again, a notion which has saved the life of many a white man; for, upon entering a camp of the aborigines, if any one claims him as a relative, he is immediately treated as one of the tribe. It is also remarkable, that though cannibalism of the worst description, eating even their own friends, is generally prevalent among the inland tribes, they rarely eat the bodies of white men, as was fully proved in a late unfortunate occurrence at Wide Bay, where four shepherds of Mr. Eales' establishment were killed by the natives. Upon being pursued, they were surprised at their fires, when, to the astonishment of the party pursuing them, they found they were employed in roasting the bodies of their own friends who had been killed in the attack, the sheep being close.



close at hand, and three of the bodies of the shepherds being picked up untouched. They acknowledge no king of the tribe, but the principal fighting man directs the movements of the tribe in the field, and he and his chief warriors take to themselves as many wives as they think proper, leaving the more feeble to live in single blessedness.

Notwithstanding this disgusting habit of eating even their own offspring, they are in general a good-natured, cheerful race, by no means deficient in intelligence, but having few wants, they consider increased comforts dearly purchased by increased toil and the abandonment of that merry reckless life they lead in the wilds of Australia; hence, though when pinched by hunger, they may occasionally consent to labour to supply their immediate wants, these are no sooner satisfied than they return to their usual habits. With perseverance and kind treatment, however, I still think something may be done to ameliorate their condition, more especially as regards the rising generation; and if properly organized, the Commissioner of Crown Lands' station in every newly formed district might be rendered available for this purpose.

The Honourable E. D. Thomson,  
Colonial Secretary.

(signed) S. Simpson,  
Commissioner of Crown Lands.

(No. 2.)

Crown Lands' Office, Darling Downs,  
5 January 1844.

Sir,

I HAVE the honour to transmit you, for the information of his Excellency the Governor, this my first annual report on the condition and prospects of the native tribes frequenting the district of the Darling Downs, and I regret to state that during the past year they have shown a decidedly hostile disposition towards the Europeans on several stations in the district, having on various occasions made very daring aggressions upon the flocks and herds of the squatters, accompanied, I am sorry to say, in some instances, with the treacherous murder of the shepherds and stockmen in charge at the time.

With regard to the numbers or condition of the natives, it is impossible to come to any accurate conclusion, as hitherto they have but very rarely visited the stations, or shown any disposition to be on friendly terms with the whites, generally frequenting the most dense scrubs, and keeping among the ranges which skirt the district; and I believe there is no instance as yet of any native belonging to the Downs having remained on any station for any length of time, as is common in the older districts of the colony, nor do I perceive at present any probability of effecting any change for the better in their intercourse with the Europeans, or any hopes of improving their aggressive habits.

From what has been seen of the tribes at different periods, there is every reason to suppose them numerous and powerful, and, it will of course be my object and endeavour to induce them, as much as may be in my power, to refrain from future hostilities, and to encourage a more conciliatory spirit in their intercourse with the stations.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) Christopher Rolleston,  
Commissioner.

(No. 3.)

Commissioner of Crown Lands' Office, M<sup>o</sup>Leay River,  
18 December 1843.

Sir,

IN compliance with the usual regulations, I have the honour of forwarding my annual report respecting the aborigines in this district.

From the great facilities the river and coast afford them for obtaining fish as an article of food, the natives of this district have less intercourse with the white people resident at the different stations than is generally the case in the interior. This, however, instead of being a subject for regret, is most desirable, and I have rather discouraged the existence of any great intimacy between the black and white population, on the following grounds: that, generally speaking, as far as my experience goes, whenever the blacks are allowed to come about stations continually, it leads to a want of caution on the one side, and a proportionate degree of boldness and treachery on the other. Of the truth of this statement there was a melancholy instance in this district this winter, where an unfortunate hut-keeper, who was remarkable for the invariable kindness he showed to the natives, inviting them into his hut, and giving them both tobacco and flour, fell a victim to his misplaced confidence. Only two days before the occurrence took place, I was, in the course of my circuit, at his station, and cautioned him not to allow the blacks to come into his hut; his answer was, that he had nothing to fear from them, as he was always kind to them. Only 48 hours after I left, it appears that four blacks came to the station, whom I found he treated as usual, and whilst one of them was assisting the unfortunate man to cross-cut a log, the others, judging from appearances, must have come behind him and struck him down with their tomahawks, afterwards butchering him in a most barbarous manner, nearly severing the head from the body. From particular inquiries I made, it did not appear that there was or ever had been

NEW SOUTH  
WALES.

Encls. in No. 70.

any provocation given to them or any of their tribe, either by maltreating them or taking their guns, which I am aware too often is the cause of these aggressions.

Six days previous to this last occurrence, a number of blacks of a different tribe attacked an old hut-keeper at a station 40 or 50 miles from that of the last-named, and under very similar circumstances, with this difference only, that the man, although severely wounded, having his throat and head cut, survived, and was enabled to give his evidence against three of them, whom I succeeded in apprehending, and are, I believe, now lying under sentence of death in Sydney gaol. I may here remark, with regard to one of them called Fowler, that he was invariably the leader on all occasions when the blacks have been troublesome in this district, and that, from some cause or other, he seemed to possess considerable influence over all the other blacks; and I am greatly in hopes, now he is once removed, that there will be an end to all like unfortunate occurrences.

Recurring to what I have before stated, it appears to me that the natives are most dangerous when in a half-civilized state, and that, generally speaking, they do not prove very troublesome until they are so far acquainted with the whites that they cease to regard them with that awe which they usually do at first; and until by their intercourse with them they have a taste created for tobacco and flour, and learn the value of the different articles which they see in daily use with the whites. On these grounds I have discouraged the intimacy between them, of course cautioning the stockmen never to use any harshness in repelling their advances.

The blacks on the coast have been very quiet and inoffensive during the past year, relying only on their own success in fishing and hunting for support. They appear to be very numerous about Trial Bay, the Nambucca and Bellingen Rivers; but I have been unsuccessful in obtaining such an account of their numbers as is to be relied on.

The tribes from the mouth of the M'Leay to the head of that river, a distance of about 120 miles, appear to be decreasing in number from deaths, and that there is no proportionate increase by births; as far as I can ascertain, there are not more than 200, although of course there must still be a great many whom I can never see, and who are completely wild, shunning the presence of all white people.

A tribe of blacks, from the lower M'Leay, came voluntarily to the police station, and asked me to take charge of a half-caste male child, whose mother they represented as being dead; and upon inquiry I learn that his reputed father was accidentally drowned in this river three or four years since. The boy is about seven years old, and appears quick and sagacious: I have the honour of suggesting that I may be permitted to keep him for the present, or, should his Excellency think fit, that he be forwarded to the orphan school, as he may eventually prove a valuable medium of communication with the different tribes in the neighbourhood. I beg to state, that at the last Maitland Assizes I brought a half-caste boy as an interpreter, on the trial of the natives from this district, and that he performed the office to the entire satisfaction of his honour the Judge.

I have also one black boy attached to the party, who has been of considerable service to the police in several instances; and I have endeavoured to induce various other of the natives to work about the station under the promise of a trifling reward in flour when done, but they have scarcely in any instance remained more than a day or two at one time about the place.

I have, &c.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(signed) *Robert George Massie*,  
Commissioner of Crown Lands.

(No. 4.)

Crown Commissioner's Office, New England,  
8 January 1844.

Sir,

In my last annual report of 13th January 1843, on the condition and prospects of the aboriginal tribes frequenting the district of New England, I had occasion to remark, "That in one paramount and essential particular, viz. the diminution of hostile feeling and outrage on the part of the stockmen and shepherds towards the native tribes, and the comparative cessation of the attacks of the aborigines on the life and property of the Europeans, a marked and undeniable improvement was every where apparent;" and I have now the great gratification of reporting to you, for the information of his Excellency the Governor, that this improvement in the spirit and conduct of the aboriginal population during the past year has been still more praiseworthy and apparent; for with the exception of occasionally spearing some stray cattle on stations situated near the Eastern Falls of the table land, no outrage whatever has been committed by them, the life of no shepherd or stockman has been sacrificed by them, and no flock of sheep has been forcibly driven away; aggressions which were of such common and every-day occurrence in former years.

In other respects, I regret to state, that there is but little indication of any change for the better taking place in the social or moral condition of this nomadic people; their condition is, indeed, eminently stationary and unprogressive; except that, probably, a few more individuals have become attached to the establishments of the licensed locators of the Crown lands, as house-servants, stockmen and shepherds; a mode of employing them which I take every opportunity of encouraging and increasing:

In

In numbers, the population of the tribes is, I should say, beginning to be sensibly on the decrease; and it may be predicted of the natives of New Holland, as it has been said of the Indians of America, that judging of the future by the past, we cannot err in anticipating a progressive diminution of their numbers, and their eventual extinction; unless our border should become fixed and stationary, and they be removed beyond it, or unless some radical change should take place in the principles of our intercourse with them, which it is easier to hope for than to expect.

The natives whom I have attached to the party of the border police under my charge, I find frequently of considerable assistance, more especially in communicating through them with their own people; and also in employing them at times to follow up the trail of prisoners of the Crown who have absconded; an instance of which, may be here mentioned.—A runaway from a Government surveying party effected his escape from durance a few days since, through the negligence of the policeman to whose charge he was committed, and although the prisoner had the advantage of more than a day's start in advance, the native whom I sent in pursuit, with a policeman, succeeded in tracking his footsteps through the forest until he came up with and captured him.

In conclusion, I beg to reiterate the assurance that my earnest and continued efforts will be directed towards the preservation and improvement of the present peaceable disposition of the tribes, and in carrying out in other respects the enlightened instructions of Her Majesty's Government.

I have, &c.

The Honourable the Colonial Secretary,  
 &c. &c. &c.

(signed) G. S. Macdonald,  
 Commissioner.

(No. 5.)

REPORT of the Aboriginal Natives, by *Graham D. Hunter*, Commissioner of Crown Lands, District *Bligh*, for the Year 1843.

In forming this report, it is required to state all the transactions of the past year relative to the condition of the natives. I have had occasion several times this last year to be called upon when the natives in the distant part of this district have been imposed upon, and when they have come in collision with the settler; but in no case have I been able to prove to my satisfaction, that the natives were not in the first instance the party aggrieved. Various reports have been made to me, that the cause generally of outrages being committed, arises from some of the natives returning to their old habits (having been employed and lived at a station for some time previous), and encouraging those who may be disposed to act at variance with the settler; in a degree, I am inclined to give credence to this, but it is most likely they have received some injustice in the first instance, otherwise they would not leave the station. These occurrences, I consider, in a short time will be entirely abolished, from the natives being more generally employed than heretofore.

During this past year, a new tract of country has been occupied by the settler, and as on all such occasions the natives are inclined to be hostile, I have endeavoured to cause a reconciliation; but until the natives become acquainted with our habits, it cannot be expected but that they will use every means to destroy the stock of those occupying distant parts, that are left to run wild in the bush, as the herds of New South Wales; but this is only temporary, after a time they generally become comparatively civilized, and will make themselves useful to the settler.

As to numbers, in all new located parts (such as the Barwin or Darling River, 250 miles from this in the interior) they are found in large bodies; in long inhabited parts they are less numerous; to what cause I am to attribute this I am not at present prepared to state.

I cannot, with any positive correctness, report their residence at any particular spot, further than at every station in this district I find some of the natives employed by the settler, and mostly those who belong to that part of the country where the station is formed, and the natives have been in the habit of living before it was occupied.

As regards the prospects of the aborigines, it appears to me that every year they are becoming more useful and more willing to work. Formerly it was only occasionally that a native was seen to be employed at a station; of late, seldom are there any stations without the natives making themselves of use, and generally seem more contented throughout. I have made it a rule, at all times, when going a distance into the interior, to take one or two natives with me. I find them very useful, giving them confidence in me, and in a degree it is the means of showing others whom they may meet that they will be supported against any injuries done to them, and punished when they commit any outrage on the settlers or their stock.

(signed) *Graham D. Hunter*,  
 Commissioner of Crown Lands.

NEW SOUTH  
WALES.

(No. 6.)

ncls. in No. 70.

Commissioner of Crown Lands' Office, Manero,  
9 January 1844.

Sir,

REFERRING to your letter of the 2d July 1841, accompanying certain papers respecting the aborigines, I have the honour to report for the information of His Excellency the Governor, that no material change has taken place in the condition of the natives of this district during last year. They occasionally assist, as formerly, the stockowners in sheep-washing, hoeing and reaping, but their habits of industry do not seem to increase. There is one man who has separated himself from his tribe, and has inclosed a small portion of ground situated on the coast, which he cultivates as a garden; but he is the only instance of any attempt being made to adopt the mode of civilized life.

I have, &amp;c.

The Honourable the Colonial Secretary,  
&c. &c. &c.(signed) *John Lambie*,  
Commissioner of Crown Lands.

CENSUS of the ABORIGINES of the District of *Manero*, for the Year 1843, accompanying Letter to the Honourable the Colonial Secretary, dated 9 January 1844.

| Names of Places usually frequented. | MALES.          |                 | FEMALES.        |                 | TOTAL. |
|-------------------------------------|-----------------|-----------------|-----------------|-----------------|--------|
|                                     | Above 12 Years. | Under 12 Years. | Above 12 Years. | Under 12 Years. |        |
| Gundry, Birgalea and Boatally -     | 13              | 8               | 10              | 4               | 35     |
| Wogonga, Tilba-Tilba and Myrha -    | 31              | 33              | 2               | 1               | 67     |
| Windella, Marabime and Bowerga -    | 93              | 25              | 49              | 10              | 177    |
| Biggah - - - - -                    | 59              | 20              | 57              | 22              | 158    |
| Twofold Bay - - - - -               | 34              | 16              | 22              | 8               | 80     |
| Pambula - - - - -                   | 9               | 1               | 3               | 1               | 14     |
| Cape Howe - - - - -                 | 16              | 1               | 10              | 3               | 30     |
| Mahratta - - - - -                  | 19              | 5               | 16              | 3               | 43     |
| Mowenbar - - - - -                  | 12              | 3               | 10              | 3               | 28     |
| Snowy River - - - - -               | 25              | 7               | 20              | 3               | 55     |
| TOTAL - - - - -                     | 311             | 119             | 199             | 58              | 687    |

(No. 7.)

Head Quarters, Tumut River,  
15 February 1844.

Sir,

I HAVE the honour to enclose you, for his Excellency the Governor's information, my report on the condition of the aborigines of the Murrumbidgee district.

I have, &amp;c.

(signed) *Henry Bingham*.The Honourable the Colonial Secretary,  
&c. &c. &c.REPORT on the condition of the Aboriginal Natives of the *Murrumbidgee* District.

1. Supposed number of blacks in the Murrumbidgee district - - - 2,000
2. Temporary Residence:
 

|   |     |
|---|-----|
| At Tumut                                | 100 |
| „ Howling                               | 150 |
| „ Mungaborema                           | 100 |
| „ Gulpha River and Geraphana            | 300 |
| „ Murray River and Nerang, Port Phillip | 800 |
| „ Murrumbidgee                          | 400 |
3. Changes in their Social Condition:—As yet in this district they have shown little value for social comfort.  
One old woman murdered on the Little River, supposed by a black, named Merryman; one

one aboriginal, named John, shot by one of a party of men on the Murray River, travelling with stock. Two aboriginal natives, Homer and another, (name unknown) shot dead by certain squatters on the Gerapthana River, and three found dead when the waters receded, supposed to have died of gun-shot wounds received at the time of the affray.

I find it necessary to seriously warn the blacks about their half-caste children, in order to endeavour to deter them from killing them, as they do not like to incur my displeasure, if possible.

4. Schools:—Nil: To effect any change in the character of the aboriginal natives of this country, a portion of territory should be conceded them, and missionaries of no ordinary character must learn their language and go out amongst them, and a better class of servants must be had to reside on the frontier settlements than has hitherto occupied such positions; and in order to deter the blacks fully from any outrages, and to prevent them from killing each other, I should recommend that extraordinary powers be vested by Her Majesty's Government in the hands of the Crown Commissioners of the districts, giving them the power of holding a special commission to try and punish offenders on the spot, where the example to their tribes would have a powerful and highly beneficial effect. At present they cannot clearly comprehend or understand what becomes of them when sent some hundreds of miles to trial and punishment, to Sydney. The desired effect is totally lost on the tribes as an example.

5. State and Prospects:—Living chiefly by hunting and fishing, and some of them wandering from station to station, afraid to remain long at any one station, as the blacks are jealous of each other.

(No. 8.)

Chief Protector's Office, Melbourne,  
30 December 1843.

Sir,

I do myself the honour to present the following report of my department, and trust the same will be found satisfactory.

At Lar-ne-barra-mal, the Loddon Central Station, the average attendance of natives has been 102, of whom 26 were boys and 14 girls. The total number visiting the station have been from 400 to 500. The estimated population of the district, omitting the numerous tribes on the Murray, exceed 1,000. A list of 40 sections, comprising 670 names, have been returned. Of eight dialects spoken, the Jajowrong and Kneu-Kneu-wurro prevail. The number of natives who have attended religious service each Sabbath have averaged 100, and from 12 to 20 native children have been the average attendance at school. The want of a regular teacher is the reason assigned for the little progress made in this branch of instruction. In future, the Assistant Protector's attention will be mainly directed to this important object. An endeavour is being made also to translate and arrange a few scriptural selections, and short prayers have been prepared in the native language.

The aborigines have been variously employed, and have made themselves generally useful on the station. The gathering of the crops in the excellent order reported, have been mainly attributable to their united exertions. The wheat consumed has been thrashed and ground by them, and the lowest estimate of produce raised is 650 bushels of wheat, 50 bushels of barley, and 71 tons of potatoes. The women and girls manufacture occasionally baskets, hats, table mats, &c., from indigenous grasses. It is gratifying to report that not a single homicide has happened since the formation of this establishment, and that during the present year no lives in any collision between Europeans and aborigines have been lost, and few offences committed; several murders, however, *inter se* have happened. The most cruel were the two aboriginal youths murdered whilst in the employ of Mr. Wills, Mount William, by the Jajowrong blacks.

These inhuman and revolting practices are the result of cruel superstition, which prevails generally among the aboriginal tribes, attributing the deaths of their relations and friends by internal disease, and in some instances natural decay, to the effect of incantation practised on them by hostile natives, when the duty becomes imperative on the tribe, and especially the relatives, to kill any number of their supposed enemies first met with. The sick and diseased have been successfully treated, and their sufferings greatly reduced; in their moral and civil condition the several tribes are identical; the same improvidence, the same degradation, the same beastly sensuality prevail, and every where (observes the Assistant Protector) is conclusive evidence that the great obstacle to their improvement is purely moral, and that religious truth on their minds is the only means to be looked to for their permanent civilization.

At the Mount Rouse Central Station, Western District, the average daily attendance of natives have been 80. A stone cottage, with out-buildings for the officer in charge, and huts for the men, have been erected, and several acres of wheat and potatoes raised. Two hundred and eleven cases have been medically treated, 124 cured, and 48 relieved. Fever, dysentery and syphilis are the prevailing diseases. Two deaths from natural causes have happened. This station, since the suspension of the Assistant Protector in September 1842, per order of Her Majesty's Government, has been in charge of the medical officer.

Goulburn River, North Eastern District.—The average daily attendance of natives at this station have been 78, and I am happy to say that the late alteration in this establishment has been attended with very beneficial and marked results; confidence has been restored,

## NEW SOUTH WALES.

Encls. in No. 70.

and the natives now consider it their home. The present crops of grain appear healthy, and will yield a year's consumption, besides potatoes. The wheat grown last year was sufficient for the establishment, but the potatoes failed, and fresh seed was supplied from the Loddon. A large and well-built barn has been erected, and no further buildings for the present will be required. The services of the Assistant Protector, per order of the Government, have been dispensed with, and the immediate duties of the station performed since last June by the medical officer, under the surveillance of the Assistant Protector of the Loddon. Medical relief has been afforded to a large number of aborigines.

Nerre Nerre Warreu, South Eastern District.—The unsatisfactory state of this establishment rendered it necessary to relieve the Assistant Protector from all responsibility, and the acting duties have, since September last, been performed by the medical officer under the surveillance of the Chief Protector. I am happy to say that the alteration has been attended with benefit, and that the natives now visit the station, although not encouraged to do so in any considerable numbers. Flour has been supplied for present consumption from last year's wheat, and the land inclosed will in future, with care, yield sufficient grain and vegetables for the establishment. The buildings for the present will be sufficient. The Assistant Protector has been engaged among the aboriginal natives in the vicinity of Melbourne, and in affording instruction to the native children at the Méri Creek.

Obituary.—Eight adults within the last 10 months in the Melbourne district have been reported as dead, viz. three males and five females, and one female infant born. Medical relief has been afforded to the aboriginal natives of this district.

## Judicial Proceedings.

Hill, Beswicke Betts.

Leptos Batcatum.

The most important judicial proceeding connected with the department, was the trial of the three men named in the margin, for the murder of the native women near Smith and Osbrey's station, Portland District, acquitted through the alleged bad character of one of the witnesses. The particulars of this case have been before the Government. Three women, one of whom in the last stage of pregnancy, and a child, were found shot to death in a tea-tree scrub, three-quarters of a mile from Smith and Osbrey's, distant 15 miles from Mount Rouse, aboriginal reserve, and a fourth woman shot in the back and through the hand, of which wounds she subsequently died. This revolting and barbarous cruelty was brought under notice of the Government through the agency of the department, and extraordinary exertions were made at the time by special commission, and by rewards, to discover the perpetrators, but without effect. The fact, however, was elicited, that a most wanton and cold-blooded murder had been committed by educated white men. Great credit is due to the Government for the prompt and efficient measures adopted on the occasion. The above case needs no comment. The deed, it is generally believed, was done by civilized Europeans, by educated men, and by men nurtured in the Christian religion. It will, therefore, doubtless remain on record an example of European depravity, and of the dire cruelties to which the aboriginal natives have been subjected, and from men from whom a better line of conduct ought to have been expected; nor can it be wondered that the ignorant savages, under such exciting circumstances, and with such examples, should retaliate for the injuries done to them and to their progenitors.

## Legal disabilities.

The legal disabilities of the natives have been a serious obstacle to their civil protection; and I feel it my duty, whilst on this subject, respectfully to bring under notice the necessity that still exists for some suitable system of judicature for the governance and better protection of the aboriginal races. "As far as personal influence went, the aboriginal natives have been protected from acts of injustice, cruelty and oppression; and their wants, wishes and grievances have been faithfully represented to the Government of the colony," and this, under the circumstances, was all that could possibly be effected. There is, however, reason to fear that the destruction of the aboriginal natives has been accelerated from the known fact of their being incapacitated to give evidence in our courts of law. I have frequently had to deplore, when applied to by the aborigines for justice in cases of aggression committed on them by white men, or by those of their own race, my inability to do so in consequence of their legal incapacity to give evidence. It were unreasonable, therefore, under such circumstances, to expect the aborigines would respect, or repose trust and confidence in the protectors, or submit to the governance of a department unable efficiently to protect or afford them justice. Nor is it surprising they should complain of being made to suffer the higher penalties of our law, when deprived (by legal disability) of its benefits. Little difficulty has been experienced in discovering the perpetrator where the blacks have been concerned, even in the greater offences, and hence the ends of justice would have been greatly facilitated by aboriginal evidence. It is much to be regretted the Colonial Act of Council on aboriginal evidence was disallowed. There is, however, notwithstanding all the disadvantages mentioned, and under which the department has laboured, a large amount of good been effected, and many valuable lives in both communities have doubtless been preserved through its influence and agency. Indeed, the virulent opposition evinced to the department will be considered as a proof of its efficiency, rather than otherwise.

On the financial state of the department, I feel happy in being able to report that a considerable reduction, four thousand two hundred and seventy-two pounds, eleven shillings, over the previous expenditure, has been effected; and I trust, with the reduced amount, two thousand five hundred and ninety-nine pounds, four shillings, for the current year, to be able to maintain the four establishments now under control and previously reported upon. The supplying with food large bodies of natives, and the attendant outlay consequent upon the formation of new establishments, were the principal causes which led to the former expenditure. In future, the natives will be supplied with produce raised from the soil, and will not, in any considerable numbers, be encouraged to congregate at the stations until this

£ 4,372. 11s.

£ 2,599 4s.

be

be accomplished, the sick, the aged, and young children excepted, who will, as heretofore, receive rations.

NEW SOUTH WALES.

I would respectfully observe, that in the management of the department, I have been mainly guided by the instructions of Her Majesty's Government of 1838, which, as a general outline, has answered all the purposes contemplated.

Encls. in No. 70.  
"For the better instruction and civilization of the aboriginal races."

The province, pursuant therewith, was subdivided, and four stations occupied, and the fact, that large bodies of natives can be associated and induced to locate without injury to themselves or the Europeans, demonstrated. Still it remains a question, how far it is desirable to encourage natives to congregate in considerable numbers, unless "teachers be appointed, whose peculiar province it should be (as designed by Her Majesty's Government) to promote the knowledge and practice of Christianity among them." His Excellency's instructions, "That the Assistant Protectors were not to encourage the natives to assemble in greater numbers than they were able to control," was most judicious.

In the absence, therefore, of a regular system of moral and religious instruction, and under the circumstances stated, it was thought desirable the natives should not in future, in any considerable numbers, be encouraged to congregate at the establishments. The state and condition of the aboriginal natives throughout the settled parts of the colony, have been within the last 12 months greatly improved; and I was happy to find, when on a late personal visit through the province, that an amicable feeling existed between settler and aborigine; the latter being encouraged to visit the stations, and employed in various useful occupations, as shepherds, bullock-drivers, stock-keepers, sheep-washing, messengers, &c. In return for which the natives receive rations and slop clothing. To mark my approbation of their good conduct, I gave to such families as were recommended, a present of meat, 12 sheep being expended for that purpose.

At Lake Boloke, the manager spoke in the highest terms of the Bullucburrers, not a single offence having been committed by them since the formation of the station, and which was the more remarkable, as these people were said to be the most troublesome in the district. The Beeripmobulluc-teerel, Kart, Kart-orote, Kolorer, Jarcoort, Colac Conedeet, Moijerre-bulluc, and Teerinyillum Conedeets, a few of the tribes in the Western District, were also well spoken of. I have endeavoured to encourage a kindly feeling between settler and aborigine, and feel gratified at the result. A better class of peasantry, I am happy to say, is being formed since the introduction of free immigrants, and a marked improvement in morals is apparent.

This, and the circumstance of proprietors being more on their stations, have conduced much to the advantage of the aborigines. I have been twice in personal communication with the various tribes of the colony during the past year. The country at the time of my visit, as far as the natives were concerned, was in a tranquil state. Upwards of two thousand miles of country, on official business, have been travelled over, and the remote parts of the province visited, and when my journey to Gippsland is accomplished, I trust to be able to arrange, in tabular form, statistics of the aborigines. An abstract of my journey from the Murray, through the interior to Mount Zero, and other parts of the province, I beg respectfully to append. I trust, in the absence of moral and religious instruction, the want of a code suited to the state and condition of the aboriginal races, and the limited expenditure of the department, that the results for the past year will be found satisfactory.

I have, &c.  
(signed) G. A. Robinson,  
Chief Protector of Aborigines.

His Honour C. J. La Trobe, Esq.,  
Superintendent.

ABSTRACT.

In the months of March and April I accomplished a journey of upwards of 1,000 miles, attended by two native troopers and a border policeman (I was without equipment or pack-horses). I followed the Goulburn to its junction with the Murray, and communicated with the numerous tribes on its banks, and was well received, although without presents.

The Pinegerines, a people comprised within 11 or 12 sections\* and numbering about 250 souls, occupy the country extending east from the junction of the Goulburn for 20 miles; from thence towards the junction of the Owens is the Quart-Quart, who speak a language different to the tribes on the Upper Goulburn.

Between the junction of the Campaspe and the Goulburn are the Walledriggers, a section of the Darrngoorangs, and ten miles below the Campaspe is Colyers, the last station on the border. In a region of reeds by the Loddon, I conferred with a large body of natives. The formidable appearance of these blacks, and the dangerous position occupied (in a mazy and narrow path strewn with timber), alarmed one of my native troopers, and he would have

1 April.

\* Darrinbus, Wongotban, Merdidderbus, Yewn-got-ban, Biggolathan, Mowatban, Derenathan, Ungid-der-ro-ban, Tarriaban, Tarrenathan, Maddemowero, Toletinyargina.

NEW SOUTH  
WALES.

Encls. in No. 70.

have fired had I not prevented him. The danger, though imminent, was by a prompt movement fortunately overcome; the purport of my visit was then explained, and subsequently my message of friendship sent as promised by Wayegaries (native messengers) from the source of the Loddon. The most striking feature of the interior, excepting the hillocks and sand banks on the Murray, are its ocean appearance and level surface. On these sandy rises the natives bury their dead; I visited several cemeteries, and in one counted 22 graves. The day before my arrival a corpse had been brought by water to the place of interment, and 17 canoes (with natives) attended the funeral. The country on the Murray, like the Hawkesbury of the Middle District, is subject to inundation; an elderly native had seen it twice flooded; on these occasions the aborigines remove to the sand-hills, and subsist on kangaroo and other animals that escape. The swampy and reedy country on the Murray are the spots most frequented by the natives; I visited two of these localities, and conferred with large parties of blacks. Wild fowl, fish and edible roots are in abundance, and hence the absence of these natural resources renders the junctions of the "Ovens," the "Campaspe," and the "Goulburn," unsuited for the purposes of aboriginal location, unless wholly supplied with artificial sustenance. Tongwillum is the original name of the Murray, at least both above and below the Goulburn to beyond the Loddon, as far as I visited it, was so. There is an error evidently in the map of this part of the country, for Mount Hope, instead of being as delineated near the Goulburn, is from 25 to 30 miles distant; the Campaspe is also a distinct river, uniting its waters with the Murray about five miles west of the junction of the Goulburn; the Yarra, or, as called by the natives, Warren, on the outward line, and the Loddon on the return line, is one and the same river.

The Loddon, therefore, on the outward line is a misnomer, and were I privileged to name this river, it should be the La Trobe.

Left the "Murray"  
for the interior the  
2d of April, and  
reached Mount  
Zero on the 10th.

Yeerrarbil or Mount Hope is the country of the Moybererbullucs, and Kilmarbil, or the Pyramid, belong to the Taunebulluc; these hills are of granite formation. From the junction of the Loddon, I travelled through the interior to Mullupcower or Mount Zero, the northernmost point of the Grampians. The season was unusually dry, and from 24 to 30 hours at a time we were without water; all the beds of the rivers from the Murray to Mount Zero, with the exception of the Yarreu, were dry, and the ground full of cracks. The sky was cloudless, and the atmosphere clear, and from the tops of Mount Hope, the Pyramid, Mount Zero, and other eminences, I had an interesting and extended view; lakes were observed to the north of my route; no forest of callitris (pine) was observed after leaving the Murray; an extensive forest of iron-bark in the hill country was met with; box is the prevailing timber. The pendant branches of the weeping eucalypts on the waters of the Murray, and the pine grouped in variety, were exceedingly beautiful. Sketches of emus, kangaroo, and other birds and animals, also festive scenes, as dancing, &c. done by the aborigines, were observed; a large party of natives spearing a white man was also described.

From Mount Zero continued my route along the foot of the Grampians, and conferred with the various tribes; I regretted that two aboriginal lads in the service of Mr. Wills had been barbarously murdered by the Jajowrong blacks; a party of immigrants forming a sheep station under the mountains, had been ordered by the natives to leave. "It was their country, and the water belonged to them, and if it was taken away they could not go to another country, for they would be killed."

The justice of their claim was admitted, and Captain Allen regretted the necessity for staying; he, however, allowed them to stop, and at the time of my visit there were several families quietly located and usefully employed, cleaning yards, shifting hurdles, shepherding, &c.; no robberies had been committed, and the natives were well conducted. They spoke in the highest terms of Captain Allen; such conduct is worthy of imitation and deserves encouragement; we should seldom hear of complaints, I am persuaded, against the natives were it more generally followed. On the 14th, I ascended to the summit of To-ol, the Mount William of Mitchell (four thousand five hundred feet in height). The sky was cloudless, but the weather exceedingly warm. I had an interesting view of the ranges and the mass around Mount William, which was the chief object of my toil. On the highest rocks water was found, and a streamlet on the face of the cliff, 100 feet below the summit, met with.

4,500 feet.

15th, Resumed my journey southward along the foot of the Grampians, visited the aboriginal reserve at Mount Rouse, and from thence proceeded by Lake Boloke over the great plain; crossed the dividing range at "Larngheyen," the Mount Misery of settlers; visited the aboriginal station at Larne-burra-mal, and returned by the Coleband and Mount Macedon to head quarters, having completed a journey of upwards of 1,000 miles, without the slightest accident happening. I feel it but just to state that the two native troopers and the border policeman conducted themselves to my satisfaction; Yepton, one of the former, is deserving of marked encouragement. In August last I accomplished a journey of upwards of 700 miles through the interior, and alone; I visited the aboriginal reserves and the numerous tribes of the district, and was glad to find, as far as the latter were concerned, that the country was in a tranquil state.

(signed) G. A. Robinson, C. P. A.



(No. 9.)

Sir,  
 In obedience with your commands, I do myself the honour to state, for the information of the Secretary of State, that during the last year my party of border police were stationed during the winter season on the Glenelg, and prevented, by their appearance, great losses on sheep stations, as experienced heretofore. On two occasions the flocks were retaken without coming in contact with the natives.

Portland Bay District, 1 January 1844.

Encls. in No. 7a.

His Honour C. J. La Trobe, Esq.,  
 &c. &c. &c.

I have, &c.  
 (signed) *Foster Fyans*, C. C. Lands.

(No. 10.)

Sir,  
 In obedience to your instructions on the subject of my annual report upon the aborigines, for transmission to the Secretary of State, I have the honour to inform you that the tribes of aborigines locating in the county of Grant continue quiet and harmless in their general conduct, no act of aggression of any import having been committed by them on the white population, and from their frequent intercourse with the settlers and residents in the town of Geelong, who generally evince a humane feeling for them, are making some progress towards civilization.

Geelong, 30 December 1843.

The younger part of the Colac tribe, which the Rev. Mr. Tuckfield, at the mission station has exclusively taken under his tuition, have unquestionably made considerable progress in the first rudiments of education, and but for the fear that the elders of their tribe again taking to their wandering habits may act unfavourably, the best results might be anticipated.

It is necessary that I should add, that in two instances an incursion has been made by a tribe of which little has hitherto been known, further than the natives here call them the wild blacks, and that they inhabit the coast range of forest towards Cape Otway. In both instances they robbed an out-station of food and blankets, but did not use any savage violence.

I have, &c.  
 (signed) *E. B. Addis*,  
 C. C. L. for the County Grant.

His Honour C. J. La Trobe, Esq.,  
 &c. &c. &c.

(No. 11.)

Sir,  
 For the information of the Right honourable the Secretary of State, I have the honour to inform you, that during the last year I have had frequent opportunities of coming in contact with the aborigines, and from my knowledge of their migratory habits I am still of opinion as to the impracticability of their being induced to confine themselves permanently on the reserves allotted to them by the Government.

Crown Commissioner's Office, Melbourne,  
 30 December 1843.

His Honour C. J. La Trobe, Esq.,  
 &c. &c. &c.

I have, &c.  
 (signed) *G. S. Airey*,  
 Commissioner of Crown Lands.

(No. 12.)

Sir,  
 I HAVE the honour to report, for the information of the Secretary of State, that during the last 12 months the aboriginal natives in the district of Western Port have upon the whole conducted themselves peaceably, and many who have had opportunities of mixing with the white population speak the English language sufficiently well to be understood; their love of wandering does not diminish, nor indeed do I think that any plan could be devised by the Government which would induce them to remain altogether on the reserves allotted to them, though I am far from thinking these reserves useless, as there is no doubt the natives consider them a place of refuge, and when properly conducted, it is there that the ringleaders of any outrage can be detected.

Crown Commissioner's Office, Melbourne,  
 1 January 1844.

His Honour C. J. La Trobe, Esq.,  
 &c. &c. &c.

I have, &c.  
 (signed) *F. A. Powlett*,  
 C. C. L., Western Port.

(No. 13.)

NEW SOUTH  
WALES.

Encls. in No. 70.

Sir,

Apsley Aboriginal Mission, 3 January 1844.

I do myself the honour to forward for his Excellency the Governor a report of my mission for the last year.

As aboriginal natives have frequently been decoyed, or drawn away from under instruction, I shall be thankful to be informed (that such being orphans, and there being no natives having any claim on them, and I having become their natural guardian), whether I cannot claim them, so long as they are minors; and whether a magistrate would be out of order in issuing a warrant for the apprehending of such, with a design not to punish, but to restore the native to us. If a parent or guardian of an aboriginal, or half-caste child, commits him or her, as the case may be, to me, and afterwards requests it to be given up, I consider it my duty to consent; or if such a child leaves me and goes to its parents or guardian, I feel it my duty to submit; but in the case of orphans whom I have found wandering about without friends, or whose friends have died since the child was committed to my care, I consider myself to have become its guardian, and that so long as it is a minor I can claim it any where. It is certainly both unjust and ungenerous in Europeans to keep for their services boys which I have taken wild from the bush, and been at the pains and trouble of instructing and training.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) *William Watson.*

THE THIRD ANNUAL REPORT of the Apsley Aboriginal Mission, supported and conducted by the Rev. William Watson.

THE number of natives connected with this mission, and under instruction, is the same as stated in our last year's report. The most useful boy I had was induced to leave us from the frequent representations of a neighbouring stockman, who, seeing how clever he was, constantly told him that he ought to have wages, &c. The same person has since endeavoured to decoy another boy from us, by telling him that he should have a horse to ride on, and be well treated, if he would accompany him. As a prisoner of the Crown, and one to whom I had repeatedly given medicine, he ought to have acted in a different manner; but many persons would be glad to have my boys now that they have been well trained. Jackey was given to me by his mother (who is since dead), when he was not more than five years of age; I had taught him to read and write, besides making him acquainted with arithmetic. There was no kind of work on the establishment in which he was not able to take his share; he knew my cattle far better than I do, and his going away was to me a serious inconvenience, as I had then to commence training another boy for a department with which he (Jackey) was intimately acquainted. After leaving me (with whom he had been more than six years), he wandered about from hut to hut until he was induced by Mr. Crow, of King's Plains, to accompany him to his establishment, on which, I believe, he is now living. I should have been glad for the boy to have remained with me for his soul's sake; besides, Mrs. Watson, was particularly attached to him, and felt his going away very keenly. It is, however, only what a missionary amongst these aborigines must expect, and I feel satisfaction in the reflection that in every respect I did my duty to him. A steady aboriginal youth, connected with Mr. Raymond's establishment, has been brought under instruction, and is making improvement. All our natives, from three years of age to 30, are now reading. We are thankful that the instructions we have imparted do not appear to be without effect. A great change is evident in the conduct of some members of our mission. One aboriginal woman (Sally), who has two half-caste children with her here, has been for some time the subject of deep religious impressions; Mrs. Watson and myself have frequently heard her engaged in fervent prayer in her sleeping-room after retiring for the night, when she was not aware of any person hearing her except the other aboriginal females who slept in the same room. She has been with us for upwards of three years, and we have observed an increasing propriety of conduct in her. At church, and under religious instruction, she is often deeply affected; on the first Sunday in Advent, it was an affecting scene to see this woman and another aboriginal female (Jenny), come forward in the presence of the whole congregation (each leading her two children by the hand) and request me to baptize their boys and girls; several questions were put to them, as, "Why they wished to have their children baptized? Whether water baptism was sufficient to prepare them for heaven? Who could produce that change of heart, &c." To these they replied in a satisfactory manner, and with so much humility and feeling, that most of the congregation were deeply affected. I had no idea that such was their wish, until the day before, on which I observed Sally following about as if she wished to say something, or wanted something, for which she was afraid to ask, and when I put the question to her, "whether she wanted any tobacco or any thing," her heart appeared to be full, and she averted her head and turned away. In the afternoon, when I had retired to my study to prepare for the services of the Sabbath, she came with tears in her eyes, and said, "Mr. Watson, will you please to baptize my two boys to-morrow?" Scarcely any thing could have surprised me more than this circumstance did; for beyond the instructions imparted to them, I never advised her or the other women (being heathens) to have their children baptized. I entered into conversation with her on the subject, and among other things said, "Sally, you know that if you give up your children to be baptized, you give them to Jesus Christ, and you cannot take them away to live amongst heathens?" She replied, "I don't want to go away; I shall never leave you till I die." It is a great thing to say of

of a heathen woman, but I feel persuaded that she was led to take this step from a conviction of its necessity and importance. She, as well as others, is anxious to be baptized, but we feel it to be our duty to act cautiously in this respect, lest we should bring into the ranks of Christians those who are only nominally such. Although the other woman has a fair share of religious knowledge, I cannot say whether she would have requested me to baptize her children, if Sally had not set her the example. One morning she was sick, and her little boy (about three years of age) said to her, "Jenny, are you sick?"—"Yes." "Can't you get up, Jenny; Jenny, must Sally bring your breakfast?"—"No, Billy, I can get up." "Where will you go when you die, Jenny? will you go to that deep pit, Jenny—that very bad place; what for you be not christened; you should be christened, Jenny." The children frequently sing hymns by themselves; a few evenings ago, when they were thus engaged, one of them laughed; another of them immediately said, "Don't you laugh when you are singing; it is mocking God." These instances, amongst many that might be adduced, show not only that they are under religious instruction, but also that they remember and understand what they are taught; they are indeed capable of moral culture, and of becoming possessed of Christian principles. This, I doubt not, is firmly believed by those for whom this report is drawn up. In the Apocalypse, we are told, that St. John saw a great multitude in Heaven of all nations, and kindreds, and people and tongues; surely, then, there must have been amongst that sanctified assembly, some of the regenerated aborigines of New Holland. In the scriptures of truth we are told, that "God will have all men to be saved." Before our Lord Jesus Christ ascended to heaven, he commanded his Apostles to go into all the world and preach the gospel to every creature, and to disciple all nations; which seems to imply that all nations are capable of being made the disciples of Christ, and that God wills that all nations should become the disciples of Jesus Christ. Hence, it is not only a libel on the aborigines of this land to say, that they are not capable of becoming savingly acquainted with the Redeemer; but it is also a libel on the Divine Majesty to say, that he has stamped immortality upon any race of beings, declared that he wills their salvation, commands his Apostles to go and preach the gospel to them, and bring them into Christ's spiritual fold, while he has left them destitute of those moral faculties on which alone the gospel and the grace of God can operate. It is very common for the aborigines of this land to be libelled by the press; but it is no trifle to make statements which are diametrically opposed to the gospel, and derogatory to the honour of the Most High. We have witnessed and can testify to the capabilities of these natives to receive the grace of God through Jesus Christ our Lord, and I hope and trust that spiritual benefit has been conferred on aborigines by our labours, which we have not yet seen, and may not in this world be permitted to see.

I am sincerely thankful that during the severe pressure of the times, we have been enabled to support our mission, and keep our ground; this has not, however, been effected without much self-denial and unwearied exertions on our part. No one has contributed to the support of this mission, save his Excellency the Governor, by kindly granting us a donation of blankets, and A. Kerr, Esq., who has given us every year since we came to this place, the amount of £l. either in money or kind. Mrs. J. Raymond kindly sent us a present of some frocks, some prayer-books and other religious works. As stated in my last report, we had suffered great inconvenience from the want of prayer-books for the use of our children at church, and in learning the collects for the day; and when these arrived (15 in number) the children grasped at them with the greatest possible eagerness, and began to read them as if they had been some work with which they were unacquainted. As they supplied little more than half the children, those who were left without sat down in dumps. I had been saying to Mrs. Watson a few days before, that we had no prayer-books, and I had not any money to purchase, I must the following Sunday commence praying extempore; this unlooked for favour, however, partially supplied our wants, and enabled us to continue the service of the church.

When I call to mind that I left (the mission) without sixpence, and had to form an establishment for about 30 persons, all cast into the wild bush, on credit, and to support my family by my own labour, I am astonished; I seem to have been sustained almost by miracle. We have erected a respectable and comfortable cottage, containing seven rooms (the one in which we resided before is used as a church, and is generally filled every Sunday); I am in the constant practice of lending books to persons for several miles round this place; I know that they are read, and I believe that by this means a moral reformation has been effected in some who are thus accommodated.

We sowed eight acres of wheat, and having the prospect of a favourable season, we would have sowed more had we possessed means for purchasing seed; indeed, if Mr. Kerr had not kindly made us a present of 20 bushels of wheat, and given us credit for 20 more, I cannot tell how we should have procured supplies for the mission. We have no European servant at present; we had a married couple for a few months, but were under the necessity of discharging them, as we had no prospect of being able to pay their wages, and a single man, we think, would be very improper for us to have on the mission.

I feel extremely sorry for the destruction which has been effected of the mission at Wellington Valley, as, on the principle of letting land and disposing of stock, which had latterly been adopted, means were forthcoming for supporting the mission without the Government annuity. Although I had, from observation, not much reason to admire missionary zeal in any German with whom I was acquainted, yet from the number of Christians located together, and forming as it were a small Christian village at Moreton Bay, I entertained high hopes of the success of that mission, and feel much regret at its abandonment for want of funds. The aborigines will not attach themselves to any person, or remain long on any

NEW SOUTH  
WALES.

Encls. in No. 70.

establishment, unless they are well supported, and missionaries cannot live without food. It appears that the members of the German mission have been starved out. I grieve, for the character of the colonists, and for the sake of the aborigines, that exceedingly little interest is manifested towards civilizing and evangelizing the natives of this country. I have been upwards of 11 years engaged in missionary work in this neighbourhood, during which time many persons of different grades have visited us, and examined the natives under instruction, and in general have expressed their surprise and satisfaction at the improvement made; but no one has ever contributed any thing in the way of rewards or encouragement to them, or in aid of the mission, except the persons mentioned in this report, and Lieutenant Leckie of the 39th regiment; so that if missions to the aborigines of this land are left to the voluntary support of professing Christians of this colony, it is to be feared that great numbers of them will pass away from this stage of existence without any other knowledge of God and of Christ than what they have learned from the profane language of Europeans.

As one who longs, labours and prays for the conversion of the aborigines, I feel intensely the abandonment of any mission among them, because of the disheartening, yea, I may say, paralyzing effect such a circumstance produces on those in Europe, who otherwise might be willing to devote their property or their lives to the advancement of that desirable object.

Left nearly, if not altogether, alone, as a missionary to these aborigines, I feel the importance and necessity of labouring more arduously in the work, and of giving myself more unreservedly to the cause in which I have embarked, hoping and trusting that a brighter day will yet dawn on this dark land, and that it will be seen that the aborigines are capable of knowing, loving and in their lives glorifying the Son of God.

(signed) *William Watson.*Apsley Aboriginal Mission, Wellington, }  
New South Wales, 30 Dec. 1843. }

— No. 71. —

(No. 69.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.No. 71.  
Sir George Gipps to  
Lord Stanley.  
21 March 1844.

My Lord, Government House, Sydney, 21 March 1844.  
HAVING with my despatch of this day's date, No. 68, transmitted to your Lordship the annual reports for 1843, from officers of this Government engaged in the protection or civilization of the aborigines, I think the present a proper occasion to address your Lordship generally respecting this unhappy race of people.

Page 221.

In so doing, I have first to acknowledge the receipt of your Lordship's despatch, No. 225, of the 20th December 1842, wherein the painful conclusions were communicated to me, which your Lordship had been forced to draw, from the reports transmitted in former years, from the heads of the different missions in this colony, and from the officers of Government engaged in the protection or civilization of the aborigines. I have not thought it right, in consequence of the receipt of that despatch, entirely to break up the establishments of the Protectors of Aborigines in the Port Phillip District, but I have made arrangements with Mr. La Trobe to keep the expenses of them in the current year within the sum of 3,000*l.*, a degree of economy which is further rendered necessary by the diminution in the productiveness of the Crown or territorial revenue, and the additional charge which is thrown upon it, by the refusal of the Legislative Council any longer to provide for the department of the surveyor-general, out of the funds which are under the control of the Council. This expenditure is, however, exclusive of that which is occasioned by the maintenance of the border police,\* one-half of which is usually considered to be incurred on account of the aborigines. It is exclusive also of the expense of a "native police," composed altogether of aborigines, which I now beg leave for the first time to bring under your Lordship's observation.

It has long been customary in this colony to resort to the assistance of the aborigines in tracking offenders (bushrangers as they are commonly called); and for some years past, I have endeavoured permanently to attach two or three aboriginal

\* This police is maintained by an assessment on cattle and stock depastured on Crown lands, levied under the 16th clause of the Local Act, 2 Vict. No. 27. The whole expense of it throughout the entire colony, and including the salaries of the Commissioners of Crown lands beyond the borders of location, is about 17,000*l.* a year.

aboriginal natives to each party of the border police, as well as to the more regular force, called the "mounted police;" but it is only in the Port Phillip district that a corps consisting entirely of aborigines has been established

The first attempt at the formation of such a corps was made in 1836 or 1837, soon after the opening of Port Phillip, under an officer of the name of De Villiers, but it led to no satisfactory result, and the project was abandoned, or rather remained in abeyance, until the beginning of 1842, when Mr. La Trobe revived it, and placed at the head of the establishment a gentleman named Dana (an Englishman), by whom the experiment has been very satisfactorily conducted.

The establishment of the "native police," distinct either from the mounted or border police, first appeared on the Port Phillip estimates for the year 1843, when the sum of 2,675*l.* 5*s.* was voted for the support of it; and on the estimates for the current year, the sum of 2,420*l.* was voted by the present Council for the like purpose.

Copies of the following papers, respecting the formation and progress of the native police are enclosed for your Lordship's information. They strongly confirm the opinion I have long entertained, that in the civilization of savages, military discipline, or something nearly approaching to it, may advantageously be employed.

1. Report from Mr. La Trobe, dated the 29th November 1842, enclosing a copy of a letter from Mr. Dana (commandant of the native police), of the 22d of the same month, and one from Mr. French, police magistrate of the Grange, of the 12th of the same month.

2. General Report from Mr. La Trobe, on the subject of the native police, dated the 10th February 1843, with a return of the men then employed in it.

3. Further Report from Mr. La Trobe, dated the 20th July 1843, with an enclosure from Mr. Dana, dated the 16th June 1843.

4. Further Report from Mr. La Trobe, dated the 6th December 1843, with an enclosure from Mr. Dana, dated the 27th November 1843.

I have, &c.  
(signed) *Geo. Gipps.*

29 Nov. 1842.  
No. 1.

10 Feb. 1843.  
No. 2.

20 July 1843.  
No. 3.

6 Dec. 1843.  
No. 4.

Enclosures in No. 71.

(No. 1.)

(42/1619.)

Sir,

Melbourne, 29 November 1842.

Encls. in No. 71.

I HAVE the honour to enclose to you a report which I have received from Mr. Dana, the officer in command of the native police, informing me of his return from the Portland Bay District with his detachment, and expressing his satisfaction at the conduct of the natives composing it; also a copy of a communication from the police magistrate of the Grange, stating that he had deemed it expedient to allow them to return, and that the country was at that time in a state of quiet. The police magistrate also bears testimony to the satisfactory conduct of both officer and men.

Drawing his Excellency's attention to the circumstance, that the men had been absent from their tribes for the space of two months, I consider that Mr. Dana acted judiciously in yielding to their desire to return home and see their fellows, when it became general among them.

I cannot but express my pleasure at the great success which has attended the experiment so far, and feel my impression strengthened, that under proper management, a very effective police may eventually be raised among the natives of this district.

I have, &c.  
(signed) *C. J. La Trobe.*

The Honourable the Colonial Secretary,  
Sydney.

Police Paddock, Meni Creek,  
22 November 1842.

Sir,

IN reporting my return from Portland Bay District with the detachment of native police under my command, I have the honour to express in the highest terms my satisfaction of their conduct during the whole time they were in the Western District. On no occasion had either the police magistrate or myself to punish or be dissatisfied with them; and when required for active duty, we always found them ready and willing to march to any part of the country ordered to.

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NEW SOUTH  
WALES.

Encls. in No. 71.

In consequence of my having so few horses, I could only take four troopers with me when in pursuit of the natives, or patrolling the district, leaving the dismounted men in charge of the police magistrate of the Grange, who employed them in patrolling the bush in the vicinity of the Grange, and always on my return to the station I found that the police magistrate had been well satisfied with their conduct. The men who accompanied me through the district proved themselves faithful and true on every occasion, and sometimes, under very trying circumstances, particularly when driving a large number of between 200 and 300 natives from Lake Boloke and the river Hopkins, to the aboriginal station at Mount Rouse, the men showed the greatest patience and forbearance; and at another time, when following the tracks of a number of blacks who had committed depredations on Mr. Rickett's station on the Glenelg, they ran down the tracks for three days with the greatest perseverance for a distance of 60 miles, and were disconcerted when I determined to return in consequence of want of provisions and the wetness of the weather. The distance I have travelled over with them since leaving Melbourne in August last is upwards of 1,200 miles. There is one circumstance I wish to mention to your honour in favour of troopers Buckup and Yupton, who gallantly rescued me from drowning while attempting to swim the river Wannan in a flood. Buckup deserves every praise for his conduct in particular, he being only a very few days off active duty during the whole time he was in the district.

The detachment in charge of Mr. Bennet have behaved very well during my absence; and, upon inspection, I found them much better than I expected. Four men still remain at Mr. Powlett's police station at Mount Macedon, and if your honour will allow me, I think it would be as well to recal them for a time to head quarters.

I anticipate that the trip to Portland Bay will be attended with some good results; for the fear with which the wild blacks regard the men, and their knowing that now they can be followed to any place they go to, will have a good effect in preventing them from thinking that they can commit depredations with impunity.

I have, &c.

(signed) *H. E. Pultney Dana,*  
Commanding N. M. Police.

His Honour C. J. La Trobe, Esq.,  
&c. &c. &c.

(420/42.)

Sir,

Police Office, Grange, 12 November 1842.

It being Mr. Dana's wish to return to Melbourne, and the native police thinking the appointed time of their sojourn in this part of the country expired, I have the honour to inform you that I have deemed it expedient to allow them to return, both as they appear very uneasy to do so, and as the country is now, and in fact has been since their arrival here, in a state of quiet, only one aggression having been committed by the natives during that period.

I am happy to add, that the conduct of both officer and men have been most satisfactory.

I have, &c.

His Honour C. J. La Trobe, Esq.,  
&c. &c. &c.

(signed) *A. French, P. M.*

(No. 2.)

(No. 113/196.)

Sir,

Melbourne, 10 February 1843.

I HAVE the honour to acknowledge the receipt of your despatch of the 30th of December 1842, by which I am informed that his Excellency, wishing to make a report on the subject of the native police in this district to the Secretary of State, requests that I would furnish such information with regard to them as would enable him to do so.

In obedience to his Excellency's wishes, I beg leave to make the following statement:—

Several attempts had been made to organize a native police in this district previous to the commencement of that which forms the subject of this communication. The first was set on foot by the police magistrate of the district shortly after the formation of the first settlement at Melbourne, principally with the hope that such a police might assist him in repressing disorder among the numerous assemblages of natives then constantly frequenting the township and its vicinity. In this respect it was certainly found of considerable use. Various causes, however, conduced to its being abandoned shortly after the arrival of the Chief and Assistant Protector. In 1839 the Assistant Protectors were, upon their urgent request, permitted to make another trial for the formation of a domestic police in their respective districts. These trials, however, all failed, from various causes; nevertheless, the subject was not lost sight of. The advantages accruing from the employment of the more intelligent and tractable natives, in conjunction with the regular police of the district, was so generally admitted and put to the proof in the autumn of 1841, when by their means certain of the Van Diemen's Land natives, who had murdered two whalers on a remote part of the coast, were tracked to and fro for many days, and finally captured, mainly through such instrumentality, that an early opportunity was sought of renewing the attempt. Accordingly, in January 1842, instructions were given to Mr. Dana to visit the aboriginal station at Narre Narre Warren, and to see whether he could detach a small number of

1836. The number  
of natives employed  
in it varied from  
12 to 20.

of the Port Phillip and Western Port blacks from their tribes, and form them into a police corps.

NEW SOUTH WALES.

Encls. in No. 71.

It was thought expedient to make the trial among the natives of these tribes in the first instance, as many had been included in the previous attempts to form a police, and all were prepared by long intercourse with the whites, and partial adoption of their habits, to do whatever was required of them. Considerable eagerness was manifested by the young men to engage; the old men were generally adverse to the project; but, notwithstanding the obstacles which the latter threw in the way, 25 were at once enrolled. Beyond the mere ceremony of enrolment, and being made fully to understand that they were now policemen, and must obey orders while fed and clothed by Government, no attempt could be made to secure their services, and no hope of pay was ever held out to them. The first month after their formation they remained with the gentleman who acted as their officer at the aboriginal station, drilling daily, and from the very first, exhibited great aptitude to do what was required of them, in performing such simple exercise as it was deemed judicious to instruct them in, with a view to bring both body and mind into some kind of discipline. It was some time before they could be furnished with any uniform clothing. About six weeks after their enrolment they formed a camp in a locality about five miles from Melbourne, and an attempt was made gradually to detach them as much as possible from their tribes. A number of them however having wives and children, it was found necessary to allow the latter to frequent the camp, and to furnish them with rations, and what was necessary for their subsistence. The first service in which they were engaged was in assisting the general police of the district in following certain bushrangers over the country in the month of April last; and on various subsequent occasions detached parties were found to be of considerable use in apprehending absconders.

In the month of August 1842 it was judged expedient to make a further trial by detaching nine of the most intelligent and docile on special service into the Western District, to a part of the country 200 miles distant from their native ground, under the command of Mr. Dana. The result of this trial was exceedingly satisfactory, as during their three months' absence their conduct was almost unexceptionable, and their services really valuable to the magistracy in that part of the district, in checking continual aggressions of the natives in that quarter upon the property of the settlers. Their journey to and from the Western District was made in the most orderly manner, in days' marches averaging from 15 to 20 miles.

In order to furnish his Excellency with a tolerably complete idea of the character of the men composing the native police, a comprehensive return is herewith inclosed, showing the number, ages, character, conduct and services of the party of native police raised in the Port Phillip District in February 1842; also a further return of the standing orders when on service, rations, uniform and arms, is added.

His Excellency will understand that, up to the present time, no power of control could be assumed over the actions and conduct of these men, further than what personal influence of the officer, supported by the authority of the local Government, has enabled him to assume. It is not to be supposed but that occasionally considerable difficulty has been experienced in preserving this power, and I believe that, unless the officer in command had acted exceedingly judiciously, this attempt would have ended unsuccessfully, like those that preceded it.

I now consider that it would be well, having had a year's trial, to draw up a code of simple regulations for their government, and to place them altogether upon a more efficient footing. I think the number of the police might be increased with advantage, but that every thing will depend upon their being constantly and actively employed.

I quite coincide in Mr. Dana's opinion, expressed in a letter of which I have the honour to forward you a copy, that they should be placed under regulation as nearly approaching military law as possible. I beg leave to state, that Mr. Dana's absence at the present time on service at the junction of the Goulburn and Murray, renders reference to him, on many points of interest with regard to the men under his command, impossible; and that this must be my apology for the imperfect character of the information now forwarded.

I have, &c.

(signed) C. J. La Trobe.

The Honourable the Colonial Secretary.

NATIVE POLICE.

Standing Orders when on Service.

1. THE men to have their arms and appointments clean, and themselves ready for parade at seven o'clock every morning.
2. The acting serjeant to report the state of the horses, and [the number of times moved on the tether during the night.
3. At the close of each day's journey, the men to clean their saddles and bridles, to place their arms and ammunition in a secure place, and to erect a temporary shed to encamp in at night; after which, rations will be issued.
4. The men on no account to load their carbines unless expressly ordered

NEW SOUTH  
WALES.

Encls. in No. 71.

5. The men to have no communication or intercourse with the servants of any of the settlers, at whose station it may be necessary to stop at, unless ordered.

**RATION** :— $1\frac{1}{2}$  lb. flour; 1 lb. meat;  $\frac{1}{2}$  oz. salt;  $\frac{1}{2}$  oz. soap;  $\frac{1}{2}$  oz. tobacco;  $\frac{1}{2}$  oz. tea; 3 oz. sugar.

**UNIFORM** :—Green jacket, with opossum skin facings; black or green trousers, with red stripe; green cap, with red stripe round it.

**ARMS** :—Short carbine and bayonet.

## NATIVE POLICE, 1 January 1842.

One superintendent, one overseer or serjeant (white), one serjeant (native), twenty-four men, five horses.

Police Station, Mount Macedon,

19 January 1843.

Sir,

IN forming an opinion as to the rules and regulations proper for the government of a body of men, there would appear to be three grand points to be considered; first, the character of the men to be governed; second, the nature or constitution of the body formed; and thirdly, the existing relation between the body to be governed and those who are to command, with due consideration of the relative position and character to be sustained by each.

First, then, the men to be governed are savages; and what are those features in the character of the men which would be likely to come in opposition to rules and regulations. Savages unaccustomed to any laws or regulations until lately, but those which nature and inclination suggest, or necessity demand, or impulse dictate, may naturally be supposed to be unaccustomed to any thing like discipline, order or restraint, and therein might exhibit repugnance to command, impatience at restraint, and reluctance to discipline.

The constitution of a police force implies, of necessity, discipline and order in the body organized, to the rules and regulations, and undeviating and prompt obedience to command in each individual.

The relation between the Australian aborigines and a civilized people, as regards their untutored simplicity, is as children to adults; and the relation of a body of these men, when organized as a police force, and those who are to command, should be as the private soldier to the officer.

Taking into consideration, then, that these people are as children, they should be treated with lenity and proper indulgence.

As they are policemen, and well know the difference between right and wrong, they must be treated with firmness, to enforce implicit observance and prompt obedience to the furtherance of discipline and order in the body, and available utility as a force; and as they have certain refractory principles or features in their character which would be opposed to discipline and command, a wholesome rigour of punishment calculated to knock down the opposing principle, should be exercised.

I would recommend rules and regulations as nearly approaching to military law as due consideration of the character of these people would justify, and the furtherance of the object to be obtained, that of forming an efficient police force.

Solitary confinement with short allowance of food, and that of an inferior quality, might be sufficient punishment for minor offences; but corporal punishment in cases of flagrant neglect, disobedience and insolence, would be wholesome and requisite to restrain and prevent repetition; and any thing approaching to violence towards their officers should be punished by the lash and imprisonment. By such means discipline, order, implicit obedience and respect to officers would at all times be enforced. Such opinions may not agree with your honour's; but, with lenity and a little severity they may have a good effect in the end.

I have, &amp;c.

(signed) *H. E. Pultney Dana*, Commanding.His Honour C. J. La Trobe, Esq.,  
&c. &c. &c.

RETURN,



ABORIGINES, AUSTRALIAN COLONIES.

RETURN, for the Year 1842, of the NUMBERS, NAMES, AGES, CHARACTERS, CONDUCT and SERVICES, of the Party of NATIVE POLICE, raised in the Port Phillip District, in February 1842.

| No. | N A M E.  | Age. | Single or Married.      | Children. | If punished, in what manner.                             | SERVICE.  | Conduct, and Remarks.  |
|-----|---|------|-------------------------|-----------|--|---|--|
| 1.  | Billibelang                                     | 45   | -- married,<br>2 wives. | 4         | never punished   | -- principally left in charge of the camp and stores, when the officer and sergeant have been absent on duty; never out on active service.  | -- general conduct good; a chief; has a great deal of influence with his tribe; very useful in assisting to prevent quarrels and fighting.   |
| 2.  | Beesley   | 35   | single                  | none      | ditto  | -- on duty with Commissioner's party in May, when in pursuit of bushrangers; on duty three months in the Western Port District, with officers; several times handed drunken men over to the police in Melbourne; on duty in the Portland Bay District; often took and had charge of prisoners; conducted himself exceedingly well in many trying and dangerous circumstances; on duty with the Crown Commissioner's party in the Western Port District; deserving encouragement; took four absconders at the Wannan, 6th January, and brought them to gaol. | -- general conduct extremely good, obedient, quiet; anxious to perform his duty well, and to improve.  |
| 3.  | Casundigum or Redmouth (enrolled in June 1842). | 22   | - ditto                 | - ditto   | never punished   | -- on duty in July with sergeant Bennett, assisting to find and bring in the Van Diemen's Land natives; ordered to Flinders' Island; on duty for three months in the Portland Bay District; conduct good.   | -- general conduct good, very tractable, cleanly, obedient and respectful.   |
| 4.  | Yumaboke  | 24   | - ditto                 | - ditto   | -- frequently punished at first, rations stopped.        | -- on duty at Narre Narre Warren in search of a woman and two children lost; on duty three months in the Portland Bay District; out with the Crown Commissioners in the Western Port District.  | -- at first much inclined to be insubordinate; at the first formation this man was dirty, indolent and insolent, but his conduct for the last six months is much altered; he is now cleanly, smart, active and obedient. |
| 5.  | Boring (enrolled in June 1842)                  | 18   | - ditto                 | - ditto   | never punished   | -- was never on duty, excepting about the camp.   | -- general conduct good; likely to make a good policeman.  |
| 6.  | Nuanpton  | 25   | -- married,<br>1 wife.  | 2         | -- punished occasionally; rations stopped, and confined. | -- on duty at Narre Narre Warren in search of a lost woman; often employed as a messenger; and on duty about the camp.  | -- general conduct not good; at first fond of wandering; a pretty good messenger, likely to improve.   |
| 7.  | Gibenike  | 25   | single                  | none      | never punished   | -- sent after bushrangers in May; on duty at Portland Bay.  | -- general conduct very good, steady and willing; rather stupid.   |
| 8.  | Bacup or Gillibrand.                            | 30   | - ditto                 | - ditto   | -- punished once; not allowed to ride                    | -- at good orderly; on duty at Western Port, in June, Narre Narre Warren, Portland Bay; was very useful; took several blacks prisoners; on duty with Crown Commissioner at Western Port.  | -- general conduct good, faithful to his trust, obedient, cleanly and useful.  |
| 9.  | Yupton  | 20   | - ditto                 | - ditto   | never punished   | -- on duty at Narre Narre Warren; brought in the Van Diemen's Land natives from the river Plenty; three months at Portland Bay out with the mounted police.   | -- general conduct very good, quiet and tractable, cleanly, obedient and a good tracker, but slow.   |
| 10. | Narribimack                                     | 22   | - ditto                 | - ditto   | ditto  | -- on duty after bushrangers; on duty in the Western Port District in June; at Narre Narre Warren, in search of a lost woman; three months on duty in the Portland Bay District.  | -- general conduct good, active and intelligent of duty, cleanly and smart.  |
| 11. | Borro Borro, or Jackey.                         | 26   | - ditto                 | - ditto   | -- punished occasionally; rations stopped, and confined. | -- on duty at Narre Narre Warren in search of a lost woman; not on duty since, except at the camp.  | -- general conduct very bad, a great savage, careless, disobedient, untractable and dangerous.   |
| 12. | Culpenderza, or Robin.                          | 16   | - ditto                 | - ditto   | -- punished occasionally; rations stopped.               | -- on duty after bushrangers; not on duty since, excepting at the camp.   | -- general conduct bad, dirty and sometimes insolent, but likely to improve.   |
| 13. | Nangollibill, Turnbull.                         | 30   | -- married,<br>2 wives. | - ditto   | - ditto  | -- on duty at the Goulburn with the sergeant, took a prisoner of the Crown and brought him to gaol; not on duty since, except at the camp.  | -- general conduct pretty good, cleanly and smart at drill, but passionate, and does not like much restraint.  |
| 14. | Firrepoint, M'Nall.                             | 30   | single                  | - ditto   | -- occasionally punished; put in confinement.            | -- on duty in December with the Crown Commissioner at Western Port, conduct good; on duty at Mount Macedon and Narre Narre Warren, assisted in taking, on the 5th of January, four absconders on duty at the camp.  | -- general conduct at first bad, can be very useful and intelligent if he likes; not very clean; conduct improved of late.   |
| 15. | Woverang, or Murray.                            | 27   | -- married,<br>1 wife.  | 1         | never punished   | -- on duty at the camp.   | -- general conduct good; fond of rambling, intelligent and cleanly.  |
| 16. | Wideculk, or William.                           | 27   | - ditto                 | 1         | -- punished; rations stopped, sent to the lock-up.       | -- on duty at the camp, a good messenger.   | -- general conduct bad, fond of rambling; plausible and intelligent; can behave very well if he likes; a great scamp.  |
| 17. | Poky Poky                                       | 35   | - ditto                 | 2         | never punished   | -- on duty four months at the police station, Mount Macedon.  | -- general conduct good, will do well about the camp, but useless on duty.   |
| 18. | Curra Curra, or Davy.                           | 40   | - ditto, 2 ditto        | 3         | -- punished; rations stopped.                            | -- on duty only at the camp.  | -- general conduct bad; perfectly useless.   |
| 19. | Tomal, or Tomying                               | 18   | single                  | none      | never punished   | -- on duty at Mount Macedon police station; on duty at the Loddon and Western Port with Crown Commissioner.   | -- general conduct very good; active, intelligent, cleanly, anxious to please, and smart.  |

## RETURN of the NUMBER, NAMES, &amp;c., of the Party of NATIVE POLICE, &amp;c.—continued.

| No. | NAME.                   | Age. | Single or Married.    | Children. | If punished, in what manner. | SERVICE.  | Conduct, and Remarks.  |
|-----|-------------------------|------|-----------------------|-----------|------------------------------|---|--|
| 20. | Benbo, Sergeant -       | 35   | - - married, 1 wife.  | none      | - never punished             | - - on duty at the Mount Macedon police station, and at the Loddon and Goulburn.                                    | - - general conduct very good, cleanly, orderly, obedient and very useful in the camp.   |
| 21. | Tomboko, or Henry       | 25   | - ditto               | 1         | - ditto                      | - - on duty at the camp; very useful, and a good messenger.   | - - general conduct very good, cleanly, orderly and obedient.  |
| 22. | Mummung, or Dr. Bailey. | 20   | single                | none      | - ditto                      | - - on duty at Western Port, and four months at Mount Macedon police station.                                       | - - general conduct very good, well disposed and obedient.   |
| 23. | Polligerry -            | 20   | - ditto               | ditto     | - ditto                      | - - on duty at Narre Narre Warren; three months at Portland Bay; on duty at Mount Rouse and at Port Fairy.          | - - general conduct very good, smart, active and cleanly; rather too fond of fighting.   |
| 24. | Monee, or William       | 24   | - ditto               | ditto     | - - punished by confinement. | - - on duty at Narre Narre Warren; three months at Portland Bay; at Mount Rouse and Port Fairy with mounted police. | - - general conduct at first, bad, now very good; at first slovenly and inclined to be disobedient; now cleanly and anxious to please. |
| 25. | Nurumbeme -             | 30   | - - married, 2 wives. | 2         | never punished               | on duty only at the camp  | - - general conduct good, obedient, very determined, but tractable.  |

Superintendent's Office, 1 February 1843.

(No. 43/1139.)

Sir,

I HAVE the honour to enclose to you, for his Excellency's satisfaction, a copy of a communication which I have received from the Commandant of native police in this district, containing a short report upon its present state and general conduct, which I consider, upon the whole, to be satisfactory.

To this, a report of the prisoners taken by the assistance of the native police, and two returns of horses, saddlery and stores under Mr. Dana's charge, will be found added. I have further to state for his Excellency's information and approval, that about a month ago, in conformity to the plan pursued last year with such good effect, I instructed Mr. Dana to proceed to the Western District with thirteen of his troopers and an assistant, for the purpose of strengthening the police force in that quarter, and of co-operating with the police magistrates of the Grange and Portland, in protecting the property of the settlers, and preserving the peace of the district during the winter months. Mr. Dana was referred to the instructions forwarded to him last year for his general guidance; and for the rest, he was requested to put himself in communication with the officers above-named, and to prepare to act on such a plan of operations as might be mutually concerted between those gentlemen and himself. I have written to Messrs. Blair and French, stating the object with which Mr. Dana was sent to the westward; and I have informed them, that although his Excellency had been pleased to appoint Mr. Dana to be a magistrate of the territory, in order to give effect and legality to his proceedings, it was expressly to be understood that he was not sent into the above district to act independently of the police magistrates, but in all respects according to their advice. I have received intelligence of the safe arrival of Mr. Dana and his party at the Grange, and I am given to understand, that in conformity to my suggestion, the native police will be divided into two parties, one to be stationed at the Grange, and the other at Mount Eckersly. It is proposed to establish a system of patrol by means of the native and mounted police throughout the Western District, during the winter months: I have still to add, that the remainder of the native police, numbering 14 aboriginal natives and a serjeant in charge, have been placed under the eye of the Crown Commissioner for the county of Bourke, and will be employed, as opportunity may offer, in tracking run-aways, or any other police duty of which they are capable.

I have, &amp;c.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(signed) C. J. La Trobe.

(No. 43/1038.)

Sir,

Melbourne, 16 June 1843.

As the time is nearly at hand for my departure to the Portland Bay District with a detachment of the native police, I consider it my duty to report to your honour upon the general conduct of the men during the last three months.

The principal part of the time I have been on duty with the Crown Commissioners, and consequently absent from the camp, the men on duty with me have always behaved in such a manner that the strictest disciplinarian, taking into consideration the character of the Australian aborigines, could have found but little fault with, and the reports of the serjeant in charge of the stores and camp have been such as to merit my saying that their conduct has been more satisfactory to me than under such circumstances I was led to expect. The greatest offences have been an occasional quarrel among themselves, and a few of the older men having been in town without leave, and wherever such things have occurred when I have been at the camp, I have always punished them with confinement and irons, and in

no

no case where I have found it necessary to punish any of them, has there been the least attempt at resistance.

The conduct of each man, and the duty he may be on, is entered every day, and I find that they are steadily improving in discipline and cleanliness, and take a pride in their occupation.

The general opinion of the country has been, that I could not keep the party together; that they would desert on the very first opportunity; but I have not the least fear of such being the case, so long as they are treated with kindness and firmness. Since I first formed the corps, which is now (18) eighteen months ago, I have had only one attempt at desertion. I took the man again and punished him, and he has turned out to be a very active and intelligent man; they all know that if they were to desert, I could take them again. I am well acquainted with the place where each man was born, and all their old haunts, their families and connexions, so that if there was any inclination on their part to abscond, they are perfectly well aware that I could take them again. I would wish to prove to your honour, that if such an impression exists, I have no difficulty in keeping the party together, and that I have every reason to believe that I can do so, and that eventually they will be a very serviceable body of men and a great use in the colony.

It is my firm belief that if a large body was raised, with a sufficient number of white officers, and placed under martial law, it would do more to civilize them than any system that has as yet been tried. An Australian aborigine can do things as well as any other man, when he is made to do so, and feels that he must.

The number of men I propose taking up to the Western District is 13, including the serjeant. It would be useless to take up any on foot, as it would cause much delay on the road, and very much impede my movements when up there; and if at any time left without our protection, would run every chance of being murdered by the wild blacks.

The number left with the serjeant in charge of the camp will be 14, including himself, and the best employment I can suggest for them at present would be to look after numerous people who are cutting wood in Crown lands without licenses, and also serve notices for the Crown Commissioners.

I send, for your honour's information, a return of the number of prisoners taken by the native police, from the 1st June 1842 to the 1st June 1843; also a return of horses, arms, accoutrements, clothing, stores and other articles in my charge.

I have, &c.

His Honour C. J. La Trobe, Esq.,  
&c. &c. &c.

(signed) H. E. Pultney Dana.

A RETURN of Prisoners apprehended by Peter Roberts Bennett, of Native Mounted Police.

| TAKEN.              | NAMES.                   | CRIMES.   | Where Apprehended. |
|---------------------|--------------------------|---|--------------------|
| Sept. 1842          | John Doherty             | for embezzling property from Mr. Rigg.                      | Bank Vale.         |
| "                   | Thomas Kavannah          | bushranger  | Killencaw.         |
| December            | John and Charles Murphy. | for giving spirits to the native police.                    | Merri Creek.       |
| April 1843          | J. M'Carthy              | for being drunk, and offering money to native police wives. | ditto.             |
| June                | Two (names unknown)      | on suspicion of being bush-rangers.                         | Melbourne.         |
| Serjeant Windridge: |                          |   |                    |
| June 14             | Noble                    | Warrant of Major St. John                                   | Merri Creek.       |
| Trooper M'Gregor:   |                          |   |                    |
| June 20             | John Sullivan            | Given in charge by the Major                                | Melbourne.         |

A RETURN of Prisoners apprehended by the Native Mounted Police.

| WHEN TAKEN.  | NAMES.         | CRIMES.   | WHERE TAKEN.        |
|--------------|----------------|---|---------------------|
| September 15 | Thomas Jenkins | felony  | Mount Cole.         |
| October      | Four natives   | suspicion of murder                               | Glennelg River.     |
| "            | Two men        | on suspicion of being runaway prisoners at large. | Wannon River.       |
| January 1843 | "              | four runaways from the ship "Thomas Hughes."      | Nerre Nerre Warren. |
| February     | Waddee         | on suspicion of killing sheep                     | Murray River.       |
| "            | John Evan      | for absconding from his service                   | Goulburn River.     |
| March        | "              | breach of peace                                   | Dere'in Creek.      |

NEW SOUTH  
WALES.

Encls. in No. 71.

## A RETURN of HORSES, ARMS and ACCOUTREMENTS belonging to Native Police.

|                          |                                 |
|--------------------------|---------------------------------|
| 12 horses.               | 26, twenty-six carbines.        |
| 12, twelve saddles.      | 20, twenty bayonets.            |
| 9, nine valises.         | 2, two swords.                  |
| 13, thirteen bridles.    | 12, twelve cartridge-boxes.     |
| 12, twelve tether-ropes. | 12, twelve belts.               |
| 2, two horse-brushes.    | 4, four pairs handcuffs.        |
| 2, two horse-combs.      | 60, sixty rounds of ammunition. |
| 6, six pairs spurs.      | 40, forty flints.               |

## A RETURN of CLOTHING and STORES belonging to the Native Mounted Police.

|                                  |                                     |
|----------------------------------|-------------------------------------|
| 26, twenty-six suits of uniform. | 10, ten cases blacking.             |
| 20, twenty-six stocks.           | 2, two clothes chests.              |
| 20, twenty shirts.               | 2, two iron pots.                   |
| 26, twenty-six pairs of shoes.   | 2, two stretchers.                  |
| 14, fourteen knives.             | 6, six tent poles.                  |
| 14, fourteen combs.              | 1, one axe.                         |
| 14, fourteen razors.             | $\frac{1}{4}$ , quarter ton of hay. |
| 4, four clothes-brushes.         | 3, three account books.             |
| 4, four shoe-brushes.            |                                     |

(No. 43/1735.)

Sir,

I HAVE the honour to forward to you, for his Excellency's satisfaction, a copy of a report which I have received from the officer in command of the native police, containing a brief summary of the proceedings of the detachment during the five months' duty in the Portland Bay District.

Though his Excellency will doubtless agree with me in considering that the employment of native troopers in serving warrants and summonses is liable to objection, inasmuch as such service cannot be held to be legal, I think, upon the whole, his Excellency will feel gratified at the general success that has attended the experiment of forming a useful body of police from among the aboriginal inhabitants of this district. My own opinion is, that exceeding great advantage might be experienced from a judicious augmentation of this force; but in the present circumstances of the colony, I must hesitate in proposing any measure that may add to the public expenditure.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(No. 4.)

Melbourne, 6 December 1843.

I have, &amp;c.

(signed). C. J. La Trobe.

Sir,

Melbourne, 27 November 1842.

ACCORDING to your honour's request, I have the honour to forward a brief summary of the proceedings of the detachment of native police under my command, during the five months on duty in the Portland Bay District.

On my arrival in that district, last June, I stationed a part of the troop at the Grange, under the orders of the police magistrate, and proceeded with the remainder to the station appointed for us at Mount Eckersley. About that time several outrages had been committed by the natives at various stations, and I lost no time in going round that part of the country, and I found the presence of my force had a very decided check on their movements, but as soon as removed, the natives commenced their depredations with renewed audacity; to prevent this, I found it necessary to detach as many men as I could spare, in small parties, to those stations in most danger, with written instructions how to act, and to show them to any settlers that may have required their services for recovering their property; this I found to answer very well, for during my absence in other parts of the district, a great many sheep were brought back, which otherwise would have been totally lost, and my orders were on every occasion strictly and faithfully obeyed; four men I kept constantly with myself patrolling the district, and ready to proceed at a moment's notice to any station where information had been brought to me of outrages being committed, and on every occasion the party went in pursuit, even after many days had elapsed, it was completely successful.

The first serious collision with the natives took place at the Grampians, which I detailed to your honour in my report. On that occasion the men evinced the greatest sagacity and perseverance in following up for days the track of sheep; over rocky mountains and scrubs, and after rescuing the sheep from the natives, and when ordered to fire on them, they showed none of that savage inclination to revenge and slaughter that many suppose is their disposition, but displayed the greatest coolness and courage, and obeyed every order I gave them with alacrity and cheerfulness. I must remark for the men that joined my detachment, that when engaged with the other natives, I have never known them to be guilty

guilty of any unnecessary harshness or cruelty, and never attempted to strike a blow or lift a carbine unless when commanded.

The five men stationed at the Grange behaved in every respect well; the police magistrates kept them constantly employed patrolling or marching prisoners; and in the absence of the white troopers, in serving summonses and warrants; he reported them to me as being very useful and obedient.

I had occasion to punish only one man during the whole period they were in the Western District, and his crime was insolence to the serjeant. I had not the least trouble in making them conform to discipline, or do any thing I wished.

Five more collisions after this took place, and each time property was recovered. The last one, which I reported to your honour, occurred November 16th, in which the serjeant was much bruised, and one man severely wounded in two places. The men took the greatest care of their horses, and showed great fondness for them; and during the whole time they were out, not one horse belonging to the party was lost for an hour.

The number of miles travelled by the party was upwards of 2,500. Only a few of the horses in my party are at all fit for active duty; most of them are totally unfit for service.

With regard to the ration account for the detachment, from 21st June to 20th November, it is considerably under the quantity allowed; and I think that your honour will find that the services rendered to the district by the native police has been effected at a very trifling expense.

I have, &c.

His Honour C. J. La Trobe, Esq.  
&c. &c. &c.

(signed) *H. E. Pulney Dana.*

NEW SOUTH WALES.

Encls. in No. 71.

— No. 72. —

(No. 70.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 21 March 1844.

In addition to the papers transmitted with my despatches, Nos. 68 and 69, of this day's date, I think it right to transmit to your Lordship copies of the following documents, premising only, that they are selected for the purpose of further illustrating the nature of the intercourse between the Europeans and aborigines which occurs in this colony.

No. 1. Papers relating to a report of a considerable number of aboriginal natives having been poisoned in the Port Phillip district of the colony, near Port Fairy.

No. 2. Papers relating to a similar report, of Aboriginal natives having been poisoned in the parts of the colony beyond Moreton Bay, and at least 800 miles to the north of Port Phillip.

No. 3. Journal of an excursion to the northern parts of the district of Moreton Bay, by Dr. Stephen Simpson, M. D., a Commissioner of Crown Lands, in order to explore a country abounding with a species of tree called "bunya," which produces an edible nut, greatly prized by the aborigines.

No. 4. A collection of papers respecting the aborigines, laid before the Legislative Council, and printed during the Session of 1843.

I have, &c.

(signed) *Geo. Gipps.*

No. 72.  
Sir George Gipps  
to Lord Stanley,  
21 March 1844.

*Mr. La Trobe, with  
Enclosures, 43/386.  
17 March 1843.  
No. 1.  
Colonial Secretary to  
Committee, 7 Dec. 1842.  
Reply, 16 December.  
Colonial Secretary to  
Dr. Simpson,  
21 December 1842.  
Reply, 20 January 1843.  
Dr. Simpson to Colonial  
Secretary, 6 May 1843.  
No. 2.  
Dr. Simpson's Journal,  
10 March to 28 April.  
No. 3.  
Papers Printed by the  
Council, 1843.  
No. 4.*

Enclosures in No. 72.

(No. 43/386.)

(No. 1.)

Melbourne, 17 March 1843.

Sir,

I HAVE the honour to report, for his Excellency's information, that in the month of December last I received a letter from the Chief Protector, enclosing a communication received from Dr. Watton, the gentleman in charge of the aboriginal station at Mount Rouse, stating that a rumour had reached him that a considerable number of aborigines had been poisoned at the station of Dr. Kilgour, near Port Fairy.

I delayed communicating this circumstance at the time, as I expected the Chief Protector and his assistants would find it practicable to bring the crime home to the parties accused of having perpetrated it; but I regret to state, that every attempt to discover the guilty parties has hitherto proved ineffectual, and that although there may be strong grounds of suspicion that such a deed had been perpetrated, and that certain known parties in this district were the perpetrators, yet it seems nearly impossible to obtain any legal proof to bear on either one point or the other.

I beg leave to enclose copies of two communications which I have received from Mr. Robinson on the subject.

I have, &c.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(signed) *C. J. La Trobe.*

Encls. in No. 72.

NEW SOUTH  
WALES.

(No. 1045.)

Sir,

Encls. in No. 72.

I BEG to forward, for your honour's information, copies of communications just received from Dr. Watton, officer in charge of Mount Rouse establishment, in reference to a case of poisoning said to have been perpetrated by Robertson, late overseer to Dr. Kilgour.

I have, &c.  
(signed) *G. A. Robinson.*

His Honour C. J. La Trobe, Esq., Superintendent,  
&c. &c. &c.

Sir,

Koloë, 10 December 1842.

I HAVE the honour of reporting to you that our bullock-driver, on his recent return from Port Fairy, mentioned that a considerable number of aborigines had been poisoned at the station of Dr. Kilgour.

Mr. Robinson.

John Lyons.

Mr. French, with whom I communicated on the subject, advised that some inquiry should be immediately instituted, and I therefore proceeded to the station for that purpose. I found that the circumstance was said to have occurred about six weeks ago, and that all the men then on the station had left; but from the report of the men now there, and also from some of the natives at Port Fairy, it appears that the then overseer, Mr. Robinson, (now in Melbourne), had sent away into the bush to some natives, by a man of the name of John Lyons (known by the name of Porkey, now also supposed to be in Melbourne), a quantity of what was supposed to be flour. Of this they partook, and were immediately seized with burning pains in the throat, excruciating pains in the stomach, vomiting, sinking of the abdomen and intense thirst (which are the symptoms usually produced by arsenic); and on the following morning three men, three women and three children were dead.

I cannot find that they were seen by any white person, the bodies having been immediately burnt. Two men (Irishmen) known as Paddy and Jack, but whose names I cannot discover, were on the station at the time, and are supposed to be now in Melbourne or the neighbourhood, and who could doubtless give some information on the subject. I also find, that a few months ago Mr. Robinson received from Port Fairy two pounds of arsenic, of which one pound and a half only was made over to Mr. Chamberlaine, now managing the station. The woman who took a small portion of the compound is still very ill from its effects, and I have directed that she be brought by the dray to Mount Rouse.

G. A. Robinson, Esq., Chief Protector,  
Melbourne.

I have, &c.  
(signed) *John Watton.*

Chief Protector's Office, Melbourne,  
20 February 1843.

Sir,  
I BEG to acquaint you, that the papers on the supposed poisoning case at Dr. Kilgour's, Western District, have been found so very unsatisfactory as to render it necessary to refer to Dr. Watton for definite information. At present there is no evidence to prove an homicide has been committed. Every endeavour has been made by the police magistrate at Melbourne, and by this department, to find two men, designated in Dr. Watton's communication as Paddy and Jack, and who were said to belong to the station at the time of the transaction. It is probable, had their real names been given, those two men might have been met with; yet it is doubtful how far they could furnish evidence relating to this matter. Robertson, a resident at Melbourne, is forthcoming when required; but at present, in the opinion of the magistrates, there is no evidence against him.

His Honour C. J. La Trobe, Esq.,  
Superintendent.

I have, &c.  
(signed) *G. A. Robinson, C.P.*

(No. 2.)

Colonial Secretary's Office, Sydney,  
7 December 1842.

Gentlemen,  
In the "Sydney Herald" of the 5th instant, a passage is given, said to be extracted from the report of one of the German missionaries at Moreton Bay, in which mention is made of a considerable number of blacks having been poisoned in the northern part of the district of Moreton Bay. I am directed, therefore, by his Excellency the Governor, to request that you will inform me whether the paragraph has been correctly copied into the newspaper from the report in question.

I have, &c.  
(signed) *E. Deas Thomson.*

The Secretaries of the Committee for managing  
the German Mission, at Moreton Bay.

Sir,

Sir,

Sydney, 18 December 1842.

WE have the honour to acknowledge the receipt of your letter of the 7th instant, referred to in a subsequent communication of the 14th, desiring to be informed as to whether a passage said to be extracted from a report of one of the German missionaries at Moreton Bay, in which mention is made of a considerable number of blacks having been poisoned in the northern part of the district of Moreton Bay, and published in the "Sydney Herald" of the 5th instant, has been correctly copied into the said newspaper.

In reply, we beg leave to state, that we should have answered the first of these letters sooner, had one of the secretaries not been absent at Hunter's River at the time, while the other has subsequently been out of town. As the best answer, however, which we can give to the question proposed to us, we beg to forward the following extract from the Rev. Mr. Schmidt's report, from which it clearly appears to us that the charge in question, as far as the missionaries are concerned, originated entirely with the black natives; although any person better acquainted with our language would probably have brought that circumstance more prominently out than Mr. Schmidt has done.

NEW SOUTH  
WALES.  
Encls. in No. 72.

EXTRACT FROM JOURNAL.

"Observations made in a Journey to the Bunga Bunya Tree Country, from the 1st to the 18th of June 1842, by the Rev. Mr. Schmidt."

"Our nine natives were rather undecided whether they would accompany us any further, being very much afraid the strange mountain natives might attack and kill us and them. This fear arose from the circumstance that one of the mountain tribe (a brother of a chief) was lately killed in a fight by one of the fishing tribes. Mr. Archer himself stated, that he was afraid we might meet with some disaster, as the relatives of that unfortunate man were very angry, and would revenge themselves.

"There was also another reason which influenced greatly our natives against going any further; viz. a large number of natives (about 50 or 60) having been poisoned at one of the squatters' stations. The neighbouring tribes are going, we are told, to attack and kill the whites wherever they meet with any. Under these circumstances, of course, there was a strong faith necessary to counteract their fear, and to pursue our plan in spite of all the hinderances which already commenced rising against us."

We have, &c.

(signed) *John Dunmore Lang,*  
*Robert Ross,*

Secretaries of the Committee for the Superintending the  
Affairs of the German Mission at Moreton Bay.

The Honourable the Colonial Secretary,  
&c. &c. &c.

Colonial Secretary's Office, Sydney,  
21 December 1842.

Sir,

By desire of his Excellency the Governor, I annex an extract from a journal kept by the Rev. Mr. Schmidt, of the German mission, during a visit to the Bunga Bunya country, in which mention is made of a considerable number of blacks having been poisoned in the northern part of the district of Moreton Bay. I am directed to request that you will call on the Rev. Mr. Schmidt, to give every explanation in his power of the grounds on which he made the statement. It would, perhaps, be well if you also confer personally with Mr. Schmidt on the subject.

See above.

I have, &c.

(signed) *E. Deas Thomson.*

S. Simpson, Esq., Commissioner of Crown Lands,  
Moreton Bay.

(No. 21/43.)

Sir,

Brisbane, 20 January 1843.

I HAVE the honour to transmit the enclosed statement of the Rev. Mr. Schmidt, of the German mission, in reference to your letter of the 21st of December last. Agreeable to his Excellency's instructions, I have also conferred with him upon the subject, but cannot discover that he has had any other foundation for his previous statement, than that it is currently reported and believed by the aborigines themselves. He states, however, that not being protector to them, he did not consider called upon to investigate the matter more closely, to which I objected, that though not paid Protector of the Aborigines, surely as Christian missionary, supported by public subscriptions, it was imperatively his duty not only to teach but protect them, and especially to bring the authors of such a detestable crime, if really committed, to condign punishment. From his conversation, however, as well as from that of the other missionaries, it is very evident that their disinclination to

Enclosed the Rev.  
Mr. Schmidt's  
letter.

NEW SOUTH  
WALES.

Encls. in No. 72.

follow up the investigation, has been caused by the fear of offending the squatters generally, a circumstance that struck me even during my previous conversations with them upon this subject. On my excursion to Wide Bay, I shall take every opportunity of investigating the matter more fully.

I have, &c.

(signed) *S. Simpson,*  
Commissioner of Crown Lands.

The Honourable E. D. Thomson,  
Colonial Secretary.

Sir,

Moreton Bay, Zion's Hill, 14 January 1843.

IN reply to your inquiry respecting the grounds on which I made mention in my journal, kept during a visit to the Bunga Bunga country, of a considerable number of blacks having been poisoned in the northern part of this district, I beg leave to state, that having returned from Sydney in the month of March 1842, I learnt, first, by my coadjutor, the Rev. Mr. Epper, that such a rumour was spreading, of which I have good reason to believe also his Excellency the Governor was informed during his stay at Moreton Bay. I learnt, secondly, by the lay missionaries, Messrs. Nique and Rode, who returned from an excursion to "Umpie-boang" in the first week of April, that natives of different tribes, who were collecting from the north for a fight, had related the same thing to them as a fact. Messrs. Nique and Rode have made this statement also in their diary, which is laid before our committee in Sydney. I learnt, thirdly, by the runaway Davis, when collecting words and phrases of the northern dialect from him, previous to my expedition to the Bunga Bunga country, that there was not the least doubt but such a deed had been done, and moreover that the relatives of the poisoned blacks, being in a great fury, were going to revenge themselves. Davis considered it, therefore, exceedingly dangerous for us to proceed to the north, mentioning at the same time, that two white men had already been killed by blacks in consequence of the poisoning. I ascertained likewise from him the number, 50 or 60.

When inquiring of him whether he had not reported this fact to yourself, he replied, that both he, himself and Bracewell, the other runaway, whom Mr. Petrie had brought back from the Wide Bay, had done so, and that you had stated it fully in your report to his Excellency the Governor, respecting himself and Bracewell.

4. The natives who had carried our provisions up to Mr. Archer's station, made the same statement to us, as a reason why they would not accompany us any farther to the Bunga Bunga country.

When writing down, therefore, my journal, I considered it unnecessary to make a full statement of all that had come to my knowledge since the month of March, concerning that most horrid event, or even to relate it as something new, as it was not only known several months since to the respective authorities, but also as almost every one at Moreton Bay supposed that an investigation would take place without delay.

I have, &c.

(signed) *William Schmidt,*  
Missionary.

S. Simpson, Esq., Commissioner of Crown Lands,  
Eagle Farm.

Sir,

Woogaroo, Moreton Bay, 6 May 1843.

I HAVE the honour to report, for the information of his Excellency, that during my excursion to the Bunya country, I have taken every opportunity of instituting an inquiry as to the truth of the alleged poisoning of some aborigines at a sheep station in the north of this district. A report of the kind certainly exists among the two tribes I fell in with, namely, the Dallambarah and Coccombraral tribes, but as neither of them were present at the time, they could give me no circumstantial information whatever on the subject. The Giggabarah tribe, the one said to have suffered, I was unable to meet with. Upon inquiry at the stations to the north, I could learn nothing further than that they had been using arsenic very extensively for the cure of the scab, in which operation sheep are occasionally destroyed by some of the fluid getting down their throats; and as the men employed frequently neglect to bury the carcasses, it is very possible that the aborigines may have devoured them, particularly the entrails, which they are very fond of, and that hence some accident of the kind alluded to may have occurred without their knowledge.

I have, &c.

(signed) *S. Simpson,*  
Commissioner of Crown Lands.

The Honourable E. D. Thomson,  
Colonial Secretary.



JOURNAL of an EXCURSION to the BUNYA COUNTRY, situated to the North of Moreton Bay District, New South Wales.

Encls. in No. 7<sup>a</sup>.

March 10.—SET out from Woogaroo border police station on the Brisbane at 3 P. M., the party consisting of Stephen Simpson, Esq., Commissioner of Crown Lands, the Reverend Mr. Eiper, German missionary, four mounted policemen, and six prisoners of the Crown in charge of the dray. We halted at 7 P. M. at Limestone, and remained the following day to complete the preparations for the journey.

March 12.—Set out at 8 A. M. in a direction about N. W., and crossing the Bremer about two miles from Limestone, traversed numerous sandy ridges for the first eight miles, the country being open forest land, tolerably fertile, but indifferently watered; for the next six miles it becomes more level, the grass luxuriant, and is well watered by Yorke's Water-holes and two creeks falling into the Brisbane, which is about a mile from Mr. Balfour's cattle station, where we halted about 3 P. M.

March 13.—Started at 7 A. M. in a N. W. direction, and after proceeding for about four miles over a level but rather sandy country, we crossed to the left bank of the Brisbane; here the flats for about three miles are of the most luxuriant description, thinly timbered with blue gum, iron bark and apple-trees, and cedar and chestnut on the banks of the river. Leaving the flats, about two miles further on we again crossed the river to the right bank, when the country becomes hilly, but abundance of grass, and the river at no great distance; having come about five miles, we traversed a fine apple-tree flat, and encamped at Mr. Eales' old station on the Brisbane about 5 P. M., having come 16 miles.

March 14.—Set out at 7 A. M., and after proceeding along the banks of the river for about two miles in a westerly direction, we crossed to the left bank. We now took a N. N. E. direction, and traversed a fine hilly country, thinly timbered for the most part with the broad-leaved iron bark, with plenty of grass, but a scarcity of water, except in the vicinity of the river and near Mr. Bigge's sheep station, which is well watered by two creeks falling into the Brisbane, Reedy and Sandy Creeks, where we halted about 4 P. M., being about 18 miles from our last encampment.

March 15.—Started at 7 A. M. in a direction about N. N. W., and crossing Reedy Creek twice, traversed a fine grassy valley and afterwards some sandy ridges, when we again fell in with the Brisbane about six miles from Mr. Bigge's, and crossed to the right bank, leaving the Mount Brisbane range to the west of us; the country still continues hilly till within four miles of Mr. Mackenzie's head station, when it becomes more even, the grass luxuriant, and is well watered by Sandy Creek, one of the sources of the Brisbane and numerous lagoons. Here we halted, having come about 18 miles, and remained the following day, which was showery, to refresh the oxen, before attempting the passage of the mountain.

March 17.—Set out at 7 A. M. in a direction varying from the N. E. to the S. E. by the road leading to Mr. Archer's station and North Brisbane, and having come eight miles through a fine but hilly and in places thickly timbered country, we fell in with Sandy Creek, and having crossed it took a direction nearly due north. We now followed up Sandy Creek for about six miles over a luxuriant but often swampy country, and encamped at the foot of the northern range about 4 P. M., the oxen much fatigued.

March 18.—Started at 8 A. M., and soon after began to ascend the range, which appears to extend from the south-east to the north-west, forming a crescent, which we entered by a spur leading to its centre. The ascent at first is moderate, but soon becomes very steep at intervals; the first pinch is very long, and notwithstanding we had 18 oxen, required great exertions to overcome it; a serious accident from the breaking of a pole-ring and one of the chains, had nearly put an end to our progress, as the dray and four oxen would have been dashed down the precipice, had not a tree arrested their descent. After some delay we succeeded in reaching the top of the fourth pinch, when turning to the eastward we traversed a dangerous razor-back ridge covered with blocks of granite, and at length reached the summit of the mountain, not more, probably, than three miles from our last encampment. We now took a northerly direction, and proceeding for about two miles over a very rugged and difficult country, halted about 3 P. M. on a creek still running to the southward, being one of the heads of the Brisbane, Sandy Creek, which we had passed the preceding day. Viewed from the summit, we appear to be in the centre of a circle of mountains, the crescent to the northward still extending itself before us, being shut in to the southward by the Brisbane and A'Aguiilar ranges. It appears probable, indeed, that the range we are now on extends from the mouth of the Moomceidora to the great dividing range, and would seem to form a good natural boundary for the district. Everywhere, even on the summit of the mountain, the abundance of grass and the fine timber, particularly black butt, iron bark and pine, give the country a pleasing aspect.

March 19.—Started at 8 A. M., and after proceeding about three miles in four hours, in a direction nearly north, through a very difficult country, being all mountain and gully, particularly the last half-mile, when the dray was capsized going down a precipice, we at length reached the bottom of the range. Here, in a fine grassy valley, we fell in with one of the heads of the Numabulla or Wide Bay River, very similar to Sandy Creek, one of the heads of the Brisbane, which we had left only three miles off on the top of the range. We here crossed the river for the first time, to the right bank, and again about a mile further on, for the second time, to the left bank. We still appear to be encircled on every side by mountains, but, proceeding in a north-east direction, the country gradually opens out into

NEW SOUTH  
WALES.

Encls. in No. 73.

some beautiful flats of the richest description, nearly clear of timber. The river, too, soon increases of size, from its junction with a more considerable branch coming from the mountains to the east. Still no bunya trees, but magnificent black butt, stringy bark and cedar on the banks of the river. We halted about 3 P. M., on a fine ridge overlooking a beautiful flat, on the bank of the river, which we named Parson's Vale, Mr. Eiper having preached his first sermon there. Distance about eight miles.

March 20.—Set out at 8 A. M., the direction varying from N. W. to N.; the whole day, till 4 P. M., was occupied in traversing, at a slow rate, fine apple-tree flats and ridges, the trees in some places presenting the appearance of a forest, and very fine, the grass most luxuriant, but the flats swampy, and watered by three creeks and the river, which we crossed for the third time to the right bank, when about nine miles on the road; the water in the river being now sufficiently deep to wet the provisions on the dray. Besides the usual timber, we here found the honeysuckle and a species of tree resembling the Moreton Bay chestnut, producing the fruit called mai by the natives, which, after being roasted, pounded and washed in a running stream, forms a kind of flour, which they make into cakes for their winter's provision. The oxen being much fatigued, we halted at some fine water-holes, having come only 11 miles.

March 21.—Set out at half-past 7 A. M., in a direction varying from N.E. to N.W., and after traversing a mile of steep and stony ridges, we again fell in with the river, and crossed it for the fourth time to the left bank. The country now again becomes most luxuriant, the grass up to the horses' ears, and in places almost clear of timber, particularly in the vicinity of the next crossing place, about 11 miles from our last camping ground, when we came to Huiha Booma Flats, and crossed the Numabulla for the fifth time, to the right bank. Here the country opens out into a plain of four or five miles in length, and one or two in width. The bunya scrubs now first make their appearance on the distant mountains, perhaps five miles to the west of us, and others again to the east, but not visible from the river. Having gone about four miles further, we encamped on a fine creek near the river. Have come about 15 miles.

March 22.—Started at half-past 7 A. M., and passed nearly the whole day in traversing a very mountainous and broken country; when about four miles on our way we had a fine view of the Bunya Range, to the west of us; and in front, due north, saw a remarkable table-shaped mountain, name unknown. Ascending a steep hill, some four miles further on, we passed through a bunya scrub, and for the first time had an opportunity of examining this noble tree more closely. It raises its majestic head above every other tree in the forest, and must, therefore, frequently reach the height of 250 feet; the trunk is beautifully formed, being as straight as an arrow, and perfectly branchless for above two-thirds of its height; branches then strike off, nearly at right angles from the trunk, forming circles which gradually diminish in diameter till they reach the summit, which terminates in a single shoot; the foliage shining, dark green, the leaves acutely pointed and lanceolate, with large green cones, the size of a child's head, hanging from the terminal branches in the fruiting season (January). It is, too, very remarkable that the bunya tree, according to the natives, is nowhere to be met with but in these parts; it is, however, there is no doubt, a species of the arancaria genus, well known in South America; the timber, when green, is white, fine-grained and very tough, but whether it retains these qualities when dry, has not yet been determined. The aborigines are particularly fond of the bunya nuts, which are as large as a full-sized almond, including the shell, and, in good seasons, come from a distance of 100 or 200 miles to feast upon them. Emerging from the bunya scrub and mountains, we reached a fine plain, which we crossed, and encamped on the right bank of the Numabulla, about 3 P. M., having come 10 miles.

March 23.—Crossed the river at half-past 7 A. M., being the sixth time, to the left bank, which detained us one hour, the bank being so steep on the opposite side that we were obliged to go up the channel some 50 yards to get out. On leaving the bed of the river, from 40 to 50 yards wide, we passed through a bunya scrub, called Howah by the natives, and saw some noble trees, bunya, cedar and chestnut; emerging from the scrub we found ourselves on a beautiful plain, called Dungale by the aborigines, about four miles in length and two in width, well watered by a fine creek and waterholes. On the borders of the plain fine ridges of open forest land, and behind them scrubs in almost every direction; in fact, this plain seems to be in the very heart of the Bunya country. Traversing the plain in a N. E. direction, we twice crossed the creek, the last time with so much difficulty, the oxen being knocked up, that we were compelled to halt and remain over the following day to refresh them, having come only four miles. Exploring the scrubs in the neighbourhood, I found a species of lime tree, the fruit small but juicy, the seed strong but slightly bitter.

March 25.—Started at half-past 7 A. M. in a N. W. direction; the country passed over this day had little to interest us, consisting for the most part of thickly timbered forest land, scrubs and barren ridges, with small patches of fertile land intervening, but having in general a whitish clayey aspect; in fact we are evidently now emerging from the Bunya country, and with it leaving the best land behind. When two miles on the road, we saw distinctly the table mountain, bearing about 10 miles due east of us, which we had seen on the 22d, due N. of us; having subsequently passed through several scrubs without seeing a bunya tree, and crossed two bad creeks, and the river for the seventh time, to the right bank, with much difficulty, the oxen being obliged to swim for it, we halted on a grassy flat, near some waterholes, having come about 12 miles during the day.

March

March 26.—Heavy rain delayed our departure till about 10 A. M., when we set out in a N. N. E. direction, and passed the whole day in traversing high grassy ridges, or rather mountains; from the summit of the highest, Dulung, about four miles on the road, we had a most extensive view of the Bunya country, which appears to extend from some ranges to the N. E. of our position to the south of us, and thence by other ranges to the N. W., according to Davis, for 50 miles in that direction; other ramifications again strike off from the S. to the S. E., passing within a few miles of the Glasshouse Mountains to the mouth of the Moomceidona. Immediately in front of us is the Moopiva Range, running in a direction from S. E. to N. W. between us and the Numabulla, which, since we last crossed it, seems to have taken a more westerly course to turn the range before; but no bunya trees are anywhere to be seen on this range. From this site we also observed several remarkable mountains; to the S. E. three high cone-shaped mountains, the highest Carrugu; and to the W. S. W. a peaked mountain, Ticku, part of the great Bunya Range. Descending the mountain we passed a bad creek, and proceeding about four miles further, we encamped on a grassy flat, called Woondoloo by the natives, near some indifferent waterholes, having come about 10 miles.

March 27.—Started at 8 A. M., weather showery; and proceeding over about five miles of fertile ridges in a N. N. W. direction, we traversed a deep creek, and then an ordinary scrub, containing no bunya trees, called Batero by the natives; the country now becomes most barren and uninteresting, but thickly timbered, and the ridges principally composed of the debris of a yellowish looking clay-slate, which is the principal constituent of the mountains and ridges on the lower part of the range towards Wide Bay, whilst on the higher parts are found various kinds of granite, gneiss, with masses of feldspar and other highly crystalline rocks. Leaving the ridges, or rather the mountains, we traversed a fine but narrow valley, called Goodin by the natives, and encamped near a long chain of waterholes, having come about 12 miles. For the first time this day we fell in with an aborigine of the Dallambarah tribe, named Woorumbilly, an old acquaintance of Davis, who, however, was the only white man he had ever seen; it was, therefore, with some difficulty we prevailed upon him to accompany us to our camping place, promising him a tomahawk; he seemed wonderfully struck at seeing the horses and oxen eat grass; the bunya season being over, the tribes are leaving the country in great numbers, and plotting mischief against the new settlers; he left us in the morning, and promised to bring his whole tribe to meet us on our return.

March 28.—Set out at 7 A. M., in a N. N. W. direction; and after passing a few sandy but fertile ridges, came to an extensive flat, called Toon by the natives, which, during Davis's 14 years residence with them, was assigned to him. It appears, in fact, that everywhere to the northward the aborigines lay claim to particular tracts of land, allotting certain portions of it to the individual families composing the tribe. After beating about for some time we at length fell in with a sheep-tract, which led us to Mr. Eales' first sheep station, about eight miles from our last encampment; it is situated on a fine ridge near some large lagoons, about two miles from the right bank of the Numabullah. The country about it has altogether a fertile aspect, and is even picturesque, there being a fine range of hills in the vicinity, of the same name as the flat. Having halted about an hour, we set out for the head station, about 28 miles by the road, though not more than 15 as the crow flies; the direction still N. N. W., over extensive but not very luxuriant flats, thickly timbered with gums, oaks and occasionally tea-trees; having for the most part the Toon range of hills and thick scrubs (no bunya) between us and the river; and on the other side a low range of mountains, called Carnegia, coming from the south and terminating at Mount Boopal, or Double Mountain, four miles south of Mr. Eales' head station. Having come about 15 miles during the day, we encamped at sundown on a deep creek, the rain falling heavily.

March 29.—Started at half-past 7 A. M. and having crossed Slaty Creek, in the bed of which we observed strata of various dark coloured slates, particularly a kind of shale very similar to what is found in the coal districts in England, intermixed with very heavy sand or ironstone. We still proceeded in a direction somewhat to the W. of N., till we fell in with another of Mr. Eales' sheep stations, where we halted for an hour, having come eight miles from our last camping place. The direction now changing to the east of north, we traversed a rather indifferent ridgy country, the soil for the most part boggy sand, or whitish clay, thickly timbered, but no fine trees, and the grass of an unhealthy bluish aspect; it is, however, abundantly watered by sundry fine creeks and lagoons. Having come about 18 miles, we halted about sundown at Mr. Eales' third sheep station, situated on a steep bank near the river; showery the whole day.

March 30.—Started at 10 A. M. (having been detained by the loss of the bullocks) in a E. N. E. direction, and passing over a bad creek and sundry barren ridges for the first two miles, we came to a fine grassy flat with an extensive swamp and fine lagoons, near which we found Mr. Eales' head station, situated on the side of a hill, about five miles from our last camping place; Mount Boopal, or Double Mountain as it is called on the charts, being seen about four miles S. S. W. of the station, and the river running about a mile to the north of it. Here we learned that the schooner "Edward," the first vessel that has ever attempted the navigation of the river, was lying moored in a salt-water creek about 26 miles lower down. I determined, therefore, to visit her after a day's rest.

NEW SOUTH  
WALES.

Encls. in No. 72.

April 1.—Leaving the head station about 8 a. m. accompanied by Mr. Eiper and two policemen, we proceeded in a N. E. direction over a very swampy, uneven flat, but well adapted for cattle or agricultural purposes. Leaving the flat after two miles, we traversed for the next 10 miles high and sandy ridges, with tolerable pasturage for sheep, but few waterholes, and no good creeks; from specimens found here it is probable that limestone is a constituent of the hills at no great distance from the river; the remainder of the journey lies over a flat, and for the most part barrea country, so thickly timbered with dwarf gums intermixed with tea-trees, that it is scarcely fit for any purpose till within about two miles of Banco Creek, when there is a gentle rise of the country towards the bank of the river, well adapted for a township, if a sufficient supply of water could be obtained from some waterholes situated about a mile off; the land, too, in the neighbourhood appears to be of a better quality for agricultural purposes, though it is probable that everywhere on the flats, clay is to be found near the surface. The bank, in the immediate vicinity of the river, at its junction with the creek, appears to be liable to be overflowed at spring tides for about 30 yards in breadth, and is covered with tea-tree; it then suddenly rises and forms an ordinary scrub for perhaps 30 yards more, leading to the high ground before mentioned. The river here is fully as wide as the Brisbane at the settlement, and would appear to be much better adapted for navigation, as the tide is very strong, and rises in ordinary times from 8 to 10 feet, and at the spring from 12 to 15 feet. The master of the "Edward" also states that there is no sand bar at the entrance of the river, but a reef of rocks, scarcely perceptible except at low water, leaving, however, a deep channel in shore; he also informs me that he never but once had less than two fathoms water, when having only nine feet, the tide left him high and dry on a sand bank, with a deeper channel close by. There is little doubt but that the "Edward" might have proceeded 10 or 12 miles further up the river, and perhaps six or eight further up the creek, which is both broad and deep. The navigation, however, of the river must necessarily cease, except for boats, about five miles below Mr. Eales' head station; as some massive rocks here occupy the whole bed of the river, though the tide flows over them for some five miles further up. Mount Boopal, or Double Mountain, near Mr. Eales' head station, is seen from the mouth of the river in a direction nearly S. W., and is probably not more than 40 miles off in a straight line; the course of the river, however, is very tortuous; Banco Creek, therefore, where the "Edward" lies, is probably about half way. The north bank of the Numabulla seems in general to be much more level than the south, though I am informed that, proceeding some 40 or 50 miles to the N. W., a continuation of the dividing range is still apparent. In the scrubs on the banks of the river and on the neighbouring hills, an ordinary pine is very common, the wood reddish and very brittle when dry; a broad-leaved pine, too, of a superior description, somewhat resembling the Dammar pine of New Zealand, is also found on the banks of the river below Banco Creek, but no bunya tree is anywhere to be seen in these parts; there is, therefore, but little danger of its being carried off, as the land carriage to convey it to the river, even were it possible to float the logs down during a flood, would be too expensive for private enterprise. Cedar, however, of the finest quality, is very abundant on the creeks and on the Upper Numabulla.

April 2.—I had hoped this day to have made an excursion down the river to visit Frazer's Island in the bay, and was much disappointed on finding that the "Edward" had but one boat, and that absent up the river. This island is very extensive, being from 40 to 50 miles long, shutting in Wide Bay or Harvey's Bay to the eastward. On the old charts it is called Harvey's Head, and was supposed to be part of the main land. There is, however, a good southern and northern passage, and the "Edward" has passed through both without difficulty. The island itself is generally sandy; but as the shores abound in fish, and the natives find abundance of esculents in the interior, it is very thickly inhabited by them, and would undoubtedly form an excellent station for a missionary establishment. Having accomplished, as far as possible, the object of our excursion, we returned to Mr. Eales' head station, where we remained till the 4th instant, and then set out on our return to Moreton Bay, the weather being most unpropitious, not having had a fine day since the 25th of last month.

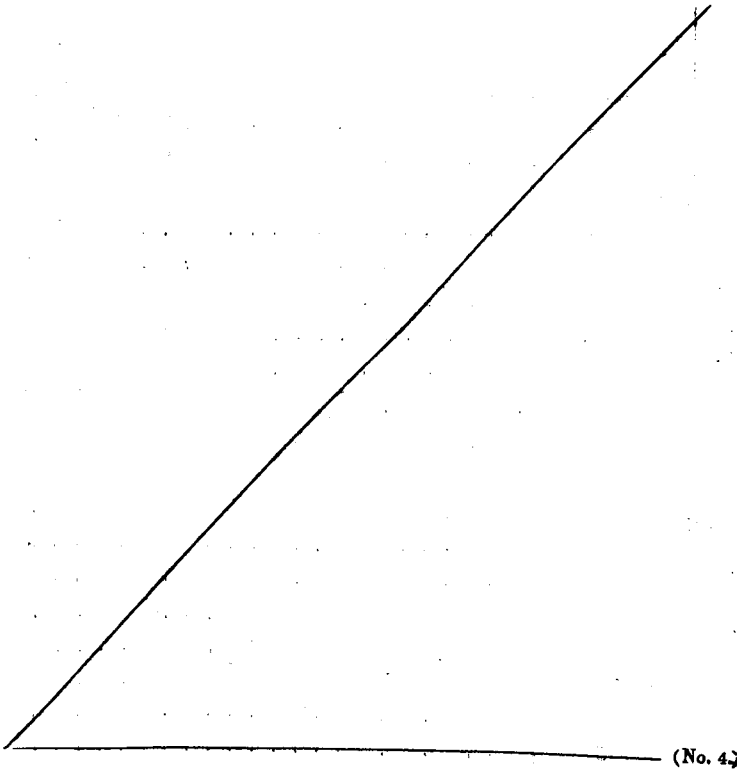
April 12.—Having left Mr. Eales' head station on the 4th instant, notwithstanding the stormy state of the atmosphere and swampy state of the country, we reached our seventh crossing place of the Numabulla this day, having come 66 miles in eight days. Upon examining the bed of the river, we found there had been a flood of about 12 feet, which was rapidly subsiding; but upon attempting to ford it, we found it impracticable, the torrent being too strong for the men to keep their feet; we, therefore, encamped for the night. Having retired to rest, I was alarmed about nine o'clock by a general outcry that the blacks were about to rush on the camp from the neighbouring scrub; being warned by Davis not to approach us in the night, and having discharged a few shots into the scrub, we heard no more of them. It was probably some of our friends of the Dallambarah tribe who meant to favour us, as Woorumbilly and about 30 of his men had joined us only a few days before, and some of them had accompanied us nearly to the river, when they suddenly decamped in their usual treacherous way. The following morning the river being still impassable, I set out with three men to reconnoitre the neighbourhood, in case it should be requisite to avoid the river altogether, particularly as our store of provision was nearly exhausted. Ascending a spur leading about S. E. from our encampment for about

two miles, we reached the summit of a mountain commanding a fine view of the coast range. Here we observed Mount Boopal, near Mr. Eales' station, due north, and to the eastward nearly parallel with the coast, and at from 15 to 20 miles from it a high range, behind which we observed several remarkable mountains, very similar in form to the Glass-house Mountains to the southward, and no doubt of a similar volcanic origin; E. by N. Coonta, due E. Carruga, E. by S. Corrag, a slanting cone; E. S. E. Bunta, and S. E. a high mountain with a truncated top, name unknown. Between us and the coast range, there appears to be a more level country leading to Mount Boopal, and extending for some 15 or 20 miles to the southward; so that in case of necessity there appears to be some hope of a road being found so as to avoid the two next crossings of the river. Returned to the camp, we found the flood so much abated as to leave no doubt of our being able to pass in the morning.

April 20.—Having made the first passage of the river on the morning of the 14th instant, we reached the second crossing place, a distance of 10 miles, by sundown, and encamped. A party of blacks of the Cocombarah tribe came to us soon after, and rendered us very effectual service the following morning in crossing the river, which took us three hours. We now proceeded in high spirits, having overcome, as we imagined, our greatest difficulty, and reached the foot of the range on the 18th instant; but we were soon undeceived, for arrived at the worst part of it, the rocky pinch, the oxen refused to face it, and we were obliged not only to carry up the things, but draw up the dray, the men behaving admirably, though they had had no animal food for some days past. We slept on the range on the night of the 19th instant, and the following day reached Mr. Archer's station, having been eight days coming 73 miles. Both men and oxen needing repose, we remained at Mr. Archer's till the 23d instant.

April 28.—Being sufficiently refreshed, we set out from Mr. Archer's on the 23d instant, and returning by the road we had originally traversed in going to the Bunya country, we reached the police station at Woogaroo on the 28th instant, having come about 95 miles in six days. The whole distance travelled during the 50 days, cannot be far short of 500 miles.

(signed) *S. Simpson,*  
Commissioner Crown Lands.



1843.—NEW SOUTH WALES.  
(ABORIGINES.)

Return to an Address of the Legislative Council of New South Wales:—Dr. Thomson, 29th August 1843:—Laid upon the Table, 12th October 1843.

No. 1.—RETURN of the EXPENSE defrayed from the Colonial Treasury of New South Wales, of every Mission to the Aborigines within the Colony, and of the Protectorate, from their Commencement to 31st December 1842; showing the Amount paid for each Mission, the Expense of the Protectorate, and the Total Expense of the Aborigines, for each Year.

| Y E A R.     | Aboriginal<br>Native<br>Institution. | EXPENSE OF EACH MISSION.   |  |   |                                      |   | Total Expense<br>of the<br>several Missions<br>in<br>each Year. | Expense<br>of the<br>Protectorate,<br>at:<br>Port Phillip. | Cost of Blankets<br>and<br>other Expenses,<br>not included<br>in any<br>previous Column. | TOTAL EXPENSE<br>of the<br>ABORIGINES<br>in<br>each Year.   | REMARKS. |
|--------------|--------------------------------------|--|--|---|--------------------------------------|---|---|--|--|---|----------|
|              |                                      | Mission of<br>Inquiry into the<br>State and Number<br>of the Aboriginal<br>Population<br>under<br>Lieut. R. Sadlier. | Mission<br>under the Rev.<br>L. E. Threlkeld,<br>at<br>Lake Macquaria. | Mission<br>under the Church<br>Missionary<br>Society,<br>at Wellington<br>Valley. | German Mission<br>at<br>Moreton Bay. | Wesleyan Mission<br>at<br>Port Phillip. |   |  |  |   |          |
|              | £. s. d.                             | £. s. d.   | £. s. d.   | £. s. d.  | £. s. d.                             | £. s. d.                                | £. s. d.  | £. s. d.   | £. s. d.   |   |          |
| 1821         | 185 - 11½                            | - - -  | - - -  | - - -   | - - -                                | 185 - 11½                               | - - -   | - - -  | 185 - 11½  | The sums, which in the Annual Statements for the Council were brought to account under the head Aborigines, as arrears of previous years, have, in this Return, been posted to the expenditure of the year for which they were incurred, in order that the actual expense of each year may, as nearly as practicable, be shown. |          |
| 1822         | 539 1 - ½                            | - - -  | - - -  | - - -   | - - -                                | 539 1 - ½                               | - - -   | 13 2 1½  | 552 8 2  |   |          |
| 1823         | 962 - - -                            | - - -  | - - -  | - - -   | - - -                                | 962 - - -                               | - - -   | - - -  | 962 - - -  |   |          |
| 1824         | 212 11 - -                           | - - -  | - - -  | - - -   | - - -                                | 212 11 - -                              | - - -   | - - -  | 212 11 - -   |   |          |
| 1825         | 66 6 - -                             | - - -  | - - -  | - - -   | - - -                                | 66 6 - -                                | - - -   | - - -  | 66 6 - -   |   |          |
| 1826         | 225 18 9                             | 186 9 10   | - - -  | - - -   | - - -                                | 412 8 7                                 | - - -   | - - -  | 412 8 7  |   |          |
| 1827         | 529 11 9½                            | 201 14 6   | 12 15 6  | - - -   | - - -                                | 529 11 9½                               | - - -   | - - -  | 529 11 9½  |   |          |
| 1828         | 286 8 7                              | - - -  | - - -  | - - -   | - - -                                | 286 8 7                                 | - - -   | - - -  | 286 8 7  |   |          |
| 1829         | 165 3 2                              | - - -  | - - -  | - - -   | - - -                                | 165 3 2                                 | - - -   | - - -  | 165 3 2  |   |          |
| 1830         | 254 13 11                            | - - -  | 80 10 4  | - - -   | - - -                                | 254 13 11                               | - - -   | - - -  | 254 13 11  |   |          |
| 1831         | 318 10 - -                           | 186 - - -  | - - -  | - - -   | - - -                                | 318 10 - -                              | - - -   | 14 - - -   | 332 10 - -   | Exclusively of the sums specified in this Return, one-half of the expense of the Border Police is usually considered to be incurred on account of the Aborigines.<br><br>The half of this expense was,<br>in 1839 - £.5,174 13 -<br>1840 - - 7,612 8 9<br>1841 - - 8,215 12 -<br>1842 - - 6,813 15 -<br>Total - - £.27,716 8 9  |          |
| 1832         | 1,012 - 6                            | - - -  | 726 - 6  | - - -   | - - -                                | 1,012 - 6                               | - - -   | 412 1 8½   | 1,424 2 2½   |   |          |
| 1833         | 625 11 8                             | 186 - - -  | 433 6 8  | - - -   | - - -                                | 625 11 8                                | - - -   | 340 13 1   | 966 4 9  |   |          |
| 1834         | 686 - - -                            | 186 - - -  | 500 - - -  | - - -   | - - -                                | 686 - - -                               | - - -   | 442 - 6  | 1,128 - 6  |   |          |
| 1835         | 686 - - -                            | 186 - - -  | 500 - - -  | - - -   | - - -                                | 686 - - -                               | - - -   | 825 17 9½  | 1,511 17 9½  |   |          |
| 1836         | 907 11 6                             | 186 - - -  | 500 - - -  | - - -   | 221 11 6                             | 907 11 6                                | - - -   | 904 10 -   | 1,812 1 6  |   |          |
| 1837         | 1,500 11 9½                          | 180 - - -  | 650 - - -  | - - -   | 664 11 9½                            | 1,500 11 9½                             | - - -   | 851 19 10½   | 2,352 11 8   |   |          |
| 1838         | 2,457 10 9½                          | 186 - - -  | 500 - - -  | 310 19 9  | 1,460 11 7½                          | 2,457 10 9½                             | 990 7 6   | 1,190 4 7  | 4,638 2 10½  |   |          |
| 1839         | 1,507 9 -                            | 186 - - -  | 530 3 -  | 159 7 6   | 631 18 6                             | 1,507 9 -                               | 3,004 6 -   | 1,330 7 6  | 5,842 2 6  |   |          |
| 1840         | 1,802 6 3                            | 186 - - -  | 500 - - -  | 321 5 10  | 795 - 5                              | 1,802 6 3                               | 5,611 12 6  | 961 4 -  | 8,375 2 9  |   |          |
| 1841         | 1,629 16 2                           | 186 - - -  | 500 - - -  | 494 1 4   | 449 14 10                            | 1,629 16 2                              | 7,618 3 3½  | 847 13 6   | 10,095 12 11½  |   |          |
| 1842         | 1,046 - 5                            | - - -  | 500 - - -  | 231 - 4   | 315 - 1                              | 1,046 - 5                               | 7,967 5 1   | 689 10 -   | 9,702 15 6   |   |          |
| TOTAL - - £. | 5,364 9 10½                          | 388 4 4  | 2,145 6 10   | 5,839 10 2  | 1,516 14 2                           | 4,538 6 9                               | 17,792 13 1½  | 25,191 14 4½   | 8,623 4 8½   | 51,807 12 2½  |          |

627.

R R

LATER

| No. | Where committed.           | Date.         | Name.  | Offence.                    | Where Tried.      | Guilty. | Not Guilty. | Sentence.                               | Bill Ignored. | REMARKS.                                |
|-----|----------------------------|---------------|--|-----------------------------|-------------------|---------|-------------|---|---------------|---|
| 1.  | Port Macquarie             | 10 Feb. 1837  | { Jackey<br>Old Parker<br>Charley                  | murder                      | supreme court     | -       | -           | not guilty.                             |               |   |
| 2.  | Maitland                   | 3 " "         | Murphy   | stealing                    |                   |         |             |   | bill ignored. |   |
| 3.  | Port Macquarie             | 15 Mar. "     | Wombarty   | murder                      | supreme court     | -       | -           |   |               | discharged; no interpreter.             |
| 4.  | Maitland                   | 21 Feb. 1838  | Lory Jack  | murder                      | ditto             | guilty  | -           | death.                                  |               |   |
| 5.  | Port Macquarie             | 6 April "     | Jackey Beramble                                    | murder                      | ditto             | -       | -           |   |               | discharged by proclamation.             |
| 6.  | Bathurst                   | 6 " "         | Captain  | assault                     | ditto             | -       | -           |   |               | discharged by proclamation.             |
| 7.  | Sydney                     | 8 May "       | Big-nosed Jack                                     | murder                      |                   |         |             |   |               | escaped.                                |
| 8.  | Wellington                 | 14 " "        | Franky   | murder                      |                   |         |             | not guilty                              |               | discharged.                             |
|     |                            |               | { Mooney Mooney<br>Bunia Logan<br>Mainga           |                             |                   |         |             |   |               |   |
| 9.  | Melbourne                  | 15 " "        | Murrem Morrem Beel                                 | killing sheep               |                   |         |             |   | bill ignored. |   |
|     |                            |               | { Murry or Foen<br>Jack Sloe<br>Jin Jin            |                             |                   |         |             |   |               |   |
| 10. | Geelong                    | 9 June "      | Hangmoon   | murder                      | supreme court     | -       | -           |   |               | discharged by proclamation.             |
|     |                            |               | Sandy  |                             |                   |         |             |   |               |   |
| 11. | Muswellbrook & Namoi River | 25 April 1839 | { Jemmy<br>Cooper                                  | robbery                     | ditto             | guilty  | -           | 10 years' transportation.               |               |   |
|     |                            |               | King Jackey  |                             |                   |         |             |   |               |   |
| 12. | Wellington                 | 4 June "      | Myall Tommy  | cattle stealing             | quarter sessions  | -       | -           | not guilty.                             |               |   |
| 13. | Muswellbrook               | 21 " "        | Mary Ann   | shooting with intent, &c.   | supreme court     | -       | -           | not guilty.                             |               |   |
| 14. | Patrick's Plains           | 29 Aug. "     | Charley  | horse stealing              | ditto             | -       | -           | not guilty.                             |               |   |
|     |                            |               | { Jimmy<br>Jackey                                  |                             |                   |         |             |   |               |   |
| 15. | Muswellbrook               | 16 Oct. "     | Billy  | stealing                    | quarter sessions. | -       | -           |   |               |   |
|     |                            |               | Toby   |                             |                   |         |             |   |               |   |
| 16. | Maitland                   | 22 " "        | Murphy   | robbery                     | ditto.            | -       | -           |   |               |   |
| 17. | Casilla                    | 5 Feb. 1840   | Talboy alias Jackey                                | murder                      | supreme court     | guilty  | -           | death.                                  |               |   |
| 18. | Yass                       | 4 March "     | { Blucher<br>Charley                               | assault                     | quarter sessions  | -       | -           |   |               | discharged, being in a dying state.     |
| 19. | Bathurst                   | 12 May "      | Gilderoy   | larceny                     | ditto             | guilty  | -           | { one day's imprisonment and 50 lashes. |               |   |
| 20. | Yass                       | 14 June "     | Billy, alias Neville's Billy                       | murder                      | supreme court     | guilty  | -           | death.                                  |               |   |
| 21. | Windsor                    | 16 June "     | Humpy George                                       | stabbing, &c.               | quarter sessions  | -       | -           |   |               | escaped from prison.                    |
|     |                            |               | { Merridio<br>Nengava<br>Bunnalleo                 |                             |                   |         |             |   |               | Bunnalleo died in hospital.             |
|     |                            |               | { Dundero<br>Tommy Poker<br>Benjamin               |                             |                   |         |             |   |               |   |
| 23. | Wellington                 | 29 " "        | Jemmy  | spearing cattle             | ditto             | -       | -           | not guilty.                             |               |   |
|     |                            |               | Tommy Ban Ban                                      |                             |                   |         |             |   |               |   |
|     |                            |               | { Weenaburnee<br>Koughomarne                       |                             |                   |         |             |   |               |   |
| 24. | Melbourne                  | 28 Sept. "    |  | murder                      | ditto             | -       | -           |   |               | tried at Port Phillip.                  |
|     |                            |               | { Sullivan<br>Cumbo Jackey                         |                             |                   |         |             |   |               |   |
| 25. | Peel's River               | 23 June 1841  |  | spearing cattle             |                   |         |             |   | bill ignored. |   |
| 26. | Peel's River               | 18 Oct. "     | Wellington   | spearing cattle             | circuit court     | guilty  | -           | 10 years' transportation.               |               |   |
| 27. | Bathurst                   | 18 Nov. "     | { Joey alias Cudgenmolly<br>Jack alias Currajombly | murder                      | ditto             | -       | -           |   |               | discharged by proclamation.             |
|     |                            |               | Fryingspan   |                             |                   |         |             |   |               |   |
| 28. | Peel's River               | 10 Jan. 1842. | Jerry  | spearing cattle             | ditto             | -       | -           | not guilty.                             |               |   |
| 29. | New England                | 9 May "       | Melville   | murder                      | ditto             | -       | -           |   | bill ignored. |   |
| 30. | Paterson                   | 13 Mar. 1843  | Melville   | murder                      |                   |         |             |   | bill ignored  | supposed murder of an aboriginal black. |
| 31. | Maitland                   | 25 " "        | { Melville<br>Harry<br>Fowler                      | murder                      | ditto             | guilty  | -           | death.                                  |               |   |
| 32. | Port Macquarie             | 12 June "     | Sore-thighed Jemmy                                 | assault with intent to kill | ditto             | guilty  | -           | death.                                  |               |   |
| 33. | Port Macquarie             | 24 July "     | { Jacky Jacky<br>Therramitchie                     | murder                      | ditto             | guilty  | -           | death.                                  |               |   |

ABORIGINES, AUSTRALIAN COLONIES.

305

NEW SOUTH  
WALES.No. 3.—LETTERS from the Superintendent of Port Phillip, from the Chief Protector,  
Mr. *Robinson*, and from Protectors *Dredge*, *Parker* and *Thomas*.

Encls. 4, in No. 72.

(No. 40-491.)

Sir,

Melbourne, 26 June 1840.

I request permission to forward to you, for his Excellency's information, the enclosed communication from Mr. Assistant Protector Dredge, which has been transmitted to me by the Chief Protector.

It announces the Assistant Protector's purpose to retire from the service of the department at the close of the current month; and a statement of that gentleman's sentiments in so doing.

The Chief Protector having represented to me, "that the aboriginal natives of the Goulburn River District, by the resignation of Mr. Dredge, are now without a Protector; and as those natives are numerous and inclined to be troublesome, recommends that some person be appointed *pro tem.* to the district, until the pleasure of his Excellency the Governor is known with reference to the appointment."

I have assured him that I should authorise the appointment of any gentleman whom he may feel at liberty to recommend, and considers qualified to act as his assistant in carrying on the work committed to his direction; and I have no doubt that his Excellency will approve of my doing so.

I have, &amp;c.

The honourable the Colonial Secretary,  
&c. &c. &c.

(signed) C. J. La Trobe.

LETTER from Mr. Assistant Protector *Dredge* to the Chief Protector.

(Enclosure to the foregoing Letter.)

Sir,

Melbourne, 22 June 1840.

Page 53.

I HAVE the honour to acknowledge the receipt of your communication of the 11th instant, enclosing a copy of a letter from the Colonial Secretary in reply to mine of the 17th of February last. I regret that the communication in question requires from me a somewhat lengthy notice, and a freedom of remark, which I should have been most happy to avoid, had justice to myself allowed such a course.

I do not attach any blame to Sir George Gipps, because "he knows nothing of the circumstances which led to my appointment," but can his Excellency seriously imagine, that the Secretary of State conferred such an appointment on an individual with a family, with a view to reducing them to the vagrant habits of the wandering aborigines? and not rather, as Sir George Arthur expressly assured me, to form the nucleus of an establishment where a residence, &c., would be provided for the family by the Government, to which it would be the duty of the Protector to endeavour to bring the natives, and for which purpose, of course, he would be expected to itinerate amongst them, "until they could be induced to assume more settled habits of life." Does the Governor really suppose that I so "misunderstood the terms of my agreement" as not, with the greatest reason, to expect to have a house provided for me, and all my expenses paid, with a clear salary, in addition, of 250*l.* per annum? Does he think that I could possibly entertain even a suspicion that the Colonial Government would require me out of such a paltry sum to defray expenses incurred in the performance of their work?

I have yet to learn, that either usage or common honesty requires a servant to expend his stipend for his employer's benefit instead of his own.

Had I "complained of being appointed a magistrate; in pursuance of an order of the Secretary of State, a measure calculated to add to my respectability," it might well have appeared "to the Governor extraordinary;" but my dissatisfaction arose from the circumstance that having been so appointed, I was prohibited from acting except under such restrictions as implied either a want of capacity on my part, or a disposition on the part of the Government to render the appointment nugatory. In proof I beg to mention, that in June 1839, my official duties required me to visit the station of the Rev. Joseph Docker on the River Owens; while there, Mr. Docker wished me to issue a warrant for the apprehension of his hired servant, who had refused to fulfil the terms of an agreement; a measure which would have enabled him to bring the offender before the bench at Melbourne, without the trouble and delay of a previous journey of 320 miles to obtain a warrant. From verbal instructions I had received, however, I did not think it would be agreeable to his Excellency to pursue such a course; and the only assistance I afforded Mr. Docker was to take his affidavit as to the identity of the agreement, which he forwarded by post to the police magistrate, requesting the issue of a warrant on that ground.

Presuming that similar cases might occur in which I might benefit the settlers in my magisterial capacity, on my visits to their stations, I addressed a letter to the Chief Protector, stating the circumstances, and the steps I had taken, and requesting instructions how I should act in future. In due course I received the following reply, dated 21st August 1839:—

"Sir,—



" Sir,—In reply to yours of the 18th June last, intimating that Mr. Docker had made oath, before you, in the case of one of his hired servants, and requesting instructions how you were in future to act in such matters, I beg to state, that his Excellency the Governor has no objection to your so acting, as far as the taking of voluntary oaths are concerned. I have the honour to be, &c."

For anything that has been shown to the contrary, I still think I am right in stating, that for the conveyance of myself and family a distance of upwards of 80 miles, I was furnished by the Government only with one bullock and a cart.

The additional allowance of " ten shillings and sixpence per diem" having been granted, not for " travelling and other incidental expenses," but for the purposes set forth in the Colonial Secretary's communication, a copy of which was forwarded to me by the Chief Protector, the following is an extract: " Each Protector, for ration per diem, 1 s. 6 d.; wife and family, not being less than four, 3 s.; rations and clothing two prisoners of the Crown, 3 s. 6 d.; forage allowance, 2 s. 6 d." If, therefore, these allowances were not intended to be appropriated as above, but for " travelling and other expenses," then the above statement has misled me, and I have been deceived. I have not complained of the insufficiency of these allowances, although the items for the support and clothing of the two prisoners, and forage allowance, have not covered the actual expense, but I think I have just reason to complain of being compelled to expend it in any other manner than that for which it was originally granted.

Why Sir George Gipps has placed me in contrast with the Crown Lands Commissioners I am at a loss to conjecture, and cannot help concluding that the allusions connected therewith are invidious and uncalled for. So far as the conscientious discharge of my duties is concerned, due allowance being made for the absence of the means for their more efficient performance, I shrink not from the most searching inquiry, and have no misgivings as to the issue.

That I have been dissatisfied from the beginning, I have already candidly stated, and have assigned my reasons for being so, and I now see no occasion to withdraw any statements I have made. His Excellency, therefore, confers no favour on me by believing my testimony. I regret exceedingly, however, that from the beginning (in the Governor's opinion) " he has had so little reason to be satisfied with me or my exertions." Had Sir George Gipps shown my complaints to be unreasonable, and my written communications unnecessary, I should have felt myself called upon to render an apology, and crave his indulgence.

I cannot but imagine that the Governor laboured under the want of information, when he stated, that " the aborigines were brought to me at Melbourne, &c." It was not till the 1st of April 1839, that I received instructions to proceed to the district of the Goulburn River, &c., at which time I was in possession of no means for the conveyance of my equipment and supplies to so great a distance into the interior. Nor could I have made any movement at all towards that district, had I not procured three bullocks at my own expense, additional to the one allowed by the Government. I arrived at the Goulburn River at the latter end of May, and succeeded in opening a communication with the natives, between 300 or 400 of whom have visited me from time to time. In addition to the various duties arising from my personal intercourse with the natives, acquiring their language, ascertaining their names, localities, relations, &c., &c., distributing supplies, clothing, &c., I have travelled in the district nearly 2,000 miles; during this time I have been three times to Melbourne; the first, to convey my family into the district; the second, to obtain medical advice; and the third, in obedience to the direction of his honour the Superintendent; notwithstanding, as if I had broken through all reasonable restraint, I was informed, under date of 1st of April last, that I was not again to appear in Melbourne, without obtaining, through the Chief Protector, permission from his honour the Superintendent to do so: that is to say, I must apply for and obtain a pass; thus reducing me to a surveillance little more respectable than that of a prisoner.

That I should have cost the public so large a sum, and have rendered such small service in return, was one of the reasons which induced me to tender my resignation. I submit, however, that the inefficiency of my services is to be attributed rather to the inadequacy of the means placed at my disposal, and the absence from the beginning of that countenance which I had a right to expect, than to the want of a disposition " to bestir myself in my proper avocations."

As it regards the allowance to the department of 300*l.* for contingent expenses, as I had no official knowledge of the fact, and no control whatever over the expenditure thereof, I do not understand the reason of any allusion to the matter in a communication in which I only am concerned, and have therefore no observation to offer on the subject.

In conclusion, I beg to avail myself of his Excellency's permission to retire from an office in which I regret I have given or obtained so little satisfaction, and shall hold myself absolved from the service after the 30th instant.

The Chief Protector, &c. &c. &c.

I have, &c.  
(signed) James Dredge.

NEW SOUTH  
WALES.

(C.)

Encls. 4, in No. 72.

LETTER from the Chief Protector to Mr. Assistant Protector *Parker*.(No. 17.)  
Sir,Chief Protector's Office, Melbourne,  
1 April 1839.

WITH reference to my communication of the 21st ultimo, I beg to acquaint you, that the district of ——— has been assigned as the scene of your future operations, and that definite instructions will be forwarded for your guidance as soon as the intentions of the Government are known in reference to this department. I have, therefore, to request that you will proceed to your station with the least possible delay, and transmit to this office, until further instructed, a journal of your proceedings, at least once in every three months.

A complete census also of the aboriginal population, distinguishing the number of each family, with the age, name and sex, as also the tribe to which they belong; the principal persons of each tribe, whether warrior, councillor, elder or otherwise; also the boundaries and aboriginal names of districts occupied by each tribe; the aboriginal names of mountains, lakes, rivers and other localities; the difference of language, customs and habits of each tribe, with their political relation, whether of amity or hostility; and any other information bearing upon the before-mentioned subjects it will be desirable to communicate.

I have, &amp;c.

(signed) *G. A. Robinson, C.P.*Mr. Assistant Protector *Parker*.No. 11.—LETTER from his Honour the Superintendent of Port Phillip to the  
Colonial Secretary.

(No. 43-398.)

Sir,

Melbourne, 16 March 1843.

IT is my duty to forward to you, for his Excellency's satisfaction, the following reports from the aboriginal stations.

1. Special Report from Mr. Assistant Protector *Parker*, dated the 5th January last, Lodden District.
2. Report from Assistant Protector *Thomas*, from 1st December 1842 to the 1st March 1843.

The Report from Mr. *Parker*, with its valuable Appendices, will be gratifying, in many points, to his Excellency.

A recent visit to Mr. *Parker*'s station enables me to express my great satisfaction at the state of things there; and with the general good management evinced by him in superintending the aboriginal station under his charge.

His Excellency may observe, that notwithstanding the large number of natives who have been frequently congregated there during the last 24 months, not a single case of homicide has occurred among any of them since the formation of the establishment, and that the property of the settlers, for a very considerable circuit, appears to have been altogether exempt from outrages of any description.

I have, &amp;c.

The Honourable the Colonial Secretary,  
&c. &c. &c.(signed) *C. J. La Trobe.*

(Enclosure 1.)

LETTER from Mr. Assistant Protector *Parker* to the Chief Protector.

Sir,

Melbourne, 30 January 1843.

IN remitting to you the accompanying report and appendices, I beg most respectfully to express my sincere regret that it has been out of my power to complete them at an earlier period; the principal cause of their being thus retarded has been severe bodily affliction, the result of the painful bereavement I have recently suffered. The frequent recurrence of an oppressive fulness in the blood-vessels of my head has compelled me repeatedly to abstain from all mental application; the most threatening symptoms have now, I am happy to say, yielded to medical treatment.

I have, &amp;c.

The Chief Protector, &amp;c. &amp;c. &amp;c.

(signed) *Edward S. Parker, A.P.A.*

(REPORT

(REPORT referred to.)

NEW SOUTH  
WALES.Aboriginal Station, Lar-ne-barramul, River Lodden,  
5 January 1843.

Sir,

Encls. 4, in No. 72.

I do myself the honour to submit to your notice the following special report, embodying such information respecting the numbers, habits and condition of the aborigines in this district, as I have been able to obtain during the past year, together with certain facts illustrative of the advantages resulting from the formation of the station under my charge, which appear to me of sufficient importance to make the subject of special communication to Her Majesty's Government. I have thrown this information into the form of a report, as a more eligible medium than the limited and periodical details of a journal.

I have endeavoured, during the past year, to extend my observation and influence as far as possible over the district assigned to my charge; but from its extent, and the diversity of languages and interests among the aborigines occupying it, I find it impracticable to maintain constant intercourse with more than the people usually frequenting the station on the Lodden. Another homestead and reserve are urgently required between the Pyrenees and Grampians; under an intelligent overseer, such a station might be made subordinate to the one now under my charge.

The portion of my district to which I have been able to give my attention, up to the present time, extends from the Campaspe on the east, to Mount William on the west, and from the Buninyong ranges on the south, to within a few miles of Major Mitchell's outward line on the north, i.e. about 110 miles from east to west, and 70 from north to south.

I have communicated with nearly all the aborigines inhabiting this tract of country and the adjacent parts, both to the southward and northward. Annexed I have the honour to remit a new census of the district, including returns from 40 sections, or as they may be more correctly termed, tribes.\* This census includes the names of 670 individuals; of these, 445 have sojourned at the homestead for various periods during the past year; 119 others I have seen in various parts of the district within the same period; the remaining 106 have been reported to me by intelligent aborigines, on whose information I can confide. Many other individuals have also been named to me as inhabiting various parts of the district, but as they have not been seen by my informants for many months, I shall not report them till satisfied of their existence. From the information I now possess, I cannot estimate the aboriginal population of my district at less than 1,000; and in this estimate I do not include any of the tribes on the River Murray, whose numbers are unquestionably very considerable; nor have I included in my present census the Marpeanbulluk, the Marinbulluk, or the Konoug-willam sections, of whom I before had the honour of remitting you returns, as these people have never yet visited the stations on the Lodden, and appear to confine themselves mostly to the country south of Mount Macedon and Buninyong.

Appendix, No. 1.

I have found not less than eight different dialects prevalent among these people; viz. the Witowro in the neighbourhood of Buninyong and Barumbeel; the Jajowrong in the country between the Lodden and the Pyrenees; the Knenknenwurro, in the vicinity of the Pyrenees, and to the westward; the Burapper, among the Mallegoondet; the Taoungarong among the petty tribes north of Mount Alexander, and on the Campaspe; the Nindakkedwong, to the westward of the Pyrenees; and at least two other dialects, respecting which I do not at present possess definite information, among the Bolokepar, and the tribes on the Wimmera. The Jajowrong language is generally understood by the majority of the aborigines frequenting the station. The Knenknenwurro prevails among the tribes between the Pyrenees and Grampians. The Burapper is, I have reason to believe, spoken on some parts of the Murray. I append a specimen of five of these dialects, consisting of a selection of 100 of the most common words in each.

Appendix, No. 2.

I find but little difference in the habits and customs of these people. A few slight variations are induced by the peculiarities of the country in which they range; but in general their civil and moral condition is identical. I see every where the same improvidence, the same degradation, the same gross and beastly sensuality; in short, I see everywhere conclusive evidence, that the great obstacles to their improvement are purely moral; that to the influence of religious truth on their minds we can alone look as the means of their permanent civilization.

There can be no question, however, that the residence of an official representative amongst them, and the establishment of a permanent homestead and reserve for their advantage, have been attended with the most beneficial results, both to the settlers and the aborigines. Prior to my arrival among them in November 1840, it is stated by the natives themselves, that most of them were in the habit of pilfering sheep, when they could get an opportunity. Several of the Jajowrong natives had been shot, so far as I can learn, without any

\* These sections possess the peculiar distinctions of tribes, being composed of members mostly related to each other, and usually associated together. The terms Waverong tribe, Jajowrong tribe, &c., appear to me to be improper, these designations being applied to a number of individuals speaking the same dialect, but having no common unity among themselves.

EW SOUTH  
WALES

Encls. 4, in No. 72.

Appendix, No. 3.

any justification. I have not, however, been able to trace a single homicide to the Jajowrong tribes prior to the month of March 1841. On the eastern side of the district, aboriginal outrages were formerly very frequent, mostly perpetrated by the Taoungurong natives, and several lives were sacrificed on both sides; none, however, have occurred since May 1841. To the westward, in the vicinity of the Pyrenee and Grampians, disturbances were formerly frequent; but since I visited that part of my district in March last, and communicated with about 130 aborigines, I have not heard of any new offences. I have endeavoured to obtain an account of all homicides, both by blacks and whites, since the occupation of the district, and have the honour to append a return. This you will perceive exhibits a fearful preponderance against the whites.

Appendix, No. 4.

During the past year very few aggressions have taken place on the part of the aborigines, in any part of the district. I again have to express my regret that it is not obligatory on the settlers to communicate to me any collisions they may have with the natives. I have instituted minute inquiries among all the settlers in the district, to whom I have had the opportunity of access, and they uniformly bear testimony to the general good conduct of the natives connected with the station. With the single, but painful, exception of the murder of Mr. Allan, no serious outrage, so far as I have been able to learn, has been committed by the aborigines in any part of the district during the year. Annexed is a return of all cases which have come to my knowledge since the 1st January 1842. No aboriginal life has been sacrificed since that period within the limits of the district.

Appendix, No. 5.

I now advert to the measures adopted for the improvement of the natives; every Sabbath during the year they have been assembled for divine worship; but prior to the erection of the church, it was frequently impracticable to bring them all together, no building on the station being competent to contain them, and the weather preventing their assembling in the open air. I therefore commence my return of the numbers attending divine service from the day on which the shell of the church was first occupied. On these occasions I endeavour to convey to them in their own language such truths as I can find suitable expressions for. They are generally attentive, and some circumstances have occurred which indicate that these truths have not been altogether without influence on their minds. I regret that the school has not been in a very efficient state, owing to the want of a well-qualified instructor, and the constant call for the exertions of every one belonging to the establishment in the agricultural and mechanical business of the station. The average attendance throughout the year has been from 12 to 20. With a competent teacher, in particular with one trained in the infant school system, and, with suitable apparatus, much more might be done in this department of the work. The annexed return of the average daily attendance shows that 36 boys have been on the average daily present at the station during the year. Of these about 27 are of an age to attend the school.

Appendix, No. 6.

In the formation and progress of the station, the aborigines have rendered very efficient aid. I find it impracticable, from the manner in which their labour is mixed up with that of the whites, to particularise it. I must refer to the monthly returns of the number of days on which they have been employed, for an estimate of the amount of their labour. The present condition of the homestead, which has so recently been inspected both by yourself and his honour the Superintendent, I trust, speaks for itself. I append a report of the state of buildings, cultivation, &c., up to the 31st December 1842.

Appendix, No. 7.

The women and girls are occasionally employed in the manufacture of grass hats, baskets, table mats, &c. A return of the number of each article now in the store will be found in the Appendix.

Appendix, No. 8.

Although there unquestionably exists a strong disposition in the aborigines to rove about from place to place, and this disposition is greatly enhanced by the wide range they take in search of certain descriptions of food, I have found in many instances that their habits become greatly modified by the regular supply of food, and the efficient protection which they can enjoy at the station. The first step to their civilization is their concentration in sufficient numbers to make their instruction practicable. In their primitive state they are broken up into innumerable small parties, which only come together on some extraordinary occasions. The establishment of a homestead has furnished them with a point of union, of which the natives under my control have readily availed themselves. Since the station was first formed it has never been forsaken; and the average daily attendance, which has been taken every month, shows that the average number daily present throughout the year 1842, has been 114. To illustrate the fact that there exists a disposition in many of the aborigines to forego, to a certain extent, their wandering habits, I append an account of the number of days spent at the station within the year by 40 of the aboriginal men and 18 boys, mostly orphans. The families of these men, amounting to 65 individuals, have in many instances, spent larger portions of the year at the station than the men. From this return it will be seen that all the men have been more than half the year at the station, and many of them from nine to ten months.

Appendix, No. 9.

I feel it my duty respectfully to call the attention of the Government to certain obstacles which I have to encounter in my efforts to improve the condition of the aborigines. One is, the encouragement they receive from some of the settlers to congregate around their stations, that they may avail themselves of their labour. Many of the men, from the training they have received at the station, are now become very useful, as splitters, fencers, washing sheep,

sheep, &c. During the months of October and November last, numbers of the men have been employed at neighbouring stations washing sheep and stripping bark, at a time when their labour was much wanted at their own homestead. It is not so much the loss of their labour I complain of, as the deteriorating effects of their intercourse with the depraved portion of the white population. In some instances direct efforts have been made to counteract the instruction they have received while at the station. I respectfully submit that the squatters should be restrained from employing the aborigines without the knowledge and permission of the Assistant Protector. Another obstacle exists in the want of an adequate police connected with the station, to check the commission of offences "*inter se*;" to detect and punish any outrages on the persons and property of the settlers; and to exercise a sufficient surveillance over the badly disposed whites to prevent the shameless prostitution of the women and girls; and often the consequent destruction of the master's property. Two steady mounted men, capable of training four or five well-disposed aborigines, would be sufficient for the purpose.

In conclusion, I beg respectfully to express my hope that what has been already accomplished in this district will be deemed a sufficient encouragement to perseverance in the effort to improve the condition of these unfortunate people. I am fully aware that the experiment is an expensive one; but I have every reason to hope that the expense during the ensuing year will be considerably diminished. The grain produced this season on the station will supply most of the flour required. And were a moderate quantity of live stock now placed on the reserve, in a short time all the animal food required would be produced without expense. I beg again respectfully to submit this subject to the consideration of the Government. I earnestly hope that by a steady perseverance in the present system, ample provision may be made for the aborigines in compensation for the loss of their country, the property of the settlers may be rendered secure, the peace of the country preserved, and ultimately these long degraded people raised to the enjoyment of the blessings of civilization and Christianity.

I have, &c.

The Chief Protector,  
&c. &c. &c.

(signed) Edward S. Parker, A. P. A.

Appendix, No. 1.

CENSUS of the Aborigines in Mr. Protector *Parker's* District.

The letter (s.) appended to the Name, indicates that the Party has been at the Station during the year; the letter (c.), that the Party has been seen by the Assistant Protector in some part of the District during the year.

| No. in Family.                                 | NAME.                       | SEX.   | Proxi- mate Age.                           | REMARKS.   | No. in Family.                                     | NAME.         | SEX.     | Proxi- mate Age.                                  | REMARKS. |
|--|-----------------------------|--------|--|--|--|---------------|----------|---|----------|
| (1.)—LEARKABULLUK.—Dialect, <i>Jajourong</i> . |                             |        |  |  | (3.)—WORUNBULLUK.—Dialect, <i>Jajourong</i> .      |               |          |   |          |
| 7  | Munangabam                  | s.     | adult                                      | - - this man possesses the distinction of Neyerameyerneet, or chieftain over most of the Jajow-rog people.   | 4  | Wilkarmin     | s.       | adult.  |          |
|  | Kalpurnneen                 | s.     | adult.                                     |  |  | Malingorooch  | s.       | adult.  |          |
|  | Berietpurnneen              | s.     | adult.                                     |  |  | Kotoo-nurraen | s.       | girl.   |          |
|  | Nallenneen                  | s.     | girl.                                      |  |  | Yapoondurraen | s.       | girl.   |          |
|  | Pourgoondeet                | s.     | child.                                     |  | Yerrehulluk  | s.            | adult.   |   |          |
|  | Dindo-nurraen               | s.     | child.                                     |  | (4.)—KOMANGARRABULLUK.—Dialect, <i>Jajourong</i> . |               |          |   |          |
|  | Bagoogon or Konigoondeet s. | adult  |  |  | 2  | Wondalagoel   | s.       | adult.  | orphan.  |
| Wilwilnammy                                    | s.                          | young  | Noormozaen                                 | s.   |  | adult.        |          |   |          |
| Jimbomin                                       | s.                          | young  |  | Wortparap  | s.   | young         |          |   |          |
| Opum   | s.                          | young  | orphan brothers.                           | (5.)—TURING-BULLUK.—Dialect, <i>Jajourong</i> .  |  |               |          |   |          |
| Noorgomin                                      | s.                          | young  |  | 2  | Yammerlangeet                                      | s.            | aged.    |   |          |
| Miam   | s.                          | aged.  |  |  | Nangin-urraen                                      | s.            | aged.    |   |          |
| Mokin  | s.                          | adult  |  |  | Wilkurraen   | s.            | aged.    |   |          |
| Doongorooch                                    | s.                          | adult. |  | - - this and the two following families, have formed a separate section called the "Tar-dar-dy-lan," but they are commonly classed with the Learka-bulluk. | Parragoondeet                                      | s.            | child.   |   |          |
| Lamlam   | s.                          | adult. |  |  | Karringeboot                                       | s.            | adult.   |   |          |
| Blairneen                                      | s.                          | adult. |  |  | Werago-urraen                                      | s.            | adult.   |   |          |
| Wurpurnneen                                    | s.                          | adult. | Gemboowarraen                              |  | s.   | adult.        |          |   |          |
| Larpurnneen                                    | s.                          | child. | Kienburraen                                |  | s.   | girl.         |          |   |          |
| Waindeek-waindeek                              | s.                          | child. | Balurnneen                                 |  | s.   | child.        |          |   |          |
| Toolernurnin                                   | s.                          | adult. | Dongdong                                   |  | s.   | aged.         |          |   |          |
| Narre-nurraen                                  | s.                          | adult. | Tindowia                                   | s.   | child.   |               |          |   |          |
| Lamlam-nurraen                                 | s.                          | aged.  | Towurraen                                  | s.   | girl.  |               |          |   |          |
| Turko-nurraen (1)                              | s.                          | girl.  |  | Parragoondeet  | s.   | adult.        |          |   |          |
| (2.)—GALGALBULLUK.—Dialect, <i>Jajourong</i> . |                             |        |  |  | 2  | Toolwurnneen  | s.       | adult.  |          |
| 6  | Booring-urnin               | s.     | aged.                                      | 2  | Moorun-nurnin                                      | s.            | young.   | (6.)—WORNARRA-GERRAR.—Dialect, <i>Jajourong</i> . |          |
|  | Beerarurraen                | s.     | adult.                                     |  | Learkgoondeet                                      | s.            | adult.   | all young men.                                    |          |
|  | Ent-narremin                | s.     | girl.                                      |  | Boong-arrapurnneen                                 | s.            | adult.   |   |          |
|  | Kolliet                     | s.     | young.                                     |  | Weragoondeet                                       | s.            | adult.   |   |          |
|  | Peet-peet-urraen            | s.     | child.                                     |  | Moomlargoorch                                      | s.            | adult.   |   |          |
|  | Bingo-nurraen               | s.     | girl.                                      |  | Tigorooh   | s.            | adult.   |   |          |
| Pullnark                                       | s.                          | adult. | Partkonurur                                | s.   | adult.   |               |          |   |          |
| Mayurraen                                      | s.                          | adult. | Pourpulleen                                | s.   | adult.   |               |          |   |          |
| Nertukulurraen                                 | s.                          | girl.  | Karkkartgorong                             | s.   | young.   |               |          |   |          |
| Pekomurraen                                    | s.                          | girl.  | Wearo-nurraen                              | s.   | child.   |               |          |   |          |
| Pitarraen                                      | s.                          | child. | Wombu-nurraen                              | s.   | child.   |               |          |   |          |
| Kolewerong                                     | s.                          | child. | Tepurramin                                 | s.   | adult.   |               |          |   |          |
| Neet-kalk-goondeet                             | s.                          | child. | Karkurraen                                 | s.   | adult.   |               |          |   |          |
| 5  | Nandelovandik               | s.     | adult.                                     | Tulgumurnin  | s.   | adult.        | orphans. |   |          |
|  | Noolernurraen               | s.     | young.                                     | Powen-nurraen  | s.   | adult.        |          |   |          |
|  | Koriengbin                  | s.     | child.                                     | Nerapuramurraen  | s.   | adult.        |          |   |          |
|  | Looternek                   | s.     | child.                                     | Learpurnin   | s.   | adult.        |          |   |          |
|  | Koning-aramin               | s.     | adult.                                     | Nerrimbaptyrooch   | s.   | adult.        |          |   |          |
| Tlakurnin                                      | s.                          | adult. | Martkomurnin                               | s.   | adult.   |               |          |   |          |
| Witukulurraen                                  | s.                          | adult. | Nowtwee                                    | s.   | adult.   |               |          |   |          |
| Walloom  | s.                          | adult. | Nalloohpsair                               | s.   | child.   |               |          |   |          |
| Nerre-nurraen                                  | s.                          | adult. | Boonboondalla                              | s.   | adult.   |               |          |   |          |
| Bien-bien-gorooh                               | s.                          | child. | Werturramin                                | s.   | adult.   |               |          |   |          |
| 4  | Pourut-nurnin               | s.     | adult.                                     | Nerrim-gerrar  | s.   | adult.        |          | orphans.  |          |
|  | West                        | s.     | adult.                                     | Milpanurnin  | s.   | adult.        |          |   |          |
|  | Doring-gorooh               | s.     | adult.                                     | Tigumurnin   | s.   | adult.        |          |   |          |
|  | Barowurraen                 | s.     | adult.                                     | Perkom   | s.   | adult.        |          |   |          |
| Pitu-nurnin                                    | s.                          | adult. | Winnakarremin                              | s.   | adult.   |               |          |   |          |
| Yarowurraen                                    | s.                          | adult. | Teenmarramin                               | s.   | young.   |               |          |   |          |
| Didollomoom                                    | s.                          | aged.  | Modebarremin                               | s.   | child.   |               |          |   |          |
| Nerrepurnneen                                  | s.                          | aged.  | Waimmarramin                               | s.   | young.   |               |          |   |          |
| Larigoondeet                                   | s.                          | aged.  | Pulle-tirit                                | s.   | young.   |               |          |   |          |
| Wiaturnneen                                    | s.                          | adult. | Goruu-nurraen                              | s.   | adult.   |               |          |   |          |
| Walpul-durnin                                  | s.                          | adult. | Tusnarramin                                | s.   | young.   |               |          |   |          |
| Beembarmin                                     | s.                          | young. | Terangurraen                               | s.   | child.   |               |          |   |          |
| 2  | Tamurnin                    | s.     | adult.                                     | Talkilween   | s.   | adult.        | orphans. |   |          |
|  | Tigourraen                  | s.     | adult.                                     | Narurnneen   | s.   | girl.         |          |   |          |
| Moyop-urnin                                    | s.                          | adult. | Mianin-ginnar                              | s.   | adult.   |               |          |   |          |
| Worong-urraen                                  | s.                          | aged.  | TEBARK-BULLUK.—Dialect, <i>Jajourong</i> . |  |  |               |          |   |          |
| Tauder-nurraen                                 | s.                          | adult. | 4  | Wandung  | s.   | aged.         |          | orphans.  |          |
| Parndurraen                                    | s.                          | child. |  | Turowurraen  | s.   | adult.        |          |   |          |
| Doortgorooh                                    | s.                          | aged.  |  | Laironurraen   | s.   | adult.        |          |   |          |
| Kaanderremin                                   | s.                          | child. |  | Wollurraen   | s.   | girl.         |          |   |          |
| Bienbal  | s.                          | aged.  | Nyar (2)                                   | s.   | child.   |               |          |   |          |
| Keramburraen                                   | s.                          | adult. | Noolanullah                                | s.   | adult.   |               |          |   |          |
| Meyoon-arremin                                 | s.                          | adult. | Tamboon                                    | s.   | young.   |               |          |   |          |
| 3  | Kombarremin                 | s.     | adult.                                     | Boiboi   | s.   | young.        |          |   |          |
|  | Witeramin                   | s.     | adult.                                     | Boorgie  | s.   | young.        |          |   |          |
|  | Kaernsamin                  | s.     | adult.                                     | Beangurraen  | s.   | girl.         |          |   |          |
|  | Mingoramia                  | s.     | adult.                                     |  |  |               |          |   |          |
|  | Powru                       | s.     | adult.                                     |  |  |               |          |   |          |
|  | Wallieramin                 | s.     | adult.                                     |  |  |               |          |   |          |
|  | Yalubeen                    | s.     | adult.                                     |  |  |               |          |   |          |

| No. in Family.                                      | NAME.               | SEX.   | Proxi- mate Age. | REMARKS.   | No. in Family.   | NAME.              | SEX.   | Proxi- mate Age. | REMARKS.     |  |
|---|---------------------|--------|------------------|--|--|--------------------|--------|------------------|--------------|--|
| (7.) BEALBULLUK.—Dialect, <i>Jajourong</i> .        |                     |        |                  |  | TOOLODRABULLUK.—Dialect, <i>Witowro</i> .                  |                    |        |                  |              |  |
| 2   | Nijurnia            | male   | aged             | } — the only remnant of a numerous section.        | 3  | Boondoom           | male   | aged             | } young men. |  |
|   | Nowel               | male   | adult            |  | 3  | Bianbiengrooh      | female | adult            |              |  |
| (8.) KAKAL GOONDEET.—Dialect, <i>Jajourong</i> .    |                     |        |                  |  | KALK-K-KNER-KKEET-BULLUK.—Dialect, <i>Witowro</i> .        |                    |        |                  |              |  |
|   | Wetargomurnin       | male   | aged.            | } orphans.   | 2  | Boondiwerra        | male   | adult.           |              |  |
|   | Bereboondurneen     | female | aged.            |  | 3  | Yowandurneen       | female | adult.           |              |  |
| 5   | Millin Millip       | male   | youth.           |  |  | Woon               | male   | adult.           |              |  |
|   | Merrim-goondeet (2) | male   | youth.           |  | VARIOUS SECTIONS, UNASCERTAINED.—Dialect, <i>Witowro</i> . |                    |        |                  |              |  |
|   | Perest-gorooch      | female | girl.            |  |  | Torun-nook         | male   | adult.           |              |  |
|   | Wowing nap          | male   | adult.           |  |  | Modung-knoora      | male   | adult.           |              |  |
| 3   | Pagonurneen         | female | adult.           |  |  | Bandyar            | male   | adult.           |              |  |
|   | Dindarmin           | male   | child.           |  |  | Peegurrar          | male   | adult.           |              |  |
|   | Merrim-goondeet (1) | male   | adult.           |  |  | Toort-gar          | male   | adult.           |              |  |
| 2   | Yeepkurneen         | female | adult.           |  |  | Noopooing-urmin    | male   | adult.           |              |  |
|   | Berist-goondeet (1) | male   | adult.           |  |  | Terim-bolger       | male   | adult.           |              |  |
| 3   | Powarre             | female | adult.           |  |  | Koorokoch          | male   | adult.           |              |  |
|   | Fovokil             | male   | adult.           |  |  | Boorus-gan-derre   | male   | adult.           |              |  |
| 2   | Wain                | male   | youth.           |  |  | Oondiat            | male   | adult.           |              |  |
|   | Nove                | male   | youth.           |  |  | Yening-a-bilp      | male   | aged             |              |  |
|   | Pagoermin           | male   | youth            |  | Yurook   | male               | adult  |                  |              |  |
| (9.) TANNEBULLA.—Dialect, <i>Jajourong</i> .        |                     |        |                  |  |  | Mulu-ert-doogorook | female | aged.            |              |  |
|   | Kolkoneburrar       | male   | aged.            | BORUMBULLUK.—Dialect, <i>Kuen-inea-Werrong</i> .   |  |                    |        |                  |              |  |
|   | Maltagurrar         | male   | adult.           |  | Yerngoondeet   | male               | adult. |                  |              |  |
| 3   | Weterramen          | female | adult.           |  | Beraratagorook   | female             | adult. |                  |              |  |
|   | Moon-hills-murneen  | female | child.           |  | Yuwurt-urneen  | female             | adult. |                  |              |  |
|   | Narriet-ogurrar     | male   | adult.           |  | Kuurt-powerra (1)  | male               | child. |                  |              |  |
| 8   | Kommetarook         | female | adult.           |  | Meetballe  | male               | child. |                  |              |  |
|   | Tikairwil           | male   | child.           |  | Noormarramin   | male               | child. |                  |              |  |
| 1   | Weembowin           | male   | adult.           |  | Moornu-wella   | male               | adult. |                  |              |  |
|   | Weijerre            | male   | adult.           |  | Limbongeen   | female             | girl.  |                  |              |  |
|   | Komberreem          | female | adult.           |  | Norwerramin  | male               | adult. |                  |              |  |
| 4   | Nerrimbiptyrooh     | female | adult.           |  | Liemmurneen  | female             | adult. |                  |              |  |
|   | Un-named            | male   | infant.          |  | Turarramin   | male               | youth. |                  |              |  |
|   | Narke-gobungar      | male   | adult.           |  | Karnagoregorook  | female             | child. |                  |              |  |
|   | Beraron-urneen      | female | aged.            |  | Morang   | male               | adult. |                  |              |  |
| 4   | Kaupurneen          | female | adult.           |  | Talkillamurneen  | female             | adult. |                  |              |  |
|   | Yereep a            | male   | youth.           |  | Nippo-arramin  | male               | adult. |                  |              |  |
|   | Boondurnin          | male   | adult.           |  | Narig  | female             | adult. |                  |              |  |
|   | Tura-bulgorook      | female | adult.           |  | Kuurt-powerra (2)  | male               | adult. |                  |              |  |
| 4   | Warpoon             | female | girl.            |  | Urruparin  | male               | adult. |                  |              |  |
|   | Un-named            | female | infant.          |  | Berist-goondeet (2)  | male               | adult. |                  |              |  |
|   | Marang-un           | male   | aged.            |  | Tolkonamin   | male               | adult. |                  |              |  |
|   | Kekoondet           | male   | adult.           |  | Deetkonarramin   | male               | adult. |                  |              |  |
| PERRICK-EL-MOON-BULLUK.—Dialect, <i>Jajourong</i> . |                     |        |                  |  |  | Noormarramin       | male   | adult.           |              |  |
|   | Poikun-yowerra      | male   | adult.           |  | Knot-marramin  | male               | adult. |                  |              |  |
|   | Wongu-murneen       | female | adult.           |  | Karakalk-goondeet  | male               | youth. |                  |              |  |
| 4   | Teeng-urneen        | female | adult.           |  | Noodyang-arramin   | male               | youth. |                  |              |  |
|   | Kollin-nat-yar      | male   | youth.           |  | Boonbo-arramin   | male               | youth. |                  |              |  |
|   | Ulandarramin        | male   | adult.           |  | Moorn-dun-arramin  | male               | youth. |                  |              |  |
|   | Mingook             | male   | adult.           |  | Yeritarramin   | male               | youth. |                  |              |  |
|   | Twerarramin         | male   | adult.           |  | Doogurneen   | female             | aged.  |                  |              |  |
|   | Tigomarramin        | male   | adult.           |  | Wilpkoorneen   | female             | aged.  |                  |              |  |
|   | Keepo-marrak        | male   | adult.           |  | Warraudarramin   | male               | adult. |                  |              |  |
|   | Deet-ko-murnin      | male   | adult.           | BOORPERRARMIN.—Dialect, <i>Kuen-inea-Werrong</i> . |  |                    |        |                  |              |  |
| 2   | Bonedon-gorook      | female | adult.           |  | Poeterramin  | male               | adult. |                  |              |  |
|   | Tangowerrin         | male   | adult.           |  | Kooookookook   | male               | youth. |                  |              |  |
|   | Yelunbeen           | female | adult.           |  | Toonburneen  | female             | girl.  |                  |              |  |
| 3   | Werow-murneen       | female | adult.           |  | Kietyern   | female             | adult. |                  |              |  |
| BORUMBERT-BULLUK.—Dialect, <i>Witowro</i> .         |                     |        |                  |  |  | Berriengiboupp     | male   | child.           |              |  |
|   | Noonallaboon        | male   | aged.            |  | Boiyun-garramin  | male               | youth. |                  |              |  |
|   | Poit-yoon-burneen   | female | adult.           |  | Palmurneen   | female             | girl.  |                  |              |  |
| 4   | Meenur-neen         | female | aged.            |  | Yelpabooyep  | male               | youth. |                  |              |  |
|   | Woromurneen         | female | child.           |  |  |                    |        |                  |              |  |
|   | Bullarp-bullarp     | male   | adult.           |  |  |                    |        |                  |              |  |
| 2   | Wart-gorook         | female | adult.           |  |  |                    |        |                  |              |  |
|   | Yarmonarrak         | male   | adult.           |  |  |                    |        |                  |              |  |
| 2   | Nat-yoon-durneen    | female | adult.           |  |  |                    |        |                  |              |  |
|   | Petumarrarik        | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Boree-dogorook      | female | adult.           |  |  |                    |        |                  |              |  |
| 4   | Man-gu-airneen      | female | adult.           |  |  |                    |        |                  |              |  |
|   | Konuwarra           | male   | child.           |  |  |                    |        |                  |              |  |
|   | Peedowin            | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Teepo-marrang       | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Totol-gerrar        | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Berbin-morooch      | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Toan                | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Wargoondeet         | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Murrinooh           | male   | youth.           |  |  |                    |        |                  |              |  |
|   | Boonbo-urnin        | male   | aged.            |  |  |                    |        |                  |              |  |
| 3   | Birrit-korah        | female | aged.            |  |  |                    |        |                  |              |  |
|   | Wardellar           | male   | adult.           |  |  |                    |        |                  |              |  |
| 2   | Diving-urneen       | female | adult.           |  |  |                    |        |                  |              |  |
|   | Darlook             | male   | adult.           |  |  |                    |        |                  |              |  |
|   | Bewerurneen         | female | girl.            |  |  |                    |        |                  |              |  |
|   | Woningurneen        | female | girl.            |  |  |                    |        |                  |              |  |

| No. in Family.                                 | N A M E.  | SEX.              | Proxi-<br>mate<br>Age. | REMARKS.   | No. in<br>Family.  | N A M E.              | SEX.           | Proxi-<br>mate<br>Age. | REMARKS. |        |
|--|---|-------------------|------------------------|--|--|-----------------------|----------------|------------------------|----------|--------|
| <b>TEAN-BULLUK.—Dialect, Knen-ken-Wurrong.</b> |   |                   |                        |  | <b>YONGBULLUK.—Dialect, Yarra-Yowuro (also Jajowrong).</b>   |                       |                |                        |          |        |
| 3  | Ling-yowerre                                    | s.                | male                   | - - this section was nearly destroyed by the late J. F. Francis, who shot four men belonging to it. Their families, numbering six persons, are scattered among other sections. | 3  | Winnakurria (1)       | s.             | male                   | adult.   |        |
|  | Tiboondurreen                                   | s.                | female                 |  |  | Mowernea              | s.             | female                 | adult.   |        |
|  | Wongurap  | s.                | male                   |  |  | child.                | Yoot-nar-meen  | s.                     | female   | girl.  |
|  | Kanpararamin                                    | s.                | male                   |  |  | youth.                | Maramurria     | s.                     | male     | adult. |
| <b>UJOWLBULLUK.—Dialect, Knen-ken-Wurrong.</b> |   |                   |                        |  | <b>LARNING-GOONBERT.—Dialect, Yarra-Yowuro (Jajowrong).</b>  |                       |                |                        |          |        |
| 6  | Wertarramin                                     | s.                | male                   | aged.  | 5  | Leelgonar             | s.             | male                   | aged.    |        |
|  | Wirripgorook                                    | s.                | female                 | adult.   |  | Toi-konurreen         | s.             | female                 | aged.    |        |
|  | Kereko-nurreen                                  | s.                | female                 | adult.   |  | Yim-yim-nurreen       | s.             | female                 | girl.    |        |
|  | Bulbul-nurreen                                  | s.                | female                 | girl.  |  | Knuwurt-nurreen       | s.             | female                 | girl.    |        |
|  | Lamlam-nurreen                                  | s.                | female                 | girl.  |  | Millip-arramin        | s.             | male                   | child.   |        |
|  | Nannin-nannet                                   | s.                | male                   | child.   |  | Yarmerrrenun          | s.             | male                   | aged.    |        |
|  | Tingonar  | s.                | male                   | aged.  |  | Tooldoowiderook       | s.             | female                 | aged.    |        |
|  | Toomdoomdyarook                                 | s.                | female                 | adult.   |  | Biggowarramin         | s.             | male                   | youth.   |        |
|  | Yeping-arramin                                  | s.                | male                   | youth.   |  | Yaryanurreen          | s.             | female                 | girl.    |        |
|  | Kokeen-kenlook                                  | s.                | female                 | child.   |  | Palmedurreen          | s.             | female                 | girl.    |        |
| 3  | Ketarramin                                      | s.                | male                   | adult.   | Onoyongarrameen  | s.                    | female         | girl.                  |          |        |
|  | Wien-wien-nurreen                               | s.                | female                 | adult.   | Narrikingurree   | s.                    | male           | child.                 |          |        |
|  | Tambarramin                                     | s.                | male                   | child.   | Wairngarramin  | s.                    | male           | adult.                 |          |        |
|  | Nartigarroop                                    | s.                | male                   | adult.   | Biwairreen   | s.                    | female         | adult.                 |          |        |
|  | Larbin-minnooh                                  | s.                | female                 | adult.   | Goreepurreen   | s.                    | female         | adult.                 |          |        |
|  | Tupet-Konarramin                                | s.                | male                   | adult.   | Petuarramin (2)  | s.                    | male           | youth.                 |          |        |
|  | Tayn-nurreen                                    | s.                | female                 | adult.   | Neenbonameen   | s.                    | female         | child.                 |          |        |
|  | Karraramin                                      | s.                | male                   | adult.   | Koalkurreen  | s.                    | female         | child.                 |          |        |
|  | Yammer-karp-gorook                              | s.                | female                 | adult.   | Dindurnia  | s.                    | male           | adult.                 |          |        |
|  | Dingo-nurreen                                   | s.                | female                 | child.   | Manalla-nurreen  | s.                    | female         | adult.                 |          |        |
| 2  | Ka-oungerrar                                    | s.                | male                   | adult.   | Kemoondarrar   | s.                    | male           | adult.                 |          |        |
|  | Yoelpu-yurreen                                  | s.                | female                 | adult.   | Petuarramin (1)  | s.                    | male           | adult.                 |          |        |
|  | Moorin-burmin                                   | s.                | male                   | aged.  | Metowarreen  | s.                    | female         | adult.                 |          |        |
|  | Kuelles-nurreen                                 | s.                | female                 | adult.   | <b>PARGOONBERT.—Dialect, Jajowrong.</b>  |                       |                |                        |          |        |
|  | Bookin-nirrikook                                | s.                | female                 | child.   | 3  | Tienburreen           | s.             | male                   | aged.    |        |
|  | Urong-arramin                                   | s.                | male                   | youth.   |  | Pair-marag-reen       | s.             | female                 | aged.    |        |
|  | Lienboong-amin                                  | s.                | male                   | aged.  |  | Deetonarramin         | s.             | male                   | youth.   |        |
|  | Wien-durreen                                    | s.                | female                 | adult.   |  | Boorong-illa-burramin | s.             | male                   | adult.   |        |
|  | 4   | Yeeping-aramin    | s.                     | male   | youth.   | Tinnaspurreen         | s.             | female                 | adult.   |        |
|  |   | Koning-yalook     | s.                     | female   | child.   | Peet-yang-urreen      | s.             | female                 | girl.    |        |
| Takka-warm                                     |   | s.                | male                   | adult.   | Boopilla yurreen   | s.                    | female         | girl.                  |          |        |
| Oi-yim-burreen                                 |   | s.                | female                 | adult.   | Deetkonarramin   | s.                    | male           | adult.                 |          |        |
| Mores-arramin                                  |   | s.                | female                 | adult.   | Wondun-marramin  | s.                    | male           | youth.                 |          |        |
| Nalsetarramin                                  |   | s.                | male                   | adult.   | Merrimurria  | s.                    | male           | adult.                 |          |        |
| Knyel-melp                                     |   | s.                | male                   | adult.   | Nonn-arramin   | s.                    | male           | adult.                 |          |        |
| Keter-nurreen                                  |   | s.                | female                 | aged.  | Nannurria  | s.                    | male           | adult.                 |          |        |
| Uron-burreen                                   |   | s.                | female                 | adult.   | Polomurreen  | s.                    | female         | adult.                 |          |        |
| Tarrin-pin-durreen                             |   | s.                | female                 | aged.  | Worrakper  | s.                    | male           | youth.                 |          |        |
| 2  | Turkomurreen (2)                                | s.                | female                 | girl.  | Pago-marramin  | s.                    | male           | youth.                 |          |        |
|  | Doongilla-nurreen                               | s.                | female                 | girl.  | <b>BOLOKEFAR.—Dialect.—</b>  |                       |                |                        |          |        |
|  | Tille-werramin                                  | s.                | male                   | youth.   | Nonn-arramin   | s.                    | male           | adult.                 |          |        |
|  | <b>TEHIBULLUK.—Dialect, Knen-ken-Wurrong.</b>   |                   |                        |  |  | 4                     | Noon-nat-yar   | s.                     | male     | aged.  |
|  | 3   | Ling-urzin        | s.                     | male   | adult.   |                       | Murwerit       | s.                     | male     | adult. |
|  |   | Nar-narro-nurreen | s.                     | female   | adult.   |                       | Werningdurreen | s.                     | female   | adult. |
|  |   | Modokarramin      | s.                     | male   | child.   |                       | Wongin-karrook | s.                     | female   | adult. |
|  |   | Pareturria        | s.                     | male   | adult.   | Pandin-millook        | s.             | female                 | girl.    |        |
|  |   | Wertu-nurreen     | s.                     | female   | adult.   | Rukowerer             | s.             | male                   | adult.   |        |
|  |   | Kom-burreen       | s.                     | female   | adult.   | Milko-nurreen         | s.             | female                 | adult.   |        |
| Tinyparramin                                   |   | s.                | male                   | youth.   | Kne-ep-karramin  | s.                    | male           | child.                 |          |        |
| Alewurreen                                     |   | s.                | female                 | child.   | Worrong-urzin  | s.                    | male           | adult.                 |          |        |
| Ling-woo-nurreen                               |   | s.                | female                 | aged.  | Nimbo-nurreen  | s.                    | female         | adult.                 |          |        |
| Un-named                                       |   | s.                | female                 | infant.  | Boomboo-nurreen  | s.                    | female         | child.                 |          |        |
| 3  | Kepparramin                                     | s.                | male                   | adult.   | Mooki-kankusp  | s.                    | male           | adult.                 |          |        |
|  | Woonon-gerrar-gorook                            | s.                | female                 | adult.   | Weemburreen  | s.                    | female         | adult.                 |          |        |
|  | Mowarramin                                      | s.                | male                   | youth.   | Mook-konarramin  | s.                    | male           | boy.                   |          |        |
|  | Nowarramin                                      | s.                | male                   | adult.   | <b>PARNBULLUK.—Dialect, Knen-ken-Wurrong.</b>  |                       |                |                        |          |        |
|  | Boongarramin                                    | s.                | female                 | adult.   | 3  | Yelngowerre           | s.             | male                   | aged.    |        |
|  | Toonbo-nurreen                                  | s.                | female                 | child.   |  | Moonop-burap-gorook   | s.             | female                 | youth.   |        |
|  | Pagowarramin                                    | s.                | male                   | youth.   |  | Karpoonarramin        | s.             | male                   | youth.   |        |
|  | Turowarramin                                    | s.                | male                   | youth.   |  | Kart-poo-burree       | s.             | female                 | girl.    |        |
|  | <b>KURACKBULLUK.—Dialect, Knen-ken-Wurrong.</b> |                   |                        |  |  | 3                     | Wioowarrameen  | s.                     | female   | adult. |
|  | 2   | Mingow-arramin    | s.                     | male   | adult.   |                       | Est-nu-arramin | s.                     | male     | child. |
| Ooring-oore-gorook                             |   | s.                | female                 | adult.   | <small>- - widow and child of "Good morning Bill," or Goodboodyarramin, also by Captain Embassy's stockkeeper.</small> |                       |                |                        |          |        |
| Ooalkun-murria                                 |   | s.                | male                   | adult.   |  |                       |                |                        |          |        |
| Kown-yurreen                                   |   | s.                | female                 | adult.   |  |                       |                |                        |          |        |
| Dirri-konurreen                                |   | s.                | female                 | adult.   |  |                       |                |                        |          |        |
| Tower-nurreen                                  |   | s.                | female                 | girl.  |  |                       |                |                        |          |        |
| 6  | Jamburreen                                      | s.                | female                 | child.   |  |                       |                |                        |          |        |
|  | Palmoondarramin                                 | s.                | male                   | child.   |  |                       |                |                        |          |        |
|  | Parn  | s.                | male                   | adult.   |  |                       |                |                        |          |        |
|  | Napondurreen                                    | s.                | female                 | adult.   |  |                       |                |                        |          |        |
|  | Polong-arramin                                  | s.                | male                   | child.   |  |                       |                |                        |          |        |
|  | Kokoong-urzin                                   | s.                | male                   | youth.   |  |                       |                |                        |          |        |
| <b>half-caste.</b>                             |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>an orphan.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>young men.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>orphans.</b>                                |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>young man.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>young men.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>an orphan.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |
| <b>young men.</b>                              |   |                   |                        |  |  |                       |                |                        |          |        |



ABORIGINES, AUSTRALIAN COLONIES.

315

| No. in Family.                 | NAME.                         | SEX.          | Proxi-<br>mate<br>Age. | REMARKS. | No. in Family.                | NAME.                       | SEX.           | Proxi-<br>mate<br>Age. | REMARKS. |        |        |
|--------------------------------|-------------------------------|---------------|------------------------|----------|-------------------------------|-----------------------------|----------------|------------------------|----------|--------|--------|
| BOLOKEPAR.—Dialect.—continued. |                               |               |                        |          | LARNINGET.                    |                             |                |                        |          |        |        |
| 6                              | Mumbok                        | s.            | male                   | adult.   | 6                             | Yelingarramin               | c.             | male                   | adult.   |        |        |
|                                | Bondet-bengook                | s.            | female                 | adult.   |                               | Tarno-artook                | c.             | female                 | adult.   |        |        |
|                                | Deerin-deer                   | s.            | female                 | adult.   |                               | Mengo-murreen               | c.             | female                 | adult.   |        |        |
|                                | Toombo-narramin               | s.            | male                   | child    |                               | Pitin-minook                | c.             | female                 | girl.    |        |        |
|                                | Wongu-murreen                 | s.            | female                 | child.   |                               | Kotoc-murreen               | c.             | female                 | girl.    |        |        |
|                                | Mangcit-pookook               | s.            | female                 | child.   |                               | Turko-murreen               | c.             | female                 | girl.    |        |        |
| 2                              | Wolon-waam                    | s.            | male                   | adult.   | 3                             | Wokal-burnin                | c.             | male                   | adult.   |        |        |
|                                | Yakonameen                    | s.            | female                 | adult.   |                               | Lalgo-murreen               | c.             | female                 | adult.   |        |        |
| 3                              | Poon-nat-yar                  | s.            | male                   | adult.   | 2                             | Porung-wiela-arramin        | c.             | male                   | adult.   |        |        |
|                                | Pagow-urreen                  | s.            | female                 | adult.   |                               |                             | c.             | female                 | adult.   |        |        |
|                                | Yewep-Konarramin              | s.            | male                   | child.   | TARKILLET.                    |                             |                |                        |          |        |        |
|                                | Towenarramin                  | s.            | male                   | adult    | 7                             | Wolon-nat-yar               | c.             | male                   | adult.   |        |        |
|                                | Warypet-korkook               | s.            | male                   | adult    |                               | Karrandilla-murreen         | c.             | female                 | adult.   |        |        |
|                                | Pullun-mark                   | s.            | male                   | youth.   |                               | Warnin-du-urreen            | c.             | female                 | adult.   |        |        |
|                                | Mirri-mirri-marramin          | s.            | male                   | adult.   |                               | Kokoc-murreen               | c.             | female                 | child.   |        |        |
|                                | Yarmeryurnia                  | s.            | male                   | adult.   |                               | Wongu-marramin              | c.             | male                   | child.   |        |        |
|                                | Toondong-arramin              | s.            | male                   | adult.   |                               | Tepoondaramin               | c.             | male                   | youth.   |        |        |
|                                | Karikowrooh                   | s.            | female                 | girl     |                               | Knarku-narramin             | c.             | male                   | youth.   |        |        |
|                                | TOONDOOR-DYABULLUK.—Dialect.— |               |                        |          |                               | 4                           | Knargu-arramin | c.                     | male     | adult. |        |
|                                | 2                             | Nettowarramin | c.                     | male     |                               |                             | adult.         | Kar-nu-par-namin       | c.       | female | adult. |
|                                |                               | Mombotawee    | c.                     | female   |                               |                             | adult.         | Winye-murreen          | c.       | female | adult. |
| 3                              | Turowarminia                  | c.            | male                   | adult.   | Yerron-gettook                |                             | c.             | male                   | child.   |        |        |
|                                | Wingowurreen                  | c.            | female                 | adult.   | Wondin-murnin                 |                             | c.             | male                   | adult.   |        |        |
| 3                              | Kotoc-arramin                 | c.            | male                   | child.   | MALLEGOONDET.—Toemp-Bulluk.   |                             |                |                        |          |        |        |
|                                | Yeep-koon-gerrar              | c.            | male                   | adult.   | 4                             |                             | Mundarra       | s.                     | male     | aged   |        |
|                                | Pikurneen                     | c.            | female                 | adult.   |                               |                             | Karrart-gorook | s.                     | female   | aged.  |        |
| 4                              | Nan-murreen                   | c.            | female                 | adult.   | Wangoormin                    |                             | s.             | male                   | youth.   |        |        |
|                                | Tunbarung                     | -             | male                   | adult.   | Keeturmin                     |                             | s.             | male                   | youth.   |        |        |
| 2                              | Marrimurreen                  | -             | female                 | adult.   | 5                             | Terim-burnin                | s.             | male                   | adult.   |        |        |
|                                | Boka-murreen                  | -             | female                 | girl.    |                               | Weturndee                   | s.             | female                 | adult.   |        |        |
| 2                              | Wongu-marramin                | -             | male                   | youth.   | Barre-menu                    | s.                          | female         | adult.                 |          |        |        |
|                                | Ling-gerras                   | -             | c.                     | male     | Lingo-durreen                 | s.                          | female         | adult.                 |          |        |        |
|                                | Tam-deyam-murreen             | -             | c.                     | female   | Turangerook                   | s.                          | female         | girl.                  |          |        |        |
|                                | Toopooing-arramin             | -             | c.                     | male     | youth.                        | Darramil                    | s.             | male                   | adult.   |        |        |
|                                | Woore-poong-knet              | -             | c.                     | male     | youth                         | Peegul-murreen              | s.             | female                 | adult.   |        |        |
|                                | Boong-illa-murreen            | -             | c.                     | female   | girl                          | Barrien-girre-gorook        | s.             | female                 | adult.   |        |        |
|                                | Toomooing-arramin             | -             | c.                     | male     | boy                           | Un-named                    | s.             | male                   | infant   |        |        |
|                                | Wang-narramin                 | -             | c.                     | male     | youth.                        | born November 1842.         |                |                        |          |        |        |
| Keran-murreen                  | -                             | c.            | female                 | adult.   | Wonnondongmun                 | s.                          | male           | aged.                  |          |        |        |
| NARTYERABULLUK.                |                               |               |                        |          | 2                             | Tait-sit-goondet            | s.             | male                   | youth.   |        |        |
| 2                              | Temngalk                      | -             | c.                     | male     |                               | aged.                       | Mair-mairn     | s.                     | female   | aged.  |        |
|                                | Ungarai-neen                  | -             | c.                     | female   | adult.                        | Tulain-goondet              | s.             | male                   | child.   |        |        |
| 2                              | Terawiet                      | -             | -                      | male     | aged.                         | Modun-barremim              | s.             | male                   | child.   |        |        |
|                                | Tarekol-u-urreen              | -             | -                      | female   | aged.                         | Pitu-imbim                  | s.             | male                   | adult.   |        |        |
| 3                              | Kiend-yurreen                 | -             | c.                     | female   | adult.                        | Talloormin                  | s.             | male                   | adult.   |        |        |
|                                | Wongo-arreen                  | -             | c.                     | female   | girl.                         | Murt-marl                   | s.             | male                   | youth.   |        |        |
|                                | Yarundaloom                   | -             | -                      | male     | adult.                        | Mis-illoong-urreen          | s.             | female                 | adult.   |        |        |
| 3                              | Loopkonarramin                | -             | -                      | male     | adult.                        | Parrewin                    | s.             | male                   | adult    |        |        |
|                                |                               | -             | -                      | female   | adult.                        | - a Murray black.           |                |                        |          |        |        |
| TUDEDALBULLUK.                 |                               |               |                        |          | YULOWIL-BULLUK.—Mallegoondet. |                             |                |                        |          |        |        |
| 2                              | Yarmunalloop                  | -             | s.                     | male     | adult.                        | 3                           | Moorapeen      | -                      | s.       | male   | adult. |
|                                | Knalloor-urreen               | -             | s.                     | female   | adult.                        |                             | Wargoorameen   | -                      | -        | female | adult. |
|                                | Toondongarramin               | -             | c.                     | male     | adult.                        |                             | Yuwurndeen     | -                      | -        | female | adult. |
|                                | Koonboorat                    | -             | -                      | male     | adult.                        | 3                           | Karangoondet   | -                      | s.       | male   | adult. |
| POLLOIT-YULBULLUK.             |                               |               |                        |          |                               |                             | Karre-kenu     | -                      | s.       | female | adult. |
| 3                              | Dootkoonurnin                 | -             | c.                     | male     | adult.                        | Tinbong-goondet             | -              | s.                     | male     | child. |        |
|                                | Weepoo-urreen                 | -             | c.                     | female   | adult.                        | 3                           | Dindarmin      | -                      | s.       | male   | adult. |
|                                | Un-named                      | -             | c.                     | male     | infant                        |                             | Kerripu-murnin | -                      | s.       | female | adult. |
| born 10 March 1842.            |                               |               |                        |          | Bukowarramin                  |                             | -              | s.                     | male     | child. |        |
| 4                              | Narookpulluk                  | -             | -                      | male     | adult.                        | Yulurkin                    | -              | s.                     | male     | adult. |        |
|                                | Neem-dalle-gorook             | -             | c.                     | female   | adult.                        | Parabull                    | -              | s.                     | male     | adult. |        |
|                                | Knar-karrameen                | -             | c.                     | female   | adult.                        | Winnakurnin (2)             | -              | s.                     | male     | adult. |        |
|                                | Wearo-gomurreen               | -             | c.                     | female   | child.                        | Yeerswil                    | -              | s.                     | male     | adult. |        |
| 4                              | Uwandurramin                  | -             | c.                     | male     | adult.                        | Woi-woi                     | -              | s.                     | male     | adult. |        |
|                                | Berarmurreen                  | -             | c.                     | female   | adult.                        | Teetart                     | -              | s.                     | male     | youth. |        |
|                                | Kola-bit-yin                  | -             | s.                     | male     | youth.                        | Tannangil                   | -              | -                      | male     | youth. |        |
|                                | We-ang-urreen                 | -             | c.                     | female   | child.                        | Bookooramin                 | -              | -                      | male     | adult. |        |
| 4                              | Wardyoan                      | -             | -                      | male     | adult.                        | Teemburreen                 | -              | s.                     | female   | aged.  |        |
|                                | Kommituroean                  | -             | -                      | female   | adult.                        | Otipinya                    | -              | s.                     | female   | child. |        |
|                                | Tilla-wurreen                 | -             | -                      | female   | adult.                        | BREMNET.—(Winnere Natives.) |                |                        |          |        |        |
|                                | Karpool-tinnagorook           | -             | -                      | female   | adult.                        | 4                           | Urokpar        | -                      | c.       | male   | aged.  |
| 2                              | Parkonamin                    | -             | -                      | male     | aged.                         |                             | Wayow-nurreen  | -                      | c.       | female | adult. |
|                                | Opellen-walloper              | -             | -                      | male     | youth.                        |                             | Toon-boonamin  | -                      | c.       | male   | youth. |
| 1                              | Wirring-arramin               | -             | c.                     | male     | adult                         |                             | Werakonameen   | -                      | c.       | female | child. |
| 1                              | Mied-yarramin                 | -             | -                      | male     | adult                         | Yukom-yower                 | -              | c.                     | male     | aged.  |        |
| 1                              | Warparragoondet               | -             | -                      | male     | adult                         | Mind-yarap                  | -              | c.                     | male     | youth. |        |
| 1                              | Knarren-gu-arramin            | -             | -                      | male     | adult                         | } young men.                |                |                        |          |        |        |

PAPERS RELATIVE TO THE

| No. in Family.   | N A M E.             | Sex.              | Proxi- mate Age. | REMARKS.   | No. in Family.                          | N A M E.            | Sex.        | Proxi- mate Age. | REMARKS. |        |        |
|--|----------------------|-------------------|------------------|------------|---|---------------------|-------------|------------------|----------|--------|--------|
| KONUKINULLUK.—(Inhabiting Tributaries of the Wimmera.) |                      |                   |                  |            | NETTERACKBULLUK.—Dialect, Tu-oungurong. |                     |             |                  |          |        |        |
| 8  | Mirripa-yurnin       | c.                | male             | adult.     | 2                                       | Jille Jille         | s.          | male             | adult.   |        |        |
|  | Wallu-parra-meen     | c.                | female           | aged.      |   | 3                   | Yargest     | s.               | male     | youth. |        |
|  | Wear-kurra-meen      | c.                | female           | adult.     |   |                     | Narrahoop   | s.               | male     | adult. |        |
|  | Wow-urra-meen        | c.                | female           | adult.     |   |                     | Dosngorooch | s.               | female   | adult. |        |
|  | Dillmur-ra-meen      | c.                | female           | girl.      |   |                     | Molonbooh   | s.               | male     | child. |        |
|  | 4                    | Morurt-murra-meen | c.               | female     |   | girl.               | 3           | Takke-wam        | s.       | male   | adult. |
|  |                      | On-e-murra-meen   | c.               | male       |   | youth.              |             | Ballegerah       | s.       | female | adult. |
|  |                      | Turkomurra-meen   | c.               | female     |   | child.              |             | Yoondurra-meen   | s.       | female | girl.  |
| Doit-ku-arramin  |                      | c.                | male             | adult.     | Tangi-gonaknoop                         | s.                  |             | male             | adult.   |        |        |
| 4  | Nerpe-murra-meen     | c.                | male             | adult.     | 3                                       | Tallurn             | s.          | female           | adult.   |        |        |
|  | Weku-e-murra-meen    | c.                | female           | aged.      |   | Barp-girre-gee      | s.          | female           | adult.   |        |        |
|  | Wirri-poong-arramin  | c.                | male             | youth.     |   | Fandarrabligoodeet  | s.          | male             | adult.   |        |        |
| BARBARTINBULLUK, &c.                                   |                      |                   |                  |            |   | Yoolog-kooi-yes     | s.          | female           | adult.   |        |        |
|  | War-wundurramin      | c.                | male             | adult.     |   | Kore-bulluk-gorook  | s.          | female           | adult.   |        |        |
|  | Wekoo-nurnur-meen    | c.                | female           | adult.     |   | Toolong-yappoop     | s.          | male             | adult.   |        |        |
|  | War-king-gondeet     | c.                | male             | adult.     |   | Tituloom            | s.          | male             | adult.   |        |        |
|  | Willap-karra-min     | c.                | male             | adult.     |   | Yowungboop          | s.          | male             | adult.   |        |        |
|  | Kandookpar           | c.                | male             | youth.     |   | Tooptoon            | s.          | male             | youth.   |        |        |
|  | Mirri-an-kat-gorooop | c.                | female           | girl       |   | Mindyarap           | s.          | male             | youth.   |        |        |
|  | Puikurra-meen        | c.                | female           | girl       |   | Bangargar           | s.          | male             | youth    |        |        |
| MOOMOOMGOONDEER.—Dialect, Tu-oungurong.                |                      |                   |                  |            | WELLET PAR.—Dialect, Yartwar.           |                     |             |                  |          |        |        |
| 2  | Kerripa-enin         | s.                | male             | adult.     | 2                                       | Walwurmin           | s.          | male             | adult.   |        |        |
|  | Weepoong-urra-meen   | s.                | female           | adult.     |   | Kanow-urra-meen     | s.          | female           | adult.   |        |        |
|  | Koniengia            | s.                | male             | adult.     |   | Polong-narramin     | s.          | male             | adult.   |        |        |
| 3  | Imyim-murra-meen     | s.                | female           | adult.     | 7                                       | Knaukoburra-meen    | s.          | female           | adult.   |        |        |
|  | Toorbulluk           | s.                | male             | adult.     |   | Lingo-urra-meen     | s.          | female           | adult.   |        |        |
| 3  | We-nurra-meen        | s.                | female           | adult.     |   | Karkarrar-boin      | s.          | male             | aged.    |        |        |
|  | Borungurra-meen      | s.                | female           | girl.      |   | Kooyu-wun-at-gorook | s.          | female           | aged.    |        |        |
|  | Top-purra-meen       | s.                | female           | aged.      |   | Korun-murra-meen    | s.          | female           | girl.    |        |        |
|  | Barrakoon            | s.                | female           | child.     |   | Boigama-meen        | s.          | female           | girl.    |        |        |
|  | Targoonurra-meen     | s.                | female           | girl.      |   | Woorukurra-meen     | s.          | female           | girl.    |        |        |
|  | Weetywid             | s.                | female           | aged.      | Nango-nurra-meen                        | s.                  | female      | girl.            |          |        |        |
|  | Talambe              | s.                | male             | adult.     | Knar-purra-meen                         | s.                  | female      | girl.            |          |        |        |
|  | Knallangoondeel      | s.                | male             | adult.     | Karrmilloon                             | s.                  | male        | adult.           |          |        |        |
|  | Kuarroogoom          | s.                | male             | youth.     | Urong-arramin                           | s.                  | male        | adult.           |          |        |        |
|  | Wegairbill           | s.                | male             | youth      | Kowurmin                                | s.                  | male        | adult.           |          |        |        |
|  |                      |                   |                  | an orphan. | Wearo-min                               | s.                  | male        | youth.           |          |        |        |

SUMMARY.

|                                       |   |   |   |   |   |    |                    |   |   |   |   |       |   |     |
|---------------------------------------|---|---|---|---|---|----|--------------------|---|---|---|---|-------|---|-----|
| Learkabulluk                          | - | - | - | - | - | 24 | Parnbulluk         | - | - | - | - | -     | - | 6   |
| Galgabulluk                           | - | - | - | - | - | 53 | Yongbulluk         | - | - | - | - | -     | - | 21  |
| Worubulluk                            | - | - | - | - | - | 5  | Larning-goondeet   | - | - | - | - | -     | - | 23  |
| Konangarrabulluk                      | - | - | - | - | - | 3  | Pargoondeet        | - | - | - | - | -     | - | 16  |
| Turing-bulluk                         | - | - | - | - | - | 15 | Bolokepar          | - | - | - | - | -     | - | 32  |
| Wornarragera                          | - | - | - | - | - | 37 | Toondoody-a-bulluk | - | - | - | - | -     | - | 20  |
| Terackbulluk                          | - | - | - | - | - | 10 | Neety-es-abulluk   | - | - | - | - | -     | - | 10  |
| Beabulluk                             | - | - | - | - | - | 2  | Tudedabulluk       | - | - | - | - | -     | - | 4   |
| Kalkalgondeet                         | - | - | - | - | - | 16 | Polloit-yul-bulluk | - | - | - | - | -     | - | 21  |
| Tannebullar                           | - | - | - | - | - | 22 | Larsinet           | - | - | - | - | -     | - | 10  |
| Peeruk-el-moom-bulluk                 | - | - | - | - | - | 14 | Tarkillet          | - | - | - | - | -     | - | 12  |
| Borumbeebulluk                        | - | - | - | - | - | 26 | Teerap-bulluk      | - | - | - | - | -     | - | 23  |
| Tooloorabulluk                        | - | - | - | - | - | 20 | Yoolowil           | - | - | - | - | -     | - | 19  |
| Kalkeker-neet-bulluk and other Widuro | - | - | - | - | - | 16 | Bernett            | - | - | - | - | -     | - | 6   |
| Borambulluk                           | - | - | - | - | - | 31 | Konukinbulluk      | - | - | - | - | -     | - | 12  |
| Boorpearriet                          | - | - | - | - | - | 8  | Barbartin-bulluk   | - | - | - | - | -     | - | 7   |
| Tuanbulluk                            | - | - | - | - | - | 4  | Moomoomgoondeet    | - | - | - | - | -     | - | 15  |
| Utowobulluk                           | - | - | - | - | - | 41 | Netterackbulluk    | - | - | - | - | -     | - | 20  |
| Teribulluk                            | - | - | - | - | - | 18 | Welletpar          | - | - | - | - | -     | - | 16  |
| Kurackbulluk                          | - | - | - | - | - | 12 |                    |   |   |   |   |       |   |     |
|                                       |   |   |   |   |   |    |                    |   |   |   |   |       |   |     |
|                                       |   |   |   |   |   |    |                    |   |   |   |   | TOTAL |   | 670 |

|               |         | Aged. | Adult. | Youth and Girls. | Young Children. | TOTAL. |
|---------------|---------|-------|--------|------------------|-----------------|--------|
| TOTAL         | Males   | 32    | 216    | 83               | 44              | 375    |
|               | Females | 30    | 169    | 61               | 35              | 295    |
| GENERAL TOTAL |         | 62    | 385    | 144              | 79              | 670    |

Appendix, No. 2.

SPECIMEN OF FIVE DIALECTS spoken by the Aborigines of the North Western District.

| ENGLISH.    | WITOURO.             | JAJOWRONG.        | KNEKROENWURO.        | BURAPPER.          | TA-OUNGURONG.        |
|-------------|----------------------|-------------------|----------------------|--------------------|----------------------|
| Father      | Pedourig etruk       | Marnook           | Marmak               | Marnook            | Warredo.             |
| Mother      | Kaardon knetuk       | Barbook           | Barpanook            | Barbook            | Barbanook.           |
| Son         | Boron                | Boboop            | Wat ye pook          |                    | Boboop.              |
| Daughter    | Bagorook             | Tor rri           | Mangapook            | Layurook           | Baguroo.             |
| Brother     | Warwoong             | Warwook           | Warwook              | Warwook            | Paraganook.          |
| Sister      | Wairn ga knettuk     | Kotook            | Kotoogan garook      | Kotook mennook     | Bainbainoo.          |
| Husband     | War ringoor tannooh  | Nannetook         | Nannetook            | Nannetook          | Nangoranoo.          |
| Wife        | Nannapoon gooranook  | Marrasbook        | Nettagorook          | Mater mennook      | Beembannoo.          |
| Man         | Gole                 | Gole              | Gole                 | Woitu-bullar (pl.) | Goleen.              |
| Woman       | Bagorook             | Juro              | Bian biengu bullar   | Layurook           | Badyuroo.            |
| Old man     | Woorring woorring    | Karnbeet          | Lalli bullar         | Onyim              | Ti yin gular.        |
| Old woman   | Monggorook           | Ouy im gorook     | Ouy im gorook        | Oyngimook          | Weak weak            |
| Black man   | Bangundook           | Bango-dedook      | Bangudedook          | Bangondyook        | Marramgundeg         |
| Body        | Bangik               | Bangook           | Bangook              | Bangook            | Marrambook.          |
| Soul        | Murrum knook         | Mooroopook        | Mooroopook           | Kuanbilknook       | Moorooloo.           |
| White man   | Amygeet              | Amygeet           | Amygeet              | Moandest           | Amygee.              |
| Skin        | Tallanook            | Meetook           | Meetook              | Meetook            | Darboo.              |
| Fat         | Koreetook            | Bairpulluk        | Bairpulluk           | Bairpulluk         | Mambooloo.           |
| Bone        | Goorook              | Kalkook           | Kalkook              | Mairderook         | Kalgoo.              |
| Blood       | Goortan yook         | Gorook            | Gobrkook             | Goorookook         | Grurugoo.            |
| Head        | Moora yook           | Karpeepook        | Bourpook             | Bourpook           | Kuwatoo.             |
| Eyes        | Mirnook              | Minnook           | Minnook              | Minnook            | Mingoo.              |
| Ears        | Wingook              | Wimbulook         | Wimbulook            | Wimbulook          | Wirringoo.           |
| Mouth       | Woorutanyook         | Wooruknook        | Wooranyook           | Wooranook          | Woorungoo.           |
| Nose        | Kara yook            | Garnook           | Garnook              | Garnook            | Garknook.            |
| Beard       | Nareen gan dan yook  | Knarneknook       | Kuarni knook         | Nannin yook        | Kner nin yoo.        |
| Teeth       | Lean yook            | Lear nook         | Lear nook            | Learnook           | Leangoo.             |
| Tongue      | Talkan yook          | Talknook          | Talknook             | Talleknook         | Tallanoo.            |
| Fore arm    | Yoondap              | Yoondap           | Yoondap              | Nanne wannoo       | Yoondaboo.           |
| Hand        | Mannagin             | Munnar            | Mun ne knook         | Munnasook          | Mutangoo.            |
| Thigh       | Kareem nook          | Karpeepook        | Karpeepook           | Karpeepook         | Tarrangtaoo.         |
| Leg         | Loortam nook         | Burapook          | Burapook             | Burapook           | Gooramboo.           |
| Foot        | Tinnanook            | Tinnanyook        | Tinnas jowook        | Tinnanook          | Tinnanoo.            |
| Fire        | Wing                 | Wee               | Wee                  | Wannap             | Wein.                |
| Water       | Moabeet              | Wonyeram          | Kat yin              | Kartean            | Parn.                |
| Rain        | Mundur               | Woller            | Woller               | Metark             | Yayal.               |
| Thunder     | Mundur               | Mundur            | Mundur               | Mundarra           | Moondabil.           |
| Earth       | Dar                  | Dar               | Dar                  | Dar                | Be-sek.              |
| Stone       | Lar                  | Lar               | Lar                  | Lar                | Moid yerre.          |
| Wind        | Moonmoot             | Mirreen           | Mya                  | My-ya              | Gooree.              |
| Sky         | Woorer woorer        | Woorer woorer     | Woorer woorer        | Woorer-kalkook     | Woorer woorer.       |
| Sun         | Mirri                | Nowe              | Nowe                 | Nowe               | Nunmi.               |
| Moon        | Minyan               | Yera              | Yera                 | Wiyng wil          | Minnun.              |
| Stars       | Toort haram          | Toort             | Toort                | Toort              | Toort.               |
| Cloud       | Lark                 | Murrong           | Murrong              | Murrong            | Lark.                |
| Yesterday   | Taley                | Talege            | Talege               | Tallegalleg        | Yullongoi.           |
| To-morrow   | Yeramun              | Bairpobarrah      | Bairpobarrah         | Bairpoorn          | Yeramboin.           |
| Day         | Mirriyu              | Noweyu            | Noweyu               | Nowegal            | Karameen.            |
| Night       | Moorkalya            | Booroinyu         | Booroinyu            | Booroinyetta       | Booroindeye.         |
| Kangaroo    | Goim                 | Goore             | Goora                | Goosyeer           | Marran.              |
| Opposum     | Wollert              | Weila             | Weila                | Weila              | Wollert.             |
| Dog         | Garl                 | Garl              | Garl                 | Werungun           | Yerangun.            |
| Emu         | Kowe                 | Barramul          | Yowerre              | Kowe               | Barramul.            |
| Tree        | Koor par gerong      | Kalk pu Gherra    | Kalk pu gherra       | Tark Tawoh         | Kalk-par-gerong.     |
| Grass       | Bohiet               | Boin              | Bo hiet              | Bohiet             | Barnoom.             |
| Bark        | Moortet              | Myabert           | Marrariak            | Moorartap          | Moorartap.           |
| Leaf        | Mooran               | Gerrar            | Gerrar               | Gerrar             | Gerong.              |
| Flower      | Goora                | Dawin             | Goen goen            | Goorr              | Gooroo.              |
| Large Spear | Karp                 | Koiyun            | Koiyun               | Koiyun             | Kaiyun.              |
| Reed Spear  | Tark                 | Tark              | Dark                 | Tarr               | Detar.               |
| Boomerang   | Wangin               | Tatim tatim       | Takoom tatoon        | Warn               | Wangin.              |
| Battle-axe  | Leangil              | Learwil           | Learwil              | Learwil            | Leungil.             |
| House       | Karrong              | Lar               | Lar                  | Larr               | Yillum.              |
| Great       | Detarbul             | Knoorestabook     | Murt yowook          | Kooroonandook      | Wooratabook.         |
| Little      | Nany a korooch       | Wanemook          | Wardebook            | Murtook            | Wi korook.           |
| Alive       | Mooron               | Mooron            | Mooron               | Mooron             | Mooron.              |
| Dead        | Detarra              | Deryung           | Deryung              | Weekin             | Werregi.             |
| Bad         | Noolam               | Yurrong           | Yartin yar           | Yettowandook       | Noolam.              |
| Good        | Koesebanyook         | Talkook           | Talkook              | Talkook            | Wan wan goo.         |
| Long        | Nerrin               | Karpool           | Tuwuruge             | Tuwurandook        | Yurubot.             |
| Short       | Moert                | Moert             | Tuluwandook          | Tuluwandook        | Moert.               |
| Cold        | Molongetting         | Metangorin        | Metangorin           | Lokan yurain       | Metangan.            |
| Warm        | Narwooraring         | Wooyeep           | Wooyeep              | Boorook            | Narworing.           |
| One         | Koem moet            | Kiarp             | Kiarp                | Kiarp              | Koopti yoo.          |
| Two         | Bullait              | Bullait           | Bullait              | Bullait            | Bullarbil.           |
| Three       | Bullait par koemmoet | Bullait par kiarp | Bullait par kiarp    | Bullait kiarp      | Bullarbil barboop.   |
| Four        | Bullait bullait      | Bullait bullait   | Bullait yowa bullait | Bullait bullait    | Bullarbil bullarbil. |
| Plenty      | Wurreyoolool         | Kurt kurt         | Kurt kurt yar        | Parrook            | Woor yanoo.          |
| I           | Bangeek              | Bangak            | Bangak               | Bangak             | Murumbik.            |
| You         | Bangen               | Bang-in           | Bang-in              | Bang-in            | Murrumbien.          |
| Where       | Wear                 | Windy             | Windyaya             | Windy              | Inda.                |
| Here        | Kimbarne             | Kinkio            | Kinkio               | Kingooda           | Kalarwe.             |
| Another     | Yarknook             | Yuwannook         | Yuwannook            | Yuwannook          | Yuwangoo.            |
| What for    | Wekartook            | Wenarra           | Wenarra              | Wenarra            | Nan in garpoek.      |
| To tell     | Keyak                | Keyak             | Keyak                | Keogak             | Toombak.             |
| To give     | Wokak                | Wokak             | Wokak                | Wokak              | Weokak.              |
| To speak    | Nartun whoorakreeh   | Woorsakyak        | Woorsakyaku          | Woorskyar          | Malam doonyer.       |
| To eat      |                      | Mullun takkah     | Mullun tankbeku      | Takk wan nekkin    | Tangeyer.            |

| ENGLISH.          | WURO.             | JAJOWRONG.         | KWENKOROWURO.     | BURAPPER.         | TA-OUNGURONG. |
|-------------------|-------------------|--------------------|-------------------|-------------------|---------------|
| To drink - - -    | Kaurtal-nopest -  | —oppellar - -      | —opellanyook -    | Kopallanyoo - -   | Opear.        |
| To hear - - -     | Guarwah - - -     | Kneerknak - -      | Kneerknak - -     | Knaryin - - -     | Kuaragak.     |
| To see - - -      | - - - - -         | Nark ar - - -      | Narkinnewanoong - | Naryin - - -      | Knar nar.     |
| To sleep - - -    | Komkarucetyan -   | Kombeyan ak - -    | Kombeyanak - -    | Kombeyan win - -  | Karambeyan.   |
| To steal - - -    | Pilmirringoora -  | Kunnundillar -     | Kannand yinaar -  | Mong kargurar -   | Pwart yin.    |
| To fight - - -    | Pet yallest yan - | Dockt yeraar -     | Dorkelyeer - - -  | Dork alley an - - | Wialley an.   |
| To kill - - -     | Bannaryak - - -   | Berkagak - - -     | Berkin agak - - - | Talkowak - - -    | Berkagak.     |
| To dance - - -    | Kneerekyan - - -  | Yapenyun - - -     | Yepeneksen - - -  | Warrepin knan -   | Knager naa.   |
| To make - - -     | Mongak - - -      | Mongak - - -       | Moyoopah - - -    | 'al gonak - - -   | - - - - -     |
| Yes - - - - -     | Ye ye - - -       | Ye ye - - -        | Ye ye - - -       | Knaar - - -       | Knary sa.     |
| No - - - - -      | Borack - - -      | Lowurrong - - -    | Nullan yer - - -  | Burapper - - -    | Targoan.      |
| By and by - -     | Numiet - - -      | Numiet - - -       | Mallin yook - - - | Kim barm - - -    | Malle mal.    |
| A long time since | Tawurageeyomeer   | Tawurn keey oomeer | Mallarmeer - - -  | Kim bows - - -    | Parmboet.     |

## Appendix, No. 3.

RETURN of the Number of HOMICIDES committed respectively by Blacks and Whites, within the limits of the North Western District, since its first occupation by Settlers.

## White People killed by the Aborigines.

1838, May or June.—A shepherd of W. Bowman's, killed by the Taoungurongs, near Mount Alexander.

1839, May 22.—A shepherd and hutkeeper of Mr. C. Hutton's, killed near the Campaspe.

1840, June.—A shepherd of Messrs. Jennings and Playne (successors to Mr. Hutton), killed near the Campaspe.

1840, November 21.—A hutkeeper of Mr. Wills, killed near Mount William.

1841, March 19.—A hutkeeper of Mr. Oliphant's, killed near the Pyrenees by the Kalkalgoondeet natives.

1841, May.—A shepherd of Mr. Bennet's, killed by the Taoungurongs on the Campaspe.

1842, March 13.—Mr. A. M. Allan, killed by the Mallgoondeet natives on the Lodden.

Total Number of Homicides by Aborigines - - - 8.

## Aborigines killed by White People.

1838, March or April.—Konikoondeet (Jajowrong) and another man, name unknown, reported by the aborigines to have been shot by two white men when exploring the country.

1838, July.—About fourteen men, names unknown, shot by a party of men from Bowman's, Ebden's and Yaldwyn's stations, in recovering a flock of Bowman's sheep.

1839, February.—Noorowurnin and another Jajowrong, shot by Bowerman's assigned servants at the Maiden Hills.

1839, June 22.—Six men, names unknown, shot by the mounted police on the Campaspe.

1840, January.—Wikur, Keramburnin, and another Taoungurong, shot by Monro and party between the Colliban and Mount Alexander.

1840, August.—Pandarragoondeet, a Jajowrong native, shot by one of Dutton's assigned servants, who afterwards absconded.

1840, September.—Panumarramin, a Grampian native, shot by the late J. F. Francis in his sheepfold.

1840, December 21.—Bonnokgoondeet, Jajowl, Kombonngarramin and Pertunarramin, shot by J. F. Francis in the Pyrenees.

1841, February 7.—Gondu-urmin, a Kalkalgoondeet native, shot by Dutton's assigned men near the Lodden.

1841, March.—Mokitte (Jajowrong), shot near Mount Cole; it is said by a splitter.

1841, May.—Koencycrook, a Taoungurong, shot, it is supposed, by Bennett's shepherd, who was found murdered. The black was found in a tree, badly wounded, and died in Melbourne hospital.

1841, July.—Two men reported by the aborigines to have been shot near Hall's, at the foot of the Grampians, by Hall's hutkeeper.

1841, July or August.—Kowarramin, two other men, and a girl, reported by the aborigines to have been shot by three white men near Kirk's, Purrumbeep.

1841, August.—Bood bood yarramin, reported by the aborigines to have been shot by Captain Bunbury's storekeeper near Mount William.

Total Number of Aboriginal Homicides by Whites - - 43.

Edward S. Parker, A. P. A.

Appendix, No. 4.

RETURN of the Number of OFFENCES committed by the Aborigines in the North Western District, during the Year 1842, as reported to the Assistant Protector. Encls. 4 in No. 72.

| DATE.      | NATURE OF OFFENCE.  | REMARKS.   |
|------------|---|--|
| January -  | A sheep, two blankets and a rug, stolen from an out-station of Mr. Mollison's.  | -- this robbery being promptly reported, the parties were accused by the other aborigines, and I succeeded in recovering and restoring the blankets and rug.   |
| February - | Two men in the service of Mr. Irvine, at the Pyrenees, attacked and wounded.  | -- from statements made by the aborigines, and some other circumstances, I ascertained this assault to be the result of illicit connexion with the native women.   |
| March -    | Several head of cattle speared on Mr. Hall's run near the Grampians.  |  |
| March 13   | Mr. A. M. Allan murdered, and some flour stolen from his station.   | -- the perpetrators of this crime have been pointed out to me by the other aborigines, but no legal evidence is in existence; I have reason to believe this cruel murder was the result rather of a barbarous superstition than of cupidity or direct hostility. |
| August 31  | About 30 head of sheep scattered, and several of them stolen by the Bolokepar and Utowolbulluh natives, at Messrs. Birch's. | -- the sheep were rushed by the dogs of the aborigines, and then seized; five or six skins were found next day at the fires left by the blacks.  |

Edward S. Parker, A. P. A.

Appendix, No. 5.

RETURN of ABORIGINES attending DIVINE SERVICE.

| 1842.             | MEN. | WOMEN. | BOYS. | GIRLS. | TOTAL. |
|-------------------|------|--------|-------|--------|--------|
| Sunday, 31 July - | 55   | 14     | 22    | 5      | 96     |
| " 7 August -      | 27   | 21     | 25    | 10     | 83     |
| " 14 " -          | 18   | 18     | 32    | 11     | 79     |
| " 21 " -          | 19   | 23     | 31    | 11     | 84     |
| " 28 " -          | 90   | 68     | 52    | 32     | 242    |
| " 4 September -   | 41   | 40     | 44    | 20     | 145    |
| " 11 " -          | 20   | 11     | 16    | 5      | 52     |
| " 18 " -          | 6    | 2      | 18    | -      | 24     |
| " 25 " -          | 7    | 3      | 16    | -      | 26     |
| " 2 October -     | 7    | 3      | 16    | -      | 26     |
| " 9 " -           | 4    | 1      | 12    | -      | 17     |
| " 16 " -          | 1    | -      | 6     | -      | 7      |
| " 23 " -          | 10   | 4      | 13    | 4      | 31     |
| " 30 " -          | 8    | 3      | 11    | 4      | 26     |
| " 6 November -    | 9    | 2      | 16    | 4      | 31     |
| " 13 " -          | 2    | -      | 12    | 4      | 18     |
| " 20 " -          | 7    | 1      | 17    | 4      | 29     |
| " 27 " -          | 44   | 35     | 42    | 21     | 142    |
| " 4 December -    | 38   | 36     | 37    | 23     | 134    |
| " 11 " -          | 25   | 40     | 34    | 26     | 125    |
| " 18 " -          | 38   | 39     | 38    | 25     | 140    |
| " 25 " -          | 33   | 26     | 30    | 20     | 109    |

Edward S. Parker, A. P. A.

NEW SOUTH  
WALES.

Appendix, No. 6.

Encls. 4 in No. 72.

RETURN of the Number of ABORIGINES who have visited the Station during the Year 1842,  
and of the Average Daily Attendance.

|   | TOTAL NUMBER VISITING STATION. |        |       |        |        | AVERAGE DAILY ATTENDANCE. |        |       |        |        |
|---|--------------------------------|--------|-------|--------|--------|---------------------------|--------|-------|--------|--------|
|   | Men.                           | Women. | Boys. | Girls. | TOTAL. | Men.                      | Women. | Boys. | Girls. | TOTAL. |
| January - -   | 72                             | 54     | 59    | 35     | 220    | 41½                       | 29½    | 39½   | 16½    | 126½   |
| February - -  | 82                             | 67     | 61    | 33     | 243    | 48½                       | 40½    | 48½   | 21½    | 159½   |
| March - -   | 66                             | 58     | 57    | 31     | 212    | 47½                       | 35½    | 44½   | 21     | 147½   |
| April - -   | 56                             | 52     | 54    | 29     | 191    | 39½                       | 43½    | 47½   | 23½    | 154½   |
| May - -   | 52                             | 43     | 51    | 26     | 172    | 42½                       | 30½    | 44½   | 14½    | 131½   |
| June - -  | 41                             | 30     | 35    | 16     | 122    | 33½                       | 22½    | 29½   | 14     | 100½   |
| July - -  | 64                             | 37     | 44    | 21     | 166    | 36½                       | 25½    | 35    | 13½    | 111½   |
| August - -  | 113                            | 78     | 66    | 37     | 294    | 42½                       | 35½    | 41½   | 17½    | 136½   |
| September - -                                       | 64                             | 47     | 52    | 21     | 184    | 21½                       | 15½    | 24    | 6½     | 67½    |
| October - -   | 13                             | 6      | 20    | 4      | 43     | 6½                        | 2½     | 14½   | 1½     | 24½    |
| November - -  | 52                             | 42     | 48    | 25     | 167    | 21½                       | 13½    | 26½   | 10½    | 71½    |
| December - -  | 56                             | 44     | 50    | 28     | 178    | 38½                       | 36½    | 40½   | 24½    | 139½   |
| TOTAL NUMBER visiting the Station during the Year - |                                |        |       |        |        | 175                       | 120    | 86    | 64     | 445    |
| TOTAL AVERAGE Daily Attendance throughout the Year  |                                |        |       |        |        | 34½                       | 27½    | 36½   | 15½    | 114    |

Edward S. Parker, A. P. A.

## Appendix, No. 7.

RETURN of the Buildings, Cultivation, and other Improvements on the Aboriginal Station.

## BUILDINGS.

| KIND OF BUILDING.                           | MATERIALS AND DIMENSIONS.        | REMARKS.                           |
|---|----------------------------------|------------------------------------|
| Assistant Protector's House -               | slabs and bark, 51 feet by 15    | - - - about to be removed to       |
| Overseer's House - - -                      | slabs and bark, 28 feet by 21.   | a higher site.                     |
| Stores - - - - -                            | slabs and bark, 38 feet by 15    | to be enlarged.                    |
| Smithy and Cooking-house for Natives.       | slabs and bark, 28 feet by 14.   |                                    |
| Carpenter's Workshop and Hut                | slabs and bark, 40 feet by 12.   |                                    |
| Medical Officer's Residence, with Hospital. | slabs and thatch, 25 feet by 12. |                                    |
| Church and School-room -                    | slabs and bark, 52 feet by 20    | unfinished, but fit for use.       |
| Constable's Hut - - -                       | slabs and thatch, 24 feet by 12. |                                    |
| Hut - - - - -                               | slabs and bark, 25 feet by 12    | for Government men.                |
| Natives' Hut - - - -                        | slabs and bark, 11 feet by 9     | - - built by aboriginal young men. |
| Natives' Hut - - - -                        | slabs and bark, 11 feet by 9.    |                                    |
| Hut - - - - -                               | slabs and bark, 15 feet by 12.   |                                    |
| Barn - - - - -                              | slabs and bark, 60 feet by 22    | in progress.                       |
| Cart-shed and Mill-house -                  | slabs and bark, 40 feet by 14    | in progress.                       |

LAND

LAND IN CULTIVATION.

Encl. 4 in No. 72.

| DIVISION.       | QUANTITY INCLOSED. | QUANTITY IN CULTIVATION.                 | CROP.                            | REMARKS.                       |
|-----------------|--------------------|--|----------------------------------|--------------------------------|
| Paddock, No. 1. | 32 acres           | 20 acres - -<br>2 acres - -              | Wheat.<br>Potatoes.              |                                |
| Paddock, No. 2. | 7 acres            | 4½ acres - -<br>½ acre - -<br>½ acre - - | Potatoes.<br>Maize.<br>Cabbages. |                                |
| Paddock, No. 3. | 10 acres           | 2½ acres - -<br>1½ acres - -             | Barley<br>Oats.                  | - - reaped December 27, 28.    |
| Paddock, No. 4. | 12 acres           | - - - -                                  | - - - -                          | - - about 4 acres ploughed up. |

Total quantity inclosed, including farm yard, &c. 64 acres.  
 Total in cultivation, 1842 32 acres.  
 Total quantity of three-rail fence - - - 450 yards.  
 " two-rail fence - - - 2,300 yards.  
 " two-rail fence, palcd with 5 to 6 feet paling - } 850 yards.  
 TOTAL - - - 3,600 yards.

Edward S. Parker, A. P. A.

Appendix, No. 8.

RETURN of the Number of HATS, BASKETS, &c., made by Aboriginal Women and Girls, at the Station Lar-ne-barrumul, during the Year 1842.

|                     |         |    |
|---------------------|---------|----|
| Hats, various sizes | - - - - | 96 |
| Baskets, ditto      | - - - - | 70 |
| Table Mats, ditto   | - - - - | 42 |
| Nets                | - - - - | 11 |

Edward S. Parker, A. P. A.

Appendix, No. 9.

RETURN of the Number of Days spent at the Aboriginal Station during the Year 1842, by the Aboriginal Men and Boys most frequently resident there.

| N A M E.           | Number of Days spent at the Station. | N A M E.           | Number of Days spent at the Station. | N A M E.           | Number of Days spent at the Station. |
|--------------------|--------------------------------------|--------------------|--------------------------------------|--------------------|--------------------------------------|
| <b>MEN.</b>        |                                      | <b>MEN.</b>        |                                      | <b>BOYS.</b>       |                                      |
| Nipurnin           | 324                                  | Berietgoondeet (2) | 228                                  | Wortparap          | 343                                  |
| Nowoot             | 322                                  | Narkengebunger     | 223                                  | Merringoondeel (2) | 337                                  |
| Boonboondalla      | 311                                  | Urururain          | 220                                  | Yerrebulluh        | 326                                  |
| Wandung            | 310                                  | Teputarrain        | 208                                  | Nowe               | 315                                  |
| Tolkonamin         | 307                                  | Learpburnin        | 208                                  | Karkom             | 301                                  |
| Noollanullah       | 276                                  | Ninno-arremin      | 208                                  | Wainmarrain        | 293                                  |
| Jilli Jilli        | 276                                  | Mokin              | 208                                  | Winmakarremin      | 293                                  |
| Tigonurnin         | 273                                  | Darramil           | 204                                  | Wilwilmaning       | 291                                  |
| Berietgoondeel (1) | 272                                  | Yerngoondeel       | 197                                  | Jimbonum           | 285                                  |
| Weragoondeel       | 270                                  | Learkgoondeel      | 193                                  | Pourtgoondeel      | 278                                  |
| Weembowin          | 265                                  | Wondallapool       | 192                                  | Wegarbil           | 270                                  |
| Goodurnin          | 262                                  | Yarmerremin        | 190                                  | Beembarmin         | 267                                  |
| Weragomurnin       | 259                                  | Merringoondeel     | 186                                  | Fagoormin          | 263                                  |
| Wertuarrain        | 254                                  | Walpuldurnin       | 184                                  | Teenmanamin        | 254                                  |
| Kontengin          | 250                                  | Morang             | 182                                  | Nodebanemin        | 246                                  |
| Maittgurrai        | 247                                  | Munangabum         | 180                                  | Konoconooh         | 245                                  |
| Mooenn Weila       | 244                                  | Partkonurmin       | 177                                  | Nyar               | 235                                  |
| Porokil            | 240                                  | Tulgomurnin        | 177                                  | Nindongarrain      | 230                                  |
| Wonnondongmun      | 234                                  | Norwarremin        | 166                                  |                    |                                      |
| Wowingap           | 229                                  | Milpanurmin        | 189                                  |                    |                                      |

Edward S. Parker, A. P. A.

NEW SOUTH  
WALES.

Eucls. 4, 1E No. 72.

JOURNAL of Proceedings from 1 December 1842 to 1 March 1843, with Return of Births and Deaths of Aborigines during the last Six Months, in the Melbourne and Western Port District.

December 1842.

FROM the 1st to the 7th I was in the precincts of Melbourne, endeavouring to remove the aborigines of my tribes from the native police quarters; there had been various complaints respecting them during my absence to the Ovens, but from the difficulty of identifying the parties, no case could be made out; on this day an aborigine female was lodged in the watchhouse, but the charge against her was so trivial, that I, in conjunction with the police magistrate, dismissed her on her promising to proceed to the station. After which, accompanied by 10 blacks only, I left Melbourne; the few blacks who accompanied me work well on the station, and became handy in their garden and other work; were well supplied with vegetables from their own garden, and having new blankets, their appearance was comfortable and apparently contented. Early on the 12th (by the wish of those aborigines at the station) I proceeded to the native encampment, at Merri Creek, to get more blacks to the station. In vain I pressed them to return, but they would not, telling me "that they could get plenty to eat, and no work at Melbourne." I returned the same night, those on the station appeared very angry, because their companions would not come. On the 17th, eight out of eleven left Nerre Warren, with apparent sincerity, to insist upon those at the Merri Creek who were not of the police to return to the station. On the 21st, in consequence of a report that had gained currency, I proceeded to Melbourne, to make inquiry touching a boy that was said to have been murdered by the Yarra blacks, which I found to be without the least foundation; in the evening visited the native encampment by the Merri Creek; much sickness prevailed among them, to whose attention the medical dispenser was directed, who complained much of their negligence in not abiding by his advice. On the 23d, I had committed to my charge an inquiry,\* which, as it required much secrecy and precaution, I acted as prudence and your advice dictated; finding the impossibility of getting any information myself that would lead to a clue of the parties, I got the assistance of the late chief constable Wright, and alternately visited Melbourne every other day to report to you thereon, but invariably returned to the station the same night. On the 28th, 25 more blacks arrived at the station, and continued (a few occasionally leaving to hunt) to the end of this month, who greatly assisted us in our work. On the 1st of January the appearance of the blacks on the station (although few in number) was such as would have raised a dawn of hope, that brighter days might be at hand to those interested in behalf of the poor aborigines; the day was the Sabbath, the first of the year; the children were early in my hut, my eldest daughter combing and cleaning the females, putting them on clean pinbefores, and bands round their foreheads; they afterwards practised singing, preparatory for the service; the shirts I had remaining were distributed the day previous to the adults and youths; all appeared clean and attentive to the service; in the evening five adults and three children attend our evening service, a few simple observations being made; they this day actually appeared to feel their comforts, including wholesome food, vegetables, &c.; and it would seem that nothing short of determined obstinacy not to conform, could make them resist the white man's superior comforts. On the 3d, after again waiting on the late chief constable (who had previously led me to believe that he would be able to trace out something that might throw light upon the secret inquiry I was engaged in), I waited on you, and reported upon the impossibility of further proceedings in the inquiry transmitted to me on the 23d ultimo, with the late chief constable's opinion thereon, in which I reported the obstacles to the inquiry, suggesting the means necessary to be adopted before the inquiry could be gone into, and returned to the station the same night. On the 4th, four suspicious characters appeared at one of the huts on the station; one of the native police (Buggup) (while I was working in the garden with some of the blacks) came and informed me of the men being in the hut; I went and questioned them; they proved to be four runaways from the "Thomas Hughes" then lying in the harbour; I ordered four † of the native police to take them to Melbourne with a letter to the police magistrate, and one to their commander; the medical officer being about returning to the encampment, I bid him accompany the native police; by the evening the police lodged the four men (who were four of the tallest, stoutest sailors I ever saw) safely in Melbourne gaol. On the 8th, 37 were on the station, who are attentive to the service, and some attend in the evening. On the 10th I attended the police office to prefer a charge against Nathaniel Simpson for leaving the central station without giving due notice; he was by the bench sentenced to forfeit his month's wages; on the same day took out a warrant against W. Leslie Forster, Esq., for engaging the same, knowing him to be in service; and after waiting on you, returned to the station. On my return found all the blacks but eight had left; a messenger had arrived from the westward and summoned the tribe. I felt their loss at this time much, as I was just preparing for the harvest, which they well knew; nor do I believe that they would have left had it not been that a messenger had arrived, as I never knew them more contented; they certainly were never more comfortably provided for; but a people who can procure subsistence by mendicanting, it is not to be wondered at that a message from another tribe should

\* Alluding to Dr. Walton's letter, of Mount Rouse.

† Two would have been sufficient, but they were destitute of handcuffs, or any requisite to secure those committed to their charge.



should excite them. I have known them on such occasions to leave their dying \* to perish unattended. On the 13th we commenced reaping; as the corn was ripening, I ordered (all the blacks having left but one) all hands to it; the carpenter from the buildings, and the schoolmaster; the schoolmaster demurs, † but afterwards assists. On the 14th I proceed to Melbourne, to appear against W. L. Forster, Esq., as afore-mentioned; he does not appear; after the court broke up I returned to the station. On the 21st, again appeared before the bench, and Mr. Forster was fined 20*l*. Receiving orders from you to come to Melbourne, in order to collect sundry accounts touching the aborigine department, from the commencement of 1840 to the end of 1842, I ret.  $\pi$  to Melbourne on the 23d, visiting the native encampment almost daily while collecting the same; having transmitted the amounts to you, and endeavouring to collect the blacks again to the station, I return to it on the 28th. On my return, found that the corn in many places had begun to shed its ear; I felt it my duty to solicit through you a few hands on loan; more so, as two hands were in two days going to leave (in consequence of the reduction on the establishment). His honour was pleased to grant the assistance of some of the police; they were tardy in their movements; it was not till the 8th February that the seven had arrived; in the interim other blacks had returned to the station, who with the police applied themselves better than I expected, and the harvest was safely got in by the 13th, just one month from the day of commencing, which I considered not amiss; men, women and children occasionally assisted; some in carrying, others in tying; they soon got into the way of making the knot, and showed a dexterity at it; last year they could not be prevailed upon without much pressing to use the hook, but this year they used it well, without a single instance of cutting themselves. I gave them tea extra in the field twice a day, and found them capable in every respect of working with the white man. I know not, could they be prevailed upon to remain at the station, a people that might be more comfortable and happy than they. The field contained, 9  $\Delta$ . 2  $\nabla$ . 38  $\square$ ., and although since the wheat was sown it has been six times under water, and five-out of the nine acres just broken up, the lowest estimation of the field's produce is seven tons; sufficient to show that, under more auspicious circumstances, the soil will produce to its full expectation. The crop of potatoes, though almost a failure, will nevertheless be more than was anticipated, the land where they were sown having shared the same fate as the wheat field in being flooded; but the spot where you have marked out for the vegetable garden will ensure a more certain crop for the time to come; during the aborigines working in the field I invariably endeavoured to explain to them, which they appeared perfectly to comprehend, and acquiesced in, how so many civilized people could live in so small space, by some cultivating the ground, others making tools, apparel, &c. &c. On Sunday the 12th, I improved the advice I had been endeavouring to instil into their minds, by a discourse from, "And they shall beat their swords into ploughshares, and their spears into pruning-hooks," to which they paid great attention; and my remarks upon the passage in the second lesson, "He that will not work, neither should he eat," they evidently saw and felt the result and force of it, on its being shown to them that should white men be too idle to sow and plant, perish they must. Notwithstanding their apparent satisfaction, and the comforts they were daily receiving, on the 17th a messenger came from the Merri Creek, with tidings that more Goulburn blacks had arrived, and some of the tribe north-west of Mount Macedon; they again leave. I used most earnest entreaties and arguments to induce them to remain, but to no effect; after they had been gone an hour I followed them, and finding them resting, I expostulated with them; on examining their bags found, I should say, not less, on an average, than per head, 10 pounds of flour; some lubras, who had husbands and children, had from twenty to thirty pounds of flour; though it was their reward for services over and above what they had eaten, yet it was discouraging to behold a people, who, in their possession, held evidence of the comforts of a station, yet so obstinately determined not to avail themselves of a continuance of those comforts; but such will ever be the case while they are permitted, unchecked, to live as mendicants within two miles of Melbourne. To my great surprise they returned, but remained but for one night; they told me the following morning that they must go. It was grievous to see them glide down Nerre Warren Rise, the children and adults with their clean blankets, &c.; with provisions for days to come; and knowing from past experience that on their return they would return empty, dirty and almost destitute of covering, in the plight of the prodigal, but destitute of the prodigal's wholesome feeling; such discouraging sights I have so oft and repeatedly beheld, that enervates the hope I once held, and the zeal that glowed in my breast of civilizing and christianizing these people, that I am led to conclude, under present circumstances, that physical means will ever prove abortive, and that nothing short of a supernatural agency of the Holy Spirit will change their condition; that light which no darkness has ever yet been able to withstand; and for the out-pouring of that light upon the sable sons of Australia, would do honour to our local Government to set apart a day for that purpose. On the 20th the remainder left the station; on the 22d you visited it, and ordered me to town, in consequence of a black being lodged in gaol. Early on the morning of the 23d, the native encampment south of the Yarra show disposition to fight; I endeavour to prevent them; while so engaged a great body in the distance was advancing, consisting of the native police, a portion of the Yarra and Goulburn tribes; I expostulated with the police on their daubed miserable appearance, and on their knowing better; they

\* Four instances have come under my notice of their deserting their dying, when a move has been on the carpet; two out of the four who have been thus inhumanly left, have come under my immediate cognizance, and been afterwards buried by my men.

† All who are engaged at an aborigine station (especially the constable and schoolmaster, five-sixths of whose time is unemployed) in the absence of the blacks, to make themselves generally useful.

NEW SOUTH  
WALES.

Encls. 4, in No. 73.

being determined to fight, the only service I could render them was to plant myself in the centre, which I did till their conflict was over, and but for so doing, doubt not but serious mischief would have been the result, as there has not been for the last three years so desperate a fight. From this time to the present I have been engaged, per your orders, visiting and endeavouring to teach the black in gaol, in order to prepare him for his trial, which I feel I am incompetent to accomplish, not knowing a syllable of his language.

The Chief Protector, &amp;c. &amp;c. &amp;c.

I have, &c.  
(signed) *William Thomas.*

## RETURN OF BIRTHS and DEATHS, from 1st September 1842 to 1st March 1843.

| DEATHS.    |             |              |        |                       |                    |                             |
|------------|-------------|--------------|--------|-----------------------|--------------------|-----------------------------|
| Date.      | Name.       | Tribe.       | Sex.   | Supposed Age.         | Married or Single. | Where Died.                 |
| 1842:      |             |              |        |                       |                    |                             |
| Sept. 5 -  | Rogers -    | Portland Bay | male - | 23 years              | married -          | Executed at Melbourne,      |
| Sept. 20 - | Tarworun -  | Yarra - -    | male - | 6 months              | - - -              | Beal by Yarra.              |
| Sept. 30 - | Brundegrook | Yarra - -    | female | 30 years              | married -          | Encampment S. Yarra.        |
| Oct. 6 -   | Korununlook | Yarra - -    | male - | 9 years               | single -           | - - Encampment Merri Creek. |
| Dec. 24 -  | Nullingrook | Western Port | female | 38 years              | married -          | Deep Creek.                 |
| 1843:      |             |              |        |                       |                    |                             |
| Jan. - 1 - | Murrum -    | Yarra - -    | male - | 12 years              | single -           | - - Encampment Merri Creek. |
| Feb. 11 -  | not given - | Yarra - -    | female | 3 days -              | - - -              | Nerre Nerre Warren.         |
| BIRTHS     |             |              |        |                       |                    |                             |
| Date.      | Name.       | Tribe.       | Sex.   | Where Born.           |                    |                             |
| 1843:      |             |              |        |                       |                    |                             |
| Feb. 8 -   | not given - | Yarra -      | female | Rise N. Nerre Warren. |                    |                             |

Deaths, 7 - - - - Births, 1.

(signed) *William Thomas,*  
Assistant Protector, Western Port District.No. 11.—LETTER from Mr. Assistant Protector *Thomas* to the Chief Protector.

Sir, Merri Merra Creek, 5 June 1843.

I HAVE the honour to lay before you a journal of my proceedings from the 1st of March to the 1st of June 1843.

March 1843.

On the 1st of March I was attending, according to your instruction, an aboriginal native of the Goulburn tribe, named Warriee, who was in confinement in Melbourne; I attended him mostly two or three times a day, and visiting the native encampment at Merri Creek. On the 16th Warriee was brought before the Supreme Court; the Assistant Protector of that district not appearing, by the order of the court, his trial was put off till the 7th of April, in order that Mr. Assistant Protector Le Souef might be present to act as interpreter, which information I immediately conveyed to you. On the 17th, by your order, I go to the native police quarters, and select two of that body to accompany you on your journey; and on the 18th at noon, proceeded with you. On the afternoon of that day, as you are aware, an affair took place which again showed how serviceable the native police might be, if properly occupied and brought into service. The circumstance was simply this:—As we were passing along, a cry of "police, police," I, in company with you and the police, turned back, when a Mr. Lundy called out, "he runs along that fence; a man with a large stick has just knocked me down." One of the police horses not being fit for service, I and the other policeman immediately pursued on horseback down the fence which led to the creek; after examining the creek for some time without success, I told him if he could get his horse across the creek to follow it up on yonder side, and I would ride on this side; we did so, getting off our horses occasionally, as the creek was very stony, and many crevices sufficiently large to conceal a man; after an hour's search, and the black exerting himself patiently, we were returning; some people by this time had collected by the creek; it was near dusk, when the black said, "we will look once more;" we gave our horses to one standing by; the black again went along the fence; he eyed, on some soft ground, the print of the man's shoe, and then another; he said, "me, me no gammon;" I stopped him when I found he was correct, and bid him unload his gun; he assured me it was not loaded. I bid him then take it, and accompanied him, and not 100 yards from the fence the man was found in a chasm; he could not be seen, nor any part of him, but the last footmark was to this opening; the policeman put his hand and the muzzle of his gun in, when the man inside called out, "I will come out, do not shoot me;" the black had looked well over the part where the man was found, an hour previous to finding him; it was the unerring track mark that led to the unsuspected spot, which will ever show the great superiority of those people in detecting offenders' retreats; but in conducting them much prudence and caution should

should be exercised, for the aborigines as yet have not any deep remorse at shedding of blood. On the 19th one of the police horses being incapable of travelling, by your order, I crossed the country from the new line of Sydney Road to the border police barracks at Mount Macedon, in order to get fresh horses; the blacks showed their patience, one alternately walking to ease the brute, and for the last three miles carried the saddle on their backs. On the 20th, after seeing the native police have two good horses for the journey, and writing to you by them, per your orders, I returned to the encampment by the Merri Creek, where I arrived the same evening, and the following day resumed my charge with Warrie. On the 24th, on proceeding to the encampment, after attending Warrie, I learn that the Mount Macedon blacks are on their way to the settlement, and are no great distance from the encampment by Merri Creek; learning the direction, I proceed, and just before sunset come up with them about six or seven miles from the Merri Creek encampment. I endeavoured to persuade them to return to their station where they were comfortably provided for; finding that they were bent on joining the great body, I felt it my duty in your absence to inform his honour the Superintendent; early on the 25th I again caution them not to come nearer Melbourne, but to return to their own comfortable home; I leave them, not pleased with their obstinacy, and attend to Warrie, afterwards attending to the encampment. Mr. Commissioner Airey arrived with one policeman; I accompanied him; they by this time were approaching near the encampment; one conducted us to them; it being Saturday, and they complaining of being tired, we agreed (the next day being Sunday) that they should remain till Monday, and then return to their own country; they remained a few days longer, but left peaceably. Notwithstanding their stay was short, it was long enough to sow the seeds of discontent; they ungratefully complained of their Protector, of their poor fare at the station, &c. &c.; their looks portrayed the falseness of their sayings; of course I believed them not; I merely state their sayings to show how soon they can be poisoned against their real and only benefactors; and the necessity, in order to their moral and civilization, to keep them from the settlement, when they are pampered, not merely beyond the wants of man, but far exceeding what the public would credit or imagine; I continued (daily expecting to see the Protector of the Goulbura district) to attend Warrie in gaol, and my other duties in the encampment. The 7th of April arrived, and the Protector, not arriving, I conducted Warrie into court, and on the 8th his honour the judge committed Warrie to my care, stating that it would be desirable, if possible, that he might be kept from returning to his own district, that no further outrages be committed by him; I stated to his honour the judge the improbability of being able to persuade him to remain with me, when his honour replied "that he would indemnify me if he left." From the court I proceeded with Warrie to the central station, at Nerree Nerree Warren; to my great surprise he accompanied me, gratefully acknowledging his release from gaol; it was affecting to see the poor savage; on my way I kept a little from the road; he eyed a wattle-tree; he flew to it; one strip of bark happened to be on it (not now always the case), he indulged in a repast of his own greatest luxury. On returning to the station, I found much immediate work required to be done, there being only two hands on the station, owing to the recent reductions; I remained with Warrie, who stops perfectly satisfied; he occasionally wished for his wife and children, saying, "if he had them he would no more go back to his own country," which induced me (through his honour the Superintendent, you being absent,) to write to Mr. Assistant Protector Le Souef to forward them. Warrie works regular with myself and the men, without murmuring or showing any reluctance, sometimes in the aborigines' garden; he was taught to drive the bullocks and to plough; he ploughed several furrows of land, but being anxious, as the ground was moist from some recent rains, to get the ploughing over, I did not pay that attention to him in ploughing I otherwise might have done. On Sunday the 7th of May, you arrived at the station, and after having an interview with Warrie, you ordered me to attend the encampment by the Merri Creek, and to bring Warrie with me; after finishing some work on hand on the 10th, I leave the central station, accompanied by Warrie; at night we arrive at the encampment, south of the Yarra; I introduced Warrie to the Western Port blacks, cautioning them not to hurt him, if they did that they would be punished as though he was a white man; Warrie shook hands with them, but kept close to me; we proceeded; it was late when we got to the Merri Creek; Warrie would not sleep in the blacks' encampment; and I left him at my son's farm. On arriving at the native encampment, I found that many reports were abroad touching the blacks; some I found true, particularly the annoying the men working in the neighbourhood, of some losing their tools, &c., which in a few days I set right by bringing aborigines to the parties injured; the parties injured were satisfied, and grateful for my interference. Warrie felt very displeased at my continually leaving him, as I was compelled to do, attending to my other duties; I tried to reconcile him to come and sleep with me at the encampment, assuring him that they dare not hurt him, but never could. Warrie, after waiting patiently for a fortnight, said he would go and fetch them himself; on Tuesday evening the 16th, Warrie gave me to understand that the following morning he would go; early on the morrow, after making our fire, and having his breakfast, I gave him enough food for the journey, and a present for his lubra; he shook hands with Mrs. Thomas and the children, and left; he looked back once or twice ere he got out of sight, and in his last look waived his hand, evidently not unmindful of the kindness he had received; I firmly believe that had Warrie had his wife and children, and I remained on the station, he would never have left Nerree Nerree Warren. As in the case of Coldmorning, I endeavoured to make him sensible of the English law, and the consequences of robbing, and also endeavoured to make some impression on his mind touching the Great Father of all the families of the earth. On the 17th I go up the Daribeau, and by the Plenty Road, to make inquiry into some petty thefts

April 1843.

May 1843.

NEW SOUTH  
WALES.

Encls. 4, in No. 72.

thefts said to have been committed by the blacks, but found the reports without any foundation; the blacks had been there, but had conducted themselves well in this single day's route. I found, like as on the south of the Yarra, almost every wattle-tree destitute of bark.\* Surely the aborigines in the neighbourhood of the settlement, could they well plead, might urge strong motives for becoming mendicants. On the 18th a more than ordinary case came under my notice; one of the native police was charged with attempting to kill a cow, which upon inquiry into (although it was distinctly stated that the deed was maliciously done), I had reason to believe otherwise, that it was more from mischief than vice; a tomahawk was thrown at the cow, so that seven inches of the handle was in the cow's bearing, and remained there for some hours ere it was extracted. The aborigine accused never attempted to run away or deny the charge, but stated in answer to the charge that he thought the cow was going to run at him; he appeared sensible of the injury he had done, and I left him to his commander to be punished in any way he deemed most fit; the cow did not die, as was stated by the journals, but in a few days was right again; the herdsman felt satisfied with the inquiry. I am fully convinced, not only from this, but from other occurrences that have come under my notice, that when aborigines commit depredations, if information was immediately forwarded to the Protectorate, that they would be speedily checked, and oftener the real perpetrators identified. On the 22d of this month more Goulburn blacks arrive, and the whole of the Western Port, all encamp within a mile from the native police quarters. Towards the evening, as they got regularly settled and their miams up, I took a careful inventory of their numbers, which were as follows:—

|  |   |   |   |   |   |   |   |   |    |      |   |    |
|--|---|---|---|---|---|---|---|---|----|------|---|----|
| Goulburns                                      | - | - | - | - | - | - | - | - | 29 | } 46 |   |    |
| King's River, Ovens, Broken, and Devil's River | - | - | - | - | - | - | - | - | 17 |      |   |    |
| Yarra and Native Police                        | - | - | - | - | - | - | - | - | 21 |      |   |    |
| Western Port and Port Phillip                  | - | - | - | - | - | - | - | - | 18 |      |   |    |
| TOTAL  |   |   |   |   |   |   |   |   | -  | -    | - | 85 |

This will show that the greater number of miams are actually those who are not of the district, nor are these visits mere transient; there has not been since the month of February 1842, now upwards of 15 months, a single week but that other blacks, as well as my own tribes, have been encamped by Melbourne; in fact, the town has for this long period been continually infested by them: it is lamentable to behold their wretched appearance, though in support are literally pampered; it is not uncommon to see good wholesome food thrown to their dogs; there appears no disposition on the part of the constabulary to stop or check the same: lubras may be seen with six or more diseased dogs in their train, stalking through Melbourne; I am fully convinced that with little difficulty the aborigines might be kept out of the settlement; there has not as yet been any determined plan acted upon to keep them out; sending a body of police one day, and the same police shaking hands with them the next, is not the way; but a persevering conduct towards them would soon have a salutary and efficient operation; it would bind them more to their own stations, where they can alone receive that moral culture and example which can benefit the condition of the adults, and raise their rising offspring from the degraded state of their fathers; such is their present condition. On one day this month, between the Yarra and the Northumberland Hotel in the public road, I went up to four groups who had fires at midday enjoying themselves; I counted their mendicant fare thus early in the day; there were 21 good white loaves, besides abundance of meat from the shambles; one of them holding up two loaves, exclaimed, "no like this at Nerre Nerre Warren, no good Nerre Nerre Warren, marnameek (very good) Melbourne;" surely Protectors under such circumstances may exclaim, "we spend our strength for nought;" at this moment to watch over the encampment at the Merri Creek (I may say a little settlement of indolence and mendicancy) is an expense to the Government in salaries only of 604*l.* 15*s.* per annum; viz.

|   |   |   |   |   |   |   |   |   |     |    |   |
|---|---|---|---|---|---|---|---|---|-----|----|---|
| Myself and Medical Dispenser            | - | - | - | - | - | - | - | - | 304 | 15 | - |
| Commander and Officers of Native Police | - | - | - | - | - | - | - | - | 300 | -  | - |
| £. 604                                  |   |   |   |   |   |   |   |   | 15  | -  |   |

There is not an iota difference between the native police and the rest; all alike either spend their time in indolence or mendicancy.

Such is the state of the encampment to the close of the month of May. As it respects the central station, over which I have charge, from the history of the foregoing and previous reports, nothing but discouragements attend my services; at least two loads of fine vegetables were spoiled for want of aborigines to consume them. We have seven tons of wheat to thrash, which I know not how it will be done, as my services are so continually required from the station. That the present position of the aborigines under my charge which I have in this and in previous reports endeavoured to set forth, may meet with your deep consideration, in order that my services may become more effectual in accomplishing that for which I entered into the service, is the earnest prayer of

Sir, &amp;c.

(signed) William Thomas,

The Chief Protector, &amp;c. &amp;c. &amp;c.

Assistant-Protector, Western Port District.

\* The manner of stripping bark now is quite different from the old barkers, ere the settlement was formed; they used to cut down the whole tree and strip it clean to the top; now they merely strip a yard or so all round, and make a forest for a single load, equally unprofitable to merchant and aborigines.

—No. 73.—

NEW SOUTH WALES.

(No. 71.)

Copy of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

My Lord,

Government House, Sydney, 22 March 1844.

I HAVE had the honour to receive your Lordship's despatch, No. 155, of the 29th September 1843, wherein, after acknowledging the receipt of the reports for the year 1842 of the officers of this Government engaged in the protection and civilization of the aborigines, your Lordship alludes to a passage in the report from the head of the Wesleyan Mission (at Bunting Dale) in the Port Phillip District, from which it might be inferred that crimes, and even murders, committed by the aborigines on each other, are not noticed by this Government in consequence of the prevalence of an opinion that we have no right to interfere with the natives, so long as they only exercise their own customs on themselves.

To prove, however, that no such opinion is entertained or countenanced by this Government, I need only refer your Lordship to my despatch, No. 12, of the 24th January 1842, and to your Lordship's reply, No. 144, of the 2d July in the same year.

I have, &c.  
(signed) *George Gipps*.

No. 73.  
Sir George Gipps  
to Lord Stanley,  
22 March 1844.  
Page 261.

—No. 74.—

(No. 72.)

Copy of a DESPATCH from Lord *Stanley* to Governor Sir *George Gipps*.

Sir,

Downing-street, 10 May 1844.

I TRANSMIT to you herewith a copy of a letter from the Secretary to the Society for the Propagation of the Gospel, containing a project for the maintenance of a mission for the religious instruction, at the same time of the European population and of the aborigines, in the district of Port Phillip.

You will perceive that the society propose to defray a portion of the charge of such an establishment from the funds at their disposal, and that the other portion of the charge should be met by endowments in the shape of land. Upon that part of the project, I have thought it right to refer to the Colonial Land and Emigration Commissioners, a copy of whose report I enclose.

It appears to me deserving of consideration how far the ill success which has hitherto attended missionary efforts in New South Wales is likely to be obviated by the combination proposed in the present plan of two separate modes of instruction; and I entirely agree in the importance of affording, if possible, spiritual aid to the scattered white settlers, whose families must be at present, in many cases, wholly deprived of the ordinances of religion.

I have thought it right that a proposition of this nature, involving a liberal expenditure on the part of the society, should be referred to the local Government; and you will consider and judge how far it is expedient to submit it to the Legislature, as it would not be practicable to carry out such an arrangement without the intervention of the Legislative Council.

Whatever may be your decision on that point, I should wish to receive from you a report of your opinion on the proposal of the society.

I have, &c.  
(signed) *Stanley*.

Enclosure 1, in No. 74.

My Lord,

79, Pall Mall, 4 April 1844.  
WITH reference to my letter of the 13th July 1843, calling your Lordship's attention to the religious condition of the British and native population in the interior of Port Phillip, as described in the accompanying report, I am directed by the Society for the Propagation of the Gospel to submit the following suggestion.

It appears that certain portions of land under the name of "village reserves," have been set apart in favourable situations for the public purposes of the colony, and that these reserves might, without difficulty, be made available for the moral and religious improvement both of the aborigines and of the British settlers.

No. 74.  
Lord Stanley to  
Sir George Gipps,  
10 May 1844.

4 April 1844.

29 April 1844.

NEW SOUTH  
WALES.

Encls. 1, in No. 74.

There is reason to believe that such an application of them would be approved in the colony, as it would tend to relieve the general revenue from the charge of supporting both its own religious institutions and the establishment of protectorates for the natives.

The Society, therefore, has directed me to request that your Lordship will refer this proposal, should it approve itself to your judgment for consideration to the Governor of New South Wales.

The Right honourable Lord Stanley.

I have, &c.  
(signed) Ernest Hawkins.

OUTLINES of a Plan of a Mission for maintaining the Ordinances of Religion amongst the British Population in the interior of the Port Phillip District; and for instructing the Aborigines in the principles of Christianity.

I. *The Objects.*

1. To provide an itinerating ministry, sufficient to impart religious instruction to a considerable part of the British population.
2. To undertake the general superintendence of the religious and moral instruction of the aborigines.

II. *The Means.*

To place two missionaries at each aboriginal station; viz.

|                  |   |   |   |   |   |   |   |
|------------------|---|---|---|---|---|---|---|
| At Western Port  | - | - | - | - | - | - | 2 |
| the Goulburn     | - | - | - | - | - | - | 2 |
| Mount Rouse      | - | - | - | - | - | - | 2 |
| the River Loddon | - | - | - | - | - | - | 2 |
|                  |   |   |   |   |   |   | 8 |

At each station one good schoolmaster - - - - - 4.

III. *The Mode.*

1. One of the missionaries at each aboriginal station to devote himself to the blacks, the other to the white population, within a reasonable distance, to take the respective duties by turns; say in alternate months.
2. The schoolmasters to be under the superintendence of the missionaries, and to be men of respectable attainments and of perseverance.
3. The missionaries to communicate with their ecclesiastical superior as to all matters affecting their duties, and also to the civil authorities in all proper cases, such cases to be defined as particular as may be.
4. Various other regulations to be made in respect to the aborigines, to carry out more effectually the objects of the mission, in advancing their civilization and religious instruction. (These will perhaps be matters for Legislative enactment, and need not be considered here.)

IV. *Means of Support.*

One-half of the support of the missionaries to be borne by the Church of England Societies, the other half by the Colonial Government. The Church of England considering it as part of her Apostolic mission, more especially to preach the Gospel to the heathen subjects of the British Crown, is willing to take the whole expense on herself of the ministry to the white population, as already detailed, instead of putting forward her claim to that assistance from the State, to which according to the existing Colonial Regulations she is in justice entitled, as much as in the case of town population. She, therefore, in return for the expenditure here proposed, only claims what may fairly be considered as necessary for the instruction of the aborigines in giving effect to the present plan, which it is submitted will advance their welfare, along with the moral and religious improvement of the white population, and serve to promote decency and order, and a good understanding between the two races.

V. *Expenses.*

|  |   |       |       |
|--|---|-------|-------|
| Four Clergymen to be maintained by the Church Societies                                | } | £.    | £.    |
| on a salary, say of - - - - - £. 250 each  |   | 1,000 |       |
| Horse and allowances - - - - - 50 each   |   | 200   |       |
|  |   | 1,200 |       |
| Expenses to be borne by Government, four Clergymen with allowances as before - - - - - | } | -     | 1,200 |
|  |   |       |       |
|  |   | £.    | 2,400 |

N. B.—The salary for the four schoolmasters required is already included in the expenses of the protectorate; no additional expense is therefore entailed under this head.

It is submitted that this arrangement combines economy with efficiency in a great degree, embracing the improvement of both the blacks and whites, and enabling the missionaries, by an interchange of duties, to go through more work than if always confined exclusively to either branch; constant itinerating would wear down the strongest constitution, but such a result would thus be obviated. On higher grounds it ought to be borne in mind that the efficiency

efficiency of the missionaries would thus be increased, as has been proved in all missions even from the very earliest times.

The schoolmasters also, by being put under this superintendence, would be likely to discharge their duties more beneficially, as has always been found to be the case by experience. Proper conduct on their part and that of all the other subordinate officers connected with the aborigines towards the Protectors, will thus be insured. These advantages, arising from the properly defined position and authority of a Minister of the Gospel, are important, as well as the instruction personally communicated by them. The example, too, and practice of regular discipline and subordination, cannot fail of producing good results upon the aborigines, and furthering their civilization, as must also the general propriety of demeanor which it may be hoped will thus be ensured.

It is submitted that this proposed establishment provides in the most effectual way for the peculiar position in which the two distinct races are placed in the bush, by placing both under one system of instruction and religious superintendence.

The moral improvement, which under the Divine blessing may be hoped to be effected by the ministrations of religion amongst the white population, hitherto neglected, and too much removed from restraint, will take away a chief obstacle to the advancement of the blacks, while it will tend at the same time to diminish those causes of collision justly lamented by his Excellency Sir George Gipps in his despatch on the progress of Australian discovery.

The truths of religion being thus taught to both the whites and blacks, by the same individuals as messengers of peace, will, it is hoped, tend to produce one of the great objects of their promulgation, the promotion of harmony and good will.

This organization in instructing the blacks and whites by the same individuals, and under one uniform system, will effect a far greater and more permanent degree of improvement than any desultory efforts.

The instruction of the aborigines, it is submitted, should be under regular system and superintendence, and as such come under the notice of Government, as the duties of the protectorate do, in what may be considered to belong more especially to their temporal and civil interests. The systematic operation of the plan cannot fail of being far superior to any desultory efforts and undefined attempts, and is calculated to advance the mutual interests of the two races, each of which so much affects the other.

It is to be observed, that in the evidence given before the Committee of the House of Commons, on the subject of the Aborigines of Australia, great stress is laid upon the religious instruction of the remote bush population, considering that any attempts really and permanently to benefit the aborigines, would be futile without it. The basis of the present proposition is, that Christianity is the proper foundation alike for civilization and of respect for human laws.

It will not be disputed that the British Government is called upon to provide for the civilization and religious enlightenment of the aborigines of this country; the Church of England recognises similar duties, and in submitting the present proposition, it is felt that she adopts the human means most tending to their accomplishment, while undertaking to administer at her own entire charge her ordinances to the white population, brought chiefly and in the most critical way into contact with them. The more the whites in the bush are brought under the influence of religion, the more easy, humanly speaking, will be the instruction of the blacks.

RECAPITULATION.

1. The object is to maintain the knowledge of religion amongst the whites, and to impart it to the blacks by one and the same agency.
2. For this combined effort are required, as a beginning, eight clergymen and four schoolmasters.
3. The expenses to be borne jointly by the Church of England Societies and the British Government; viz. Expenditure by the Government, for

|  |           |          |       |
|--|-----------|----------|-------|
| Four Missionaries, say                             | - - - - - | £. 1,200 | £.    |
| Four Schoolmasters, say each on a salary of £. 150 | - 600     |          |       |
|  |           |          | 1,800 |
| Expenses to be borne by the Church Societies       | - - -     |          | 1,200 |
|  |           |          | 3,000 |
| TOTAL per Annum for the Mission                    | - - -     | £.       | 3,000 |

REPORT of the Port Phillip District Committee of the Societies for Promoting Christian Knowledge and for the Propagation of the Gospel in Foreign Parts, on the Religious Condition and Prospects of the Population in the interior of the Port Phillip District.

THE attention of the Port Phillip District Committee of the Societies for Promoting Christian Knowledge and for the Propagation of the Gospel in Foreign Parts, having been directed to the large population in the interior of the country, and to their religious condition and prospects, the Committee deemed it very desirable that such statistical information should be obtained on the subject as would enable them to ascertain the amount of population scattered over the wide extent of country, and thence to estimate and lay before the public their spiritual destitution, on the total absence of religious instruction and ordinances. The necessary inquiries were accordingly entered into, and the Sub-treasurer of Port Phillip kindly allowed free access to the returns and other documents in his possession

Encls. 1, in No. 74.

For Sir Geo. Gipps' Despatch relative to the progress of Australian Discovery, *Vide* Papers ordered by the House of Commons to be printed, 9 March 1841, No. 120.

NEW SOUTH  
WALES.

Encls. 1, in No. 74.

bearing upon the point; and the Chief Protector of the Aborigines, with equal readiness, gave such information regarding the numbers and local haunts of the aborigines, as to induce the Committee to believe that they are in a position to lay before the public a statement that may be depended upon as correct, of the entire population living in the bush without a minister of religion amongst them.

From the returns made to the treasury every half-year by the Commissioner of Crown Lands, it appears that in the district westward of Melbourne, denominated "the Portland Bay District," there are on the Crown lands 1,850 souls from Great Britain and Ireland; and in the district to the north and east, called the Western Port District, there are 2,295. These are the numbers on Crown lands; but in each district there are, at the least, 500 on private estates, which are not included in the Commissioner's returns. In addition to this, there is always a moving population in the bush of perhaps 600 in each district, more especially at the season for sheep-shearing; besides, there are above 700 aborigines about Mount Rouse and the River Loddon; that is, to the westward of Melbourne, and 600 about the Goulburn River, and east from Melbourne; and near the towns of Melbourne and Geelong, but beyond the reach of the regular ministrations of religion, there are, at least, 2,000 Christian souls.

These, together, amount to a population of 9,445, thus classed and distributed:—

|  |                    |       |
|--|--------------------|-------|
| Westward from Melbourne:                           |                    |       |
| On Crown lands                                     | - - - - -          | 1,850 |
| On private estates and small farms                 | - - - - -          | 600   |
| Going up the country for employment, and returning | - - - - -          | 500   |
| Near Geelong                                       | - - - - -          | 800   |
|  |                    | <hr/> |
|  | British Population | 3,650 |
|  | Aborigines         | 700   |
|  |                    | <hr/> |
|  |                    | 4,350 |
| North and East from Melbourne:                     |                    |       |
| On Crown lands                                     | - - - - -          | 2,295 |
| On private estates and small farms                 | - - - - -          | 500   |
| Going up the country for employment, and returning | - - - - -          | 500   |
| Near Melbourne                                     | - - - - -          | 1,200 |
|  |                    | <hr/> |
|  | British Population | 4,495 |
|  | Aborigines         | 600   |
|  |                    | <hr/> |
|  |                    | 5,095 |
|  |                    | <hr/> |
|  | TOTAL              | 9,445 |
|  |                    | <hr/> |
| British Population                                 | - - - - -          | 3,650 |
|  |                    | 4,495 |
|  |                    | <hr/> |
|  |                    | 8,145 |
|  |                    | <hr/> |

These are scattered over a district extending 300 miles from east to west, and to about 150 miles inward from the coast. Beyond these limits to the north, there are about 3,000 aborigines in tribes, each having their locality.

In estimating the population around Melbourne and Geelong, and that on small farms, the Committee feel conscious that the numbers given are below the actual amount, as the class of cultivators of the soil is rapidly increasing.

It therefore appears from returns and statements, on which the greatest reliance may be placed, that the population in the interior, entirely without the ministration and ordinances of religion, amount to no less than about 9,000; and that there are about another 1,000 who only occasionally, and at very long intervals, are visited by a minister of religion. It further appears, that amongst the British population in the bush, there are 1,300 aborigines in a savage and entirely uneducated state. Thus are many thousands of our countrymen, of whom a large proportion came to this country but little under religious influence and guidance, placed in the most unfavourable circumstances, and in the most neglected condition with regard to religion, 1,300 naked savages roaming about amongst them, to the injury and deterioration of both races. The total absence of any religious ordinances, to call the attention and thoughts to the public worship of Almighty God, and the things which concern the soul's salvation and the day of judgment, and the want of any thing to mark the sacred day of holy rest, induce a carelessness and indifference to religion which amount almost to practical atheism. A living without reference to God, while removed from outward restraint and the checks which society imposes, together with the leaven of some hundreds of degraded and untutored savages, expose all to moral contamination, and allow the vicious and polluted to proceed to great excesses in immorality. The entire absence of religious ordinances and of family devotion prevails throughout the greater extent of the bush, while only here and there is the Lord's day observed, by the settler calling his servants together for the reading of God's word and the worship of His holy name. In this state of things, not only do religious impressions gradually wear off, but the knowledge of even the first principles of Christianity is forgotten; and children, growing up amongst parents thus lapsing



lapsing into ignorance and irreligion, receiving neither the knowledge of the truths of Christianity, nor seeing the example of religious observances and habits, seldom or never hearing the name of the blessed Saviour, except in connexion with profane swearing or some horrid oath, are nearly in the condition of the unenlightened heathen.

Encl. 1, in No. 74

In a succeeding generation thus situated, the knowledge of Christian doctrine would be almost lost, and all traces of religious worship and observances nearly obliterated.

With a view to direct attention to localities, the Committee have considered it expedient to take certain spots as centres, around which, to a distance of above 30 miles, they have endeavoured to ascertain the amount of the population. They have fixed upon four central stations, which have been appropriated by Government to the peculiar use of the aborigines, as places on which they might be collected, and experiments made to civilize them. On these localities the aborigines are at present collected in considerable numbers, under the charge of the Government officers denominated Assistant Protectors. These localities are, Mount Rouse and the River Loddon towards the west and north-west of Melbourne, and the native stations on the Goulburn, and at Dandenong on the north and east.

At Mount Rouse there are about 300 aborigines, with access to 800 more; and within a radius of 35 miles around that central station, there are no less than 1,046 Christians, scattered in the bush in threes and fours, without ever seeing the face of a clergyman from one year's end to another. This presents a field of spiritual labour for at least two zealous and active missionaries to be constantly itinerating by turns, to carry the ministrations of religion to a population so scattered.

The Loddon Protectorate station has on it about 300 aborigines (with access to 800 more beyond the occupied country), and around that centre, with the same radius as before, there are scattered in small numbers, at distances of a few miles, 1,102 Christians in the same state of spiritual destitution. Here again is more than enough for the constant exertions of two missionaries.

On the Goulburn there are about 400 aborigines at the station, and 1,000 more inaccessible tribes; and within a circuit of similar extent to those described, there are 750 of our countrymen similarly situated with those around Mount Rouse and on the Loddon.

The remaining native station is Dandenong, about 20 miles east from Melbourne. On it there are 200 blacks, and around it 290 whites on Crown lands, besides above 100 on purchased estates near Melbourne, in the same want of religious instruction and ordinances.

Besides the numbers given as stationary in each of these circuits, there are 957 in corners, beyond the limits described, and 1,000 perpetually moving in the bush; besides, at least, 2,000 on small farms at the distance of eight and ten miles from Melbourne and Geelong, as has already been noticed in giving the estimate of the entire population. The following view may serve to show at one glance the numbers in each circuit entirely removed from the restraints, the guidance, the consolations and hopes of religion, as regards public worship, and the ministration of God's word and sacraments.

WHITE POPULATION IN THE BUSH.

|   | Mount Rouse. | The Loddon.  | The Goulburn. | Dandenong. | TOTALS.      |
|---|--------------|--------------|---------------|------------|--------------|
| Within circuits - - -   | 1,046        | 1,102        | 750           | 290        | 3,188        |
| Beyond circuits - - -   | 270          | 270          | 250           | 167        | 957          |
| Moving Population - - -   | 250          | 250          | 250           | 250        | 1,000        |
| <b>TOTALS - - -</b>   | <b>1,566</b> | <b>1,622</b> | <b>1,250</b>  | <b>707</b> |              |
| <b>TOTAL British Population, entirely destitute of Religious Ordinances - -</b> |              |              |               |            | <b>5,145</b> |
| On purchased lands - - - - -  |              |              |               |            | 1,000        |
| In villages and farms near towns - - - - -                                      |              |              |               |            | 2,000        |
|   |              |              |               |            | <b>3,000</b> |
| <b>TOTAL British Population - - -</b>   |              |              |               |            | <b>8,145</b> |

ABORIGINAL, OR BLACK POPULATION.

|  | Mount Rouse. | The Loddon.  | The Goulburn. | Dandenong. | TOTALS.       |
|--|--------------|--------------|---------------|------------|---------------|
| At stations - - - - -                                | 400          | 300          | 400           | 200        | 1,300         |
| Accessible beyond the limits of occupation - - - - - | 800          | 800          | 1,000         | - -        | 2,600         |
| <b>TOTALS - - -</b>                                  | <b>1,200</b> | <b>1,100</b> | <b>1,400</b>  | <b>200</b> |               |
| <b>TOTAL Black Population - - -</b>                  |              |              |               |            | <b>3,900</b>  |
| White Population - - - - -                           |              |              |               |            | 8,145         |
| Black Population - - - - -                           |              |              |               |            | 3,900         |
| <b>GRAND TOTAL - - -</b>                             |              |              |               |            | <b>12,045</b> |

NEW SOUTH  
WALES.

Encls. 1, in No. 74.

This view presents to the mind much to excite our sympathies and fears, and to call forth our active exertions to supply at least some of the religious wants of our fellow Christians in the bush. Their condition holds out to the venerable Societies for promoting Christian Knowledge and for the Propagation of the Gospel in Foreign Parts such a scene of spiritual destitution, as called these noble institutions into existence, when thousands of our Christian brethren were similarly situated in the North American colonies nearly a century and a half ago. Worse, therefore, and under more aggravated circumstances of religious destitution than they were then in the plantations, are our bush population at the present day, in this wide tract of country, without the observance of the Lord's day, without the celebration of public worship, without the ministrations of religion, and without even the occasional visit of a clergyman, either to counsel or comfort, rebuke or exhort.

This is their condition, and to add to the evils to which they are thus exposed, there are living amongst them 1,300 of the most degraded heathens. As the limits of occupation extend, this evil will be increased, for there are nearly 3,000 blacks at no great distance, beyond some of the remote stations on which herds and flocks are now running. The further the bush is penetrated, the greater the evils to which all are exposed.

Such being the religious condition of the population in the bush, without any prospect of a better state of things arising out of the efforts of that population itself, the Committee feel that they would be wanting in sympathy towards their fellow Christians so situated, and also wanting in confidence in the readiness of the Church Societies to render aid, were they not to make known this great spiritual destitution to the venerable societies which have already done so much to supply the religious wants of this country. The Committee, therefore, is desirous to second the efforts of their beloved Bishop, in laying this statement of the religious destitution of the population in the interior before the venerable societies, and would respectfully solicit such aid as the societies may be able to extend for the maintenance of religion amongst the scattered members of the Church in Australia Felix, and for the conversion of the heathen amongst them, whose country God's providence has given to the British Crown, and whose amelioration and happiness He has confided to British Christian benevolence.

(signed) *C. J. La Trobe*, Chairman.

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Enclosure 2, in No. 74.

Encls. 2, in No. 74.

Sir,

Colonial Land and Emigration Office, 29 April 1844.

WE have the honour to acknowledge your letter of the 25th instant, accompanied by one from the Secretary to the Society for the Propagation of the Gospel, containing a plan for the support of a religious mission for the benefit both of the European population and of the aborigines, in the interior of the district of Port Phillip, and desiring our opinion on that part of the plan which contemplates the conversion of the village reserves in New South Wales into landed endowments for the support of the proposed mission.

With regard to the bearing of the Land Sales Act on the question, we think there can be no doubt, that, as a general rule, it does not permit of landed endowments. The third clause allows reserves to be made of lands, on the ground that they are themselves wanted as sites for public objects, but not on the ground that the revenue derivable from them would be useful for such purposes. In the case, however, of aborigines, the language of this clause seems larger than in any other instance, for it authorizes reserves to be made of any land required for their use "or benefit." Whether these words would admit of making reserves for the support of missionaries engaged in promoting the civilization of the natives, is a question of legal construction which seems to us open to so much doubt, that we abstain from offering a positive opinion upon it.

With regard to the expediency of endowments of the present kind, we lately had occasion to point out the objection, that in new countries, where ordinary land will not yield a rent, the possession of such land, if it be cultivated and improved by the missionaries themselves, would divert them from their proper office, and detract from the public respect due to their character; and if unimproved, would effect injury to the surrounding country, and be an obstacle to its settlement. Of course, however, this objection would not apply to any lands which might be so situated as to admit of being let for cultivation.

Observing that the plan is to be referred to the Governor, we feel it unnecessary to trespass on Lord Stanley's time by adding any thing to these general remarks.

We have, &c.

James Stephen, Esq., &c. &c. &c.

(signed) *T. Frederick Elliot*  
*Alexander Wood.*

NEW SOUTH WALES.

— No. 75. —

(No. 104.)

COPY of a DESPATCH from Governor Sir *George Gipps* to Lord *Stanley*.

No. 75.  
Governor Sir  
*George Gipps* to  
Lord *Stanley*,  
9 May 1844.  
Page 273.

My Lord,

Government House, Sydney,  
9 May 1844.

With reference to the postscript to my despatch No. 68, of the 21st March last, I have the honour to forward herewith, the annual Reports for 1843, on the condition of the aborigines of this colony, which were not furnished in time to accompany that despatch, from the Commissioners of Crown Lands for the districts of

Wellington,  
Lachlan, and  
Clarence River.

I have, &c.

(signed) *Geo. Gipps*.

15 Jan. 1844, No. 1.  
Not dated, No. 2.  
24 Mar. 1844, No. 3.

Enclosures in No 75.

(No. 1.)

Border Police Office, Wellington,  
15 January 1844.

Sir,

With reference to your letter of the 2d of July 1841, in which attention is requested to the sixth section of the despatch of Lord John Russell to his Excellency Sir *George Gipps*, of 25 August 1840, I have the honour to report, for the information of his Excellency the Governor, that since my entering upon the duties of Commissioner of Crown Lands, a period of six months, I have, in compliance with his Excellency's general instructions, endeavoured on every opportunity to make myself acquainted with the condition of the aborigines, and in every way to conciliate them, but from the limited period since my appointment, I am not possessed of as much information as I would wish. The following is, however, the result of the experience I have gained.

Encl. in No. 75.

The numbers of the aborigines in the Border District of Wellington, I estimate at 500, who live on the principal rivers, the Macquarie, Lachlan and Bogan, and most of them have constant intercourse with the whites, by which their moral condition is in no way improved. At most of the stations in this district, I have observed the aborigines associating with the whites, and a good feeling seems generally to exist between the races, and I am of opinion, that in almost every case where a rupture takes place, it proceeds from positive aggression, or inexcusable neglect on the part of the white men.

From personal observation, I believe the aborigines on the Macquarie and Lachlan Rivers, at present an inoffensive people, and becoming civilized, inasmuch as they understand in some degree the value of property, and some will even make engagements of service for short periods, and I have generally seen the wages so obtained spent in the purchase of flour, sugar, tobacco, and clothes sometimes.

Of the natives of the Bogan I can say nothing from personal knowledge. I have been once called upon in a case where some cattle of Mr. W. Lawson, jun. were injured by them at "Warrau," which, on investigation, as reported by me in my letter of 26 September last, I attributed to the mismanagement of that gentleman's superintendent. With this exception I have heard of no outrage committed by the tribe inhabiting the Bogan, about "Mudall" or immediately below the stations formed on that river, since I have been in the district; but having at all times in my power sent a portion of the police to patrol on that river and the Lower Macquarie (the usual resort of the Mudall tribe when out of their own particular tract of country), I cannot say whether the late peaceable conduct of that tribe is to be considered arising from a more friendly disposition towards the whites than they formerly evinced, or from the presence of the police.

I have, &c.

(signed) *W. H. Wright*,  
Commissioner of Crown Lands.

The Honourable the Colonial Secretary,  
Sydney.

NEW SOUTH  
WALES.

(No. 2.)

Encls. in No. 75.

REPORT upon the Condition of the Aborigines inhabiting the Lachlan District, during the Year 1843.

No. 1. Relating to the condition of the Natives.

I do not consider the condition of the aborigines in any way improving, neither do their habits change, or is any improvement likely to take place so long as they retain their present wandering life, and it is quite impossible to induce them to settle long at one place. I have known a few instances of children brought up at stations to the age of fourteen or fifteen, then leave and join their tribes, and nothing would induce them to give up their wild bush life. The natives that are termed civilized, "those that are constantly living at settlers' stations," cannot be persuaded to alter their condition by following a civilized life or occupation.

No. 2. Their numbers.

There are about five or six hundred blacks in the Lachlan District.

No. 3. Residence of any particular place.

The aborigines have no particular or fixed place of residence, although each tribe have their own river and country, which they seldom leave except for the purpose of having a fight or jubilee with a neighbouring tribe. They wander from place to place in their own district, generally forming their camps in the vicinity of the settlers' stations.

No. 4. The social condition of the Natives.

The natives lead a wild life, males and females mixing indiscriminately in the same camp, which is formed with pieces of bark or boughs. The men have from one to four or five wives, called "gins." Many lives are lost in the fights which take place between the different tribes for the gins: after the affray is over, the strongest party take as many women as they please from the conquered.

No. 5. The present state and prospects of the Natives.

Their present state is rather better than formerly, owing to the kind treatment they receive from the Government, in issuing blankets, tobacco, &c., which they value very much. The settlers are also very good in giving them provisions, which tends in a great degree in keeping the natives from spearing and driving the cattle from their runs, and consequently prevents many disputes and collisions between the settlers and aborigines.

From their present mode of living, and the great dislike the blacks have to a civilized life, I do not consider that there is any great hope that their future prospects will improve, and as the country becomes more thickly inhabited by Europeans, the natives gradually disappear.

(signed) *Edgar Beckham,*  
Commissioner Crown Lands,  
Lachlan District.

(No. 3.)

Commissioner of Crown Lands' Office,  
Clarence River, 24 March 1844.

Sir,

In forwarding the annual Report on the state of the aborigines in the district of Clarence River, for the year 1843, I do myself the honour to inform you, that during the above year a very material alteration has taken place in the position in which the tribes on the Clarence stood in relation to the settlers in that division of this district. In my report for the year 1842, when characterizing the aborigines in this district, I stated that they evinced a strong disinclination to any intercourse with the whites, rarely coming to the stations, and appearing impatient on any European approaching their camps; and when alluding to their demeanour with reference to the settlers, I had the melancholy duty of reporting, that in that year three murders had been committed by them on the River Clarence alone. I have now, however, to state, that during the year 1843 their feelings towards the whites seem to have quite changed; for scarcely a day elapsed throughout the entire year, in which they were not in at some of the stations, frequently encamping within sight of the huts, and manifesting the utmost confidence and good feeling. Nor have I, in speaking of their conduct, to report a single outrage committed by them on any establishment on the Clarence. On the Richmond, and in the more northerly and recently located parts of the district, the tribes still continue in their primitive wild state, seldom approaching the stations, or communicating in any way with the settlers. On referring to their conduct throughout the year, I regret having to record the murder of a hutkeeper, on the station of Messrs. Thompson & Wilkin, which occurred on the 24th of May last; but from that date until the end of the year, they continued perfectly tranquil.

I have, &c.  
(signed) *Oliver Fry.*

The Honourable the Colonial Secretary,  
&c. &c. &c.

(No. 75.)

— No. 76. —

EXTRACT of a DESPATCH from Sir George Gipps to Lord Stanley, dated Government-house, Sydney, 3 April 1844.

No. 76.  
Sir George Gipps  
to Lord Stanley,  
3 April 1844.

I TRANSMIT a copy of the latest general letter of Instructions given to Crown Commissioners beyond the boundaries of location, dated 30 September 1843.

Enclosure in No. 76.

Sir,

Colonial Secretary's Office, Sydney,  
30 September 1843.

THE Governor having been pleased to appoint you one of the Commissioners of Crown Lands in this colony, and also a magistrate of this territory, I do myself the honour to transmit to you the following Acts of Council, relating to the powers and duties devolving on you, in the former capacity; viz.

An Act to protect the Crown Lands of this Colony from Encroachment, Intrusion and Trespass. 4 Gul. 4, No. 10.

An Act for amending the last-mentioned Act. 5 Gul. 4, No. 12.

An Act further to restrain the unauthorized Occupation of Crown Lands, and to provide the Means of defraying the Expense of a Border Police; and, 2 Vict., No. 27.

An Act to amend and continue for Five Years the Act 2 Victoria, No. 27. 5 Vict., No. 1.

It is proposed to employ you on the parts situated beyond the boundaries of location in the "Lachlan District; having for its boundary to the southward the right hand of the Murrumbidgee, as far as any stations extend down that river, and bounded on its right by the left bank of the River Lachlan."

And I am directed by his Excellency the Governor to convey to you the following instructions for your guidance, in acting upon the last-mentioned colonial enactment, and the regulations consequent thereon, which devolve upon you great duties and responsibilities, and render it necessary that you should be constantly within your district.

As relating to the depasturing of stock within your district, I have to refer you to the regulations of the 21st May 1839, respecting the licenses to be granted, and to point out that it will be necessary for you to send to the post town for the applications which may be addressed to you, and likewise forward those you approve, without delay, to the treasurer, at the same time apprising the parties.

You will understand that a license is only valid in one district, and that persons having stock in other districts must take licenses for each, but licenses for stations in two contiguous districts are chargeable with one fee only.

You will be very careful not to recommend the renewal of the license of any person who has not kept a sufficient number of servants at his station, or whose servants have misbehaved in any way, or at whose stations native women have been harboured, or whose servants have committed unprovoked aggressions on the natives, or had spirits in improper quantities at his station, or who have in any way infringed the regulations of the Government.

You will be very punctual in transmitting all returns required by the last Act of Council, in the proper forms, according to the Schedule attached to it; particularly those which relate to the assessment of stock.

In addition to these returns, you will be required to keep an itinerary, in duplicate, in the form forwarded herewith, a copy of which you will transmit to this office as opportunities occur, completed up to the date of its transmission; the other copy you will retain until you return to your head quarters, whence it is to be despatched to me by post.

You will be careful to number the pages of these returns, adding up the amount of each column that contains figures, and carrying the sum to the next page or sheet; the sheets are to be fastened together, and your signature, with the date of its completion, put to the last sheet only.

It is supposed that you will find no difficulty in obtaining the information required for filling up the several columns of the itinerary and of the census return to accompany it; but should any person from whom you may make inquiry refuse to give the requisite information, you are to inform him that his license will not be renewed, and are to report his name, with the facts of the case.

As your itinerary will not contain all the information required by the Government, you will forward special reports of any remarkable occurrence in your district, and particularly of any proceedings which you may be called on to take in deciding on cases of encroachment under the tenth clause of the Act; of licenses cancelled under the fifth clause; of persons or stock removed under the sixth or tenth clause; of unbranded beasts seized under the fifteenth clause; or of horses or other stock under the eleventh clause.

You will discourage by every means in your power the practice so prevalent among stockmen of carrying fire-arms, or even of keeping fire-arms at their stations, unless deemed absolutely necessary for their protection.

627.

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You

Encl. in No. 76.

You will report the names of all parties who may occupy lands without a license, representing, according to the best information to be obtained, the situation in life, habits and characters of these persons, whether they desire a license, and are able and willing to pay the double fee, if the Government after the receipt of your report shall think proper to grant one.

A list of all persons who may obtain licenses will be duly certified in the Government Gazette, a copy of which will be forwarded to you as published.

Aborigines.

With reference to the duties devolving on you for the protection of the inhabitants and of the aborigines, I have the honour to inform you that you will be allowed the men of the border police that were supplied to your predecessor, Mr. Cooby.

The general object of the establishment of the police is to keep order amongst all parties, but in an especial manner it has been established for the protection of the aborigines, and to stop the atrocities which have been committed on both sides, between them and the stockmen; and you will bear in mind, that the black inhabitants of this country are no less the subjects of Her Majesty than the white, that all are equally amenable to the laws, and all equally entitled to their protection. In every case of violent death, therefore, an inquiry is to be held into the probable cause of it, whether the deceased were a white or a black person, and the parties to be dealt with as the case may require, and the proceedings on the inquiry immediately transmitted to the Attorney-general.

You will endeavour by every means in your power to gain an influence over the black population; you are, if possible, to attach a portion of them to your police force, and to take care that they are kindly treated by the policemen.

To facilitate your endeavour to gain the confidence and good-will of the blacks, you will be allowed to make occasional demands for articles esteemed by them, to be distributed amongst them for any services they may render to you, but no general or indiscriminate distribution is to be made to them; and in the choice of the articles care must be taken to select only such as will tend to create a taste for the more simple enjoyments or pursuits of civilized life, studiously avoiding any which may be calculated to be injurious to them.

You will explain to the blacks the consequences which they will draw upon themselves by any acts of aggression on the whites, as well as the punishment the latter will be subject to for any misbehaviour to them.

You will include in your census, distinct from the whites, all the blacks who may be living at any stations at the time of your visit, noting in what manner they are employed.

You will be very particular in reporting any and every case, which may come to your knowledge, of black women living with white men, whether it be with or without the consent of their husbands and friends.

You will further endeavour to ascertain the number of aborigines who may be living within the limits of your district, though not in immediate connexion with white men.

2 Vict., No. 18.  
Clause 49.

In your magisterial capacity, I am directed to call your attention to the suppression of illicit distillation and sale of spirits; and to the clause in the Act of Council, which forbids the giving of spirits to an aboriginal native.

You are to allow no ticket-of-leave men to remain in your district, unless under competent authority; any that may remain, after being warned by you of the consequence, must be reported to the Government, and their tickets will be cancelled; and in your census you will distinguish ticket-of-leave men from other convicts, stating the authority under which they may reside beyond the boundaries.

With respect to the preservation of timber on Crown lands, I have to call your attention to the regulations of 21st May 1839, and to inform you that a supply of the form of application will be forwarded to you for delivery to parties requiring the same, as well as to the several benches of magistrates, observing, that the third clause of the Act (2 Vict.) allows occupiers of land to cut timber for their own use, but for no other purpose.

In conclusion, I am to state, that it will be necessary that you visit each station in your district twice during each year; and that your pay is to be 450*l.* per annum, from the present date, but that no allowance of any nature soever, excepting stationery, will be made to you.

I have further the honour to enclose your commission, and to inform you that a fee of five guineas is chargeable thereon, which you will have the goodness to pay into the hands of the colonial treasurer.

I have, &c.

To Commissioners of Crown Lands.

(signed) *E. Deas Thomson.*

SOUTH AUSTRALIA.

SOUTH AUSTRALIA.

[For previous Correspondence respecting the Aborigines in South Australia, vide Papers relative to South Australia; presented to Parliament by Her Majesty's Command, 1843, pp. 267. 309.]

— No. 1.—

No. 45.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

No. 1.  
Governor Grey  
to Lord Stanley.  
4 March 1843.

My Lord, Government House, Adelaide, 4 March 1843.

I HAVE the honour to request your Lordship's attention to the enclosed extracts from the Western Australian Government Gazettes of the 23d of June and 20th July 1841, relative to a remission in the purchase-money of land to such persons as may reclaim and civilize the aborigines to such an extent as to render their services available and useful for the purposes of civilized life. This system appears to have been in operation in Western Australia for nearly two years. I am led to understand that its effects have been found beneficial, and I should feel much obliged to your Lordship if you would allow me to give the same system a trial in this colony.

I should have addressed a letter to your Lordship on this subject at an earlier period, had not the Acts of Parliament under which this colony was constituted a British Province, rendered the introduction of the proposed system impossible. The repeal of those Acts by the Act of the 5 & 6 Vict. c. 61, places this colony in the same position as Western Australia, and has thus enabled your Lordship to accede to my request, if it appear proper to do so.

I have, &c.

(signed) G. Grey.

One Enclosure.

Enclosure in No. 1.

EXTRACT from the Western Australia Government Gazette, Perth, 23 June 1841.

A REMISSION in the purchase of land to the extent of eighteen pounds (18*l.*) will be allowed to any person who shall produce satisfactory evidence to the Government, that a native has been in his constant employment for the space of two full years, and that he has acquired a competent knowledge and skill in the usual operations of farming, threshing, reaping, mowing, &c. &c.

A remission in the purchase of land to the extent of thirty-six pounds (36*l.*) will be allowed to any person who shall produce satisfactory evidence to the Government, that he has instructed a native in a trade or calling, or handicraft, of such a nature as is usually brought under the system of apprenticeship; and that such native has acquired such proficiency therein as would, in the case of an European apprentice, entitle him to receive his indentures and be treated on the terms of a journeyman. The person applying for such remission will also be required to give the native such a certificate as will entitle him to be treated as a journeyman.

Encl. in No. 1.

EXTRACT from the Western Australia Government Gazette, Perth, 20 July 1841.

A REMISSION in the purchase of land to the extent of eighteen pounds (18*l.*) will be allowed on account of any female native who shall be proved to the satisfaction of the Government to have been constantly resident after the date of this notice in any settler's house during the space of two full years, and who shall have acquired a competent knowledge and skill in either of the several occupations of cook and thorough house servant, dressmaker, laundress or bonnet-maker.

SOUTH  
AUSTRALIA.

— No. 2. —

(No. 62.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Grey*.No. 2.  
Lord *Stanley* to  
Governor *Grey*,  
6 Sept. 1843.

Downing-street, 6 September 1843.

Sir,

I HAVE received your despatch, No. 45, of the 4th of March last, in which you enclose a copy of a Government notice, bearing date the 23d June 1841, taken from the public Gazette of Western Australia, offering a remission in the purchase-money of land to those persons who should reclaim and civilize natives; and you request authority for the adoption of the same system in South Australia.

Before the passing of the recent Act of Parliament for regulating the Sale of Lands in the Australian Colonies, I had given my sanction to that measure when adopted in Western Australia. The provisions of that Act have now raised an insuperable obstacle to the operation of that system. I should, however, wish as far as possible to adhere to the principle, which I believe to have a beneficial tendency, and I do not object to authorize you to make, from that portion of the land fund which would be applicable to the support and civilization of the natives, grants of money to the amounts stated in the public notice of the Government of Western Australia, to be expended by those who may receive them, in the purchase of land in the manner provided by the Act of Parliament.

I have, &c.  
(signed) *Stanley*.

— No. 3. —

(No. 76.)

COPY of a DESPATCH from Governor *Grey* to Lord *Stanley*.No. 3.  
Governor *Grey*  
to Lord *Stanley*,  
21 April 1843.

Government House, Adelaide, 21 April 1843.

My Lord,

I HAVE the honour to request your Lordship's attention to the injury which has been inflicted on the aborigines of this province, by the financial difficulties of the colony, and by so large a portion of the land fund having been expended in the payment of the debts of the Colonial Government. Some provision has been made by the British Parliament for all classes of persons who have suffered from the bankruptcy of this colony, with the exception of the natives, yet they have, in fact, shared the evils which resulted from the embarrassments of the local Government, and I have not, at the present moment, the means at my disposal of affording to the native population those benefits which they appear to be justly entitled to, reference being had to the number of European settlers here, and the large sums of public money which have been expended, and which, in a great measure, were raised from the sale of portions of their territory, which we now occupy.

Under these circumstances, I have felt it to be my duty to submit to your Lordship, whether it would be possible to obtain for this province, as is done for Western Australia, a small annual grant, to be expended in the payment of the salaries of Protectors of Aborigines, and other expenses connected with the natives. At the present time, the native population require the supervision of at least three other persons, in addition to the present Protector, in order that their wants may be adequately attended to.

I have, &c.  
(signed) *G. Grey*.

— No. 4. —

(No. 75.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Grey*.No. 4.  
Lord *Stanley* to  
Governor *Grey*,  
3 Nov. 1843.

Downing-street, 8 November 1843.

Sir,

I HAVE received your despatch, No. 76, of the 21st of April last, in which you suggest that a small annual grant should be obtained from Parliament to be expended in the payment of the salaries of Protectors of Aborigines, and other expenses connected with the natives of South Australia.

You



You ground this proposal on the injury which you state has been inflicted on the aborigines of South Australia by the financial difficulties of the colony, and by so large a portion of the land fund having been expended in the payment of the debts of the Colonial Government; while the natives alone have failed to share in the provision made by the British Parliament for all other classes of the community.

I cannot acquiesce in the validity of this claim, as against the Imperial Treasury. The circumstances to which you refer rather tend to establish a claim against the colonial revenue, and it might perhaps be proper to bring under the consideration of the Legislative Council the question, how far it would be right and expedient to make further provision for this purpose from colonial funds.

I have, &c.  
(signed) Stanley.

No. 5.—

(No. 83.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

My Lord, Government House, Adelaide, 26 May 1843.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 73, of the 27th October 1842, directing me to furnish an explanation of the circumstances under which, during the year 1841, a town lot was sold at so low a price as 12*s.*, and a free grant of 1,212 acres of land was made to a trustee for the use of the aborigines, as detailed in my despatch No. 46, of the 21st of April 1842.

No. 5.  
Governor Grey  
to Lord Stanley,  
26 May 1843.

I beg to inform your Lordship, in reply, that the town acre alluded to was reserved for the use of the mayor and corporation of the city of Adelaide, previously to the first preliminary selections; and that the Colonial Treasurer was duly authorized by the late Governor, on the 15th February 1841, to receive from the mayor and corporation (who had then been recently constituted), the sum of 12*s.* in payment for this town acre.

With regard to the free grant of 1,212 acres for the use of the aborigines, I have the honour to state, that that reserve would appear to be contrary to the original South Australian Act of Parliament; but that the principle of making reserves for the use of the natives, was, at an early period of the existence of the colony, adopted by the then Governor of South Australia, and was approved of in Lord John Russell's despatch, No. 7, of the 28th of March 1841.

No grants have yet been executed for these reserves for the natives, which have been made at different periods; but several of them have been let by public auction on leases of seven years. The rent for such aboriginal reserves as are thus let, are duly paid into the Treasury, and the funds have been appropriated in aid of various purposes connected with the aborigines department.

An account of the expenditure of these sums is rendered with the general account of the expenditure of the colonial revenue, and they will be found to have been always duly brought to account in a separate item, under the head of "Extraordinary Revenue," in the manner which is shown in the enclosed abstract of the receipts and expenditure of the Colonial Government for the quarter ending the 31st March last.

I have, &c.  
(signed) G. Grey.

One Enclosure,  
Government  
Gazette of  
27 April 1843.

EXTRACT from the South Australian Government Gazette of 27 April 1943.

ABSTRACT of Receipts and Expenditure of the Colonial Government of South Australia,  
for the Quarter ending 31 March 1943.

| RECEIPTS.   |   |   |   | £.    | s. | d. | £.     | s. | d. |
|---|---|---|---|-------|----|----|--------|----|----|
| REVENUE, ORDINARY:  |   |   |   |       |    |    |        |    |    |
| Customs   | - | - | - | 4,751 | 13 | 4  |        |    |    |
| Pilotage Dues   | - | - | - | 155   | 5  | -  |        |    |    |
| Harbour Dues  | - | - | - | 191   | 1  | 6  |        |    |    |
| Postage   | - | - | - | 248   | 18 | 6  |        |    |    |
| Fines and fees  | - | - | - | 628   | 4  | 6  |        |    |    |
| Licenses  | - | - | - | 1,770 | -  | 10 |        |    |    |
| Permits   | - | - | - | 4     | 14 | -  |        |    |    |
| Sheep Duty under Scab Act                                 | - | - | - | 36    | 3  | 8  |        |    |    |
| Storage of Gunpowder                                      | - | - | - | -     | 5  | 7  |        |    |    |
| TOTAL Ordinary Revenue                                    |   |   |   |       |    |    | 7,786  | 6  | 11 |
| REVENUE, EXTRAORDINARY:                                   |   |   |   |       |    |    |        |    |    |
| Land Sales  | - | - | - | 284   | -  | -  |        |    |    |
| Rent of Government Wharf at Port                          | - | - | - | 62    | 10 | -  |        |    |    |
| Rent of Aboriginal Reserves                               | - | - | - | 25    | 18 | -  |        |    |    |
| Rent of Slate Quarries at Willunga                        | - | - | - | 5     | -  | -  |        |    |    |
| Interest on daily Balances in Banks                       | - | - | - | 7     | 7  | 2  |        |    |    |
| Miscellaneous   | - | - | - | 304   | 6  | 3  |        |    |    |
| TOTAL Extraordinary Revenue                               |   |   |   |       |    |    | 689    | 1  | 5  |
| RECEIPTS not derived from any Colonial source of Revenue: |   |   |   |       |    |    |        |    |    |
| Proceeds of Drafts on the Lords of Her Majesty's Treasury | - | - | - | -     | -  | -  | 2,216  | 16 | 7  |
| GENERAL TOTAL of RECEIPTS                                 |   |   |   | £.    |    |    | 10,692 | 4  | 11 |
| EXPENDITURE.  |   |   |   | £.    | s. | d. | £.     | s. | d. |
| Governor and Judge  | - | - | - | 450   | -  | -  |        |    |    |
| CIVIL AND REVENUE DEPARTMENT:                             |   |   |   |       |    |    |        |    |    |
| Establishment of his Excellency the Governor              | - | - | - | 60    | -  | -  |        |    |    |
| Clerk of the Council                                      | - | - | - | 50    | -  | -  |        |    |    |
| Colonial Secretary's Office                               | - | - | - | 278   | 8  | -  |        |    |    |
| Colonial Treasurer's Office                               | - | - | - | 196   | 2  | 2  |        |    |    |
| Audit Office  | - | - | - | 130   | 14 | -  |        |    |    |
| Customs Department  | - | - | - | 548   | 16 | 8  |        |    |    |
| Survey Department   | - | - | - | 511   | 1  | 10 |        |    |    |
| Colonial Engineer's Department                            | - | - | - | 407   | 3  | 1  |        |    |    |
| Commissioner of Public Lands                              | - | - | - | 75    | -  | -  |        |    |    |
| Post-office Department                                    | - | - | - | 211   | 5  | 6  |        |    |    |
| Colonial Store  | - | - | - | 332   | 9  | 10 |        |    |    |
| Colonial Surgeon  | - | - | - | 98    | 16 | 8  |        |    |    |
| Harbour Department  | - | - | - | 382   | 16 | 6  |        |    |    |
| Aborigines  | - | - | - | 93    | 16 | 8  |        |    |    |
| JUDICIAL:   |   |   |   |       |    |    |        |    |    |
| Supreme Court   | - | - | - | 88    | -  | -  |        |    |    |
| Insolvent Branch  | - | - | - | 50    | -  | -  |        |    |    |
| Law Officers  | - | - | - | 163   | -  | -  |        |    |    |
| Registrar-general's Office                                | - | - | - | 150   | -  | -  |        |    |    |
| Sheriff   | - | - | - | 57    | 10 | -  |        |    |    |
| Coroner   | - | - | - | 37    | 10 | -  |        |    |    |
| Resident Magistrate's Court                               | - | - | - | 203   | 6  | 8  |        |    |    |
| Resident Magistrate at the Murray                         | - | - | - | 75    | -  | -  |        |    |    |
| Clerk to the Bench of Magistrates                         | - | - | - | 30    | -  | -  |        |    |    |
| Colonial Chaplain   | - | - | - | 87    | 10 | -  |        |    |    |
| Police Force  | - | - | - | 1,780 | 15 | 2  |        |    |    |
| Gaol  | - | - | - | 177   | 15 | -  |        |    |    |
| Port Lincoln  | - | - | - | 150   | 9  | 11 |        |    |    |

| EXPENDITURE—continued.  |           | £.    | s. | d. |
|---|-----------|-------|----|----|
| Printing  | - - - - - | 182   | 1  | 9  |
| Stationery  | - - - - - | 79    | 13 | 4  |
| Keeper of Public Offices  | - - - - - | 25    | -  | -  |
| Miscellaneous   | - - - - - | 72    | 12 | 9  |
| TOTAL Colonial Expenditure - - - £.   |           | 7,236 | 15 | 6  |
| <b>EXTRAORDINARY:</b>   |           |       |    |    |
| Salary to Emigration Agent, and Expenses of                                   | £. s. d.  |       |    |    |
| Widows, Orphans, Deserted Women and Children, and sick and impotent Emigrants | 1,533 1 - |       |    |    |
| Pay to Unemployed Emigrants   | 54 9 1    |       |    |    |
| Amount repaid to the South Australian Commissariat                            |           | -     | -  | -  |
| GENERAL TOTAL of EXPENDITURE - - - £.   |           | 8,974 | 5  | 7  |

SOUTH AUSTRALIA.  
Encl. in No. 5.

\* In the above sum of 1,533 l. 1 s., there is included 1,393 l. 13 s. 4 d. for food supplied during the quarter ending the 31st of December 1842.

(signed) G. V. Butler, Capt. 96th Regt. Chairman.  
Philip Turner.  
W. L. O'Halloran.

Audit Office, Adelaide, South Australia, }  
19 April 1843.

— No. 6. —

(No. 80.)

COPY of a DESPATCH from Lord Stanley to Governor Grey.

Sir, Downing-street, 14 November 1843.

I HAVE received your despatch, No. 83, of the 26th of May last, explaining the circumstances under which, during the year 1841, a town lot was sold at so low a price as 12s., and a free grant of 1,212 acres of land was made to a trustee for the use of the aborigines.

It appears to me that both these proceedings are illegal and invalid, and that they must, therefore, be cancelled.

On the first point, however, the acre of land sold to the corporation might, under the existing law, be again vested in them, if, as I should presume, the appropriation of it could be justified on the ground of public convenience.

The free grant of 1,212 acres of land to the aborigines was contrary to the South Australian Act in force at the period when it was made; and is also contrary to the spirit, if not to the letter, of the Imperial Land Sales Act now in force. Neither do I consider that on grounds of policy it should be confirmed.

You will, therefore, take the requisite steps for cancelling the deed of grant, if any shall have been issued. At the same time you are authorized to make a reserve of the land, if you should think proper, for the general benefit of the aborigines, under the 3d clause of the Land Sales Act.

I have, &c.  
(signed) Stanley.

No. 6.  
Lord Stanley to  
Governor Grey,  
14 Nov. 1843.

— No. 7. —

(No. 84.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

My Lord, Government House, Adelaide, 26 May 1843.

I HAVE the honour to transmit some copies of a vocabulary of the language spoken by the aborigines inhabiting the south-eastern portions of the settled districts of the province of South Australia, and the coast line from the mouth of the Murray River, in the direction of Port Phillip. This vocabulary was compiled by the Rev. Mr. Meyer, a German missionary.

No. 7.  
Governor Grey  
to Lord Stanley,  
26 May 1843.

627.

x x 3 .

I have

SOUTH  
AUSTRALIA.

Map showing the  
range of the  
Southern Districts  
of Australia.

I have at the same time transmitted to your Lordship an outline map of the Continent of Australia, coloured, so as to show the districts within which different dialects are spoken on that portion of the southern coast which lies between the 115° and 141° of east longitude.

Five principal dialects are spoken within this range.

The first is spoken within the district comprehended between the 115° and 125° of east longitude. I transmitted on a previous occasion a vocabulary of this dialect to the Colonial Office Library.

The second dialect is spoken by the aborigines inhabiting the district lying between the 125° and 136° of east longitude. This dialect is composed, in a great measure, of the languages which I have in this despatch termed the first and third dialects, and which are spoken by the natives of Western Australia and those of the vicinity of Adelaide respectively. I transmitted a vocabulary of this dialect to your Lordship on the 5th January 1843 (Despatch No. 3.)

The third dialect is that which is spoken by the natives inhabiting the vicinity of Adelaide, and the country to the north of Adelaide, as far as it has yet been explored. Copies of the vocabulary of this dialect were forwarded to the Colonial Office Library soon after my arrival in South Australia.

The fourth dialect is spoken by the tribes inhabiting the banks of the River Murray, as far southward as a point about 30 miles to the north of the junction of that river with Lake Alexandrina; and it extends thence to the northward along the River Murray, until its junction with the River Darling; and from thence to the northward along the latter river, as far as we have any acquaintance with its aboriginal tribes. No extensive vocabulary of this dialect has yet been collected, but I trust that in a few months I shall be able to forward one to your Lordship, as two gentlemen are at present engaged on this subject.

The fifth dialect is spoken by the aboriginal tribes inhabiting the shores of Lake Alexandrina, and it extends thence to the northward for about 30 miles along the banks of the River Murray, and to the southward and eastward along the coast of Australia, in the direction of Port Phillip, to as great a distance as we are yet acquainted with the natives. I have on the present occasion the honour to transmit a vocabulary of this dialect to your Lordship.

From the foregoing description, and the accompanying map, your Lordship will perceive that these dialects (which from their radical and grammatical resemblance appear all to have had one common origin) have all extended themselves in the direction of the great natural features of the country.

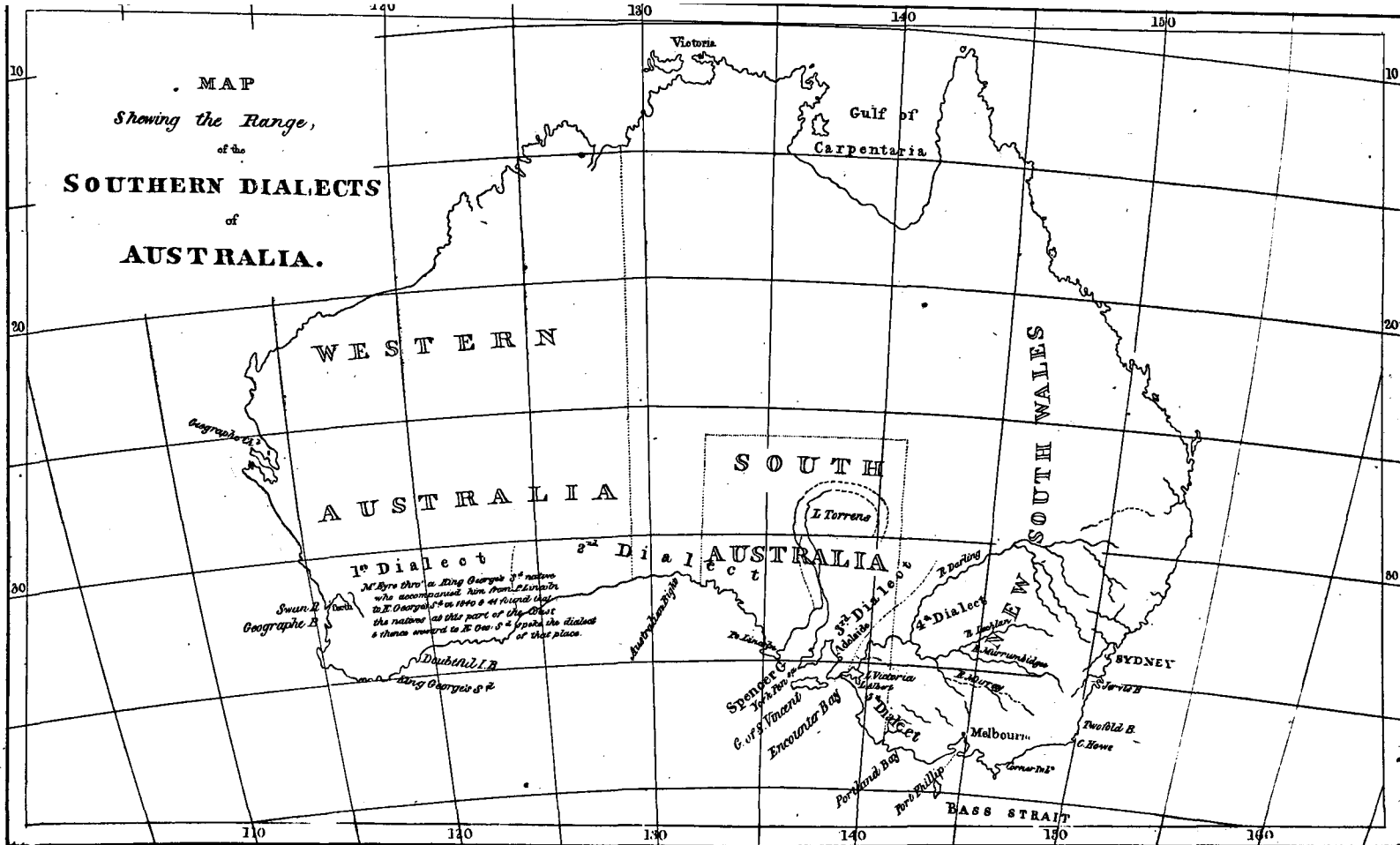
The people speaking the first dialect appear to have extended themselves along the coast line from the northward and westward. Those speaking the third dialect appear to have come from the northward along Lake Torrens and Spencer's Gulf, and to have spread themselves to the westward, until they met the people speaking the first dialect, and from the amalgamation of the two, the second dialect appears to have sprung.

The people speaking the fourth dialect appear to have come from the northward down the River Darling and its tributaries, and from thence down the River Murray, until they were met by those who spoke the third and fifth dialects.

Those who speak the fifth dialect appear to have come along the coast from the eastward, as far as Lake Albert and Lake Alexandrina, and from thence to have spread up the River Murray, until they were met by the other tribes who were coming from the northward.

Those tribes who have spread along the coast line appear to have migrated with the greatest rapidity, or at all events to have occupied the greatest extent of country.

The only probable means of tracing the direction from which this continent was peopled, appears to be that of studying the ranges of the various dialects, and the directions in which they have spread, in the manner I have exhibited on the accompanying map; and as the lapse of every year renders the accomplishment of this object more difficult, I would venture to request your Lordship to endeavour to obtain from the different authorities on this continent, vocabularies of the dialects spoken by the aborigines in the different districts in their vicinity. It would be especially desirable that vocabularies of the languages on the northern coast should be collected; for it is evident, that if one of these dialects should be found to coincide with one of those spoken on the southern coast, then the line of migration from one point to the other might be considered to be very nearly determined. The map which I have now the honour to transmit, and which shows



shows (approximately only) the range of nearly all the southern dialects, affords very strong presumptive evidence that this continent was peopled from the northward, and that the lines of migration were along the coast, and the great water drainages of the country.

I think it proper to add, that in all the vocabularies which I have transmitted from South Australia, one common system of orthography has been adopted, and that the different writers of the vocabularies having previously agreed upon one common method of representing sounds, have rendered these records much more complete and valuable than they would otherwise have been.

I have, &c.  
(signed) G. Grey.

—No. 8.—

(No. 36.)

COPY of a DESPATCH from Lord Stanley to Governor Grey.

Sir,

Downing-street, 10 July 1843.

No. 8.

I HAVE received at various times from the Governor of Western Australia reports on the state of the aboriginal inhabitants within the limits of that colony, which have appeared to me to give a satisfactory indication of the success which has attended the attempts made by that Government to protect and civilize the natives within its jurisdiction.

Lord Stanley to  
Governor Grey,  
10 July 1843.

I am aware that the circumstances of the colonies are so various, and possibly the character of the tribes so different, that it by no means follows that the same measures which have been successfully pursued within the colony of Western Australia are applicable to all the cases which may present themselves elsewhere, or would, if applied under such modified circumstances, produce the same results.

I have, however, thought it might be beneficial to direct the Governor of Western Australia to transmit to you, to the Governor of New South Wales, and to the Superintendent of Port Phillip, a memorandum showing the measures which he has adopted for that purpose, and the results which those measures have produced.

You will, I am convinced, not conceive that I have, in giving that instruction, been influenced by any disposition to undervalue the efforts which you have made for promoting the welfare of the natives within your Government.

I have, &c.  
(signed) Stanley.

—No. 9.—

(No. 116.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

My Lord,

Government House, Adelaide, 24 July 1843.

No. 9.

I HAVE the honour to transmit the report of the Protector of Aborigines in this colony for the quarter ending the 30th June last, and I am anxious particularly to bring under your Lordship's notice the remarks which that gentleman has made upon the success which has attended the efforts of the missionaries, and others who have devoted themselves to the instruction of the native children. It appears from the 7th paragraph of the enclosed report, that within a district of country of 120 miles in length, with an average breadth of 10 miles, there is not a native child between the age of five and ten years, who is not acquainted with the alphabet, and that many of them are advanced in reading, writing and arithmetic.

Governor Grey  
to Lord Stanley,  
24 July 1843.

Several improvements having recently been made in the system of education which has hitherto been adopted, it is to be hoped that still more satisfactory results will be obtained.

I have, &c.  
(signed) G. Grey.

One Enclosure.

SOUTH  
AUSTRALIA.

Enclosure in No. 9.

Encl. in No. 9.

Sir,

Aborigines Location, 8 July 1848.

I HAVE the honour to forward the report of the aborigines department for the quarter ending 30th June.

2. There has been little change amongst the adult portion, but further attempts at improving the condition of the children have been made and sanctioned by his Excellency the Governor.

3. There has been an improvement in the behaviour of the natives inhabiting the northern districts during the past quarter; not one instance has occurred of a station being really attacked. In May, Mr. Hughes, a settler on the Reedy Creek, about 120 miles from town, had some lambs taken away, and this is the chief complaint that has been officially made from that district.

4. In the Mount Barker country there has been more aggression than I have previously known in the same space of time; several huts, according to statements made by shepherds and hutkeepers, have been plundered of provisions, blankets, fire-arms and ammunition, and the system adopted has been altogether different from that previously practised; the huts have been visited in the day, and at a time when the shepherds were away with the sheep. The hutkeeper, in one instance, had his hands and feet made fast whilst the property was taken away, and then liberated; the natives used no violence, neither did they intend to do so, for whilst binding the hutkeeper, they promised repeatedly not to beat or kill him. At Port Lincoln they have been less troublesome than formerly; one attack was made upon M'Allister's station, but it was an unsuccessful one. It was alleged to Mr. Schürman that the attack was made in retaliation of the execution of "Nultia," which took place on the 7th April, at Mr. Biddie's station, where Mrs. Stubbs was murdered. "Ngarbi," another implicated in the murder of Mrs. Stubbs, has been captured, and is to be tried.

5. That part of the colony most exposed to the attacks of the natives, is the line of route between Adelaide and Moorundi. The natives from the Murray are frequently visiting Adelaide, and they travel in groups far more numerous than can be supplied with native food; they are, therefore, compelled to beg, but the settlers cannot supply the demands of such groups, and when they have been denied food, they have not hesitated to procure it by threats and intimidation. These tribes have been guilty of several outrages, and unless they are prohibited altogether visiting the town, the evil will gradually increase; they have caused the Adelaide natives to be much more wandering and unsettled than they otherwise would have been; they have pressed the Adelaide tribes and their friends to encounter them in battle, supposing that their numerical force was sufficient to expel from Adelaide the proprietors of the locality, and then claim the place as their own. This, however, has been checked by the orders issued by his Excellency the Governor, that the spears of all natives intending to disturb the peace should be taken from them. One of the tribe was given up, as a thief, by his own associates, but was not tried, as an interpreter for his dialect could not be found; this deficiency, I hope, will shortly be remedied, as the Murray dialect will, for the future, be made a direct subject of inquiry.

6. The school has been the subject of chief consideration, and has had improvements made in its arrangements. The system previously adopted, was to instruct the children during the day, supply them with food, and allow them to take the supply to their huts; in the evening, they slept there with their parents. On the 20th June, a kind of boarding-school was commenced, sleeping and mess-rooms were fitted up, and the attendance of boys and girls was required in the night, as well as the daytime. Boys and girls are now supplied with separate sleeping-rooms; seven boys and eight girls who had been most regular in their attendance, were selected for trial, and their average attendance has been eleven daily. A matron has been also appointed to superintend the arrangement, and the girls are required to sleep at her house; the arrangement is such as our present experience suggests, and where it may be found practically imperfect, I will not fail to report the imperfection, in order that improvements may from time to time be adopted; the average of the school attendance for the quarter has been  $14 \frac{1}{2}$  daily.

7. As an improved system of education has now been adopted, I may state over what extent of territory the influence of the former has reached; there is not a child between the age of five and ten years, 60 miles to the north or 60 miles to the south, with an average breadth from east to west of 10 miles, that does not know the alphabet, and some are advanced in reading, writing and arithmetic, as given in my report upon education in March last. It is our intention to progress with those who are so far advanced, to the other rules of simple arithmetic, and at the same time offer to the mind other branches of knowledge as opportunely as the exercise of its powers will suggest.

8. There have been many attempts made at domesticating the children, but few have been attended with success; the girls have been tried as domestic servants; one was taken into Government-house in March 1841, and is still there fulfilling her duties as punctually and effectually as any European could at the same age. I took two into my house, occupying them in the day as domestic servants, and in the evening as scholars; but they were compelled to leave, after being ten months with me; they were affianced in their infancy, and were commanded by parents, husbands, and older married women to live with their husbands; the poor girls would have remained a few years longer, had they dared to do so; they were threatened with death by the sorcerers, if they continued to live

SOUTH AUSTRALIA.

Encl. in No. 9.

live with Europeans; the girl taken into Government-house has not been absent a single day, but if she had listened to the advice of her parents, she would have returned to the bush.

9. Trials with the boys have been more frequent than with the girls, and the success somewhat greater. Mr. Horrocks, on the Hutt river, took an orphan about four years old in February 1840, and he is still there; he has entirely forgotten his native language, and this will certainly prevent his living with natives again. A boy from Lake Alexandrina was taken by Mr. James Poole, assistant surveyor, in December 1840; after living two years with Mr. Poole, he was transferred to the care of James Hamilton & Co., but he was persuaded to adopt his wandering habits by his friends, who were visiting Adelaide in April last. Another boy, named "Peter," from the Murray, was living with a survey party for about 14 months, and during this time he acquired many European habits; he became expert in using fire-arms, and since he returned to the bush, has proved a dangerous character; in June 1842, he, and two associates, were accompanying a party overland to Port Phillip, and about three o'clock one morning, they rose and attempted to kill the three Europeans, by attacking them whilst asleep with clubs. One European, named M'Grah, was killed on the spot, but the other two escaped, although severely beaten about the head; the native, "Peter," secured the gun and ammunition, and amused himself by shooting game on the Murray; since that time he has been the leader of a banditti in the neighbourhood of Mount Barker; he, at the present time, is on the banks of the Murray, living chiefly upon supplies procured by fowling-pieces taken from the settlers; he has completely escaped all efforts of the police to capture him, although these efforts have been very considerable.

10. Domestication, has succeeded better with the boys than with the girls, and will certainly continue to do so, as long as their laws of marriage continue as they now are. The old natives, whether male or female, are opposed to girls above the age of 10 or 12 living with any person except the husband, and so completely have the husbands their betrothed wives under their control, that the girls dare not refuse to accompany them, lest death or some other fearful calamity befall them. But, on the other hand, the young men and boys are persuaded by the older men to live with Europeans, in order that the wives of the latter may not be brought into their society.

11. Several adults have been taken into the police force, and proved in a degree useful; those on the Murray, certainly, have been of service in detecting overland convicts on their route from Port Phillip. At the police station on the Hutt river, the first trial of taking an adult into the force turned out to be rather an unfortunate one; after living two months at the station, he left with a party of friends, and was caught in a few days after, cutting up and distributing a calf which had been killed by him or his friends; he was convicted of the offence in November last, and sentenced accordingly. The second trial at that station has succeeded better; I understood from Mr. Hawker that he had only been absent a fortnight from January to May.

12. On Her Majesty's birth-day the usual distribution of food and blankets took place; there were present on the occasion 450, including men, women and children.

13. In the Adelaide district there have been, during the quarter, one birth and four deaths.

I have, &c.

(signed) M. Moorhouse,

Protector of Aborigines.

The Hon.  
The Colonial Secretary.

Since writing the above, a native, named Jemmy Snooke, who was taken on board the "Hawk" to Van Diemen's Land, 10 months ago, has returned, and the captain states that Jemmy has been on board, acting as steward, ever since he left South Australia; that he is active and diligent, and fills the situation as steward to the vessel very creditably; Jemmy is still with the vessel, which has just sailed for Sydney.

(signed) M. M.

—No. 10.—

(No. 110.)

EXTRACT of a DESPATCH from Governor Grey to Lord Stanley,  
dated 17 July 1843.

"I TRANSMIT to your Lordship a copy of the proceedings of the Council of Government on the trial of Nultia and Moullia, two aboriginal natives, for murder."

No. 10.  
Governor Grey to  
Lord Stanley,  
17 June 1843.

Enclosure in No. 10.

MINUTES of the COUNCIL of GOVERNMENT.

Monday, March 27, 1843.—The Council met at 11 o'clock.

Present,—His Excellency the Governor, The Colonial Secretary, The Advocate-General,  
The Surveyor-General.

Encl. in No. 10.

His Honour the Judge attended, having been specially summoned.

1. His Honour the Judge's report of the trial of "Nultia" and "Moullia," two aboriginal natives, upon whom sentence of death had been passed in the Supreme Court, on the 23d day of March 1843, for the wilful murder of Rolles Biddle, was read and attentively considered.

2. *Clamer Wilhelm Schurman* was called in, and the following questions were put to him:—

*Question.* Have not both the prisoners, Moullia and Nultia, confessed to you that they were present at the murder of Mr. Biddle, at Port Lincoln?—*Answer.* Nultia has never denied it, but I do not think Moullia ever acknowledged being present; he now denies it.

Judge's report of the trial of Nultia and Moullia, for murder of Mr. Biddle at Port Lincoln, read, and considered.  
Examination of C. W. Schurman.

627.

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SOUTH  
AUSTRALIA.Examination of Major  
O'Halloran.

Are the natives generally at Port Lincoln impressed with the belief that Nultia and Moullia are two of the murderers?—They certainly are so.

2. Major O'Halloran was then called in, and he presented a memorandum to the following effect:—

*Memorandum.*—1. Upon Stubbs being sent for, to identify the prisoners when brought in to Port Lincoln, he immediately recognized "Nultia," and distinctly stated that this lad speared him in the head; but Stubbs for some little time seemed doubtful of Moullia's identity. He, however, after a while, recognized this individual also as *being present* when the murders were committed.

2. I asked Stubbs if Moullia was seen by him to throw any spears, and I am almost certain that his reply was in the negative. I felt, therefore, much surprised, on reading an account of the trial, to observe that Stubbs positively asserted that both the prisoners were throwing spears.

3. Having no friendly native to guide me to the usual haunts of the "Battara" tribe, I resolved upon taking Moullia, who evinced no reluctance in accompanying me. The expedition lasted ten days, during which time Moullia acted as a most faithful guide, and through his means I succeeded in falling in with the whole of the Battara tribe, divided into three different parties; but from the dense nature of the scrub, though several prisoners were taken, we did not succeed in apprehending any of the murderers.

4. I felt so satisfied with Moullia's conduct as a guide, that on my return to Adelaide, I spoke in his praise to his Excellency; for Moullia endured much fatigue, both on horseback and on foot, during the expedition.

(signed) T. O'Halloran,

Commissioner of Police.

27 March 1843.

Major O'Halloran, being questioned, stated, that he conversed with the witness Stubbs the afternoon before the examination before the magistrates, being the day the prisoners were brought in; that Stubbs identified distinctly Nultia, but was doubtful as to the other, but afterwards recognized Moullia as one present at the murder; that he asked Stubbs if he had seen Moullia throw spears, or if Moullia had thrown spears, or words to that effect, and his answer was, No; meaning, as he (Major O'Halloran) understood, that he had not seen Moullia throw spears.

Examination of Charles  
Stubbs.

4. Charles Stubbs was called in, and asked if he had stated to Major O'Halloran that he had not seen Moullia (the eldest native) throw spears. He said that he did not so state; that it must have been a mistake either on the part of Major O'Halloran or of himself; that he saw both of them; that he knew both well, and that he saw both of them throw spears the second and first time; he knew them when he saw them, and they both knew him, and called him by his name of Charley.

Deposition of Charles  
Stubbs at Port Lincoln

5. A deposition, of which the following is a copy, was here produced and read to the Council:—

South Australia, to wit.—The examination of Charles Stubbs, taken on oath this 11th day of November 1842, before us, T. S. O'Halloran, Charles Driver and T. B. Harvey, esquires, three of Her Majesty's justices of the peace in and for the said province, in the presence and hearing of Nultia and Moullia, (natives,) charged this day before us the said justices, for that they, the said Nultia and Moullia, on the 29th day of March 1842 did wilfully murder, or assist to murder, Rolles Biddle and others.

This deponent saith, that both the prisoners were present at the murders of Mr. Biddle and his servants; that Nultia was the second native distant from deponent at the time of the murders; both prisoners had spears; believes that Nultia threw the spear which entered deponent's forehead; there were also present "Jemmy Munga," deficient of a toe, "Tommy Yallaman" and "Thingulta," also "Young Bobby;" the first, second and last-named are brothers, and sons of "Old Bobby," who is now dead.

(signed) Charles Stubbs.

Re-examination of  
Mr. Schurman.

6. Mr. Schurman, being recalled, stated that he understood Stubbs to say that he had not seen Moullia throw spears; this was before the magistrates, and also in conversation with others; his impression was, that Stubbs's evidence was more decided against Moullia on the trial than his statement was previously; that he never heard Stubbs before say that he had seen Moullia throw spears; that he had heard Stubbs speaking of this on several occasions; that previously to the apprehension of the prisoners he heard that Stubbs had mentioned the name of Nultia as being one of the murderers, but he was not aware that Stubbs had done the same with regard to Moullia; that such was his impression, but he was not quite certain; Moullia was not known to the Europeans.

[The Council here adjourned till to-morrow.

Tuesday, 28 March 1843.

The Governor requests  
the advice of Council.

1. The Council having assembled, the Governor requested the advice of the Council as to whether it was expedient that he should pardon or relieve either or both of the offenders, Nultia and Moullia.

Council recommend  
that Nultia should not  
be pardoned or relieved.

2. The Council unanimously resolved, that his Excellency should not be advised to pardon or relieve the said prisoner Nultia.

Surveyor-general's  
opinion with respect to  
Moullia.

3. The Surveyor-general thought, with respect to Moullia, that as there was some apparent discrepancy between the statement made by the witness Stubbs to Major O'Halloran and Mr. Schurman, at Port Lincoln, and that given by him at the Supreme Court, and he was employed subsequently as a guide to point out the haunts of the tribes, he would recommend that the extreme sentence of the law should not be carried into effect.

Advocate-general's opi-  
nion as to Moullia.

4. The Advocate-general stated, that he had no doubt of the participation of the prisoner Moullia in the outrage in question; but he felt that, after the statements made yesterday, the

the punishment of death ought not to be inflicted in his case. In this, he did not wish to reflect on the evidence of the witness Stubbs, as unworthy of reliance in any substantial point, but the evidence appeared very different as affecting the respective prisoners; and while the ends of justice would be satisfied by the capital punishment of Nultia, he humbly conceived that a discrimination ought to be made in the case of the other prisoner. He (the Advocate-general) could not overlook the circumstance that, after the evidence was known at Port Lincoln, the assistance of the prisoner Moullia had been accepted by the police, and he had rendered faithful service in exposing the haunts of the tribe. This step, which seems to be justified by necessity, must, according to ordinary circumstances, have given rise to expectations on the part of the prisoner, which seem to entitle him to His Excellency's favourable consideration. At the same time the Advocate-general did not feel warranted in recommending an absolute pardon, but some minor punishment, calculated to produce a proper impression on the aboriginal tribes.

5. The Colonial Secretary could not advise either a reprieve or pardon in the case of the elder native, Moullia. He believed that Moullia was undoubtedly a party to the murderous attack at Mr. Biddle's station, at which three Europeans were killed; and could see no reason why the sentence of the law should not be carried into effect.

6. The question being then put, whether his Excellency should be advised to reprieve or pardon the prisoner Moullia, the Council resolved that his Excellency should be advised to reprieve the said prisoner Moullia, with the view of a more merciful punishment being inflicted.

|      |   |   |   |   |
|------|---|---|---|---|
| Ayes | - | - | - | 2 |
| Noes | - | - | - | 1 |

7. The Governor then informed the Council that he thought it proper to act in conformity with the advice given by the Council.

His Excellency would always unwillingly differ with the majority of the Council when their opinion leaned to the side of mercy. There were, however, two other considerations which weighed with his Excellency on the present occasion.

It appeared to his Excellency that the native Nultia was so well known to the witness Stubbs (as also to the Europeans generally), that it was impossible that any mistake could have taken place as to his identity. Moreover, Stubbs had named him as one of the principals in the murder previously to his apprehension, whilst some doubts might very possibly exist with regard to the identity of the prisoner Moullia. Stubbs (as was stated before the Council) was not acquainted with his name previously to his apprehension; and it appears, by a statement made by Mr. Schurman, the interpreter, that Moullia was not known to the Europeans. Without, therefore, in the least doubting the honesty of the witness Stubbs, his Excellency conceived it to be possible that he might be mistaken as to Moullia's identity. Moullia also accompanied Major O'Halloran as a guide, and exerted himself to bring about the apprehension of the different persons (34 in number) who were stated to have been concerned in the murder at Port Lincoln.

The Council not having been unanimous in their opinion on this subject, his Excellency thought it necessary thus briefly to allude to these two circumstances in favour of the prisoner, which appeared to his Excellency to be of much importance.

(signed) A. M. Mundy,  
Clerk of Council.

(signed) G. Grey.

SOUTH AUSTRALIA.

Encl. in No. 109

Colonial Secretary's opinion relative to Moullia.

Question put, and Council resolve by a majority that his Excellency be advised to reprieve Moullia.

His Excellency announces his intention to act in conformity to the advice of Council, and expresses his reasons.

— No. 11. —

(No. 121.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

My Lord, Government House, Adelaide, 3 August 1843.

In compliance with the standing instructions of your Lordship's department, I have the honour to transmit a copy of the notes of Judge Cooper, in the case of Nultia and Moullia, two aboriginal natives, who were tried at the sittings of the Supreme Court of this province, on the 23d of March 1843, for the murder of Rolles Biddle, at Port Lincoln, and who, having been found guilty, were sentenced to be hanged at Port Lincoln.

The judge having been specially summoned to attend a meeting of the Council of Government, which was held for the purpose of taking into consideration his report upon the case of these prisoners, I requested the advice of the Council as to whether they thought it expedient that I should grant a pardon or reprieve to either or both of the offenders, Nultia and Moullia.

The Council then resolved, that they could not advise me to pardon or reprieve the prisoner Nultia; and they further resolved that I should be advised to reprieve the prisoner Moullia, with a view to a more merciful punishment.

I thought it proper in this case to concur in the advice given to me by the Council. I should, under any circumstances, have felt very unwilling to differ with the majority of my Council, when their opinion leaned to the side of mercy; but there were, in the present instance, many reasons which tended to confirm me in the view which they had taken of the cases of these prisoners, and which reasons

No. 11.  
Governor Grey  
to Lord Stanley,  
3 August 1843.

One Enclosure.

SOUTH  
AUSTRALIA:

Encl. in No. 11.

sons I entered at length on the minutes of Council of the 27th of March last, which were transmitted to your Lordship in my despatch, No. 110, of the 17th July last.

I therefore granted a reprieve to the prisoner Moullia, whilst the sentence of the court was carried into effect upon the prisoner Nultia.

This despatch and the accompanying notes, should have been forwarded to your Lordship at an earlier period; but this being the first capital conviction which has taken place since I have administered this government, I was not (until this morning) aware of your Lordship's instructions relative to such cases.

I have, &c.  
(signed) G. Grey.

Enclosure in No. 11.

NULTIA and MOULLIA, two aboriginal Natives, for the Murder of Rolles Biddle, at Port Lincoln.

The Evidence of *Charles Stubbs*, of Port Lincoln, Labourer.

I WAS shepherd to Mr. Rolles Biddle, at Port Lincoln; I went there early in the year 1840; I was in Mr. Biddle's service from that time to the time of his death; I had charge of his sheep; I lived in the same hut with Mr. Biddle, a man named Fastings, and my wife. On the 28th March 1842, about one o'clock in the day time, 36 blacks surrounded the hut in a circle; master and I counted them; the two prisoners were there; I had seen them both several times before; I have often given the small one (Nultia) victuals. The blacks remained three-quarters of an hour; master and I and the rest were then outside; the blacks threw spears at us, but did not then hit us, but they struck master's sheep-dog with a spear in the foot. I pointed a pistol at the natives, but did not fire, and master presented a gun without firing; the natives took some potatoes and clothes; they were away about three-quarters of an hour, when they returned again: Fastings went out from the hut first, and I next, and master (deceased) next; Fastings cried out "I am speared;" I looked over my left shoulder and saw the spear sticking into him in the right thigh; another spear passed Fastings and stuck in the ground; my master (deceased) shot at the black who speared Fastings, and retreated into the hut. I then shot two blacks who were throwing spears at me, with a double-barreled gun; they both fell; what became of them I cannot say; my master was in the hut and I outside; I stepped back and gave my master my gun to load; I looked back to see for the gun; I saw deceased with the stock in one hand and the barrel in the other, as if it were shaken apart; it was broken. Directly afterwards I was speared in four places; the right thigh, the left hip, the left arm and under the left shoulder; then I got to the hut and secured the door with my knee; there was a window each side the door; some of them pulled down the end of the hut, which was of stone and mud; some one threw a spear which I believe went right through Mr. Biddle's heart; he said, "Charles, I am a dead man;" I left the door and ran to the deceased, and pulled out the spear, when he fell on his face and never moved afterwards; he was standing when I pulled out the spear. I saw both the prisoners at the hut both the first and second time; I went to the door again to hold it, when three or four threw spears at me through the windows; one of the spears struck me in the forehead; Nultia threw it; I said to him, "Winney, go away; come to-morrow, and you shall have plenty of bickety." I kept speaking to them, and they continued to throw spears, when one struck me in the left eye, and I fell on my master; I saw one of the natives take up a prong which was in the hut, and stick it into Fastings; Fastings' head fell on my knee; I could see through my right eye; there were ten pair of sheep shears standing up in the hut, and one of the natives, I believe Nultia's brother, took one and run them into my wife; she said, "O Gemmy!" and afterwards when they were driven in again, she screamed. Then they robbed the place of every thing, and went outside the hut; I was then lying down on my right side; as soon as they got outside the hut they made a noise like a pack of hounds, I can compare it to nothing else; my wife spoke to me after they were gone; Biddle (deceased) and Fastings were then both dead; I got up and scattered the fire to prevent the place being burnt; I then crawled along the wall outside of the hut and hooked away another fire; I then took out my wife from the hut and laid her on a bed outside; I then dragged out my master and laid him outside by the side of my wife, and then drew out Fastings and laid him by the side of my master; my wife died in a few minutes; I did not see what became of the prisoners after I was struck in the eye; Moullia threw spears at me the second and first time too.

Cross-examined by Mr. Fisher.

Both the prisoners were there the first time; both were in the front of the hut; I saw them both when the blacks returned, after going away the first time; I cannot say that I saw them throw spears before I fired, but I saw others do so; I was inside the hut when my master was speared; I did not see who speared my master; I saw both the prisoners five minutes before my master was speared; I do not know the age of the younger prisoner; his father's name was Babby.

By the Judge.—I heard the little one, Nultia, say something when he threw spears through the window, but it was in his own language, and I could not understand it; I knew both the

the prisoners well before; the smaller one had been at the hut many times, and had many times had victuals given to him; the other prisoner, Moullia, had had victuals at the hut too, but not so much as the other; a loaf, about 5lbs. of bread, was given to the blacks before they attacked the hut on the morning in question; about the same number came the second time as came the first, but they were closer together.

SOUTH AUSTRALIA.  
Encl. in No. 112

*Clamer Wilhelm Schürmann.*

I know both the prisoners; the name of one is Nultia, and of the other Moullia.

By the Judge.—I have known the young man well, but not the old man before he was made prisoner.

*Stubbs, recalled.*

I will swear that I saw both the prisoners there, and both of them threw spears; it was the little one who struck me in the forehead.

Case for the prosecution closed.

The prisoners were found guilty, and are both sentenced to be hanged at Port Lincoln.

(signed) *Charles Cooper,*  
Judge.

20 March 1843.

— No. 12. —

(No. 16.)

COPY of a DESPATCH from Lord Stanley to Governor Grey.

Sir, Downing-street, 8 March 1844.

I HAVE received your despatch, No. 121, of the 3d of August last, enclosing the notes of Mr. Justice Cooper, in the case of Nultia and Moullia, two aboriginal natives, who were tried at the sittings of the Supreme Court, for the murder of Rolles Biddle, at Port Lincoln, and, having been found guilty, were sentenced to be executed.

No. 12.  
Lord Stanley to  
Governor Grey,  
8 March 1844.

You report that, with the advice of the Council of your Government, you granted a reprieve to the prisoner Moullia, while the sentence of the Court was carried into effect upon the prisoner Nultia.

Under the circumstances which you have reported, I see no reason to doubt the propriety of the course which you adopted in this case.

I have, &c.  
(signed) *Stanley.*

— No. 13. —

(No. 122.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

My Lord, Government-house, Adelaide, 3 August 1843.

I HAVE the honour to transmit the notes of Judge Cooper on the case of Ngarbi, an aboriginal native, who was tried at the criminal sessions of the Supreme Court on the 20th ult., for the murder of Elizabeth Stubbs, at Port Lincoln. The prisoner was found guilty, and was sentenced to be hanged on Tuesday the 1st inst.

No. 13.  
Governor Grey  
to Lord Stanley,  
3 August 1843.

A special meeting of the Council was convened, in compliance with the Royal instructions, and the judge having attended pursuant to his summons, his report on the above case was taken into consideration by the Council; and, on my requesting the advice of the Council, as to whether I should pardon or reprieve the prisoner Ngarbi, the members gave it as their opinion that the law ought, in this case, to take effect.

Having bestowed the most careful consideration upon this case, I felt bound to concur in the opinion which the Council had expressed, for I was satisfied that the prisoner had for a length of time (about two years) previous to the murder been well acquainted with Europeans, that he had experienced various acts of humanity and kindness at the hands of the very persons he had murdered, and that, at the time he committed the act, he was fully conscious of its enormity; and I believed that, if this prisoner was pardoned or reprieved, neither the European settlers nor the aborigines would understand the principles upon which the British laws were to be administered when the natives were concerned, and that serious evils might be expected to result from the misconceptions which would consequently arise.

I have, &c.  
(signed) *G. Grey.*

SOUTH  
AUSTRALIA.

Enclosure in No. 13.

CRIMINAL SESSIONS, Thursday, 20 July 1843.

Encl. in No. 13. NOTES of the Evidence taken on the Trial of "Ngarbi," alias "Little Jemmy," an aboriginal Native, for the Murder of *Elizabeth Stubbs*, at Port Lincoln.

THE Advocate-general conducted the prosecution, and Mr. Mann defended the prisoner. There were two counts in the indictment, one of which charged the prisoner as principal in the first degree, and the other as principal in the second degree.

Clamor William Schürmann was sworn to interpret between the Court and jury and the prisoner, and having explained to the prisoner the charge against him, the prisoner, through him, pleaded "Not Guilty."

## Evidence on the part of the Prosecution.

*Charles Stubbs*, Sworn.

I AM now living in Adelaide, at Mr. Hagen's; I some time ago lived at Port Lincoln, with Mr. Rolles Biddle; I came with him from England.

On the 28th of March 1842, about one o'clock, or a little after, master and I, my wife, and a man named Fastings, were in the hut, 18 miles from Port Lincoln, just going to dinner; we heard a cooing; Fastings went out, my master went next, and I followed; I saw blacks close to us; the prisoner was one of them; he spoke to me; called me by my name—Charley. I said, Ya; I said, Jemmy, and he said, Ya to me; I knew the prisoner before; my master had kept him four days at a time; I said, is that Jemmy? and he said, ya; I said, what, Jemmy Menga? and he said, ya (menga means a sore, and he had a sore foot, and that is why I called him Jemmy Menga); he held out his foot; he had lost a toe on his right foot; my wife had dressed it for him a good many times; there were 36 natives; I counted them, and so did my master; they went to my master's hut where he used to sleep; the hut where we were going to dinner was where my wife and I slept; they went into my master's hut and took every thing that was there; we tried to keep the natives back from the hut, but they poured in so fast upon us that we could not; they kept on throwing spears at us, but they speared nothing but a dog; I saw a very tall man coming out of my master's hut with his (my master's) cloak; they took some lime out of a cask, mistaking it for flour I suppose, and put it in a sheet or blanket.

Fifteen or sixteen natives dug the potatoes while the others robbed the hut; they then went away for about an hour, and then returned; the prisoner was at the hut while they were robbing it; I saw him going from the fowl-house to the hut; there was a tent near the hut; a native crept down by the tent; we heard him cooing; then Fastings went out; I followed, and master followed me; Fastings went to the left-hand corner of the hut, and I went straight forward; my master followed me; the native who crept down by the tent threw a spear at Fastings, and struck him in the thigh; Fastings cried out "I am speared, I am speared;" I turned and saw the spear in his thigh; then my master ran round the tent and shot at the black, and then retreated back; I cannot say if the black was hit; my master said, "Charles, there are two blacks throwing spears at you;" I said, "I see them;" there were two; I shot both of them; my master ran back into the hut, and I gave him the gun to load; I remained outside the hut till I had four spears in me; I then went into the hut; as soon as I got into the hut, I put the door to, and endeavoured to keep it fast with my knee and left hand; there were two windows, one on each side the door; they broke in the windows and threw spears through at us; there were four at the right-hand window; they then pulled down some of the hut near the chimney, at the opposite end from the door; a spear came in from the corner where the hut was pulled down, and struck my master in the left side; my master cried out, "Oh, Charles, I am a dead man;" I left the door and went and pulled the spear out, and my master fell on his face and never moved afterwards, as far as I could see; then I went back to the door and tried to keep it fast, and then four spears struck me; one struck me in the forehead, two in my eye, and one on my right side; I then fell down; the natives then pushed into the hut; one of the natives then took a prong and jammed it into Fastings, who was on the ground. My wife had crept under the bedstead; the natives drew out the bedstead, and took down a pair of shears, which were hanging, with others, at the head of the bed, and jammed them into my wife. I could not see, from the blood in my eyes, but I heard my wife say, "oh, Jemmy," and I heard something run into her four times; I afterwards saw the marks where the shears had gone through; I could see three or four marks through her clothes, after I dragged her out, which I afterwards did; the shears appeared to have been open. They broke open my wife's box and mine, and stole her clothes and mine; when they had robbed the hut, they all went out together; they made a noise and went away for about 10 minutes, and then my wife spoke to me and asked if I was dead; I said, "No;" she said, "I shall be dead in a few minutes," and then I rose up and saw the bush-fence, which ran close by the hut, was on fire. The natives were gone; I went to the fence near the hut and parted it, so as to separate the fire from the hut; I also put it out at another place. Then I went into the hut and dragged my wife out, and then I dragged my master out and Fastings, and laid them side by side. My wife asked me to pull out the large bone of her stays; I could not get it out, because it was sewed in, and the natives had picked my pocket of my knife; I afterwards picked it out with my hands. My wife put her hand across her belly, and said she

-she was dead as far as that, and that she should be dead in a few minutes; she advised me to go to England if I lived. I then laid down at her side, and she never moved or spoke afterwards.

SOUTH  
AUSTRALIA.

Encl. in No. 13.

I laid down about two hours, till the shepherds came in with the sheep. I did not see my wife's naked body where the shears ran in, but I saw the marks in the clothes; all the shears were taken away by the blacks; there were nine or ten pair, altogether; I thought it was done with shears, because of the marks. When my wife called, "Jemmy," I thought she meant the prisoner, because there was no other native that was called Jemmy that I knew; I had seen him about a fortnight before this; I cannot say I saw the prisoner in the hut when this took place; there were no natives in the hut before I was struck in the eye; I saw the prisoner throwing spears close to the hut.

Cross-examined by Mr. Mann.

The two huts were 60 or 70 yards apart; I could see clearly from one hut to the other; the prisoner had spears in his hand when he came from my master's hut; I saw nothing belonging to my master in his hands, but I saw him digging potatoes; when I came out of the hut the second time, I saw the prisoner; he was with a number of others; the prisoner was not above 30 yards off.

The native who speared Fastings was about six yards from Jemmy; the two natives who threw the spears at me when outside of the house, were about 10 yards from Jemmy; I cannot say whether Jemmy had thrown spears or not before I shot the natives; when I last saw Jemmy, before going into the hut, he was 30 yards off; the native who has been hanged threw the spear into my forehead; I cannot say that I saw Jemmy after I was in the hut; I cannot say what natives came into the hut. I know the native called "Tynulta;" he was not called Jemmy.

By me.—I saw the prisoner throwing spears the first and second time of the blacks coming; I saw the prisoner throwing spears directly after the native had come round from the tent; I cannot say I saw the prisoner throwing spears the second time, before I fired; I saw him throw spears after I fired and shot the blacks, and before I retreated into the hut; he threw at me, because there was no other person then outside the hut. There was a great deal of blood where my wife lay in the hut; it all lay in one place; my wife was not wounded in any other place; she was well before this happened; the sheep came in a little after six; I cannot recollect any thing from the time I laid down beside my wife, till the shepherds came in with the sheep.

Edward M'Allister, Sworn.

I LIVE at Port Lincoln; am a farmer; formerly a serjeant of police; I was so in March 1842. On the morning of the 29th March 1842, I went to Mr. Biddle's place, and took a car to bring in the bodies, and got there between 11 and 12 o'clock at night; I found the inside of Mr. Biddle's own hut torn to pieces; I then went to the men's hut and found Mr. Biddle, Fastings and Mrs. Stubbs dead; she was lying by the side of Fastings, with her head on his belly; her head appeared cut with an axe, and the hair dragged at different parts from her head; I took the bodies and put them into the car, and sent them to Port Lincoln. I saw Mrs. Stubbs's body examined; I saw wounds in her side; a great many more than three or four, apparently made by a sharp instrument; they were such wounds as might be made by shears; the bodies smelt badly; it was warm weather; I saw Stubbs the same night; I went to Mr. Biddle's, at Mr. White's station; he was in a very bad state; his face was covered with a cloth; he was lying down; he was quite sensible; I saw the fence had been on fire near the hut, at one place; I did not look further that night, but a day or two afterwards I saw it had been on fire at another place; there was nothing which could burn between the place where the fire had been and the hut; whether it had been separated from the hut I cannot say.

Charles Stubbs, recalled, and Examined by me.

My wife knew Jemmy, the prisoner, very well.

Stubbs further stated that the cut in his wife's head had not been made before he lay down by her side; it must have been made after her death.

It will be observed, that the above evidence relates to three several murders, but the whole was one continued transaction, and it would have been almost impossible to separate one part from the other, the more especially as Charles Stubbs was very deaf, and it was therefore necessary to let him tell his own story.

The prisoner was found Guilty, and is sentenced to be hanged on Tuesday the 1st day of August next.

(signed) Charles Cooper, Judge.

24 July 1843.

SOUTH  
AUSTRALIA.

— No. 14. —

(No. 14.)

COPY of a DESPATCH from Lord Stanley to Governor Grey.

No. 14.  
Lord Stanley to  
Governor Grey,  
6 March 1844.

Sir,  
I HAVE received your despatch, No. 122, of the 3d of August last, transmitting the notes of the judge on the case of Ngarbi, an aboriginal native, who was tried at the criminal sessions of the Supreme Court for the murder of Elizabeth Stubbs, at Port Lincoln, and sentenced to be executed. Under the circumstances of the case, there appears to me no reason to doubt the propriety of your having allowed the sentence pronounced on the criminal to take effect.

I have, &c.  
(signed) Stanley.

— No. 15. —

(No. 1.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

No. 15.  
Governor Grey  
to Lord Stanley,  
2 January 1844.

My Lord,  
I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 36, of the 10th July, acquainting me that the Governor of Western Australia had been directed to forward me a memorandum, showing the measures which he has adopted for the protection and civilization of the natives within his government, and which appear to have produced very satisfactory results. I am further informed, that your Lordship is convinced that I shall not conceive, from the issuing this instruction, that the efforts I have made for the protection of the natives in South Australia are undervalued by Her Majesty's Government.

In reply, I beg to state, that I have, for a long period of time, been in the habit of communicating privately with Governor Hutt, regarding the measures he was pursuing for the civilization of the aborigines; that I was well aware of the successful results of those measures, and that I feel much gratified that Governor Hutt's exertions in the cause of the aborigines have been so fully appreciated by your Lordship.

I have, &c.  
(signed) G. Grey.

— No. 16. —

(No. 7.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

No. 16.  
Governor Grey  
to Lord Stanley,  
4 January 1844.

My Lord,  
I HAVE the honour to enclose for your Lordship's information the report of the Protector of Aborigines for the last quarter.

Your Lordship will observe from this report, that our relations with the aborigines have latterly very much improved, and that a very satisfactory feeling towards them appears now to exist in the minds of the settlers.

Your Lordship will also, I have no doubt, observe with pleasure, that much progress has been made in accustoming the natives to the operations of husbandry, and that in one district of the colony they, in the course of the harvest which has just been completed, reaped from 70 to 100 acres of wheat, oats and barley; that in the neighbourhood of Adelaide they have reaped from 50 to 60 acres, and that in another district of the colony they assisted in cutting nearly 200 acres of wheat, whilst in the town of Adelaide itself from 10 to 14 young men are regularly employed as porters to various storekeepers, and other natives have collected and delivered nearly five tons of mimosa bark.

The improved system which I lately introduced into the native school, appears also to be producing very beneficial effects in that establishment.

I am gratified at being able to assure your Lordship that these improvements in the moral condition and in the civilization of the natives, are in a great degree

One Enclosure.  
Report of the Pro-  
tector of Aborigines  
for the Quarter  
ending 31 Decem-  
ber 1843.

to be attributed to the colonists themselves, who generally evince a very lively interest in the welfare of these people, and are disposed to assist the Government in any plans that may be adopted for the amelioration of their condition.

SOUTH  
AUSTRALIA.

I have, &c.  
(signed) G. Grey.

Enclosure in No. 16.

Sir,

Aborigines' Location, 4 January 1844.

THE aborigines during the last quarter have been in a more satisfactory condition than on any previous quarter for the last three years. They have kept themselves from outrage, and been more generally engaged in systematic labour. Encl. in No. 16.

Regarding the first statement, that they have kept themselves from outrage, I may add that I have not heard of a single instance in which a station has been robbed of either provisions or stock, although in the various districts the Europeans are gradually going further out, and being brought into contact with those tribes which have seen little of the white people. In the northern districts, and on the Murray, the latter place of which is particularly exposed from being more thickly populated, the tribes have followed their natural mode of procuring food, and not depended upon the settlers for supplies; and at Port Lincoln the Europeans are losing much of that fear of the natives which possessed them twelve months ago; the natives have visited the town more than they formerly did, and altogether there appears to be gradually, although slowly, mutual confidence springing up between the two populations.

Touching the second statement, that the natives have been more generally useful, and engaged in systematic labour, I can speak from personal observation. There is one house, in town where the natives have delivered nearly five tons of mimosa bark, which has been collected on the plains near Adelaide by the Murray natives. There are from 10 to 14 young men regularly employed as porters to the various storekeepers in town, and attend about two-thirds of their time; but native labour has been most felt in assisting to gather the harvest. At Encounter Bay they have reaped from 70 to 100 acres of wheat, oats and barley; in the neighbourhood of Adelaide they have reaped from 50 to 60 acres, and at Lyndock Valley there were several tribes located during the harvest, and assisted Mr. Emmett in cutting nearly 200 acres of wheat.

About Adelaide there has been less assistance rendered towards the harvest than in any other part, in proportion to the number of natives. During the month of December the average number in town was 80 men, 72 women and 72 children, a total of 224, whilst at Encounter Bay the average for the same time was a total of 50 or 60, and they performed the most work.

The country settlers adopt the plan of having an equivalent in labour for all they give to the natives, whilst in Adelaide food is too frequently given without any labour being required in return, and idleness and begging are thereby encouraged.

The school is still continued on the plan of boarding and lodging the children; there has been an average attendance of 13 daily in October and December; in November a vacation was allowed, and the older children were accompanied by Mr. Klosé to the German settlement at Klemzig, and to Mr. Meyer's missionary station at Encounter Bay. Four fresh-children were received in December; they were voluntarily sent by their parents, and allowed to remain during the night as well as the day. We regard this as an improvement upon the past, for all the children that had previously been received, had to be taken almost in direct opposition to the wish of the parents.

The indiscriminate distribution of food in town has a similar effect upon the children as upon the adults; it tends to encourage mendicity and idleness, and a child naturally prefers wandering about town, if food can be procured, to being trained and confined in a school, although there is as much liberty given as is consistent with the first principles of discipline. The Rev. Mr. Meyer, missionary to the natives at Encounter Bay, is about to commence a school for the children. The settlers in that district are aiding his project by supplying provisions; 100 bushels of wheat and nine sheep have been already promised, and if his Excellency the Governor would be pleased to grant the sum of 20*l.* per annum in addition for meat, sugar and blankets, Mr. Meyer thinks he would be able to board and instruct an average of seven children during the twelve months; the effort on the part of the settlers there, is a laudable one, and is deserving of every support that his Excellency may feel justified in giving.

At the sittings of the Supreme Court in November, there were two boys convicted of larceny, one about 18, the other about 12 years of age; the crimes, however, were committed during the previous quarter. The younger boy has been allowed to be received into the school for about four hours a day, where he will be under the instruction of the Rev. Mr. Klosé during the term of his imprisonment.

On the 12th December the native, "Kurti Mukarta," who was convicted of cattle-stealing in November 1842, and sentenced to 10 years' transportation, received a free pardon from his Excellency. His imprisonment appears to have proved a salutary correction; at his departure he said, "Natta ai bultumi," literally, "now I am emptied," meaning that all disposition to steal had been taken from him, and I think he will not be guilty of a similar offence.



SOUTH  
AUSTRALIA.  
Encl. in No. 16.

The native, Jemmy Snooke, who was mentioned in a postscript to my report of 8 July 1842, as having been acting as steward 10 months on board the "Hawk," and had just sailed for Sydney, returned from that place in the "Ocean Queen" in November, and is now living the life of a native again; in a few days after landing he threw off his clothes, and assumed the opossum skin and native implement. He has had many offers to engage as servant, but has refused all.

I have, &c.  
(signed) *M. Moorhouse*,  
Protector of Aborigines.

The Honourable the Colonial Secretary.

—N o. 17.—

(No. 60.)

COPY of a DESPATCH from Lord Stanley to Governor Grey.

No. 17.  
Lord Stanley to  
Governor Grey,  
1 July 1844.

Sir,

Downing-street, 1 July 1844.

I HAVE to acknowledge the receipt of your despatch, No. 7, of 4 January 1844; accompanied by a report from Mr. Moorhouse, the Protector of Aborigines, for the quarter ending 31 December 1843.

It is satisfactory to observe from this report, that a favourable change has taken place in the social condition of the natives committed to Mr. Moorhouse's charge; an improvement, which is not only creditable to himself, but which promises to be attended with the most beneficial results to the community at large, from the habits of usefulness and industry which the natives appear to be in the course of acquiring in their intercourse with the settlers.

I have, &c.  
(signed) *Stanley*.

—No. 18.—

(No. 17.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

No. 18.  
Governor Grey  
to Lord Stanley,  
5 February 1844.

Government House, Adelaide,  
5 February 1844.

My Lord,

I HAVE the honour to transmit the annual report of the resident magistrate on the River Murray for the year 1843.

Your Lordship will, I have no doubt, be gratified at finding, from this report, that our relations with the tribes inhabiting the banks of the Murray and Darling, who were formerly so hostile and barbarous, are now of the most amicable and satisfactory nature.

I have, &c.  
(signed) *G. Grey*.

Enclosure in No. 18.

Encl. in No. 18.

Sir,

Moorunde, 20 January 1844.

I HAVE the honour to make, for the information of his Excellency the Governor, the usual annual report of the state of my district for the year ending December 1843, and in doing so, I have much pleasure in stating that its generally quiet and orderly state have obviated the necessity of a lengthened report upon the subject.

The European population settled upon the Murray, though at present somewhat limited in number, are, I am happy to say, gradually increasing, and during the ensuing year I have hopes that several new settlers may locate themselves in a district which only requires to be better known to be more appreciated. One very considerable cause of distrust on the part of those wishing to settle upon the Murray, arises from the ill success or losses that have hitherto attended all agricultural attempts yet made there. These have arisen from two causes; in the year 1842 the fall of rain at the Murray River was so slight, compared with that which fell around Adelaide, that an impression went generally abroad that no rain ever fell in so level a region, or, at least, not sufficient for the purpose of the husbandman. The past year of 1843 has fully proved the error of so hasty an assumption, and an abundance of rain fell during the usual seasons for wet; the crops prospered and grew luxuriantly, when another evil appeared, and again deprived the farmer of his expected crop; this arose from the unusually high state to which the river Murray rose during the months of September, October and November. From previous experience it had been apparent that the river rose periodically several feet, and usually overflowed many of the alluvial flats lying between the river bank and the fossil cliffs. Considerable labour and some

SOUTH  
AUSTRALIA.

Encl. in No. 28.

some expense were bestowed in damming up the entrances by which the water escaped from the river to the lower levels, and in digging canals for the purpose of irrigation; these were completely successful as long as the river did not attain a greater height than it had risen to in 1841 and 1842, but upon its rising several feet beyond this level, there were, of course, no impediments to its progress; the dams and ditches were all destroyed, and the whole expanse of alluvial flats were again laid under water, in some places fully six feet deep, and, of course, all cultivation was completely annihilated by the ravages of the flood. So unfortunate a termination to a second year's labour has certainly been disheartening, and, I fear, has led to the erroneous idea that it is impossible to keep out these destructive inundations. The ensuing year will, I trust, however, see these difficulties fully conquered, and good embankments thrown up at all the openings through the river bank, so as effectually to block out the highest flood, at the same time that a few shallow ditches cut around those lands intended for cultivation, will afford the important, and in Australia, almost unknown power, of completely irrigating at pleasure all such lands; thus, what has been inconsiderately deemed an insuperable objection to the valley of the Murray will, I believe, eventually prove to be its highest recommendation. In a future report (not having the documents now by me) I shall have much pleasure in forwarding to his Excellency the Governor some tables of the fall of rain at the Murray during the years 1842 and 1843, also of the rising and falling of the river, its highest and lowest levels, and the periods at which such changes appear usually to take place. I may here, however, remark, that during my residence at the Murray I have never known any sudden rise in its waters to occur, so that the flood never comes unawares upon the settler; the change of level seldom exceeds an inch or two in a day, unless when very strong southerly winds have driven the water back and retarded the ordinary current; then, perhaps, as much as six or seven inches rise may have taken place; but even in these cases the water again recedes as soon as the wind changes or lulls; the falling of the river appears to be as gradual as its rise.

With respect to the aborigines, I am happy to say that no disturbances whatever have occurred in the district under my charge; a few trifling petty thefts have sometimes taken place, but no serious offences either against the persons or properties of Europeans. Among the natives themselves I have sometimes been called upon to afford protection or redress to the helpless or the injured, but I regret to say, that from the existing state of our law of evidence, it has been impossible for me to interfere in the way I could have wished. A most serious case of this nature was some time ago brought under the notice of his Excellency the Governor, a very short time after it occurred; the recent passing of an Act of Parliament to enable the governors of colonies to legalize the taking native evidence in courts of justice without an oath, will, I hope, however, do away with many of the difficulties attending this question, and I would strongly urge upon his Excellency the importance of bringing the subject before the Council at an early date, more especially with reference to offences committed against each other, and thus attempt, at least, to protect the weaker or the well disposed from being injured or intimidated by the stronger and more reckless. During the past year I have been obliged to make some considerable deviation from my former system of issuing flour at the full of every moon, to all natives indiscriminately who chose to assemble to receive it. The necessity for this change arose from two causes; the first and most important one was, that the natives began to assemble at these periodical musters in such very great numbers, that I deemed it necessary to curtail in some way or other what would otherwise have proved a very heavy source of expense to the Government, since all the flour issued had to be purchased in Adelaide, and carted a distance of 85 miles, by hired drays. At the monthly issues of flour in the early part of 1843 the number of natives generally attending were from 300 to 400; thus, half a ton of flour would be consumed at a single issue, and I have no doubt, that had no alteration been made, this quantity even would occasionally have been greatly exceeded. A second reason for my curtailing the periodical issue of flour arose from the fact, that his Excellency the Governor had given me instructions to use my influence in preventing the tribes of my neighbourhood from visiting Adelaide, where they were very troublesome to Europeans, and greatly interfered with the Adelaide natives.

In disregard of all my requests and injunctions to the contrary, several of the tribes still persisted in deserting their own district, and crowding into town; upon their return again to the Murray, it became necessary to fulfil the threat I had held out to them, and stop that monthly issue of flour which hitherto they had regularly received; this punishment was principally confined to the tribes very near Moorunde, or a little south of it, as I still continued the usual issue to all those who had been well behaved, and had attended to my requests. During the ensuing year I would still propose to adhere to my present arrangement; it appears to me, that unless the Government can afford to supply a sufficient quantity of flour for all natives who may come, and which would amount, at the least, to six tons annually, that it will be better to present it only to the more distant tribes when they visit us, and to such of our own immediate families as may be deserving of it for their good conduct, or for their quietly residing in their own district.

It remains for me to give a slight outline to his Excellency of a recent journey made by me up the Murray to the Darling, with the fourfold object in view, of cementing the good understanding existing between the distant tribes and Europeans; of learning whether any of the parties said to be on their route from Sydney overland with stock, were actually approaching the boundary of South Australia; of determining, as far as might be, the

SOUTH  
AUSTRALIA.

Encl. in No. 18.

cause of the unusually high flood in the Murray this year, by ascertaining whether it came down through the channel of the Murray, or the Darling; and, finally, of investigating the probability, or otherwise, of a route to the interior by the ranges near Mount Lyall.

On the 4th December, I left Moorunde with a party consisting of Mr. Scott, one policeman and a native of Moorunde; in all, we were three Europeans and a native, each mounted, and one pack-horse carrying provisions. Proceeding up the right bank of the Murray, we arrived at the Rufus on the 8th December, and delayed there a day to enable me to get a Rufus native to accompany the party, as I found my Moorunde black did not understand the language of the Darling. Guided by our new conductor, we struck across through the scrub, to the Darling crossing a large anabranch of that river, running through the scrub half way between Lake Victoria and the Darling, with a course of fully 60 miles nearly parallel to the latter river. In this we obtained water where we struck it; but farther north, as we afterwards found, it was quite dry, owing to the slight rise that had taken place this year in the waters of the Darling; to the southward, the quantity of water increased gradually until it joined the Murray lagoons, and upon our return, when we struck it lower down, we were obliged to swim our horses across it. This singular watercourse forms in times of flood another connecting channel between the Darling and the Murray, leaving an immense desert island of low or scrubby lands between it and the Darling. When the Darling is flooded, this channel is filled; but when only the Murray has risen, as was now the case, the back-waters from that river do not reach so far up as where we first struck the lagoon. A great part of its course is marked by lines of river-gums.

Early on the 12th December we struck the Darling upwards of 70 miles above its junction with the Murray, and now found that it had been but very slightly flooded this year; its waters, though muddy, were fast receding, nor did there appear to have been a greater rise than three feet this season. In many places the river was shallow and easily fordable, presenting, from the strong contrast of an apparently very small body of water with a deep wide muddy channel, an idea of insignificance not justly due to a river having so long a course. In many places, however, the actual width of the water could not be 15 yards, and fallen trees frequently obstructed the channel nearly quite across. To compensate, however, for this, the river banks were lined with most beautiful gum-trees, gracefully overhanging, and with a wide-spreading dense foliage to the very ground. I have nowhere seen in Australia so pleasing or picturesque an effect produced by the eucalypti as was the case along the whole course of the Darling.

After travelling 55 miles up the Darling from the point where we first struck it, we reached a clear deep channel on the west bank, and which was evidently a very considerable anabranch of the Darling in times of flood, its channel exactly resembling that of the river itself in character, with deep muddy banks, and the strata distinctly marked in narrow horizontal lines. This large anabranch occurred at that bend of the Darling, where the river turns from a south-westerly to a nearly south course; but I regret I had no instrument with me to determine its exact latitude. Proceeding four miles further north, we had a fine view of the ranges laid down by Major Mitchell to the west of the Darling. From our position, the most southerly point of these ranges bore N. 42° W., and the intervening country appeared low, and for the most part subject to inundation. A very high distant peak, visible only with the telescope, bore N. 14° W., and I thought it might be Mount Lyall, but the day was too hazy to determine with certainty. I was now almost within reach of the point I wished to visit, when unfortunately circumstances compelled me to return. My health, which for three months previously had been very bad, was now daily getting worse; a cold caught one wet night in the beginning of the journey, caused a relapse of my complaint, until at last I could hardly keep my seat upon horseback at all. With much pain, therefore, I was compelled to leave unaccomplished one of the principal objects I had in view when I set out; and on the 15th December I reluctantly turned back to make the best of my way home again. Proceeding down the Darling on our return, until within a short distance of its junction with the Murray, we traversed over all that part of the river's course left unvisited by Major Mitchell, and thus connected the two lines of that traveller, only on the opposite side of the river to where his track lies. I was anxious before I turned back, if possible, to have determined our position more nearly, by reaching the creek laid down as "Laidley's Chain of Ponds," but though within so few miles of it, I was too ill to attempt to proceed further. The natives described this creek as a chain of ponds or sheets of water, connected by a running stream, and falling into the Darling at a place called "Wesl-yi-raräh." They said it came from the hills I had seen, and told me that water was to be found all the way from the Darling to Mount Bryan under these hills, by which route the natives frequently crossed backwards and forwards, and chiefly, I apprehend, in the winter season.

In the brief outline I have just given of my late interesting excursion, his Excellency will at once notice the very beneficial influence exercised among the natives by the government establishment at Moorunde, and which extends in a greater or less degree to the farthest point we reached, or about 330 miles distant from Moorunde by our line of route. We continually met with large bodies of natives along our whole course, especially on the Darling, we had them frequently encamped close to us, and yet never felt it necessary to keep watch at night; nor did the natives annoy or harass us in any way; in fact, it would have been impossible for us to pass through them on better terms or in a more friendly manner. In passing up the river, I occasionally met with old acquaintances, and sometimes with one or two individuals who had even been down to  
Moorunde,

Moorunde, and at the very furthest point reached, I heard of two natives having crossed thence from Mount Bryan, after receiving blankets from me at Moorunde at the last May issue. In concluding my report, I would fain hope, that if no other good has been accomplished by our hurried and harassing journey, at least the way has been paved for a future expedition to travel with ease and safety, and on friendly terms with the natives. The fact of so small a party as three Europeans and a native passing on such good terms among the very numerous tribes of the Darlings, once considered to be so hostile, may, I think, fairly warrant me to draw such a conclusion; at all events, I shall be most happy to make the attempt during the ensuing winter, if no other occupation interferes, and if his Excellency will provide me with the equipment necessary to take the field for a couple of months. In this time, I think that "Laidley's Ponds" might be fully traced up, and the whole of the ranges near Mount Lyall so far examined, as to determine decidedly the probability or otherwise of a route being found near them leading to a better tract of country inland. I confess my own impressions are unfavourable to such an opinion; but still the exploration would be interesting, and would decide the character of the only part of the southern portion of this continent upon which even the slightest doubt remains. I may remark, that the ranges as seen to the N. W. from the Darling, struck me as bearing a strong resemblance in appearance to those visible to the N. W. from the great south bend of the Murray River, and I thought they looked more connected than I expected to have found them. I omitted to state, that in travelling up the Darling, we found the feed for our horses generally very bad, and the deep muddy banks of the river rendered it very important to select an eligible place for the horses to drink at, to avoid their slipping in, and getting drowned; whilst the strong tenacious character of the soil in the alluvial flats bordering upon the river, caused it to be open in deep holes and cracks, rendering it both difficult and dangerous to ride over them, and from their constantly slipping into these holes causing a double share of fatigue and shaking to our unlucky horses.

SOUTH AUSTRALIA

Encl. in No. 18.

I have, &c.

(signed) Edward John Eyre,  
Resident Magistrate.

The Honourable the Colonial Secretary,  
Adelaide.

—No. 19.—

(No. 26.)

COPY of a DESPATCH from Governor Grey to Lord Stanley.

Government House, Adelaide,  
16 February, 1844.

No. 19.  
Governor Grey  
to Lord Stanley,  
16 February 1844.

My Lord,

I HAVE the honour to transmit, for your Lordship's information, the annual report of the Protector of Aborigines for the year ending 31st December 1843.

Your Lordship will, I have no doubt, observe with pleasure that it appears from this report, that the condition of the natives improves as their acquaintance with Europeans and their customs becomes more intimate and extensive, and that the close of the year 1843 has been remarkable for its freedom from crime amongst the native population, and for the natives having been more extensively engaged in industrious occupations than during any previous period.

One Enclosure.

I have, &c.

(signed) G. Grey.

Enclosure in No. 19.

Sir, Aborigines Location, 16 February 1844.  
I HAVE the honour to transmit the annual report upon the Aborigines Department, for the year ending 31st December 1843. Encl. in No. 19.

In my last I gave a general description of the aborigines; their physical appearance, manners, ceremonies, superstitions and outlines of their language, and in this I purpose supplying such additional information as I have been able to gather. In the Appendix I have arranged the contents of the report of 1842 in columns 1 and 2, and those of 1843 in column 3.

*Food.*—In the list of food eaten, one favourite and extensive repast was omitted; viz. the white ant, which, in the spring, is abundant, and greatly sought after. The females only are eaten, and at a time just before depositing their eggs.

*Procuring Food.*—In searching for opossums, every gum-tree is examined as the native passes along; if the animal have ascended the tree, the bark is scratched with its claws, and the native at once perceives whether the marks were made in the night or at a more remote period; if recent, they are white, the colour of the inner bark, but if old, they are brown, like an apple that has been cut and exposed for some time to the influence of the air. Opossums are sometimes hunted by moonlight, assisted by the wild dog. The animals occasionally

SOUTH  
AUSTRALIA.

Encl. in No. 19.

occasionally feed on the ground, and, as soon as scared by the approach of enemies, ascend the trees. The dog is useful in scenting the opossums, and points out the tree which has just been ascended; the native then, either brings it down with the waddy, or climbs the tree and drags the animal out of his hole.

The manner in which a native climbs a tree may be here given: In the first place, all garments are thrown off, and, with the wadna, a notch is made in the bark; the first is made about two feet from the ground, and the small toes of the left foot are placed in it; the left arm is employed in clasping the stem, and the right hand employed in notching a second place for the right foot; as soon as the second notch is made, the sharp end of the wadna is struck into the bark, and serves as a means of support to raise the body so as to make a second step, and the ball of the great toe of the right foot is placed in it; the wadna is liberated in order to make a third notch for the left foot, and successively in this manner until the tree is climbed. The descent is made in just the same order as the ascent, and each foot is applied to the same place. In the process of climbing, the chief principle is to have three points of contact with the trunk of the tree; either two arms and one leg, or two legs and one arm.

Birds are killed on the wing with the waddy, or whilst resting on the ground or upon the branches of trees. The eggs of birds are extensively eaten, but generally confined to those kinds that leave the nest at birth, as the emu, duck, goose, swan, &c.; if the young remain in the nest for some time after being hatched, the eggs are allowed to remain, and the young taken before they are capable of flying. The larvæ of insects are discovered in trees by the kudna (feces) being found at the aperture where the insect is lodged; sometimes, however, they enter from the earth, and commence destruction at the very root, but even then its presence is detected by the sickly appearance of the plant; the native then breaks down the plant, and secures the food.

Some species penetrate the bark and wood of the gum-tree, and these are taken from their retreats by the kurritti or grub-hook, a small twig about a foot long, and hooked at the end.

Other species are found in the earth, and are dug out with the karko or small spade.

*Food eaten at different ages.*—The young men, and adults under 40 years are not allowed to eat the fore-arm of the red kangaroo; it would produce premature old age.

*Dwellings.*—In winter, during the heaviest rains, their huts are covered with bark, if it can be procured.

*Weapons.*—The winda, or large spear, is made from the common scrub, a species of eucalyptus; the katta, or fighting stick, from the she-oak (casuarina); the heavy part of the kaya, or kutpi, or common spear, from scrub or tea-tree, and the light part from the grass tree (Xanthorrhoea) or reed; the midla, or throwing stick, from the peppermint (eucalyptus), and the mulla bakka, or shield, from the bark, or most recently formed layer of wood of the gum-tree.

*Preparing Implements.*—The katta and wadna are chisel-pointed, and sharpened by being charred in the fire, and afterwards rubbed down with a stone to the precise shape that may be required. The spears are generally irregular and crooked when first gathered, but are straightened by placing them upon hot ashes and applying pressure.

*Marriage.*—Wives are regarded as absolute property, and are exchanged or bartered away at the whim of the husband. A husband is called, "yangarra martanya" (owner or proprietor of a wife). If a native is asked why he is anxious to possess a wife, he invariably answers, "to fetch me wood and water, and carry my mudlinna," (clothing, food, &c.) Chastity is scarcely recognized amongst them; an individual possessing a wife will prostitute her for the paltry consideration of a loaf of bread, and to this I have even known a father subject his own daughter.

*Habits.*—The placenta is considered to be something too sacred to be trifled with. As soon as thrown off from the uterus, it is carefully put away from the reach of their animals, as dogs, &c.; they state, that if eaten by any animal, the animal would certainly die.

*Ceremonies.*—Circumcision is performed at the age of from 12 to 14 years, and in the following manner. Early in the morning, the boys intended for circumcision are seized from behind, and a bandage fastened round the head and over the eyes; they are then led away from the presence of the women and children, to a distance of half a mile. They are laid on the ground and covered with a blanket or skin, so as not to see what is passing amongst the males. The males then commence the ceremony; three of them receive the word of command, and commence limping and making a peculiar groaning noise, until they arrive opposite some one, whom they seize. The seized individual sets off at full speed, as if he intended to escape and run away; the three, before occupied in limping and groaning, run with him to prevent his escape. After they have had several races, they run over the boys intended for the operation, and the individuals who tried to escape are laid down near to the boys, and covered with dust. They are now supposed to be in a state of enchantment, and are aroused from this state by being lifted up by the ears, and loud noises made into them at the same time. All the men, except the sick, form themselves into a single rank, and walk round, as if walking round a circle. The first individual has a katta (long stick) held down his back, and when they have made several circles he gives it to another. The men now for a short time sit down, and then the whole rise, except the sick, the inspired, and those upon whom the operation is to be performed, and proceed to a short distance, the man with the katta down his back being leader. When assembled, they form themselves into a line, a word of command

mand is given, and they commence the peculiar stamping and groaning, beginning at the distant end of the line, and gradually advancing towards the proximal end. They have several rounds of making this noise, and at each turn they advance a little towards the boys. When arrived nearly at the boys, they (the boys) have their eyes uncovered, and see the men approaching. The first man, who holds the katta, fastens it in the ground, and the whole approach and take hold of it and fall into one heap. The boys are thrown upon the heap of men, and the operation is performed by those previously enchanted. Immediately after the operation the boys are taken away from the presence of all females, and carefully kept upon vegetable diet until recovered from the effects of the operation. The yudna (public covering) is now worn by the circumcised for some months after the operation.

*Mode of Burial.*—Every tribe differs in its mode of burial. Amongst the Adelaide tribe, as soon as a person dies there is a general lamentation, consisting of a loud cry made by relatives and friends. The body is immediately wrapped up in the skins or clothings worn during life. In the course of a day or two it is placed upon the wikkatt or bier, which is made of branches crossed so as to form radii of a circle, and an examination entered upon as to the cause of death. The bier is carried upon the shoulders of five or six persons over places where the deceased had been living. One person is placed upon the bier, professedly in conversation with the dead, and asks, "what person has killed you, do you know him?" If the corpse says "no one," the inquest ceases; but if it state that some person has, the bier moves round; the corpse is said to produce the motion influenced by Kuinyo (a fabulous person). The alleged murderer may be present; if so the bier is carried round, and one of the branches made to touch him, and a battle ensues either immediately, or in the course of a day or two. At the time of burial, the body is removed from the bier and deposited in a grave of four or six feet deep. Children under four years old are not buried for some months after death; they are carefully wrapped up and carried upon the back of the mother during the day, and at night serve as a pillow, until they become quite dry and mummy-like; they are then buried, but with what ceremony I do not know, as I have not witnessed it.

The Murray tribes differ from the Adelaide in performing this ceremony. The body is carried from the hut upon a bier, and placed near the grave. The mourners then crowd around it, and the men, women and children weep and howl for about an hour; besides weeping and howling, the female relatives make numberless superficial incisions upon the thigh, from six to twelve inches long. The men proceed, then, to examine into the cause of death, whether the individual has been killed or he has died a natural death. The abdomen of the dead body is uncovered, and an incision from three to four inches long made in the right hypogastric region; the bowels and omentum are turned out, and a portion of the latter cut away and placed in a bunch of green leaves. If the individual has been killed by an adverse tribe, they state that a cicatrix is found in the omentum, but if he have died a natural death, the omentum presents a normal appearance. The intestines are replaced, and the body deposited in the grave with the head lying to the west. Two relatives then jump upon the body, and as if in a paroxysm of frenzy, seize each other by the hair of the head, and unmercifully drag, shake and pull each other about. The grave is filled up with branches and earth, and a tumulus is left so as to remind the living where their relatives and friends are laid. Upon these tumuli clothings and branches are put from time to time; they are visited occasionally by the women for several months after, and the lamentations performed, as weeping, making incisions across the thighs, &c., as at the time of burial.

In the neighbourhood of Encounter Bay, four modes of disposing of the dead obtain. Old persons are buried; the middle-aged are placed in a tree, the hands and knees being brought nearly to the chin, all the openings of the body, as mouth, nose, ears, &c., being previously sewn up, and the corpse being covered with mats, pieces of net or old clothings. The corpse being placed in the tree, a fire is made underneath, around which the friends and relatives of the deceased sit and make a lamentation. In this situation the body remains, unless removed by some hostile tribe, until the flesh is completely wasted away; after which, the skull is taken by the nearest relation for a drinking vessel. The third mode is to place the corpse in a sitting posture, without any covering, the face turned to the east until dried by the sun; after which, it is placed in a tree. This plan is adopted with those to whom they wish to show respect. The last mode is to burn the body, which is practised only in the case of still-born children, or those which die shortly after birth.

*Mourning.*—Is indicated by the hair and beard of the men being cut off, and the hair of the women. In some instances they put hot ashes upon the head, so as to singe the hair to its very roots; they weep literally in "dust and ashes." On the Rufus, the females wear another indication of mourning; they have a covering for the head made of carbonate of lime, from one and a half to two inches thick. It is put on in a soft state, like the plaster of Paris when used for taking casts, &c.

*Superstitions.*—The Puingurree, a sacred piece of bone, used sometimes for bleeding. If placed in the fire and burnt to ashes, it possesses mortiferous influences over enemies. If two tribes are at enmity, and one happens to fall sick, it is stated, and certainly believed, that the sickness has been produced by a sorcerer of the opposing tribe; and if the puingurree has been burnt, they are certain that death will follow. They believe in the existence of a being whom they designate "Kuinyo," a monster having the appearance of a black. He is said to have the power of flying through the air, and of passing subterraneously from one place to another. His approach is most frequent in the night, when the fires are gone out, and to guard against him, they are frequently stirred, to cause them to burn briskly.

SOUTH  
AUSTRALIA.

Encl. in No. 19.

*Empirics.*—Besides the blood sometimes extracted from the gums of the sorcerers, a bone will sometimes be put out of the mouth, and be declared to have been procured from the diseased part. In other instances the disease is drawn out in an invisible form, placed in the fire and burnt.

*Numbers.*—The Europeans are now in contact with about 1,600 aborigines, but the number might be subdivided into those in regular and those in irregular contact.

Those in regular contact may be represented as follows:—

|                              |   |   |   |   |   |   |             |     |       |
|------------------------------|---|---|---|---|---|---|-------------|-----|-------|
| Adelaide District            | - | - | - | - | - | - | -           | 300 |       |
| Encounter Bay                | - | - | - | - | - | - | -           | 230 |       |
| Moorunde                     | - | - | - | - | - | - | -           | 300 |       |
| Port Lincoln                 | - | - | - | - | - | - | -           | 60  |       |
| Hutt River                   | - | - | - | - | - | - | -           | 30  |       |
|                              |   |   |   |   |   |   | TOTAL       |     | 920   |
| Those in irregular contact:— |   |   |   |   |   |   |             |     |       |
| Encounter Bay                | - | - | - | - | - | - | -           | 100 |       |
| Moorunde                     | - | - | - | - | - | - | -           | 200 |       |
| Port Lincoln                 | - | - | - | - | - | - | -           | 340 |       |
| Hutt River                   | - | - | - | - | - | - | -           | 40  |       |
|                              |   |   |   |   |   |   | TOTAL       |     | 680   |
|                              |   |   |   |   |   |   | GRAND TOTAL |     | 1,600 |

Adelaide continues to be a great source of attraction, and the numbers visiting it are annually increasing, as will be seen from the following return of the numbers present at the distribution of food and clothing on Her Majesty's birth-day.

|         |                    |     |                          |
|---------|--------------------|-----|--------------------------|
| In 1840 | there were present | 283 | men, women and children. |
| 1841    | -                  | -   | - 374 ditto.             |
| 1842    | -                  | -   | - 400 ditto.             |
| 1843    | -                  | -   | - 450 ditto.             |

*Disease.*—I have never seen a case of those diseases which are induced by artificial living, as gout, rheumatism, diseased breasts of females, and decayed teeth. The last disease is now beginning to show itself in those who have lived six or seven years on European diet; but in a native coming to Adelaide for the first time from the bush it is a rare occurrence indeed to witness a decayed tooth.

*Language.*—This branch has not been neglected during the past year, and a vocabulary of the Murray dialect is nearly completed. I hope to forward it with my next quarterly report, with such remarks upon the dialects as present observation will allow.

*Crimes.*—The following is a Return of Convictions for the year ending 31 December 1843.

| SUPREME COURT. |            | RESIDENT MAGISTRATES' COURT. |            |
|----------------|------------|------------------------------|------------|
| Sheep stealing | - - - - 2  | Assault                      | - - - - 3. |
| Wilful murder  | - - - - 3* |                              |            |
| Larceny        | - - - - 2  |                              |            |

*Attempts at improving their condition.*—The same plans are in operation as given in my last annual report. The school has been a subject of considerable improvement, and given in detail in my report for the quarter ending 30th June. During the year ending 31st December, the children were assembled 251 days, and the average daily attendance was 11½. Those children that have been regular in their attendance have made satisfactory progress. The average of 11½ has been from a number of 16 that were taken into the boarding-school. The attainments of the 16 may be stated as follows:

14 are able to read polysyllables; two are able to read monosyllables.

*Writing.*—11 write on paper; three on the slate only.

*Arithmetic.*—Two repeat the cardinal numbers; 14 are in addition; three are in subtraction; nine in multiplication; two in division.

In *Geography* they all know the general divisions of the earth, its shape, diameter, circumference, &c., names of continents, oceans, seas and gulfs; also the general character of the inhabitants of each part, as colour, &c. The Scriptures are read daily to them in English, and such parts as are not understood are expressed in their language. The Rev. Mr. Klose has gone through a complete course of Scripture history during the 12 months.

The

\* These crimes were committed in 1842, in the Port Lincoln District.

The settlers are now beginning to manifest a desire to assist in educating the children. At Encounter Bay they promised, at a public meeting held there in November, to supply 100 bushels of wheat and nine sheep; and these, if aided in provisions and clothing by the Government to the amount of 20*l.* annually, would be sufficient to board, lodge, and educate an average of seven children. The effort on the part of the settlers is a laudable one, and I have pleasure in recommending it to the support of his Excellency the Governor.

During the year, there have been in the neighbourhood of Adelaide 8 (eight) births and 12 (twelve) deaths.

REMARKS UPON THE LAST QUARTER.

It has been remarkable in being free from the commission of crime, and in witnessing the natives more extensively engaged with European labour than at any antecedent period. Those living in Adelaide have been occupied in collecting mimosa bark, and there is a tanning establishment near town to which they have supplied five tons. From 10 to 14 young men are employed as porters to various storekeepers, and attend about two thirds of their time. In the neighbourhood of Adelaide they have reaped from 50 to 60 acres of the harvest, at Encounter Bay from 70 to 100, and at Lyndock Valley they have assisted Mr. Emmett in reaping 200 acres.

About Adelaide, there has been less assistance towards the harvest than in any other part, in proportion to the number of natives. During the reaping season there were in town 80 men, 72 women and 72 children, a total of 224, whilst at Encounter Bay the average for the same time was a total of from 50 to 60, and they performed the most work. This is accounted for by the inhabitants of the town too frequently supplying a native with food for simply asking for it.

I have, &c.

(signed) *M. Moorhouse*,  
Protector of Aborigines.

The Honourable A. M. Mundy, Colonial Secretary.

APPENDIX.

| COLUMN 1.                                  | COLUMN 2.   | COLUMN 3.   |
|--|---|---|
| (A.)— <i>Physical Appearance</i> -         | -- stature and height of males and females; colour, dental arrangement.   |   |
| (B.)— <i>Habits of life</i> :              |   |   |
| (a.)— <i>Clothings</i> -                   | -- skins, where they can be procured; on sea-coast, mats of rushes and sea-weed; one covering suffices.   |   |
| (b.)— <i>Food</i> -                        | -- depends upon locality and seasons.   | female white ants.  |
| (c.)— <i>Procuring food</i>                | -- catching emus, kangaroos, opossums, wambats and other burrowing animals.<br><br>killed on the wing; Wallsbie when running. Eggs of animals that travel at birth are taken; if young remain in the nest, eggs allowed to remain; grub catching: presence ascertained in wattles; gum-trees, &c.; mode of climbing a tree described. | -- opossums, when known to have ascended a tree, sometimes taken by moonlight, assisted by the wild dog, chased into their holes and then captured. Birds |
| (d.)— <i>Preparing food</i>                | -- some eaten in raw state, some cooked upon the fire, some in the native oven.   |   |
| (e.)— <i>Food eaten at different ages.</i> | -- kind given to infants after weaning, to adults, pregnant women and old men.  | Fore-arm of the red kangaroo.   |
| (C.)— <i>Dwellings</i> -                   | -- very temporary; their character in summer, in winter.  | -- covered with bark in the wet season.   |
| (D.)— <i>Weapons</i> -                     | -- simple as clothing; description of the winda katta, katta wirri, midla, kaya, mulla bakka.   | -- kinds of wood of which each implement is made; mode of sharpening some.  |
| (E.)— <i>Implements</i> :                  |   |   |
| (a.)— <i>Description</i> -                 | -- fishing spear on the Murray; fishing-rod; flint used as knife and hatchet; shells sometimes used; needle; nets for game and fishes;  |   |
| (b.)— <i>Mode of preparing.</i>            | skins, prepared; wadna, karko, grub hook.   |   |



SOUTH  
AUSTRALIA.

## APPENDIX—continued.

Encl. in No. 19.

| COLUMN 1.   | COLUMN 2.  | COLUMN 3.  |
|---|--|--|
| (F.)— <i>Habits</i> :                               |  |  |
| (a.)—Assumed or acquired.                           | - - wandering in groups or families; whole tribes meet for barter; strangers introduced; festivities; kurt, palti; war happens sometimes; mode of locating huts.   |  |
| (b.)—Government                                     | - - devolves upon the aged; acquired solely by age.  |  |
| (c.)—Marriage                                       | - - introduced by no ceremony; infants affianced.  | - - wives considered absolute property; exchanged; chastity scarcely exists; males and females disregard it.                   |
| (d.)—Nomenclature                                   | - - named numerically, as first, second and third, up to the ninth child; after that, from plants and animals; named differently after the birth of every child; named permanently when old and gray-headed. |  |
| (G.)— <i>Natural Habits</i>                         | - - age at which child-bearing commences; number of children born and reared.  | - - placenta, and mode of disposing of it.   |
| (H.)— <i>Ceremonies</i>                             | - - stages through which the males pass: infancy, boyhood, young men, adults and old age.  |  |
| Circumcision  | - - - - -  | process described.   |
| Burial  | - - - - -  | - - process described as practised by the Adelaide, Murray, and Encounter Bay tribes.  |
| Mourning  | - - - - -  | - - indications of, cutting the hair, scarifying the legs.   |
| (I.)— <i>Superstitions</i>                          | - - opinions of creation; no idea of a first great cause; believe in evil spirits; idea of a soul; its return to this locality.  | - - enchant; influence of the puingurree; a being that can pass unobservedly through air; Kuinyo, and his influence.           |
| (J.)— <i>Empiric</i>                                | - - curative processes; sucking out the pain; pressure; blood-letting; fractured limbs; venereal ulcers; malformations attributed to the stars.  | - - bones sometimes professedly sucked out.  |
| (K.)— <i>Numbers</i>                                | - - thinly scattered, and why. One in every 4½ square miles; causes of so limited a population, as wars, polygamy, infanticide, and dreadful ravages of the venereal.  | - - number with which we are in contact; numbers coming to town gradually increase, as on the Queen's birth-day.               |
| (L.)— <i>Diseases</i>                               | - - subject to those common to the human race, as inflammation and its consequences, phthisis, scrofula and venereal.  | - - those diseases induced by artificial living, not seen, as gout, rheumatism, decayed teeth, or diseased breasts of females. |
| (M.)— <i>Language</i>                               | - - its general structure and inflections; three distinct dialects spoken here; illustrations of pronouns where the dialects meet.   | to be given next quarter.  |
| (N.)— <i>Crimes</i>                                 | - - Tabular Return for 1842  | Tabular Return for 1843.   |
| (O.)— <i>Attempts at improving their condition.</i> | - - Christianization, civilization and education; attendance of children at school and adults at chapel.   | - - same plan continued; attendance at school and progress made. Births and deaths.  |
| (P.) <i>Remarks upon the last quarter.</i>          | - - - - -  | - - labour performed by the adults at reaping, &c.   |

(signed) *M. Moorhouse,*  
Protector of Aborigines.

— No. 20. —

(No. 49.)

Copy of a DESPATCH from Governor Grey to Lord Stanley.

Government House, Adelaide,  
10 April 1844.

SOUTH  
AUSTRALIA.

No. 20.  
Governor Grey  
to Lord Stanley,  
10 April 1844.

My Lord,

I HAVE the honour to transmit, for your Lordship's information, the quarterly Report of the Protector of Aborigines for the quarter ending the 31st ultimo.

The relations existing between the European and aboriginal populations still continue to be of a very satisfactory nature; but the most gratifying circumstance connected with the aborigines of this colony, is the progress which is making in the education and civilization of the children. A system of keeping the native children at a regular boarding-school was introduced by the Government nearly twelve months since, and the introduction of this system has been attended with very great success. There are now 18 native children educated at this school, who have been voluntarily placed there by their parents. The conduct of these children is extremely satisfactory, and they are certainly, in all points relating to acquired knowledge, upon an equality with the average of European children of their own age.

Another school, conducted upon the same principles, will be opened in a few days, at which, I trust, above 30 native children will be regularly boarded, and thus, in the town of Adelaide alone, about 50 native children will not only be instructed and supported, but will be kept under the constant control and supervision of competent persons, whose attention is directed to every portion of their conduct.

A school upon similar principles, the funds for the support of which have been contributed by the colonists themselves, will shortly be opened at Encounter Bay; and I anticipate with some degree of confidence, that very important changes in the condition of the aborigines will, in the course of a few years, have been produced by the system of education which is now pursued with the native children in this province.

The subject being one of great interest and importance, and the results which have been produced here having surpassed my expectations, I propose, as soon as the second school has been some time in operation, to address to your Lordship a detailed report upon the system of education adopted in these schools, and explanatory of the control and supervision which is exercised over the children.

I have, &c.

(signed) G. Grey.

One Enclosure.  
Quarterly Report of the  
Protector of Aborigines  
dated 10 April 1844.

Enclosure in No. 20.

Sir,

Aborigines Location, 10 April 1844.

Encl. in No. 20.

THE aborigines department has been subject to little change during the last quarter. Those natives living about town have kept from petty theft, and supported themselves by acting as porters, and by begging. The northern tribes have interfered with the stations in two instances, once at Mr. Robinson's, and drove off some sheep, and the other time at Mr. Hope's station, and took away some flour. One boy, who assisted in robbing Mr. Hope, has been captured and committed for trial. At Port Lincoln, the settlers have been subjected to three attacks; two were made upon the sheep, and a third upon some wheat. These attacks, however, are not characterised by so much fierceness and determination as they formerly were; they have been made upon property only, and no loss of life has happened, either to the Europeans or natives. The Rev. Mr. Schurmann states, that the natives there are gradually becoming more reconciled to their European neighbours, and he believes that crime will gradually decrease.

The school, during the quarter, has been the most encouraging field of labour; the attendance has been more regular than at any previous period. Eighteen is the number now under instruction in the school at the location, and the average out of the 18 has been 17½ daily. Several instances occurred in January of one or two girls occasionally sleeping in the branch huts, but none have slept out of the matron's house since the 20th of February.

The children are now exercised in reading the English language twice a week, and, although they find considerable difficulty in the pronunciation of words containing mute consonants, it is hoped that practice will shortly render it easy.

SOUTH  
AUSTRALIA.

Encl. in No. 20.

The school-house at Walkerville, intended for the Murray children, is expected to be ready about the 16th current. The average attendance there will, I expect, be about thirty (30). In order to secure their attendance, I would recommend to his Excellency that no children be allowed to wander and beg about Adelaide or its neighbourhood; they might be allowed to visit town once or twice a week, on a Saturday or Wednesday afternoon, that the restriction might not be so much felt. The commissioner of police could check completely their visiting town, by ordering them to be taken into custody and locked up for a few hours, if found begging in the streets.

At Encounter Bay, a school-house is in the course of building; the funds for it have been supplied by the colonists. It is intended to adopt the plan of boarding and lodging the children, under the superintendence of the Rev. Edward Meyer.

In my last report, I stated that I hoped to forward with this a vocabulary of the Murray dialect; I am happy to say that in a few days the vocabulary will be ready for transmission to his Excellency, and, with the materials that I already possess, I will furnish the outlines of a grammar. My attention shall at once be given to the grammar.

A grammar and vocabulary of the Port Lincoln dialect, by the Rev. Mr. Schurmann, missionary, is about half through the press, and will be struck off in a month. The outlines and general principles of the four dialects spoken in South Australia will then be on record, for reference and comparison with others, as occasion may require.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(signed) *M. Moorhouse,*  
Protector of Aborigines.

— No. 21. —

(No. 80.)

Copy of a DESPATCH from Lord Stanley to Governor Grey.

Sir,

Downing-street, 9 October 1844.

I HAVE received your despatch, No. 49, of the 10th April last, enclosing the Report of the Protector of Aborigines, for the quarter ending the 31st of March, 1844.

I have read with much satisfaction the statements which that report contains, of the improvement of the condition of the natives, and I particularly refer to the success which appears to have attended the establishment of schools for the education and civilization of the native children.

It will be desirable that you should impart to the Governors of New South Wales and Western Australia, the results of this new experiment.

I have, &c.  
(signed) *Stanley.*

No. 21.  
Lord Stanley to  
Governor Grey,  
9 October 1844.



MAP OF  
NEW SOUTH WALES & SOUTH AUSTRALIA

*Showing the Principal Sites*

referred to in the  
CORRESPONDENCE RELATIVE TO THE  
ABORIGINES.

100  
Eng. Miles

S O U T H

U S T R A L I A

B A S S S T R A I T

WESTERN AUSTRALIA.

WESTERN AUSTRALIA.

— No. 1. —

(No. 43.)

COPY of a DESPATCH from Governor *Hutt* to Lord *Glenelg*.

My Lord,

Perth, Western Australia, 3 May 1839.

No. 1.

Governor *Hutt* to  
Lord *Glenelg*,  
3 May 1839.

1. To a person residing in a colony of England, among an untutored race, such as the aborigines of Australia, the question naturally and anxiously arises, what is to be this people's future destiny? Are they to be swept off by aggression and disease, or will they pine away under a feeling of their immeasurable inferiority to the white men; or, if they survive, will it be to sink into a state little better than the slave, or gradually to be absorbed into and become one people with their intruders? The last, however, apparently unattainable, is the result which in our conduct towards them we should ever keep in view. Much will depend on the way in which we exercise our power, but still more upon the character and disposition of the aborigines themselves.

2. Knowing the feeling on this point which pervades the Government and the public mind in England, and having had it strongly pressed upon my attention before sailing for this country, I have since my arrival here taken every opportunity of ascertaining the present condition of the native inhabitants of Western Australia, and the relative position in which they stand towards the settlers.

3. The aborigines, from all which I have been able to learn respecting them, are an anomalous, though a most interesting race of people. Interesting I mean as offering points of character totally at variance with any thing which I have seen described of tribes or nations elsewhere. They are active, hardy, daring, intelligent and faithful, impatient of restraint, utterly hateful of work, even where rewards the most tempting, and which they most covet, are offered; careless of all European arts and comforts, remaining the same now as when the colonists landed ten years ago on the beach at Fremantle; totally free from the licentious courses of most savage people; uncontaminated, with some few exceptions, by the vices of their invaders; regarding every stranger as an enemy, and therefore to be made away with on the first safe and convenient occasion; under no restraint even in childhood (I speak of course of the men, the women, as in all savage nations, being the household drudges, the slaves or servants of all-work); having no acknowledged heads of tribes or families; following no rule but the impulses of their own caprice and passions, blood for blood being their law, and every man the judge, jury and executioner in his own quarrel; with no fixed place of residence, no habitations but those which the weather temporarily necessitates them to erect; with no idea of accumulation, whether as a means of barter or as a provision for the future; no personal property but their kangaroo cloaks, and their implements of war or the chase; no means of subsistence but such as nature affords them; they have, finally, a language in which there is no word for either love, want or gratitude, and they live literally without God in the world. Not the slightest vestige of any religious sentiment or ceremony has yet been traced amongst them. From childhood to the grave they propitiate neither God nor Devil.

4. It will be evident to your Lordship from this, that they have not yet begun to emerge from the simplest and most elementary state of barbarism. Their country has, however, been declared part of the British empire, and in our attempts to lead them to civilization, one of our first acts should be the establishment of some law and order amongst them. But is it not premature, if not totally impracticable, to make the British law applicable to such a state of things? As subjects with ourselves of one and the same sovereign, justice and humanity require that they should participate with us in the benefit of the leading principles of the English constitution, perfect equality before the law, and full protection of their lives and liberties; I cannot add properties, because the only substantial property they ever did possess is the soil, over each separate portion of which some individual claims

WESTERN  
AUSTRALIA.

an inherited right, and of this we have long ago divested them, not being aware of such claims.

5. They have been brought up to look upon crimes not only with indifference, but even as meritorious, which in England would be punished with death. Have we a right to subject them to the penalty of a code of which they lived in profound ignorance, until we suddenly appeared among them, and of the provisions of which they have even now only that conjectural knowledge arising from an experience of the severity of its penal sanction? Would it not be more just, as well as more humane, to frame, if it be possible, special laws for the occasion, rather than attempt to govern a nation of uncivilized, irreligious savages, by the strict enforcement of rules adapted to the wants of a civilized community? Without this, whilst in words we pretend to regulate our intercourse with them on the strictest principles of equity, circumstances require us to violate those principles daily, and we constantly forego the execution of the law which is operative against a European, from a sense of the iniquity there would be in carrying it into effect in many cases of native violence.

6. In furtherance of the truth of these remarks, I would request your Lordship particularly to observe, that here is one class of Her Majesty's subjects, who are debarred a true and fair trial by jury, whose evidence is inadmissible in a court of justice, and who consequently may be the victims of any the most outrageous cruelty and violence, and yet be unable from the forms and requirements of the law to obtain redress, and whose quarrels, ending sometimes in bloodshed and death, it is unjust as well as inexpedient to interfere with.

7. A jury ought to be composed of a man's own peers. Europeans, in the case of a native criminal, cannot either in their habits or sympathies be regarded as such, and his countrymen are incapable of understanding or taking upon themselves the office of juror.

8. In our courts of law all evidence must be taken on oath, or upon an affirmation, declared by an Act of Parliament equivalent to an oath; now the aborigines of Australia have no religious forms either of blessing or of cursing, by which their conscience can be bound. Their testimony, therefore, is totally invalid, and if we follow this out to its possible consequences, we shall find that a European may walk into a circle of many thousands of natives and shoot one of them through the head, or some of them may be guilty of robbing or murdering a European, and still, if no other than native testimony can be adduced, a magistrate's warrant cannot regularly be issued to apprehend an offender, or if apprehended, he ought not to be convicted.

9. From this source the most serious evils necessarily flow. In very many instances criminals escape altogether; in others, as I have before observed, the principles of the law by which we profess to be guided are violated, and putting aside its slow forms and technicalities, and acting only on notorious facts, offenders in very gross cases are apprehended and summarily convicted by a magistrate, on legally inadmissible evidence. Whilst the settlers at stations widely distant from the seat of government, ignorant of the name and person of the native depredator, or if they know them, unable to bring the requisite proof, having had their sheep stolen, their goods and pigs speared, and their gardens and fields robbed a first, a second and perhaps a third time, at last seeing that they cannot, as they think, obtain justice in any other way, consider themselves authorized to defend their property by every means in their power, and they fire upon the natives when they next catch them thieving. Exasperation, revenge and murder ensue, and eventually the weaker party are exterminated. I am not now stating what actually takes place in this colony, but rather pointing to what has taken place elsewhere, and what we must expect will occur in Western Australia, unless some timely check is interposed by a change or modification of the existing law. I must confess to your Lordship that I have felt exceedingly embarrassed when a farmer has applied to me to know in what way he was to act in the case of being plundered, and I have referred him, as his only rightful resource to the redress to be obtained, by lodging a complaint before one of the magistrates of his district.

10. It is the knowledge that speedy and certain retribution awaits them, which acts most powerfully to restrain man from crime, and I, therefore, submit to your Lordship whether it would not be conducive to the public welfare, and advantageous both to the aborigines and Europeans, if some more summary course of justice could be adopted towards the former in this country.

11. To

11. To obtain this, an alteration in the law would be necessary, such as I hesitate to introduce on my own responsibility. I should be supported in my views, it is true, by the highest legal authority, and the magistracy of the colony; but I have thought it more advisable, in a measure of such importance, to submit the draft of a Bill for your Lordship's consideration, in order that I may be favoured with your Lordship's opinion as to its propriety or expediency.

12. The chief provisions of this Bill are to enable magistrates to issue warrants on the statements without oath of the natives, and to allow those statements to be taken in evidence on the trial, and to warrant judgment being passed and punishment inflicted on such evidence, when borne out by circumstantial proofs, in all cases, whether the offender be a colonist or one of the aborigines.

Draft of Bill to enable Magistrates to receive the evidence of aborigines.

13. This may at first sight appear an act of coercion directed particularly against the aborigines. Did I regard it as such, I should never have ventured to propose it to your Lordship; on the contrary, my great desire is to extend to them still more the protecting hand of Government, by taking from parties irritated and smarting under the losses they may have incurred, all pretence for meting out their own amount of justice upon the real or supposed offenders; and this Bill offers the additional possible advantage to the native, that he may obtain from Europeans, for injuries inflicted, that redress, which as the law stands at present is entirely out of his reach.

14. As regards the disputes of the aborigines with each other, there is great difficulty in declaring how far we consider ourselves authorized to interfere. I presume we should be hardly justified in punishing, as an infringement of our laws, any act of theirs dictated by their own rude notions of right. Yet we cannot admit of bloodshed with impunity in the streets of our towns, or near our dwellings. With a view to prevent the occurrence of such scenes, the strictest orders have been issued by my predecessor, and followed up by myself, forbidding them when armed with spears to approach our habitations. In the bush it is impossible to superintend them; I consider, however, that all outrages among themselves which come under our cognizance must be treated as breaches of the peace, and that even murder can only be visited with the penalty of banishment.

15. In proposing this Bill, the draft of which I now enclose, and upon which I solicit your Lordship's early opinion, I would observe, that it affects the criminal law alone, because civil law being the offspring of civilization, nothing relating to the aborigines can have reference thereto.

16. I must not conclude this despatch, however, without remarking, that we should ill perform the duties we lie under as a Christian Government towards these people, whose country we have invaded, whose lands we have usurped, and whose established manners and customs we are interfering with, if we contented ourselves with a better arrangement and regulation of the criminal code. Savages ought to be treated like children; kindness and forbearance should be the rule, and strictness the exception, to be called into action only when reason fails with them. But here I find myself greatly perplexed. What is wanted in every country like Western Australia, is a protector of the natives, a disinterested and conscientious man, who should give himself to his work from a feeling of interest in the people and their cause, to whom they could have recourse at all seasons, who should stand as a mediator between them and the white people, and who should be invested with the duties and powers pointed out under this head in the suggestion offered at the termination of the Report of the Select Committee on Aboriginal Tribes.

No one could be expected to undertake this anxious task without being tolerably remunerated, and the state of our finances forbids our offering a competent salary; 90*l.* per annum is now paid to the native interpreter, which might be increased and appropriated to this purpose; but Mr. Armstrong, who holds this office, though fully equal to his present duties, is scarcely sufficiently educated, nor is his standing in society such as would command the respect due to the person filling the situation of protector. Besides this, one person could not act in the two capacities. His presence as interpreter might be necessary on a trial at Fremantle, at the same time that as protector he was summoned to York, 60 miles in the opposite direction.

17. Equally with a protector, if not more imperiously called for as a salutary means of imparting to them the blessings of a civilized and religious education, is a missionary establishment, similar to, though not on the same scale, as that in New South Wales; but here again a want of funds meets us. The utmost, it

WESTERN  
AUSTRALIA.

appears to me, that the local Government can do in the present condition of the finances of Western Australia, is to keep these two objects steadily in view, and nothing will give me greater pleasure than should it fall to my lot to be able to report to your Lordship that we have the means in our possession for their accomplishment.

I have, &c.  
(signed) *John Hutt.*

## Enclosure in No. 1.

DRAFT of a proposed BILL to enable the Magistrates to receive the Evidence of the Aborigines of Western Australia in certain cases.

Encl. in No. 1.

WHEREAS many of the forms, requisites and provisions of the English law have been found to be wholly inapplicable to the aboriginal inhabitants of the territory of Western Australia, inasmuch as these people are entirely ignorant of the existence of any future state of rewards and punishments, and do not acknowledge any form or mode of adjuration as binding upon them; in consequence of which much failure of justice ensues, and many serious offences and crimes which have been committed with their privacy only, are unavoidably suffered to pass unpunished:

And whereas it is expedient to devise some means whereby such offences may be punished with greater facility and certainty than are at present attainable; be it therefore enacted, by, &c., That from and after the it shall and may be lawful for any justice of the peace for the said colony, upon any complaint being made before him by any of the aboriginal race of this territory, to receive and take the information of the said native, without administering any form of oath, and to reduce the substance of the same into writing if it should appear necessary so to do, and thereupon to issue his summons or his warrant, as the nature of the case may require, or take any other such proceeding as may be usual and proper in the case of an information made by any of Her Majesty's natural-born subjects.

And be it further enacted, that upon any inquiry into any matter of complaint, or upon the trial of any offence, whether committed by a native or a colonist, it shall and may be lawful for any justice or justices of the peace to receive the evidence of a native, without administering any form of oath to the said native; provided always, that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of such native shall be reduced to writing, and signed by a mark by such native, and verified by the signature of one or more of the justices before whom such information or such evidence shall have been given; and any such information or evidence so reduced to writing, and so verified as aforesaid, may be read and received as evidence in any future proceedings relative to the same transaction, without the necessity of bringing forward the same native to repeat his testimony orally; provided always nevertheless, that the degree of credibility to be attached to any such information or evidence, whether in the preliminary or in the final stage of the proceedings, shall be entirely left to the decision of the justice or justices, or of the jury respectively, according to the tribunal before which such information or evidence shall have been offered; but no such information or evidence shall in any case be considered as conclusive, unless the same shall be supported by strong corroborative circumstances.

And be it further enacted, that it shall be lawful for any two or more justices of the peace, of whom the resident magistrate of the district shall be one, provided that he shall not be interested in the subject-matter of the complaint, but if he shall be so interested, then for any two or more justices not so interested, to inquire into and try all offences except as hereinafter mentioned, with which any of the native race shall be charged; and if the person so charged shall be proved to have committed such offence, that it shall be lawful for such justices as aforesaid to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or place of confinement appointed by the Governor for such prisoners, for any term not less than one month nor more than one year, according to the nature and magnitude of the offence.

Provided always, and be it enacted, that if the offence with which the native shall be charged shall be considered by such justices to be of so serious a nature as to deserve or require a greater degree of punishment, then in such case such offender shall be committed to take his trial at the usual sessions of the peace for the said colony.

And be it further enacted, that if the offence which any native shall be proved to have committed shall be of a trivial nature, and if it shall appear to such justices that it would be more satisfactory to the friends of the offender, and likely to operate beneficially as a general example, in such case it shall be lawful for the said justices to substitute the punishment of whipping, with any number of stripes not less than 12 nor more than 24, in the case of male offenders.

And be it enacted, that in all cases in which any punishment shall be summarily inflicted by such justices under this Act, they are hereby required to make a report of the circumstance of the case to the Colonial Secretary, for the information of the Governor.



— No. 2. —

(No. 4.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

Sir,

Downing-street, 29 October 1839.

No. 2.

I HAVE received your despatch, No. 43, of the 3d of May last, enclosing a draft of a Bill to enable magistrates to receive the evidence of the aborigines of Western Australia in certain cases. Lord John Russell  
to Governor Hutt,  
29 October 1839.

I approve of the principle on which this proposed enactment is founded. It is clearly right to enable the magistrates to take the evidence of a native, though not upon oath. The judge and jury will then decide what such evidence may be worth. It will, however, be proper to add to the Bill a clause, providing that no sentence upon a native shall be carried into effect until the chief judge of the colony shall have had before him the evidence in the case, and shall have confirmed the sentence.

I trust, that the appointment which has already been made of two Protectors of Aborigines for Western Australia, will be found not unproductive of beneficial results, and Her Majesty's Government will always be prepared to receive and consider any plans which you submit for improving the condition of the natives.

I am, &c.

(signed) *J. Russell*.

— No. 3. —

(No. 50.)

COPY of a DESPATCH from Governor *Hutt* to Lord *Glenelg*.

My Lord,

Perth, Western Australia, 17 May 1839.

No. 3.

IN your Lordship's despatch of 4 August 1838, No. 3, copies of two letters from Dr. Giustiniani were enclosed, detailing acts of cruelty, alleged to have been committed against the natives in this colony, into the truth of which I was directed on my arrival to institute an inquiry, and report the result to your Lordship. Governor Hutt to  
Lord Glenelg,  
17 May 1839.

2. I have now the honour to enclose copies of the following documents, explanatory of the cases brought forward.

1st, Two letters from Mr. Bland, the resident magistrate of the York district, giving particulars of the death of the native who was shot in Messrs. Bland & Trimmer's barn; together with the deposition of the man who was the unfortunate perpetrator of that deed. Copy of two Letters  
from Mr. Bland.  
Copy of Letter  
from Advocate-  
general.  
Copy of Letter  
from Mr. Knight.

2d, A letter from the Advocate-general, enclosing a statement delivered in to him by Mr. Souper, respecting the charge brought against that gentleman.

3d, A letter from Mr. Knight, giving a totally different account of his conduct from that which Dr. Giustiniani says he received from Mr. Mellersh.

3. I have endeavoured to furnish the fullest information in each particular case, but your Lordship will perceive, that in two instances the parties implicated are those only who have been applied to; because no other evidence than their own could be discovered, either to refute or confirm that of which they were accused.

4. In judging of these unfortunate collisions between the colonists and the aborigines, I can, of course, only be guided by the evidence which I have now, the honour to lay before your Lordship. That great suspicion and irritation prevailed amongst the settlers against the natives, is evident; it is the natural consequence almost of the state of things, as pointed out in my despatch of 3 May; but I cannot discern in these instances, or in the conduct generally of the colonists, that spirit of systematic cruelty which Dr. Giustiniani attempts to fix upon them. Dr. Giustiniani's views on this subject are, perhaps involuntarily, biassed by the deep interest which, as a Christian missionary, he might be expected to feel in the condition and future prospects of a race who hitherto certainly have benefited little or nothing from their intercourse with our countrymen.

I have, &c.

(signed) *John Hutt*.

No. 43.  
Page 363.

## PAPERS RELATIVE TO THE

WESTERN  
AUSTRALIA.

Enclosure 1, in No. 3.

FIRST CASE referred to by Dr. Giustiniani.

Encl. 1, in No. 3.

Sir,

York, 31 January 1839.

I beg to acknowledge the receipt of your letter of the 14th ultimo, requesting information relative to some charges made by Dr. Giustiniani, against some settlers in this district, for acts of cruelty alleged to have been committed against some natives.

With respect to the first charge, wherein Mr. Giustiniani says, "a store was left open for the avowed purpose of entrapping some natives," I beg to say, that this first is a false charge made by that person. The building alluded to was not a store, but a barn and mill-house in an unfinished state; two men were employed in it thrashing wheat, and seldom left it, even to take their meals.

No. 1, annexed.

By a memorandum in my possession, I find a letter was addressed to you from myself, giving a full account of the affair, dated "York, October 1st, 1836;" to which I beg to refer you.

And with regard to the other charges, I beg to state, that the parties accused in them are not now in the district. There are no papers relating to them in any way connected with these charges in my possession; I was in England at the time, on leave, and consequently can give no information on the subject.

I have, &amp;c.

(signed) R. H. Bland,  
Resident of York.

The Honourable the Colonial Secretary.

DOCUMENT, No. 1, referred to in Mr. Bland's Letter of 31st January 1839.

Sir,

York, 1 October 1836.

In answer to your letter of the 20th instant, I beg to state, I have made inquiry regarding the shooting the native at York, and find that Gallop was ordered to watch the barn, in consequence of the natives having for several successive days previously stolen some wheat and flour, and on that day they had attempted to steal, but were disturbed; he was desired to fire at their legs, but as the natives were stooping down in the act of emptying some flour out of a bag into a blanket (he was in the roof considerably above them), he fired, and hit two of them; one died almost immediately from being shot in the head; the other has, I believe, since recovered from a wound in the arm.

Knot was speared by two men, brothers of the one who died; he was warned on leaving York the day afterwards, but said he did not fear the natives, as they had always shown a disposition to be friendly to him.

This, and the depositions you have already received, are all the facts I can at present find out regarding either of the cases.

I should be glad to know what is to be done with the two natives who speared Knot. If I may be allowed to give an opinion, I think that if this first murder of an inoffensive man in this district goes unpunished, they will attribute it to fear on our parts, which will embolden them to commit greater acts of violence towards the settlers and their property.

I am, &amp;c.

(signed) R. H. Bland,  
Government Resident.

Honourable P. Brown, Esq.

DOCUMENT, No. 2, referred to in Mr. Bland's Letter.

York, Western Australia, 14 September 1836.

THE Deposition of *Edward Gallop*, taken before the undersigned Justice of the Peace.

*Edward Gallop*, on his oath, saith; yesterday about 12 o'clock, Mr. Trimmer sent me down to the barn, to watch the natives who were in the habit of stealing wheat and flour from there; I saw two natives in the barn, and one at the door; the two that were in the barn were emptying a bag of flour into a blanket, and the one outside was watching the house. I fired at the two that were in the barn, and one fell; he was shot through the head, and died shortly afterwards.

(signed) his  
*Edward x Gallop*,  
Mark.Sworn before me,  
(signed) R. H. Bland, J. P.

Enclosure 2, in No. 3.

SECOND CASE alluded to by Dr. Giustiniani.

Encl. 2, in No. 3.

Sir,

12 February 1839.

Document an-  
nexed.

HAVING, in compliance with his Excellency's wishes, sought an interview with Mr. Sonper, and having exhibited to him the letter of Mr. Giustiniani, which was transmitted to me, I have now the honour to enclose, for his Excellency's information, the substance of the statement which was given by that gentleman, in the course of the conversation that ensued,

ensued, in explanation of the transaction alluded to by Mr. Giustiniani. In doing so, I am desirous to state that I have felt great delicacy in thus applying to Mr. Souper on this subject; but, as it appears to be required on the part of the Secretary of State that some information should be given, and as the only information must rest with Mr. Souper, the boy who accompanied him being wholly incompetent to give any evidence, I have been induced to adopt this course, which under other circumstances I should not consider strictly regular, and which, if any legal proceedings were instituted against Mr. Souper, I should certainly consider improper and unwarrantable.

With respect to any impression which might exist that the act done by Mr. Souper was in any degree affected in its character because unfortunately it was a woman who fell, I should wish to suggest this, that it is well known to all who are acquainted with the natives of this colony, that as the dress of the male and female is precisely the same, namely, a kangaroo skin; as there is nothing in the general appearance, neither in the ornamental, nor head-dress, nor length of hair, by which to distinguish the sexes, and as the long digging-stick carried by the woman so nearly resembles the spear, the eye of a white man cannot readily discern the difference, and a mistake is very likely to ensue in a moment of alarm, and under the agitation arising from great and imminent danger.

I have, &c.

(signed) *George Fletcher Moore,*

Advocate-general.

The Honourable the Colonial Secretary.

WESTERN  
AUSTRALIA.

Encl. 2, in No. 3.

DOCUMENT referred to in the Advocate-general's Letter, 12 February 1839.

EXPLANATION given by Mr. Robert Souper, in the course of conversation, after having read the Letter of Mr. Giustiniani, addressed to Lord Glenelg, relative to a Transaction which occurred between Mr. Souper and some Natives.

MR. SOUPER in substance states, that he had been active in assisting Mr. Arthur Trimmer to secure a native called "Wynapwert," who was one of those who murdered Knott; that he was told frequently by the natives, that if any harm should come to Wynapwert, he, Mr. Souper, would be speared by the natives; that Wynapwert was given into charge of the soldiers at the barracks, and was shot by one of them whilst in the act of making his escape; that consequently he was very much on his guard, and very much alarmed by these threats; that on the next day after Wynapwert was shot, a native commonly called "Ben," came and delivered a message to him, as if from the boy who was out in charge of the bullocks, wanting him to go and assist him; that he did not go, because he had orders not to leave the place in Mr. Trimmer's absence; that on the boy returning in the evening, he, Mr. Souper, had asked him, why he had sent for him by the native, when the boy said, he had not sent for him, nor had he seen any native on that day; that on the next day after, the same boy had seen some natives in the bush, who told him to tell Mr. Souper, that if he would come out they would take him to hunt, and show him some kangaroos; that on the next day he, Mr. Souper, did go out accompanied by a black boy, who is a native of Port Phillip, and fell in with two natives, a man and a woman, who offered to show him some kangaroos, and he accompanied them to some distance without seeing any kangaroos, until he heard other natives some way off, when he remarked to the boy who was with him, "Bob, I am afraid we are in another trap, we must be on our guard against it;" that he wanted the native to go off in a different direction to that where the voices came from; he did so at first, but afterwards led them (Mr. Souper and the boy) round, gradually, in the same direction again, when on ascending a hill, there was a shout of native voices suddenly from a thicket close by; just at this moment, on looking to the man, he found he was in the act of raising his spear at him, and at this moment the boy came running past him as if in alarm, and saying something which Mr. Souper did not distinctly hear, on which he turned round and fired at the first object that presented itself, which unfortunately proved to be the woman, he, Mr. Souper, being in great alarm and agitation at the time; that the whole thing occurred in a moment; that after the woman fell, they saw nothing more of the natives; and they hurried home as fast as they could; that when he reached the house, he saw Mr. M'Leod, who, accompanied by a policeman, was going to join Mr. Bunbury's party in looking after some natives, to try and apprehend them; that there was a sort of war against the natives of that neighbourhood at the time, as it was shortly after the murder of Jones and Chidlow and Knott and Green, and the attempt on the life of Sewell, on Mr. Lennard's farm. That on the same evening on which this occurred, he went to Mr. Brockman's, a distance of 10 or 12 miles, and remained there for two or three days, and never saw the body of the woman afterwards; and he distinctly denies having committed any barbarity or mutilation on the body; that he has frequently since seen the man, the husband of the woman that was killed, who, as well as all the other natives of that district, is now and has ever since been on friendly terms with the settlers.

Mr. Souper desires to add to the above statement, that the day after Wynapwert was taken prisoner, "Diram," who calls himself the governor of the natives; came and told him, in the presence of several others, that if Wynapwert were shot, they would kill him when out hunting; that they would dodge round trees till he had fired his gun, then they would rush in and spear him; it was, therefore, he was so much alarmed; as he thought this was the plan they had laid to kill him when he was out; he also adds, that having

WESTERN  
AUSTRALIA,

suffered severely from a wound inflicted upon him by a native shortly after his coming into the colony, he has ever since felt a quick suspicion, and a great dread of any hostile collision with them.

12 February 1839.

## Enclosure 3, in No. 3.

THIRD CASE alluded to by Mr. *Giustiniani*.

Encl. 3, in No. 3.

Sir, Sabina Vale, 30 March 1839.  
I BEG leave to acknowledge the receipt of your letter, dated March 25th instant, enclosing an extract received by the Colonial Government from the Secretary of State, requesting information relative to the wounding of a native in the York District, by a man of the name of Sydney George.

In answer to your communication, I have to inform you, that during the hostile attack made by the natives in the York District upon the settlers, Lieutenant Bunbury had employed a black called by the name of "Ben," to take him to the retreat of the offending natives; this man, instead of executing the trust reposed in him, betrayed Lieutenant Bunbury's party, and in consequence, orders were issued to the settlers, that should he visit any of the stations, to secure him; accordingly, in execution of this general duty which devolved upon the settlers, I embraced an opportunity of taking the individual in question. The circumstance which led to his being wounded, arose through the hostile feeling shown by the natives who were accompanying him, and of the man's determined opposition to the fulfilment of this order; we persuaded him by every inducement peaceably to accompany us to head quarters; but still persisting in calling upon the natives to spear us, the man Sydney George shot and wounded him, but not until one of the natives had caught up his spear, and was about to throw at him.

Trusting this information will be satisfactory, and entirely displace Mr. *Giustiniani's* version of the true statement of the circumstance,

I have, &c.  
(signed) *James Knight*.

Lieutenant Bull,  
Government Resident, Leschenault.

— No. 4. —

(No. 2.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

No. 4.  
Lord John Russell  
to Governor *Hutt*,  
20 January 1840.

Sir, Downing-street, 20 January 1840.  
I HAVE received your despatch, No. 50, of the 17th of May last, reporting the result of the inquiry which you had instituted into certain statements made by Dr. *Giustiniani*, of acts of cruelty alleged to have been committed on the aborigines in Western Australia.

In examining this report, I perceive, that there are nine cases brought forward by Dr. *Giustiniani*, but that only three of these cases are now answered. I concur generally in the justice of the remarks which your despatch contains, though I regret that I cannot approve of the tone of Mr. *Bland's* letter. I wish also that the Advocate-general had reported why no notice was taken by the local authorities of the murder committed on the native by Mr. *Souper*.

I am aware of the difficulties which are often experienced in collecting evidence in these cases, but it is essentially necessary, in every instance which may come to your knowledge, to prosecute the most careful investigation.

I am, &c.  
(signed) *J. Russell*.

No. 5.  
Lord Glenelg to  
Governor *Hutt*,  
16 January 1839.  
31 January 1838.  
For Lord Glenelg's  
Instructions,  
31 January 1838,  
*vide Papers*  
ordered by the  
House of Commons  
to be printed,  
12 August 1839.  
No. 526, page 4.

— No. 5. —

EXTRACT of a DESPATCH from Lord *Glenelg* to Governor *Hutt*, dated  
Downing-street, 16 January 1839, (No. 4.)

"I TRUST soon to be able to communicate to you the selection of two persons qualified to fill the office of Protectors of Aborigines, and in the meantime I transmit to you, for your information and guidance, a copy of a despatch which I addressed to the Governor of New South Wales, on the appointment of similar officers in that colony."

—No. 6.—

— No. 6. —

(No. 7.)

Copy of a DESPATCH from Governor *Hutt* to the Marquis of *Normanby*.

My Lord,

Perth, Western Australia, 11 Feb. 1840.

I HAVE the honour to acknowledge the receipt of your Lordship's two despatches of the 9th May and 19th July 1839, acquainting me with the appointment of Mr. Charles Symmons and Mr. Peter Barrow, to the office of Protectors of Aborigines in this colony.

No. 6.  
Governor Hutt to  
the Marquis of  
Normanby,  
11 February 1840.

Both these gentlemen arrived here during my absence, when I was occupied in a tour of inspection through the located districts of the province. Some delay was thus occasioned. They could not immediately proceed to discharge the duties of their situation, but this was so far beneficial, that it enabled them to acquire some previous knowledge of the language and habits of the aborigines:

I have not yet received my Lord Glenelg's despatch, No. 4, of the 16th January 1839, and in the absence, therefore, of any positive instructions from your Lordship's office, I have used my own discretion and judgment in selecting for each of these officers the sphere of his operations, and in drawing up the rules which have been delivered to them for their guidance.

I have considered that the object of the appointment of protectors is, that they may guard against and inquire into any cause of complaint which may arise between the white people and the aborigines. With this understanding I have named Perth for the head-quarters of Mr. Symmons, and York for the head-quarters of Mr. Barrow; the former being the centre of the most thickly populated stations on this side of the Darling Hills, and the latter offering the greatest facilities for communicating with the farms and townships beyond the hills, from the northernmost, situated in the Toodyay Valley, to the farthest south, on the Dalé and the Williams Rivers. Mr. Symmons has been directed to consider the whole coast, as far as Augusta, together with the locations on the Murray, Canning and Upper Swan Rivers, including Guildford, as under his superintendence. This is a wide range, but it is only the aborigines included within it on the Canning River, who have, during my residence in this country, shown themselves at all inclined to be troublesome.

Albany, for the present, is beyond our reach; independent of which, Captain Grey, so long as he holds the appointment of Resident, will amply supply the place of a Protector, and even without him, the aborigines of those southern districts, from having been well treated and admirably managed from the commencement of our intercourse with them, have hitherto shown themselves so tractable and obedient, and on such good terms with the white people, as scarcely to need one.

Enclosed I have the honour to submit a copy of the instructions drawn up for the use and guidance of the Protectors, which I have every reason to hope will be found in accordance with your Lordship's wishes. In framing them, I have taken as my guide the suggestions contained in the Report of the Select Committee of the House of Commons on Aboriginal Tribes; whilst I have at the same time had the advantage of the local experience which my residence among this singular race has afforded me.

I have, &c.  
(signed) *John Hutt*.

Enclosure in No. 6.

INSTRUCTIONS to the Protectors of the Aborigines of Western Australia..

1. You will make it a chief and paramount duty to acquire an adequate familiarity with the native language, so that you may be able to associate with the aborigines, enter into their plans and ideas, and thus gain an insight into their peculiar habits, manners and opinions, as well as be able to explain to them our rules and required observances; by which means many involuntary causes of offence may be avoided on the part both of the white and aboriginal population.

Enclosure in No. 6.

WESTERN  
AUSTRALIA

Enclosure in No. 6.

2. You will further encourage them to a close and intimate intercourse with yourself, in order that they may understand that they have in you a real protector and adviser, to whom they can appeal on every occasion of real or supposed injuries.
3. You will be particular in making yourself well acquainted with that part of the country which may be assigned to you as your particular district, in order that you may become intimate with the haunts, the movements, and, if possible, the intentions of the natives. Great good may be effected by this means in occasionally checking disturbances, as well as allaying any ill feeling that may exist amongst them, which will be greatly to their own benefit as well as to that of the white population.
4. You will receive all complaints wherein natives are concerned as the suffering party or as the offending party; also, when you can act as mediator, in general the law will point out the course to be pursued; in special cases, after having inquired immediately and fully, without waiting for further instructions, into all the circumstances connected therewith, you will, if you find it or deem it necessary, submit the same for the Governor's final consideration and decision.
5. You will be careful to impress upon the natives the determination of the Government to treat them with the most strict and impartial justice; that whilst no one will be allowed to maltreat them under any pretence whatever, neither will they be allowed to transgress our laws and customs; that no offence committed by them will be passed over; that forgiveness will never be extended to any of them who may be guilty of murder or aggravated robbery; and that, however long a person may succeed in evading the hands of justice, he will, when taken, be made to bear the full penalty of his crime.
6. Your endeavours will be directed particularly to their advancement in the arts, and even the acquirement of the wants of civilization; and, however slight the first steps taken may be, it is of importance that they should be urged, and even compelled to these, rather than that any, the smallest prospect of success in the improvement of their condition should be allowed to escape. For this purpose it is the wish of the local Government,
  - 1st. That no native be allowed to appear in your presence, and within the limits of our townships or locations, without a cloak, or some ample covering to his nakedness.
  - 2d. That they do not, any of them, approach your own or other white people's habitations with their spears.
  - 3d. That no fights among themselves be allowed within the boundaries of any township.
7. You will clearly make them understand that any native living with Europeans will be considered as one of the white community, and injury done to him will be severely punished, even though the injury shall have been inflicted in accordance with their own laws and customs.
8. In the event of a native being killed in collision with Europeans, or among themselves, under the circumstances above mentioned, you will perform, so far as the nature of the case will admit, the duty of coroner.
9. Perseverance in any industrious pursuit is hardly yet understood among them, but you may encourage them to perform occasional service for hire and reward; and you will discourage, as far as you can, the exercise of gratuitous charity. A savage is always a beggar, and neither he, nor any other man, will work if bread can be procured by mere asking and importunity.
10. You will carefully prevent the introduction of ardent spirits among them.
11. You will remember that it is the duty as well as the interest of the Government, acting for the public, to treat these people with kindness and conciliation, and that although a rigid enforcement of the rules here given is desirable, it is not meant that these rules may not be modified or relaxed according to circumstances. You will have it in your power to confer presents of clothes, provisions or other useful articles on deserving individuals, and where you think that confidence may be thereby promoted among them, you are particularly desired to urge upon the Government the distribution among them of more ample and more substantial rewards.
12. Whenever education in any shape can be promoted among them, you will render every assistance on your part towards the advancement of this all-important branch of the general scheme of improvement.
13. You will report your proceedings quarterly, or oftener if desirable, to the Government through the Colonial Secretary. Independent of the amount of what you may have been actually called upon to perform as Protector of the Aborigines, you will include in the report such statistical details as you may have been able to collect, or may be relied upon, of the number of individuals forming the several families of particular tribes, the number of families forming the tribes, the portion of country occupied by them; any peculiar law, custom, idea or transaction which, as a tribe or collection of individuals, may be prevalent amongst them; together with the names, in the native language, of all portions of land, hills, rivers, lakes or springs.

This

This last information, in an irregularly watered country like Australia, is most valuable, besides that it is only an act of fair justice to the first inhabitants or discoverers of any spot, to retain the name that they may have conferred upon it.

WESTERN  
AUSTRALIA.

Finally, your attention is particularly called to the following clause in Her Majesty's instructions to the Governor:—"And it is our further will and pleasure that you do, to the utmost of your power, promote religion and education among the native inhabitants, and especially take care to protect them in their persons, and in the free enjoyment of their possessions, and by all lawful means prevent and restrain all violence and injustice which may be practised or attempted against them, and take such measures as may appear to you to be necessary for their conversion to the Christian faith, and for their advancement in civilization."

The object of any instructions that may be framed for your guidance can only be to carry fully into effect the declared benevolent intentions of Her Majesty's Government.

—No. 7.—

(No. 35.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

Sir,

Downing-street, 1 September 1840.

I HAVE received your despatch, No. 7, of the 11th of February last, in which you report the arrival of Messrs. Symmons and Barrow, who had been appointed to the office of Protectors of Aborigines in Western Australia, and transmit copies of the instructions which you had given to those officers pending the arrival of Lord Glenelg's instructions on the subject.

Those instructions which were despatched before Mr. Symmons or Mr. Barrow left this country, must have reached you soon after the arrival of those officers in the colony. I approve of the tenor of them, which, as far as they went, were in accordance with the views of Her Majesty's Government.

I am, &c.

(signed) *J. Russell*.

No. 7.  
Lord John Russell  
to Governor Hutt,  
1 September 1840.

For Lord Glenelg's  
Instructions, 31  
January 1838, *vide*  
Papers ordered by  
the House of Com-  
mons to be printed,  
12 August 1839,  
No. 546, page 4.

—No. 8.—

(No. 40.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

My Lord,

Perth, Western Australia, 19 August 1840.

I HAVE the honour to enclose copies of two Bills passed by the Legislative Council of this colony.

The first, No. 1, is "An Act to constitute the Island of Rottnest a Legal Prison" for the confinement of aboriginal offenders, under the order and regulations only of the Governor and Executive Council.

The grounds of this enactment are set forth in the preamble. It is intended hereby to ensure the safe keeping of prisoners of the aboriginal race, and at the same time to relieve them from the close confinement of a gaol, which has been found to operate most prejudicially to their health.

The island has been placed under the immediate control of the executive government, instead of subjecting it to the varying opinion of the visiting magistrates, in order to provide for the exercise of one regular system in such an important establishment; and the final clause allows the Governor to remove to the island any person, of whatever country or colour he may be, should it be deemed advisable, because applications to this effect have been received from white prisoners under sentence of punishment in Fremantle gaol, and when the circumstances of any case admitted of such an indulgence, it might occasionally be found advisable, as the presence of an agriculturist or a mechanic would be a help to the superintendent of Rottnest in any work which he was carrying on, through the means of the prisoners.

No. 8.

Governor Hutt to  
Lord John Russell,  
19 August 1840.

Copies of an Act to  
constitute the  
Island of Rottnest  
a Legal Prison, and  
of an Act to receive  
the Evidence of the  
Aborigines.

WESTERN  
AUSTRALIA.

Page 363.

Page 367.

The other Act, No. 8, being "An Act to allow the Aboriginal Natives of Western Australia to give Information and Evidence in Criminal Cases, and to enable Magistrates to award Summary Punishment in certain cases," has been already partially before your Lordship, in the rough draft of a Bill to this effect, which accompanied my letter, No. 43, of 3d May 1839, and the approval of which was signified to me in your Lordship's despatch, No. 4, of 29th October 1839.

The provisions of this Act are, that depositions, not on oath, may be taken from the aborigines; that in consequence of their erratic habits, it being next to impossible to secure their presence at any particular place on any named day of future trial, such deposition taken in writing, and duly attested, may be received in evidence; and should it appear that any witness has deposed contrary to the truth, such person shall be punishable, as in cases of perjury. And the Bill further gives power to justices to try certain offences, and award sentences of imprisonment not exceeding one year, or in the case of male offenders, where the offence may not be of an aggravated nature, to substitute the punishment of whipping, with any number not exceeding 24 stripes.

In the despatch above referred to relative to this Act, your Lordship says it will be proper to add a clause, providing that no sentence upon a native shall be carried into effect until the chief judge of the colony shall have had before him the evidence of the case, and shall have confirmed the sentence. The Act now submitted contains no such clause, and I have ventured, with some hesitation, to forego your Lordship's instructions on this point, because I could not but concur in the reasoning of the Council, when this Act was under discussion, that by the insertion of such a clause, this, which if sanctioned will prove a most salutary measure, would be rendered frequently inoperative.

My own opinion was moreover strengthened by considering that, in requiring the sentence to be approved of by the chief judge before being carried into execution, your Lordship had regard most likely to a higher class of crimes, involving severer punishment than this Bill contemplates. The common offences of the aborigines are robbing hen-roosts, plundering gardens or wheat-stacks, or stealing a stray pig or sheep occasionally. These are the offences over which this Act gives the magistrates summary jurisdiction. The grand object which it has in view, is the immediate punishment of the offender, so as to get over the difficulty which has, from the commencement of the colony, been experienced of retaining them in gaol, without taking very severe measures against their escape, and also to avoid giving rise to that exasperation of feeling which is excited among them when a family is deprived of one of its members, or a tribe of one of its warriors, by the suffering individual being sent to a distant part of the colony, for to them an unknown, or at least unintelligible period; more than one of the murders committed by these people upon the colonists may be traced to this source; they retaliate upon us as they would upon a rival tribe of their own country people, by depriving us in return of a friend and companion.

Besides, was it to be insisted upon that the chief judge, or as he is in this colony, the chairman of the magistrates assembled in quarter sessions, must first confirm the sentence, the means of communication of Perth with Albany, or with Leschenault, the Vasse and Augusta, are so uncertain, that an individual whom it was determined to imprison for three weeks or a month, might be detained in confinement six months before the chairman's decision could be known. By the plan now adopted this delay is prevented, and by the report required to be made to the Governor in Executive Council, errors of judgment in magistrates may be noticed, and too severe terms of imprisonment may be mitigated.

As respects the punishment of whipping, I am aware that a great and proper jealousy is felt, in permitting any severities of this kind to be used towards the aborigines; nor should I have agreed to any Act containing such a provision, or recommended it to Her Majesty's Government for the Royal sanction, were I not satisfied that this mode of punishment is more suitable, if I may so express myself, than most others, to the habits and disposition of these people; they do not hold it in that degrading, disgraceful light which we do. Parents request it for their children, even when those children have advanced beyond the age of childhood; the elder for the younger members of the community, when the latter have been convicted of any wrong; and one and all of them would prefer the  
temporary



temporary pain of flogging, of which the worst is known and suffered at once, to a lingering incarceration in a cell, where they are separated from their kindred, bereft of all sympathy, and compelled to exchange the wild restless freedom to which they have been accustomed in their native woods, for a life of almost sedentary inactivity. This it is which brings upon them sickness and disease, when condemned to any imprisonment beyond that of a few days, and it will be remarked, that if this summary jurisdiction be refused to the magistrates, a criminal, for a very slight offence, must wait in gaol after his commitment until the next quarter sessions. The power given by the Rottnest Bill, to send persons committed for trial to that island, would of course only be exercised in the case of any daring and hardened offender, independent of which access to the island is not always possible.

To both these Acts I attach great importance, and I trust they will be approved by your Lordship. I have connected them with each other, and made them the subject of a separate report, because they both refer to the important question, in what way the criminal code of England can be best applied to meet the circumstances of a race so totally opposed to ourselves in every one of their customs, ideas and opinions, as are the aborigines of Australia.

The arrangements at Rottnest, which one of these Bills is intended to strengthen and support, were among the last acts of my predecessor. They have been on trial now for upwards of 18 months, and have been found to work extremely well. The prisoners of the aboriginal race sent there have the full benefit of free air and exercise. They are encouraged in hunting and fishing, are taught to till the ground and cultivate gardens. A stone-house for the superintendent, with an upper-roomed building, containing a lock-up room for themselves, store-room, kitchen, hospital, &c., have been erected by them. The last report made personally to me by the superintendent was, that he found them very docile and steady at their work, and that he had scarcely found it necessary to punish one of them for insubordination since he had been in charge. Indeed, this may claim for itself the high merit of being a penal establishment which gives every promise of answering most completely the ends proposed by the far-sighted policy of its founder.

I have, &c.  
(signed) *John Hutt.*

Enclosure 1, in No. 8.

Anno Quarto Victoriae Reginae.—No. 1.

By His Excellency *John Hutt*, Esquire, Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, and Vice-Admiral of the same. Encl. 1, in No. 8.

AN ACT to constitute the Island of Rottnest a legal Prison.

WHEREAS it has been deemed expedient to provide some place within the limits of the colony of Western Australia, in which such of the aboriginal race as are sentenced to transportation or imprisonment, or committed for trial, or, in any other manner committed to custody, may be conveniently kept, in order that they may be instructed in useful knowledge, and gradually trained in the habits of civilized life: And whereas all the ordinary modes of restraint have been found insufficient to insure their safe keeping in any gaol, and a continued close confinement is particularly prejudicial to their health, as being so ungenial with their ordinary habits: And whereas the Island of Rottnest appears peculiarly suitable for their detention, inasmuch as a greater degree of personal liberty may be allowed consistently with their safe custody, on account of the isolated situation of that place, and the consequent difficulty of escape therefrom: Preamble.

1. Be it therefore enacted, by the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, That the Island of Rottnest shall be constituted, and is hereby declared to be a gaol or legal place of imprisonment for the purposes and under the provisions of this Act, to which any person so committed as aforesaid may be sent: Provided always, that no person shall be sent to the said Island except by the order or direction of the Governor or other Officer administering the Government of this colony. The Island of Rottnest constituted a prison for the purposes of this Act.

2. And be it further enacted, that it shall be lawful for the Governor or Officer administering the Government of the said colony, by and with the advice and consent of the Executive Council thereof, from time to time, to alter and establish by proclamation the bounds of the prison, and to make rules and regulations for the bounds The Governor to establish by proclamation the bounds of the prison, and to make rules and regulations for the

landing of boats, so as to prevent the escape of the prisoners.

Any person convicted of having contravened these regulations, to forfeit not less than One Pound, nor more than Ten Pounds, or to be imprisoned not less than Seven Days, nor more than Three Months.

The Governor to appoint gaoler and other requisite officers, and to make rules and regulations to ensure the custody, employment and discipline, as well as the health and comfort of the prisoners.

The Governor may remove any white or black prisoners to the Island, if advisable.

bounds and extent of the said prison, so as to limit it to any portion of the said island, if at any time it should be deemed expedient so to do; and also to make all such precautionary rules and regulations, touching the places and times, and manner of landing of boats at the said island, as may be thought necessary for the due custody and prevention of the escape of the prisoners, and any person who shall be convicted before any two justices of the peace of having wilfully contravened any of the orders or regulations contained in any such proclamation, issued for any of the purposes aforesaid, shall forfeit and pay any sum not less than one pound, nor more than ten pounds, or in default thereof, shall be committed to prison for any period not less than seven days, nor more than three calendar months.

3. And be it further enacted, that it shall be lawful for the Governor or Officer administering the Government of this colony, with the advice of the Executive Council thereof, to appoint a gaoler or superintendent, and any other requisite officer, for the keeping and management of the said prison; and also, to make all such rules and regulations as may be considered necessary to ensure the custody, employment and discipline, as well as the health and comfort of the prisoners confined therein.

4. And be it further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, to direct that any persons in prison within this colony, whether of the aboriginal race or otherwise, under sentence of any court, or of any competent authority, for any offence committed by them, shall be removed from the prison in which they are confined to the Island of Rottnest aforesaid, there to be imprisoned for and during the whole or any portion of their respective terms of imprisonment, if under special circumstances, or for any special reasons it shall be deemed advisable so to do.

(signed) *John Hutt*,  
Governor and Commander-in-Chief.

Passed the Legislative Council the 2d day of July 1840.

(signed) *Walkinshaw Cowan*,  
Clerk of the Council.

#### Enclosure 2, in No. 8.

Anno Quarto Victoriae Reginae.—No. 8.

Encl. 2, in No. 8.

By His Excellency *John Hutt*, Esquire, Governor and Commander-in-Chief in and over the Territory of Western Australia and its Dependencies, and Vice-Admiral of the same.

AN ACT to allow the Aboriginal Natives of Western Australia to give Information and Evidence in Criminal Cases, and to enable Magistrates to award Summary Punishment for certain Offences.

Preamble.

WHEREAS many of the forms, requisites, and provisions of the English law have been found to be wholly inapplicable to the aboriginal inhabitants of the territory of Western Australia, inasmuch as there is strong reason to believe, that these people are entirely ignorant of the existence of any future state of rewards and punishments, and do not acknowledge any form or mode of adjuration as binding upon them, in consequence of which much failure of justice ensues, and many serious offences and crimes, which have been committed with their privity only, are unavoidably suffered to pass unpunished: And whereas it is expedient to devise some means whereby such offences may be punished with greater facility and certainty than are at present attainable:

Any justice of the peace may receive the information of an aboriginal native on his affirmation, without administering the usual form of oath.

1. Be it therefore enacted, by his Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, That from and after the passing of this Act, it shall and may be lawful for any justice of the peace of the said colony, upon any complaint being made before him by any of the aboriginal race of this territory, to receive and take the information of the said individual, upon his affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, without administering the usual form of oath, and to reduce the substance of such information into writing, if it should appear necessary so to do, and thereupon to issue his summons, or his warrant, as the nature of the case may require, or to take any other such proceedings as may be usual and proper in the case of an information made by any of Her Majesty's natural-born subjects.

On the inquiry or trial, the evidence of any of the aborigines may be received on affirmation, without administering the usual form of oath. In any preliminary stage of proceeding, such information or evidence is to be reduced to writing, signed by a mark, and verified by the justice.

2. And be it further enacted, that upon any inquiry into any matter of complaint, or upon the trial of any offence, whether committed by one of the aborigines, or by any other person, it shall and may be lawful for any court, or for any justice or justices of the peace, to receive the evidence of any of the aborigines without administering the usual form of oath, such aboriginal native having first made an affirmation or declaration to tell the truth, the whole truth, and nothing but the truth: Provided always, that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of such aboriginal native shall be reduced to writing, and signed by a mark by such native, and verified by the signature of one or more of the justices of the peace before whom such information or such evidence shall have been given.

3. And

3. And whereas it is impossible to compel or secure the attendance of any of the aboriginal race, at any appointed time and place, by the usual and proper course of proceeding according to the English law; Be it further enacted, That if at the appointed time of the inquiry, or trial, the aboriginal native who gave his or her information or evidence in any preliminary stage of the proceedings shall not appear when called upon, then in such case, such information or evidence so taken as aforesaid, and so reduced to writing, and so signed and verified as aforesaid, may be read and received as evidence in any future stage of the proceedings relative to the same transaction, without the necessity of bringing forward the same individual to repeat his testimony orally: Provided always nevertheless, that the degree of credibility to be attached to any such information or evidence, whether in the preliminary, or in the final stage of the proceedings, and whether oral or written, shall be entirely left to the decision of the justice or justices, or of the court and jury respectively, according to the tribunal before which such information or evidence shall have been offered, but no such information or evidence shall in any case be considered as conclusive, unless the same shall be supported by strong corroborative circumstances.

If, at the appointed time of inquiry or hearing, the individual who gave the information does not appear, then such information or evidence so written, and signed and verified, may be read in evidence.

The degree of credibility to be attached to such information or evidence, shall be entirely left to the decision of the justices or court and jury, and is not to be considered conclusive unless supported by strong corroborative circumstances.

4. And be it further enacted, that if any aboriginal native making such affirmation or declaration as aforesaid, shall be convicted of having wilfully, falsely and corruptly affirmed or declared any matter or thing, which if the same had been made upon oath in the usual form would have amounted to wilful or corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of England are enacted against persons convicted of wilful and corrupt perjury.

Any person making such affirmation falsely, is to be punishable as in case of perjury.

5. And be it further enacted, that it shall be lawful for any two or more justices of the peace not interested in the subject-matter of the complaint, to inquire into and try all offences, except as hereinafter mentioned, with which any of the aboriginal race shall be charged; and if the person so charged shall be proved to have committed such offence, then it shall be lawful for such justices as aforesaid to sentence the offenders to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or place of confinement appointed for such persons, for any time not exceeding one year, according to the nature and magnitude of the offence: Provided always, and be it enacted, that if the offence with which such aboriginal offender shall be charged, shall be considered by such justices to be of so serious a nature as to deserve or require a greater degree of punishment, then in such case, such offender shall be committed to take his trial at the usual sessions of the peace for the said colony.

Justices may try certain offences, and award sentence of imprisonment not exceeding one year; but if the offence is of such a nature as to deserve a greater degree of punishment, then the case should be referred for trial at the quarter sessions.

6. And be it further enacted, that if the offence which any of the aborigines shall be proved to have committed shall be of a trivial nature, or if it shall appear to such justices that it would be more satisfactory to the friends of the offender, and likely to operate beneficially as a general example, in such case it shall be lawful for the said justices to substitute the punishment of whipping, with any number of stripes not exceeding 24, provided that the punishment of whipping shall only be inflicted in the case of male offenders.

If the offence shall be of a trivial nature, or if it be thought more advisable, the justices may sentence to whipping in the case of male offenders, with not more than 24 stripes.

7. And be it further enacted, that in all cases in which any punishment shall be summarily inflicted by such justices under this Act, they are hereby required to make a report of the circumstances of the case to the Colonial Secretary, for the information of the Governor and the Executive Council.

In all cases of summary punishment, the justices are to report the case to the Governor and Executive Council.

8. And be it further enacted, that this Act shall be and continue in force for two years, from the date of its passing the Legislative Council.

(signed) *John Hutt,*  
Governor and Commander-in-Chief.

Passed the Legislative Council the 2d day of July 1840.

(signed) *Walkinshaw Cowan,*  
Clerk of the Council.

— No. 9. —

(No. 64.)

Copy of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

Sir,

Downing-street, 30 April 1841.

No. 9.

I HAVE received your despatch of the 19th August 1840, enclosing copies of two Bills passed by the Legislative Council of Western Australia.

Lord *John Russell* to Governor *Hutt*,  
30 April 1841.

The Act, No. 1, to constitute the Island of Rottnest a legal prison, contains a provision in the 3d clause authorizing the Governor and Executive Council to make all such rules and regulations as may be considered necessary to ensure the custody, employment and discipline, as well as the health and comfort of the prisoners. To this enactment it is to be objected, that it is a delegation by the Legislature to the Executive Government of the colony, of the power of legislation on a subject of

WESTERN  
AUSTRALIA.

great importance. Parliament has committed the legislative power to the Legislative Council, and to them exclusively, and they cannot properly divest themselves of that power in favour of any other body. The rules of the Governor and Executive Council, though laws in effect, would yet not be made subject to the conditions and with the safeguards for which Parliament and the Crown have stipulated. They would not necessarily be transmitted even for Her Majesty's sanction or disallowance, nor would it be requisite to lay them before both Houses of Parliament.

I perceive and admit the necessity for the occasional delegation by the local Legislature to other bodies, of the power of completing by rules and regulations some general design, into the details of which it would be inconvenient or impracticable for the Legislature itself to enter. But in every such case, the limits of the delegated authority should, as far as possible, be defined, by laying down the general rules and principles by which the exercise of it is to be guided, and by due precautions being taken against any departure from those principles and rules. But in this case the whole subject of prison discipline is transferred from the Legislature to the Executive Government, to be dealt with as they shall see fit.

It is not from the apprehension of any specific abuse in the particular case, but with the view to maintaining a general principle, that I have thought it my duty to advise the Queen to disallow this Act; and I have received Her Majesty's commands to signify to you the disallowance of it accordingly. You will, however, propose the re-enactment of it, with the omission of the particular clause to which I have objected.

The Act, No. 8, to allow the aboriginal natives of Western Australia to give information and evidence in criminal cases, is not only unobjectionable, but is an evident improvement on the former law, so far as provision is now made for the admission of the evidence of the aborigines without an oath. To exact oaths of men to whom the sanctions of religion are unknown, and who do not even recognize the elementary truths on which all religious belief must depend, is a manifest absurdity. Either the deponent must go through what to himself appears an unmeaning ceremonial, and to others a profanation, or the courts must be excluded from receiving at all the testimony of those persons, as to matters of fact lying within their direct personal knowledge, and which they may have no motive to conceal or falsify. The escape from this dilemma is obviously to receive their unsworn testimony, leaving the courts to make any deduction from the weight and credit due to the witness, which the avowed absence in his mind of the religious sanctions for truth may require.

But I think it impossible to measure beforehand, and to prescribe by positive rules, the extent of that deduction. This Act determines that the unsworn testimony of a native is never to be regarded as conclusive, unless it be supported by strong corroborative circumstances. Probably, without any enactment, this rule would be observed by every court and jury. It is, in fact, seldom disregarded in the administration of the law in this country. The simple assertion of a witness that a crime was committed by the accused party, is, in the absence of corroborative circumstances, inconclusive, because it is scarcely possible to suppose the absence of that kind of corroboration when the statement itself is true. Thus the Act may in this respect be said to introduce no real innovation. But though this may be in one sense the fact, yet it does not follow that such will be the practical effect of this kind of legislation. By laying down a general rule for appreciating the evidence of aborigines, which is not extended to the evidence of other persons, it affords an apology, and perhaps a valid apology, for such a practical administration of the law as may virtually exclude them from the protection of it. To have enacted that the courts should make in each case such an abatement from the value of the evidence as the want of an oath might seem to the judge and jury to require or justify, would have been the more convenient course.

I more decidedly object to the summary jurisdiction of any two justices of the peace, in the case of aborigines, especially connected as it is with the power of whipping. So great is the difficulty of legislating aright for the protection of savage tribes living in juxtaposition with a race of civilized men, that it is not  
without

without great hesitation that I object to any attempt made for that purpose, especially when conceived, as in the present instance, in the spirit of humanity and zeal for their welfare. Yet I must observe, that the delegation to justices of the peace of summary powers of punishment over the inferior race, from which the colonists of European descent are to be exempted, is a measure dangerous in its tendency, as well as faulty in principle. By thus establishing an inequality in the eye of the law itself between the two classes, on the express ground of national origin, we foster prejudices, and give a countenance to bad passions, which unfortunately need no such encouragement. It is wise to sacrifice some immediate convenience with a view to maintain the general principle of strict legal equality, because, in the continued assertion of this principle will be found the best attainable security for maintaining just opinions, and a correct moral sentiment throughout society at large, on the subject of the rights of the native population.

I observe, also, that the admissibility of the evidence of the natives without oath, having been expressly enacted in reference to criminal cases, the consequence inevitably follows, that, in all civil suits, their testimony must be entirely rejected. Whether this was an intentional or an unforeseen consequence of the law, does not appear; but whatever the fact may in that respect be, it is a result to be deprecated. The evidence which is admitted where liberty and life are at stake, should not be excluded when proprietary interests only are in question.

For these reasons I have thought it my duty to advise Her Majesty to disallow this Act also, and the Queen has been pleased to disallow it accordingly. But you will immediately propose to the local Legislature the enactment of another law, having for its object to dispense with an oath in receiving the evidence of any aboriginal inhabitants of the province who may be unable to appreciate the nature and the obligation of an oath, qualifying the rule by such general terms as I have mentioned.

If it be thought necessary to enact any special law to facilitate the administration of justice in the case of the aborigines in other respects, that law should be detached from the law of evidence, which properly forms a distinct and separate title, not to be blended with other topics.

I have, &c.  
(signed) J. Russell.

— No. 10. —

(No. 36.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

Sir,

Downing-street, 4 September 1840.

I TRANSMIT to you herewith a copy of a despatch which I have addressed to the Governor of New South Wales, containing copies of a communication from the Church Missionary Society, and of a report from the Colonial Land and Emigration Commissioners, relative to the provision to be made for the wants and civilization of the aborigines. I also enclose, for your information and guidance, a copy of a separate despatch which I have addressed to Sir G. Gipps, pointing out more in detail the measures which I should wish to be adopted in furtherance of this object. I have to call your particular attention to those instructions, and to request that you will transmit to me periodical reports, exhibiting the state of the aborigines in Western Australia, and showing what has been done for their improvement and welfare in the course of the year preceding.

I am, &c.  
(signed) J. Russell.

No. 10.  
Lord John Russell  
to Governor Hutt,  
4 September 1840.

5 August 1840.  
Page 57.

25 August 1840.  
Page 73.

(No. 34.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.No. 11.  
Governor *Hutt* to  
Lord *John Russell*,  
15 May 1841.

My Lord,

Perth, Western Australia, 15 May 1841.

1. I HAVE the honour to acknowledge the receipt of your Lordship's letter, No. 36, of 4th September 1840, together with a copy of a despatch addressed to the Governor of New South Wales, containing copies of a communication from the Church Missionary Society; and of a Report from the Colonial Land and Emigration Commissioners, relative to the provisions to be made for the wants and civilization of the aborigines. In company with these papers I have also received a copy of a despatch from your Lordship to Sir George Gipps, furnished for my information and guidance, pointing out, more in detail, the measures your Lordship wishes to be adopted in furtherance of this object, and in calling my particular attention to these instructions, your Lordship requests that periodical reports may be transmitted, exhibiting the state of the aborigines in Western Australia, and showing what has been done for them in the course of the year preceding.

2. The fittest period for drawing up these annual reports seems to be the commencement of the official year, when other documents of a general nature relating to the colony are prepared for transmission to England.

3. Before, however, proceeding to the subject of this year's report, I would wish to make some few remarks on the communications from the Church Missionary Society, and the Land and Emigration Commissioners, explanatory of the reasons which have prevailed with me not to adopt, for the present at least, the suggestions contained in these papers, but rather to afford complete trial to the system in force in this colony, and which gives, I think, promise of lasting advantages, if fully and steadily followed out.

4. It is only from personal observation and watchfulness on the spot, to seize on the opportunities which the accidental occurrences of any day may offer, that we can hope to bring about a change in the habits, thoughts and ideas of such a race as the Australian aborigines. We have to deal here with individuals, not communities of men. There is neither nation nor tribe collected together under one common head, through whom the whole may be influenced. The father pretends to no control except over the females of his family, and the men from their earliest years appear to own no reverence to their elders; each one is his own master, dependent upon his own strength for protection, and his own skill for support. They have no particular spots which can be regarded as their haunts, or where they habitually dwell; and though every family has its particular locality or tract of land which it considers its own, yet this seems to be open to the use of all the relations of the family, and from their intermarriages, and consequent wide-spread connexions, except there should be a blood feud between him and the inhabitants of a particular district, a man may have the privilege of hunting or of ranging for roots over very many miles of country; even the land which an individual may call his own he has no tenacious longing after when usurped by us, except so far as it may afford him the means of subsistence; the moment we clear it for the purposes of agriculture or gardening, it loses its chief value in his eyes; so that an Australian's idea of property in land is limited, it may be said, to its usufructuary value.

5. Such, I believe, is the general character of the aborigines in every part of Australia. But the social condition of the two colonies of Western Australia and New South Wales is so distinct, and the intercourse subsisting between the white population and the natives in either, is on such a completely different footing, that it would be impossible to frame rules for the management and treatment of the aborigines which should be applied in common to both colonies, except those which spring immediately from the universal principles of truth and justice, or which are based on the kindly and benevolent feelings which, as a Christian nation, we ought to exercise towards a people who have not our advantages, and who are so immeasurably inferior to us in all arts and acquirements.

6. Very many of the inhabitants in New South Wales are of that vicious and contaminated class, particularly in the back settlements and more thinly peopled parts

parts of the colony, where the white men and the original race are brought into the closest contact with each other, that they have either engrafted on the savage their own corrupt propensities, or they have by their cruelty exasperated and nurtured in him the prevailing and worst qualities of his nature, cunning and revenge. It is not surprising that such a state of things as this should have led the Church Missionary Society to request, and the Commissioners to recommend, that reserves should be set apart for the native, so that a barrier might, if possible, be thrown around the Society's missionaries, that where they planted themselves might be regarded as peculiar ground, and that they might not be interrupted in their operations, or the minds of those under their instruction and protection perverted, by communication and intimacy with surrounding wickedness. I hope, before I conclude, to be able to show to your Lordship, that the reverse of this in every way is most suited to the circumstances of this colony.

7. In Western Australia the endeavours of the Government to obey the Royal instructions, and to introduce among the aborigines the blessings of our own superior knowledge and civilization, have not been thwarted and borne down by the misconduct and opposition of the colonists; on the contrary, these have either from interest or from inclination, and a conscientious sense of duty, aided those in authority in their conciliatory policy. Their state of dispersion, the distance which they not unfrequently found themselves from the seat of Government and from protection, and the necessity which they were thereby laid under, of averting the danger to which their lives and properties would have been exposed if any acts of theirs had converted the aborigines into enemies, doubtless influenced the colonists in the first instance in their conduct towards these people. But whatever may have been the motives which actuated them, the results are most pleasing and satisfactory. All opposition between the two races of the aborigines and the white settler is fast disappearing, and I am sometimes almost tempted to believe, that if a strict and systematic course of proceeding can only be persevered in for a few years longer, Western Australia will present the singular spectacle of a colony, where the curse which hitherto has seemed to attend the meetings of civilized and uncivilized people, will have lost its force.

8. I do not mean to assert that no instances of uncalled-for violence against the natives can be discovered; but I state, without fear of contradiction, that in no British colony have they been better or more uniformly well treated than in this; and I write now from conviction, from the impression left on my own mind after particular research and inquiry, and taking an interest in the well-doing of the aborigines.

9. The best proofs, perhaps, which I can bring forward in support of this statement are, that they are on terms of the freest and most unconstrained intercourse with us; that they flee to us when needful for protection; that they have no hesitation in leaving their wives and children within the sanctuary of our shelter; that our town sites and locations are their constant resort during most seasons of the year, where by a slight degree of labour they can procure a larger supply of good and nourishing food, and in a shorter time, than it would be possible for them to do in their native woods; that, owing to the scarcity of European labourers, many are employed in different parts of the colony as menial servants in the houses, or on the farms; that the native and the white children may be seen daily amusing themselves together at our games in the streets; and lastly, that notwithstanding the familiarity which has thus been formed between the settler and the aborigines, in the course of the twelve years which have elapsed since the colony was founded, although the latter have not been tempted by the comforts and conveniences with which we are furnished to change their mode of life, to dwell in houses, to give up painting their bodies, and to take to decent clothing, or to resign their roving habits; so neither have they imbibed or become tainted with those gross failings and vices which have so constantly been in other places the first and fatal fruits of the acquaintance of ignorant and barbarous tribes with Europeans.

10. It is only, however, in outward appearance, that no impression has been made upon them. Every day's experience shows that they feel the value of our presence, and can appreciate and seek after the commonest necessities of life which we possess, and which to them are luxuries; the older men strive by importunity, or the show of labour, to procure food in some shape (particularly flour or money);

WESTERN AUSTRALIA.

the youths, who are more softened and humanised, if I may use such a term, furnish the few occasional servants whom I have before mentioned. The children in Perth are being regularly trained and educated, several of them at the parents' own earnest request; civilization is thus gradually spreading. It has not been taught them as a lesson, nor forced upon them as a task, but they are adopting it as a good which has arrested their attention from being constantly before their eyes. It is much to be regretted that we have not some missionaries among us (there is only one at present in the whole colony), who might take advantage of the discipline and preparation which the minds of the natives have undergone by association with the colonists, and who would devote themselves to the task of their social and religious improvement.

11. But in the prosecution of this work a person would deprive himself of half his means of usefulness who took up an isolated position apart from the rest of society, on lands selected and set apart as native reserves, where those under his charge would be retained in a constant state of pupilage. The aborigines, like all other savages, require variety in their amusements and employments. This can be most certainly assured to them if the missionary or educational establishment is situated in the vicinity of a town, or a thickly-peopled farming locality. At whatever age their instruction in European knowledge may be commenced, they will be found perfect children in mind and understanding, to whose tastes and capacities the system of the infant schools, or a modification of it, is best adapted; and the plan of education, therefore, now being acted upon in the native school at Perth, which I shall again have occasion to notice, containing as it does change of scene or place, in the exercise both of the mind and body, appears, under the view I have taken, to be the best yet tried as applied to these people.

12. I must be permitted to say something further respecting the purpose of reserving certain lands for the special use of the aborigines, which, as a measure by itself, independent of any of the circumstances I have mentioned connected with its operation in this colony, and supposing, as I understand to be the intention, that on these reserves the natives are to be located, would I fear be productive of evil much more than good.

13. The Commissioners disclaim the idea of appropriating these lands for hunting grounds, and yet it is only as hunting-grounds that they can for a very long time be of any service to the aborigines. It is impossible to attach these people to the soil, because they know nothing of tillage, not even in the rudest form. It is not the earth, but the roots which it produces, and the animals also which inhabit it that they prize, because serving them for food. These reserves will, of course, be composed of some of the best lands in a colony where good first-rate land is rare. Long before the aborigines have made much progress in the career of improvement, before they have learned or cared to cultivate the ground, the colonists will have closed round them, and the outcry against such extensive wastes being left, will compel the Government to break them up and to transplant the dwellers upon them to some other spot, as has been the case in other countries where this experiment has been already made. This, however, is arguing upon the theory that the natives can be got to comply with this separation system, and to remain cooped up within the limits of the reserves, without any escape or relief from their own barbarism, except what may be afforded by the devoted, but unsupported, efforts of a few missionary teachers; whereas any one acquainted with their ways and feelings will declare that the attempt might as well be made to confine a flock of birds by tracing a circle round the place on which they have accidentally alighted.

14. Again, if it is determined to retain these reserves until the aborigines may have taken to settled habits, what is to be done with them in the meantime, and how are they to be ultimately disposed of? A tract of country might be set apart for this purpose, proportioned in extent to the native population in any one district. Still a serious difficulty would be encountered if, when the period came for allotting the land out to the several members or families of the community, it was found that they had much increased or diminished in number. Were there any native chiefs, who with their families might be ennobled or aggrandised, and preferred to distinction above their fellow-countrymen, by having these reserves conferred upon them as hereditary estates, whether the individuals who com-  
posed



posed or represented such families after a longer or shorter interval of years were many or few, the land would be shared by, or descend to them by fixed laws relating to landed property and its inheritance; but we have nothing of this sort to guide us here, and we should be obliged to make an arbitrary division of the reserved lands among the existing members of that body, for whose benefit they had been originally assigned.

15. I hope your Lordship will consider it to be more in accordance with the recommendation contained in your letter on this subject to Sir George Gipps, to allow the arrangement to take its course, which I think I can discern is every day gaining strength and consistency in this colony, and which, if successful, is pregnant with important results. The aborigines are encouraged to mingle among us, and to frequent our dwellings, whereby in most cases some portions of their original savage rudeness are soon worn away; they receive the wages and reward of hire, and learn thence the advantages of labour, by finding that from their earnings their immediate wants may be supplied; they will, we may expect, be led on from this to accumulate, with a view to guard against the necessities of the future, of which at present they are utterly regardless. The moment this step is taken, the chief barrier to their progress will be removed, and their improvement will really have commenced. They will then have a motive to desire to possess landed property, from a true sense of its value, and will finally, through this practical education and their own exertions, reach the goal of civilized independence.

16. In entering upon the particulars of this first annual report, it is necessary for me to state, that although much which I shall have to mention has been ordered and arranged since my arrival, yet that I could have done nothing unless the way had been previously prepared for me by my predecessor, and that in coming after him I have profited by the trials and experience of the past, and have had much superior means at my command.

17. The substance of the report may be divided under two heads, both of them having reference to the one grand end, that of bringing the aborigines within the pale of regular government and of civilization.

18. First, the penal and coercive measures adopted to convince the aborigines of our determination to render them subservient to what we consider to be law and justice; without which it would be in vain to attempt to interfere with them, even for their own benefit.

19. I may place at the head of either division of the subject the two Protectors of Aborigines appointed by Her Majesty's Government, and whose salaries are paid out of the Parliamentary Grant. It is the duty of these officers, not only to watch over the rights of the natives; and to guard them against insult and injury, but also to check crime among them as against the colonists, and, if possible, against each other.

20. I need hardly here notice the magistracy of the colony, though to the admirable and judicious management of many of that body, as well as to the activity of the small police force, we are materially indebted for the present quiet and peaceable disposition of the native population.

21. To each Protector is attached a police constable, whose business it is to see that the natives do not appear in the streets of the towns without their cloaks, or armed with spears; also that they do not encamp or light their fires in the streets or thoroughfares, or in any place to the annoyance of the inhabitants; and further, that they indulge in no fighting or quarrelling within the limits of the town site. This appointment has been eminently successful in its object; attention to these several minute rules is now thoroughly enforced at Perth; decency is no longer outraged by the sight of men walking about without a vestige of covering, and brawling is put a stop to. In addition to the police constables, who are English, there are at Perth three, at York, on the Upper Swan and Canning Rivers, at Leschenault, the Vasse and Albany, each two natives holding this office. The best behaved, most intelligent and influential individuals are selected for the post. They cannot be kept very staunchly to their work; but when regularly and actively employed, they receive as pay one pound of flour daily, besides the present occasionally of a woollen shirt. If any outrage is committed within the boundaries of their respective districts, they are deprived of their flour until the culprit is brought in and punished, when the stoppages are

all made good to them. They have proved themselves on more than one occasion very useful in tracking and apprehending offenders.

22. An Act, No. 8, was passed during the last sessions of the Legislative Council, allowing the aborigines to give information and evidence in criminal cases, and to enable magistrates to award summary punishment for certain offences. It accompanied my letter, No. 40, of 19th August 1840, when I explained that the object of it was to endeavour to apply the criminal law of England so as best to meet the circumstances of a race so totally opposed to us in every way as are the aborigines of Australia.

23. In a letter which I addressed to the resident magistrates, soon after my first taking charge of the Government, an extract of which is annexed, I enjoined upon them, with reference to the natives, never to let a crime go unpunished, nor to allow any lapse of time to afford security to a criminal; and I am fully authorized in believing that the natives are beginning to perceive and to dread the consequences of this untiring and restless spirit of perseverance directed against such of them as may misconduct themselves.

24. Justice and expediency both seem to require that we should intrude the positive observance of our rules upon them in those cases only where, from their connexions with us, they become in a measure members of our society. No notice therefore is taken of their quarrels, though they may lead to bloodshed, and even death, unless they occur within the precincts of a town site, when they are treated as disturbances of the peace, or unless wrong or injury may be inflicted by one native upon another in the employment or under the protection of a colonist, when the punishment is the same as though a white man had been the sufferer.

25. The sentence of imprisonment with hard labour passed upon the aboriginal offenders is always carried into effect by sending them to the island of Rottnest. The superiority of this as a place of imprisonment for them, has already been brought under your Lordship's observation in my despatch above referred to, and the additional test to which it has been put in the course of the last nine months, has confirmed me the more strongly in the opinion I then expressed. They are there unfettered, shut up only at night; the hours of compulsory labour are those of the forenoon, and in the afternoon they have the island to wander over. Yet such is their horror of separation from their friends, of regular work, and even of this partial confinement, that there is nothing which alarms them more than the threat of sending them to Rottnest. By the Act of Council, No. 1, of 2d July 1840, the island is placed under the immediate control of the Governor and Executive Council, and Mr. Symmons, the Protector of Aborigines, whose headquarters are at Perth, has been appointed visiting magistrate of the island. I enclose his latest report, as well as a copy of the directions drawn up for the guidance of the superintendent in charge of the establishment.

26. I now come to the more agreeable part of this report, which is to inform your Lordship, secondly, as to what has been done for the welfare and improvement of the aborigines.

27. Here again the Protectors hold the first place. In addition to the instructions issued for their guidance, I have on all occasions invited the two gentlemen holding the situation in the colony to favour me with their advice and suggestions, and to both of them much of the good now in progress among the aborigines is to be attributed.

28. At Perth the Protector has the assistance of Mr. F. Armstrong, the superintendent of natives, who is thoroughly versed in the language and customs of the people, and takes a deep and lively interest in every thing which can at all conduce to their happiness and advancement. Under the immediate superintendence of the Protector, Mr. Armstrong is charged with the care of all sick and wounded natives who may apply to him for relief, the colonial surgeon being requested to give his advice in serious cases, and to order the attendance of the hospital assistant when the complaint or the accident may not be of any consequence; with the supplying a small weekly gratuity or allowance to such of them as may from age or misfortune be rendered permanently incapable of procuring their own subsistence; with the distribution early in each month of one pound of flour to every adult who may be present on an appointed day; and with the disposal or sale among them of English woollen shirts and coarse Indian blankets. At one time these articles of clothing were given away, but it was judged that they would

would be valued more highly, besides that it would afford a slight lesson to the aborigines of the nature of property acquired by their own skill and industry, if a price was set upon them; and they have latterly been sold very considerably under the prime cost.

29. Mr. Barrow, the Protector at York, and Dr. Harrison, a medical gentleman living at Albany, most kindly and benevolently give their services to aid the sick and the infirm at those stations; but in no other place than Perth is there a medical gentleman like the colonial surgeon, or one of their own officers like Mr. Armstrong, whom the Government can call upon to do this. The supply of flour takes place periodically at York and Albany, but at other stations is dependent very much upon the times when the Protector, and sometimes myself, may be able to visit them.

30. To the relation of these minor, but not the less necessary adjuncts in the work of civilization, I may add that the aborigines are in the daily employment of the colonists in all parts of the country, to whom they are of the greatest use in running on errands, fetching wood and water, and working in the gardens in the towns, and as herdsmen, and even reapers during the harvest in the country; indeed, without them, many families would be destitute of servants for the commonest household occupations. This employment about the houses and persons of the settlers may be looked upon as a sort of normal school, habituating them to the observance of order and regularity.

31. All these, however, are only preliminary steps, connected more with the body than the mind, turning as it were the wild man of the woods to the toil and tasks of domestic life, but not permanently bettering his mental condition. An experiment is now making of training up the children, and of imparting to them the first elements of useful knowledge. In the month of August last year, at the instigation of the Wesleyan missionary, Mr. Smithers, the Government were induced to undertake the expense of instituting a school, of which Mr. Armstrong, from his thorough acquaintance with the native language, and his fitness from temper and disposition, was appointed the teacher, and Mr. Symmons (the Protector) the visitor, the management of the detail being left to the Wesleyan committee.

32. I transmit herewith a copy of certain rules connected with the establishment, from which it will be seen, that on week days many of the children whose age will admit of it, are dispersed as servants among the inhabitants of Perth; that for two hours, from one till three every afternoon, they attend the school, and that they spend their evenings and sleep at Mr. Armstrong's house, where also they pass the whole of the Sunday, and are present on that day at the morning and evening services of the Wesleyan chapel. It is this change and variety of scene in their employments, or daily lessons, and practice of civilization, by which, as it seems to me, they are reconciled to what would otherwise be to them irksome confinement. They are not tied down for any great number of hours to one work, or to one place; and that they are contented with their new situation in life is shown, by the general satisfaction they give to the families, and from the very few instances in which they have attempted to quit their service.

33. The undefined and desultory expenses attending the first trial of this school, were borne by the Colonial fund. But at the close of the year 1840, when it had been in existence five months, I considered that sufficient proof had been given of its being likely to answer the purpose for which it was designed, and I determined, therefore, with the advice of the Executive Council, to place it upon a regular footing. After some consultation, accordingly, with the members of the Wesleyan committee, acting for their Missionary Society in England, it was agreed that one-half of the estimated charges should be provided for by them, and one-half by the local Government out of the public funds; it being understood that the Government moiety was not to exceed 75*l.* per annum. The accounts of these expenses, as of all others connected with the natives, are certified by the Protector.

34. The number of children at the school, consisting of boys and girls from three to twelve years of age, is on an average about 25. I was present not long ago when they were assembled there, and their progress does infinite credit both to the teacher and committee of management. The school opened with prayer, when the children knelt and repeated distinctly after Mr. Armstrong the Lord's Prayer, after which they sang a hymn in English. The elder class then spelt

WESTERN  
AUSTRALIA.

words, giving the meaning in their own language, read both out of the New Testament, and another easy and intelligible book, and counted up to 200. I mention this, simple as it appears, because they have not in their own language any means of computation, or regular name for numbers, beyond three. When I remembered that barely eight months had passed away since those whom I saw before me, clean in their persons, well-behaved, and decently clad, were running over the country unclothed, and almost uncared for, I could not but indulge in the expectation, that in this colony better days were in store for a race whose ultimate doom has been so unfortunate in other parts of Australia.

35. Your Lordship has given it as your opinion in the despatch, a copy of which I have received, addressed to the Governor of New South Wales, that 15 per cent. of the produce of the land sales should be applied to the protection of the aborigines. I would beg to suggest, whether it might not be premature to adopt this scale of contribution and expenditure for a colony, where the amount of the land sales, and even the probability of there being any at all, is problematical. £.200 appears among the sums voted by the Legislative Council for the service of the past and present year, under the head of "Issues to the Natives," and, considering the good feeling of the colonists generally towards the aborigines, it would be as well perhaps to leave it to the future generosity of the Legislature, to complete what has been so well begun, rather than have the appearance of forcing them into well-doing by any binding regulation.

36. In concluding this statement of what is now accomplishing in Western Australia for the aborigines, I request your Lordship's attention to the two reports enclosed from the Protectors, and particularly to that of Mr. Symmons, which embodies in a small compass most of those points on which, for clearness sake, I have more largely dilated.

I have, &c.  
(signed) *John Hutt.*

*P. S.*—In the 25th para. I have named a report which I expected to receive from Mr. Symmons, as visitor to the Island of Rottneest; my desire was to have furnished to your Lordship the very latest intelligence respecting the establishment. The stormy state of the weather during our winter season has prevented Mr. Symmons proceeding to the Island prior to the sailing of the vessel which conveys these despatches; I am therefore compelled to delay forwarding his report until the next earliest opportunity.

## Enclosure 1, in No. 11.

## EXTRACT from the Instructions to Government Residents.

Encl. 1, in No. 11. 2dly. WITH regard to the natives, it is impossible on this subject to lay down any but very general directions; still there are some particular rules which his Excellency wishes you should follow in your conduct towards them. No offence which they may commit, if declared to be deserving of punishment, should ever be passed over; for however long a period the offender may escape, let the hand of justice reach him at last. This is a rule of law which they understand, and if firmly and strictly enforced, would tend much to awe them into habits of greater obedience to our orders and regulations. No native should be allowed to enter any town or dwelling of Europeans armed with a spear; the constant handling and use of this weapon entails endless troubles upon us and themselves. Again, the employment of them by the settlers is of infinite advantage, which, however, would be greatly enhanced, did every one who employed them insist beforehand upon their assuming some sort of clothing, which, while it left them the free use of the limbs, should cover their savage nakedness; and if, in addition to this, the settlers would be very careful not to reward them with unground corn, but always with meal, they would at once be weaning them to habits of decency; and take from them the means of concealing the pillage of the farmers' barns and fields.

These last, of course, are only suggestions which the Governor has thought it his duty to offer to you, that they may be brought to the notice of the inhabitants of your district. In this as in other matters tending to their comforts and benefit, the Government may attempt to do much, but it is in the power of the settlers themselves permanently to do more.

(A true copy.)

(signed) *Peter Brown*, Colonial Secretary.

Enclosure

Enclosure 2, in No. 11.

INSTRUCTIONS for the Guidance of the Superintendent of the Native Convict Establishment at Rottnest.

1. THE Superintendent is to understand that the improvement and instruction of the natives, more than their punishment, is the object which the Government have in view in placing them on the island. Encl. 2, in No. 11.
2. He is therefore to endeavour to teach them the arts and wants of civilized life; and, secondary to this, his employment of them should be directed to make the establishment pay its own expenses.
3. To this end every thing in the way of building required for public purposes should be as much as possible executed by the prisoners.
4. A plentiful supply of fish may be obtained at different periods of the year, of which he should avail himself by employing a party in fishing, not only for the use of the establishment, but for the purposes of curing and salting.
5. The collection of salt from the lakes, at the proper season, to be afterwards conveyed to the main-land for sale, is another work on which the prisoners should be engaged, and not to be lost sight of by the Superintendent.
6. And they should be encouraged in every way to cultivate the ground for their support and amusement, as it may be the means of teaching them the advantage of such labour after they are liberated and leave the island.
7. As the establishment is still only an experiment, the Superintendent is to keep the Government fully informed of all circumstances which may occur, suggesting such improvements as he may consider necessary, and pointing out wherein he thinks the arrangements may be better ordered to suit the tempers and dispositions of those under his charge.
8. A military guard being stationed on the island, the Superintendent will be expected to perform Divine service regularly every Sunday.

(A true copy.)  
(signed) Peter Brown, Colonial Secretary.

Enclosure 3, in No. 11.

REGULATIONS and ARRANGEMENTS relative to the Native Children who may be provided with Situations in the Houses of the Settlers, and who attend the Wesleyan Missionary School at Perth, commenced September 1840, under the management of the following Committee:— Encl. 3, in No. 11.

|  |                         |
|--|-------------------------|
| Rev. John Smithies, Wesleyan Missionary. | Messrs. George Shenton. |
| Messrs. John Wall Hardey.                | " Frederic Waldeck.     |
| " Joseph Hardey.                         | " John Smith.           |
| " Henry Trigg.                           | " Marmaduke Hutton.     |
| " George Lazenby.                        |                         |

Francis F. Armstrong, Mrs. Armstrong, Teachers.

Visitor on the part of the Government, Charles Symmons, Esq., Protector of Aborigines.

1. This school has been established expressly for the native children, at the kind suggestion and under the personal superintendence of the Rev. J. Smithies, the Wesleyan Minister, and a committee. Each boy and girl is expected to attend two hours daily (Saturdays excepted) from one to three in the winter, and from two to four in the summer season.
2. After school, the children will return direct to their employers' home; any charge of loitering on the road, if reported, will be investigated.
3. The children are to be allowed to sleep at the house of Mr. Armstrong, the teacher, as it appears that being permitted to pass the evening with their little brothers and friends, and sleep in company, is the only present means of keeping them together, and preventing them from tiring of the white people. A separate sleeping apartment is provided for the boys.
4. On Sunday the children remain at Mr. Armstrong's house during the whole of the day, and attend the school and Divine service, morning and evening, at the Wesleyan chapel.
5. Should the children not suit their employers, or misconduct themselves, any complaint will be immediately looked into by the committee; and, if, after being threatened and repeatedly punished, they appear to be incorrigible, they may be sent back, and others, if discharged, will be provided in their stead.
6. Severe restrictions will be placed upon the children loitering on the road and playing at marbles, or other games, as there will be sufficient time for recreation on returning to Mr. Armstrong's house at sunset.
7. As many of the children have been for a considerable time at Mr. Armstrong's house previous to entering on their situations, and are under his daily care at school, and moreover have been especially placed by their parents under his protection, with strict injunctions for their safe keeping, Mr. Armstrong naturally feels much interested in the welfare of these poor children; and by the assistance of the committee and their employers, will consider it his duty to do all in his power for the improvement of their condition.

WESTERN  
AUSTRALIA.

Encl. 3, in No. 11.

8. It is respectfully requested that the parties employing the children shall provide them with week-day garments, washing, &c.; the charge for those worn on Sundays will be borne on the general expenses of the establishment.

9. It is particularly requested that no child be sent away without such intention on the part of the employers being first communicated to the committee, in order that warning may be given to the child, as likely to produce a good effect, and cause a reformation of conduct.

10. Too much should not be expected from the children on first entering upon any situation, as several instances have occurred of parties having been on the point of dismissing children, who, upon further trial, and, with the exercise of some patience on the part of their employer, have proved themselves most useful.

11. The children are expected to wash themselves every morning.

12. Mr. Armstrong will occasionally call upon each employer, and learn in the presence of the children their general behaviour, thus showing them that there is some one interested in watching over their welfare and comfort.

13. It will be expected that in case any of the children are taken sick, that they may be sent to the house of Mr. Armstrong, where medical aid is provided by the Government, and that 1s. per day be allowed by their employers for their support during their sickness, if not exceeding one fortnight; beyond that period the committee will provide.

14. The children are to be allowed to have one day in every two months for a holiday, as recreation and encouragement.

15. These regulations by some may be considered too diffuse, but they have been suggested by an anxious wish to endeavour to surmount the many difficulties that occur in the first introduction of native children into the families of the colonists. Considerable success has hitherto attended these efforts for ameliorating the condition of the children, but in spite of every precaution, it cannot reasonably be expected that the same favourable result will invariably follow. The patience, therefore, and good feeling of the masters and mistresses are earnestly requested, in bearing at first with the awkwardness and possible wayward habits of their little charges.

(A true copy.)

(signed) *Charles Symons, Protector and Visitor.*

## Enclosure 4, in No. 11.

Colonial Secretary's Office, Perth, 7 January 1841.

Encl. 4, in No. 11. His Excellency the Governor having had before him, in the Executive Council, the following Report, has been pleased to direct the same to be published for general information.

By his Excellency's command,  
(signed) *Peter Brown.*

Sir,

Perth, 31 December 1840.

As Protector of Natives, I have the honour to lay before his Excellency my quarterly report from the 1st October last, and to accompany it with a short summary of the transactions of the past year, being the first in which I have entered on the duties of Superintendent, or Protector of Aborigines.

In my report for the quarter ending March 31st, I had the pleasure of being enabled to acquaint his Excellency with the visible reformation effected in the habits of the natives by the recent appointment of a police constable, whose sole duty was to patrol the streets of Perth, and prevent the recurrence of those frequent outrages and petty annoyances, which had previously been a source of serious complaint and inconvenience to the inhabitants of the town. The prohibition to carry offensive weapons of any kind within the precincts of the town, which I have most rigidly enforced, has materially operated in producing this effect. During the following quarter, the advantages anticipated from the above appointment of police constable, were fully and most satisfactorily tested; and it is most gratifying for me now, at the expiration of this, the first year of my official duties, to be enabled to state that no outrage on the lives or properties of the settlers, nor aggression amongst themselves (with one exception\*), have been committed during the last three months.

The conduct of the natives has been uniformly correct and peaceful; and, in the present dearth of white labour, their usefulness to the settler, either in domestic drudgery, or in the rural occupations of the farm, is daily becoming more apparent, and consequently more readily recognized.

To endeavour to wean the natives from their habits of indolence, and determined system of begging, I have invariably refused money or food without having previously obtained some equivalent service; but, little permanent good in this respect can be effected, while, for the carrying of a letter, or the exertion of a single hour's manual labour, the native,

\* The murder of a Caning woman by the relatives of the murderers of Mrs. Cook at York (the uncle of the victim having been instrumental in the apprehension of the said murderers).

native, by the ill-judged liberality of the colonist (the residents of the town especially), can procure sufficient food for the maintenance of himself and family, during the following 48 hours.

To evince our disgust at objects which, however disgusting to civilization, have been perpetrated by the natives on each other only in strict accordance with their established customs and prejudices, I have invariably punished the offenders by banishment from the town for a limited period; thus depriving them of many of their comforts, and compelling them to seek a precarious subsistence in the chase.

His Excellency has been pleased to adopt my suggestion of an improvement on this system of punishment; viz. the including in the banishment the wives and children of the offender, as I discovered that, in several instances, the proscribed party, although living in the bush, was actually supported in indolence by the ample supplies procured through his wife or wives from the inhabitants of Perth.

The quarter ending June 30th was marked by the apprehension, trial and execution of two natives (Do-jib and Barra-bang), for an atrocious murder of a settler's wife. This being the first judicial execution in the colony, the effect on the temper and conduct of the natives was naturally looked forward to with some anxiety; and I am now enabled to congratulate his Excellency on the successful results of the experiment. But one opinion throughout the colony has been expressed as to the beneficial effect produced by this terrible example on the native population; and the length of time which elapsed between the commission and the punishment of the crime, has, I trust and believe, fully established the fact in the minds of the natives, that no interval of time will ever screen the guilty from the punishment which will certainly overtake him. It had been previously supposed that, provided only a native could succeed in escaping to the bush, a residence there for a longer or a shorter period, according to the nature of his offence, entitled him to a free pardon on his return to the dwellings of the settler; and I am afraid that, in many instances, the result verified the supposition.

In my own transactions with the natives, I have pursued but one invariable plan, that of certain reward and punishment, let whatever period of time elapse, and I have reason to believe in its success. During the month of May I visited the Canning and Murray Districts, so notorious during the first years of the colony for acts of native violence and aggression, and was highly gratified in observing the good feeling and amicable relations subsisting between the settlers and the aborigines.

It is a matter of no small gratification to be enabled in this, my fourth quarterly report, to remark that many of the legal difficulties that were continually interfering with the conviction of native offenders, have, with the concurrence of the Home Government, been removed; and I beg leave respectfully, but earnestly, to suggest to his Excellency the absolute necessity, in all cases of murder committed by natives on the settler, and when legal conviction ensues, of carrying into effect the extreme penalty of the law; not so much for the purpose of depriving a desperado of life, as of striking a wholesome terror into the breast of the native population.

One striking, and most important feature of improvement in the rising aboriginal population, is, the success which has attended the experiment of domiciliating some fifteen or twenty boys and girls with the inhabitants of Perth, where they are clothed, fed and gradually initiated in the (to them) mysteries of civilized life. It is most gratifying to state that they give general satisfaction to their employers, while their daily attendance at the school under the superintendance of the Rev. Mr. Smithies, the Wesleyan Minister, and the instruction of the native interpreter, Mr. Armstrong, ensures that surveillance over their moral conduct which promises future most beneficial results.

At the suggestion of his Excellency, three native constables were, some months since, selected from the three native tribes mostly resident in Perth and its vicinity, who, from their local influence, and the fact of their daily ration of flour being stopped in the event of any outrage being committed by their companions, it was expected might operate as a check and preventive of crime. Without wishing to ascribe any very important results from these appointments, their effect has certainly been beneficial; several instances have occurred where native offenders have been arrested by the constables, and delivered up to the authorities. One of these sable functionaries, who previous to his appointment was notorious for his troublesome conduct and savage demeanour, is now, to all outward appearance, a reformed character, and has never given the slightest cause of complaint. At the special request of the settlers, two similar appointments have been recently made in the district of the Upper Swan and at Leschenault.

The monthly distribution of flour, in the proportion of one pound to each male and female adult, which has been permitted me through the kindness of the local Government, although it sounds trivial in amount, has answered the end proposed, inasmuch as the period of its distribution is impatiently anticipated even by those tribes far removed from Perth; and being granted solely in the event of good conduct, or, rather, in the absence of misdemeanor, has proved a salutary check to violence and aggression. As Protector of Natives, I feel it my duty gratefully to acknowledge the liberal pecuniary assistance received from the local Government in providing for the clothing, lodging and Sunday board of a considerable number of native children of both sexes. The altered appearance and respectful demeanour of these late denizens of the bush, must bear ample testimony of the valuable interest to which the Government funds have been applied.

A short code of regulations for the guidance, not only of the native children domiciliated in our families, but also of their employers, has been drawn up by Mr. Armstrong, the

WESTERN  
AUSTRALIA.

Encl. 4, in No. 11.

interpreter, to whose kind feeling and lively interest in the welfare and happiness of his little charges it bears unequivocal testimony. I beg leave to suggest to his Excellency the expediency of printing the above regulations, a copy of which accompanies this report.

The convict establishment at Rottnest, which the Executive Government has requested me to visit monthly, will receive my diligent attention. Three native prisoners, Kun-di-bang, Wan-nyn, and Dinang-wart, have died since my last report; two of whom from natural causes, and the third from the effects of eating a poisonous fish. Imprisonment, however slight, the separation from their families, and the change in their usual habits, appear to be sensibly felt by the elder prisoners, but produced apparently little or no effect on the young men. The appearance of the prisoners in general is healthy and cheerful; their hours of labour moderate; and their government rations, though simple, sufficient and nutritious, while ample time is daily allowed them for the exercise of their favourite pursuits of the chase.

The result of their labours is apparent in the erection of a substantial stone dwelling-house, and out-buildings, the accumulation of many tons of salt from the lakes on the island, and reaping of several acres of wheat, and the formation of gardens for vegetable produce. When we consider that all this has been effected within a period of fifteen months, by the labour of eight uncivilized and naturally most indolent natives, assisted solely by the superintendent, Mr. Vincent, and a white prisoner, we are the more induced to regret that the natural unbiassed inclinations of the aborigines of Western Australia should at present form such an inseparable barrier to their acquirement of any habits of industry or profitable activity.

The above proof, however, of the capabilities will be, I trust, an additional incentive to our endeavours for training up the rising generation in the habits of civilized life, and must surely be our best earnest of the probabilities of future success.

With such a cheering retrospective view of the labours of the past year, a harbinger, I sincerely believe, of brighter days, and after having experienced the zeal of the Government on all occasions connected with my official duties, I feel it would be almost invidious in me to suggest the necessity of marking the commencement of another year by increased, rather than by relaxed, exertions in the furtherance of the important object of native civilization.

Previous to closing this report, I feel in justice bound to acknowledge the truly valuable co-operation I have received, in all matters relative to the juvenile natives, from the Rev. Mr. Smithies, the Wesleyan minister, and also the efficient assistance (through his intimate acquaintance with the native customs and language) at all times afforded me by Mr. Armstrong the interpreter, to whose zeal and activity in the punctual discharge of his official duties, I consider the success of our exertions mainly attributable.

As visiting magistrate to the convict establishment at Rottnest, I should be unjust were I to deny my unqualified approval of the zeal and energetic activity testified by the superintendent, Mr. Vincent, in the discipline and general management of the natives committed to his charge.

I have, &c.  
(signed) *Charles Symmons,*  
Protector of Natives.

The Honourable the Colonial Secretary.

## Enclosure 5, in No. 11.

## ANNUAL REPORT of the Protector of Aborigines.

York, Western Australia, 31 March 1841.

A TWELVEMONTHS having run its course since I entered upon the duties of Protector of Aborigines for the hilly country of Western Australia, it becomes my duty to lay before the Governor in Council a brief summary of my proceedings in that capacity.

On arriving in the district allotted to me by the local Government, my first step was to endeavour, by a distribution of flour, to assemble the natives together and introduce myself. Accordingly, on the appointed day, the neighbouring tribes of York collected in the town site, and I then explained, as clearly as I could through the medium of interpreters, the benevolent object which the Government had in view in sending me among them; and, although at the time I feared it would be difficult to make them understand the nature of my appointment, I am happy to be enabled to state, that 12 months' experience among them has convinced me that they did thoroughly comprehend what was then explained to them.

On no occasion have they received an injury from a white man, as far as I can ascertain, without immediately applying to me for protection, and the punishment of the offenders; and there have even been several instances of their complaining to me against their fellow-blacks. Among others I may name the following:—

Shortly after my arrival in York, two natives, named "Wooliam" and "Malagur," complained to me that their women had been stolen by two other natives, named "Gimmarra" and "Pingie." I went out after and found them, about 14 miles from York, at Yaryddin, when I promised flour to all of them if the women were restored; and threatened them with punishment if they were still withheld. In a short space of time the women were returned, and it is now a matter of frequent occurrence for natives to come and complain that their women have been stolen.

A few



A few cases of assault have occurred within the last 12 months, and, although they have mostly been without any provocation on the part of the aborigines, still it is gratifying to be able to assert that these acts of wantonness are entirely confined to the lower orders of people in this country. I think it due to the settlers generally to add, that by them the natives have been treated most humanely, being frequently employed in light work on the farms, and liberally repaid for services rendered.

I have visited every part of my field of labour, from the most northern to the most southern settlements, namely, from Toodyay to King George's Sound, and have seen many of the natives; my knowledge, however, of their numbers is but scanty, nor is it easily acquired. I am endeavouring to make a census of the black population, but this must of necessity be a work of much time.

The settlers generally speak of the aborigines as useful on their farms, and there are a few who have been enabled to keep the same natives in constant employ for several years. The Government Resident of York has two who have been employed by him ever since he established himself in the district.

The execution of the two natives, Barrabong and Doojeep, for the murder of Mrs. Cook, appears to have had a most beneficial effect; their bodies are still hanging in chains, a terror to evil doers.

Although I have made, and still am making, continued efforts to establish a native school in York, my attempts have hitherto proved very discouraging. Were there a town in York similar to the seat of Government, or Fremantle, I might hope for better success, as the children might then procure what they do in those towns, daily employment and daily bread, without which it is hardly to be expected that they should separate themselves from their parents and relatives.

It is to be hoped that, as the colony advances, the town of York may keep pace with it, and it will then be more feasible to accomplish what appears to me to be the first step towards the civilization of the natives of Australia, namely, the instruction of the children, and the weaning them, when young, from their savage habits. The adults we can only hope to keep quiet and orderly, but much, I trust, may be done with the children, if they can find the means of subsistence without resorting to the precarious productions of the barren bush.

(signed) *Peter Barrow*,  
Protector of Aborigines,  
Western Australia.

—No. 12.—

(No. 5.)

COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,

Downing-street, 30 October 1841.

I HAVE received your despatches, Nos. 34 and 40, of the 15th of May and 11th of June last, the one transmitting a periodical report, exhibiting the state of the aborigines in Western Australia, and showing the measures which have been adopted for their improvement in the course of the preceding year, the other containing the annual report accompanying the blue book for the year 1840, showing the progress of the settlement during that period.

I have read with great interest both of those reports. As regards the treatment of the aborigines especially, I entirely approve of the course which you are pursuing, and I feel confident, that in leaving them in your hands, I am best consulting their interests. I gather from your despatch that a reserve of land may have already been allotted for the benefit of the natives. Should such reserve become valuable, I can perceive no reason why it should not be sold as opportunity may offer, at the best price which can be obtained for it, vesting the purchase-money as a trust fund with the Governor and the Protectors of Aborigines, for the benefit of the natives. If in the progress of improvement any of the natives should indicate the desire of a settled life, and the capacity of entering on the duties attached to the possession of property in a state of civilized society, such a fund might be a resource from whence to purchase, not apart from, but mixed with the white population, small allotments, to be possessed and cultivated by such aborigines. Such a disposition of the reserve would be much more advantageous than keeping it perpetually as a forbidden district in the midst of civilization, useless to the proprietors, and standing in the way of improvement.

Before, however, any steps are taken towards effecting this object, I should be glad to receive from you any observations which you may have to make upon it, and the suggestion of any details which may occur to you as desirable for carrying such a scheme into execution.

I am, &c.  
(signed) *Stanley*,

WESTERN  
AUSTRALIA.

Encl. 5, in No. 11.

No. 12.  
Lord Stanley  
to Governor Hutt,  
30 October 1841.

WESTERN  
AUSTRALIA.

No. 13.  
Lord John Russell  
to Governor Hutt,  
8 October 1840,  
4 June 1840.

4 June 1840.

For Captain Grey's  
Letter, 4 June 1840,  
vide p. 100.

— No. 13.—

(No. 38.)

COPY of a DESPATCH from Lord *John Russell* to Governor *Hutt*.

Sir.

Downing-street, 8 October 1840.

I TRANSMIT to you herewith a copy of a Report which I have received from Captain Grey late Commandant of the expedition to the North-west of Australia, containing some valuable suggestions with regard to the treatment of the aborigines; and it appears to me that Captain Grey's suggestions are worthy of adoption generally, subject to such modifications as your local knowledge and experience may suggest.

I am, &amp;c.

(signed) *J. Russell*.

— No. 14. —

(No. 45.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

No. 14.  
Governor Hutt to  
Lord John Russell,  
10 July 1841.

My Lord,

Perth, Western Australia, 10 July 1841.

I HAVE had the honour to receive your Lordship's despatch, No. 38, of the 8th October last, enclosing a copy of a report from Captain Grey, containing some valuable suggestions with regard to the treatment of the aborigines, and recommending that these suggestions be adopted, subject to such modifications as local knowledge and experience may point out.

2. From the report on the state and condition of the aborigines of Western Australia, which I have lately submitted to your Lordship, it will be seen that the most essential points in Captain Grey's proposed plan are embodied in the system of treatment pursued towards the natives in this colony; such as the infliction of punishment without reference to the length of time which may elapse between the perpetration of a crime and the apprehension of the offender; making little or no distinction in the punishment inflicted, whether the party injured is a white man or one of themselves, provided only in the latter case that the offence has been committed within particular limits; receiving the depositions of the aborigines, though not on oath, as strong corroborative evidence in our courts of justice; enabling them to appeal for protection against the violence, either of a colonist or one of their own people, to a regular appointed officer, the Protector, who is also their counsel to assist them, if necessary, on their trial; and finally, the employment of them, whenever they can be engaged to take service for a regular period, at a fixed rate of wages, either in money or food. This coincidence is to be traced to my having had the advantage of Captain Grey's conversation and advice on this subject, for several months immediately prior to his late visit to England.

3. In some particulars I differ with him. I conceive that the aborigines are not in a position to be treated in all points as British subjects; that we have not the means to supervise and control their dealings with one another in the bush and in the wild districts, the same as within the boundaries of our town sites and farming locations; and that to attempt to make them at all times and under all circumstances in their habits and customs amenable to our laws, would be frequently next to impossible, and might have the effect of a teasing and tiresome persecution, estranging them from us, and rendering them only more tenacious of their own rude and barbarous observances.

4. Captain Grey's observations have reference chiefly to the operation among the aborigines of the English criminal law, but we cannot, in justice, forcibly introduce them to this portion of our code, without permitting them to seek redress, or even requiring them to act, according to the forms and dictates of the civil law also; and for this I think we are scarcely prepared. It would indeed be productive of some singular anomalies. We could scarcely, for instance, pretend to interfere in their mode of marriage, which is not unusually either by abduction or inheritance (the woman's consent in neither case being much consulted), without also forbidding the practice of polygamy; and although we punish the aborigines for trespassing upon and injuring our fields and gardens, it would be in strange opposition to the hold which the Crown assumes to possess

over

over the lands of the country, if the right of one of them was to be admitted to bring an action for the recovery of a property, which had been disposed of by the Government to a colonist. I need scarcely here do more than casually observe, that in every case, civil or criminal, where natives alone were concerned, the difficulty of procuring such evidence as would satisfy a judge or jury would be so great as to go far towards nullifying the whole proceedings.

5. It is doubtless very desirable, that, the aborigines with whom we are in contact, should be brought as early and as strictly as possible within our jurisdiction; indeed, it is the obvious policy of Government to keep this in view in its intercourse with these people, as being one great means of bringing about any improvement among them; for it is only in proportion as they find themselves completely in our power, that they yield to our persuasion, instruction or influence. But I think our best chance of attaining this end is by a progressive course of action, not by any compulsory or sudden demand upon them to surrender their own notions, and acknowledge ours only as the proper rule of right or wrong; and I should still, therefore, desire to leave them to their own laws, bad as they are, and only compel their subservience to ours, when they choose to remain temporarily or permanently in our immediate vicinity; and in this colony they now thoroughly understand that, under such circumstances, no exercise is admitted, whether as regards themselves or the settlers, of any infringement of our regulations.

6. In order to ensure a partial observation of British law by the aborigines in thinly peopled districts, Captain Grey further advises that each colony should possess an efficient mounted police force, either constantly in movement, or ready to act in any direction where their presence was required. In Western Australia, a police force of this nature would have to range over 32,000 square miles of territory; it must therefore be numerous and most expensive, particularly as compared with our resources. The revenue of the colony is raised from a population of not 2,500 souls, and amounts now to 9,000 *l.* per annum; yet it barely suffices for the current expenditure, and it would be out of the power of the local Government to provide the large additional sums which would be required to maintain such a police establishment.

7. One suggestion made by Captain Grey has struck me as being most valuable in its tendency; it is, that encouragement should be held out to any settler, who should take the trouble to reclaim a native from his present savage life, and, by instructing him in some useful art, render him a serviceable member of society. Could this plan be brought into operation, the work of civilizing the aborigines would truly be commenced, and it would have, as Captain Grey justly remarks, the great advantage over a single institution, that a variety of individuals, endowed with different talents and capacities for the work, would be employed at one and the same time upon it.

8. I have availed myself of this hint to issue a public notice, which I enclose, offering, 1st. A remission in the purchase of lands, to the amount of 18 *l.*, to any one who shall produce satisfactory evidence of a native having been in his employ for full two years, and that he has acquired a competent knowledge and skill in the usual farming operations; and 2d. A remission in the purchase of land, to the extent of 36 *l.*, to any one who may show that he has instructed a native in any trade, calling or handicraft, of such a nature as is usually brought under the system of apprenticeship.

9. The sum of 18 *l.* is allowed by Government as the cost of a labourer's passage to the colony. To teach one of the aborigines to be a useful servant or assistant, is to introduce a fresh labourer, and the benefit conferred upon the community has been considered in both cases equal and worthy of a similar reward. But the rude sort of life which a native might lead upon a colonial farm, would not be very repugnant to his old habits, nor would it necessarily wean him from them, unless it was by accustoming him to new wants and an artificial means of subsistence; for this reason, a determined period of residence has been insisted upon, in hopes that time may complete that which mere out-door occupations are not, by themselves, calculated to accomplish.

10. It is different with a trade or handicraft; no person can have gone through a course of instructions, or have acquired the proper degree of knowledge to qualify him as a mechanic or artisan, without the practice of some diligence and assiduity. The proof of his having been constant to the work which he under-

WESTERN  
AUSTRALIA.

took to learn, is his capability of performing it. No notice consequently is taken of the time which a native might have been in the capacity of apprentice with an employer. A great triumph would be gained over their present wandering and fickle disposition, should any of them ever settle down into the sedentary existence which the practice and nature of the mechanical arts require. A larger amount of remission is promised to the individual who shall instruct a native in a trade, calling or handicraft, than to the farmer, because the former is called upon to exercise the greatest share of skill, care and patience; the instant that a man or boy, however unused to the employment, is taken into a farm establishment, he can make himself of use in some way, without much risk of damage to his master's property; whereas a mechanic derives little profit from his apprentice until he has taught him the right use of his tools, and in doing this must expect to incur both expense and annoyance from loss and breakage.

11. With these views, this notice has been drawn up, and I solicit your Lordship's approbation of it, because I think it will, as it sets out with stating, if adopted, extend the measures already in operation for the civilization and improvement of the aborigines.

I have, &c.  
(signed) *John Hutt.*

## Enclosure in No. 14.

Colonial Secretary's Office, Perth, 23 June 1841.

Encl. in No. 14.

It appears to his Excellency the Governor to be highly desirable to promote in every way the civilization and improvement of the aborigines of this territory; and to extend the measures already in operation for this purpose, his Excellency has directed it to be notified for public information,—

1st. That a remission in the purchase of land to the extent of (18*l.*) eighteen pounds, will be allowed to any person who shall produce satisfactory evidence to the Government, that a native has been in his constant employment for the space of two full years, and that he has acquired a competent knowledge and skill in the usual operations of farming, threshing, reaping, mowing, &c. &c.

2d. That a remission in the purchase of land to the extent of (36*l.*) thirty-six pounds, will be allowed to any person who shall produce satisfactory evidence to the Government, that he has instructed a native in a trade, calling or handicraft, of such a nature as is usually brought under the system of apprenticeship; and that such native has acquired such proficiency therein as would, in the case of an European apprentice, entitle him to receive his indentures, and be treated on the terms of a journeyman. The person applying for such remission will also be required to give the native such a certificate as will entitle him to be treated as a journeyman.

His Excellency conceives that the object contemplated in this notice will be materially facilitated by the present gradually improving condition of the aborigines, and by the kind disposition hitherto generally evinced towards them by the colonists.

By his Excellency's command,  
(signed) *Peter Brown.*

## — No. 15. —

(No. 55.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

No. 15.  
Governor *Hutt* to  
Lord *John Russell*,  
21 July 1841.

My Lord, Perth, Western Australia, 21 July 1841.  
IN my despatch, No. 45, of 10th July, I had the honour, in pursuance of your Lordship's instructions, and Captain Grey's suggestions, respecting the improvement of the aborigines of this colony, to submit to your Lordship's approval a notice, holding out the promise of a reward to any settler who should be instrumental in imparting to one of these people a thorough knowledge of an art or trade of civilized life.

2. In still further prosecution of this object, I now enclose a similar notice relative to the female part of the population. A most invaluable advantage will be gained over the thoughts and habits of the aborigines, and consequently in the laborious task of civilizing them, should we succeed by this means in raising the females from the state of degradation in which they are plunged even more deeply, as occurs among all barbarous tribes, than the men.

3. The

3. The work of educating them in the several occupations pointed out in the notice, is placed on the same footing as that of the male farm servants; because it is considered that much domestic service will be gained from them by those who undertake their instruction, and that we must particularly require in their case the rigid test of time and habit, rather than the mere acquirements of discipline, to prove that they have been redeemed from the practices of their savage mode of existence.

4. I trust that these measures will meet with your Lordship's sanction.

I have, &c.  
(signed) *John Hutt.*

Enclosure in No. 15.

Colonial Secretary's Office, Perth, 20 July 1841.

With reference to the notice dated the 23d ultimo, relative to rewards to be granted to persons who may be instrumental in promoting the civilization of the aborigines, by employing them on farms, and imparting to any of them a competent knowledge and skill in various operations and trades therein set forth, his Excellency the Governor directs it to be notified that, with a view of still further encouraging the civilization and improvement of these people, a remission in the purchase of land to the extent of 18*l.* will be allowed on account of any native female who shall be proved, to the satisfaction of the Government, to have been constantly resident, after this date, in any settler's household during a space of two full years; and who shall have acquired a competent knowledge and skill in either of the several occupations of cook and thorough house-servant, seamstress or dressmaker, laundress or bonnet-maker.

Encl. in No. 15.

His Excellency is desirous, at the same time, to impress upon the public that the remission of 18*l.* hereby offered, as well as the amounts of remission mentioned in the former notice, do not authorize the purchase of a less quantity of land than 160 acres, and that these remission certificates will be, like others of a similar character, transferable.

By his Excellency's command,  
(signed) *Peter Brown.*

— No. 16. —

(No. 75.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

My Lord, Perth, Western Australia, 10 November 1841.

I HAVE the honour to inform your Lordship that on the 18th May 1839, the wife and child of a settler, in the York District of this colony, were murdered by a party of aborigines.

No. 16.  
Governor *Hutt* to  
Lord *John Russell*,  
10 Nov. 1841.

The crime was not discovered to have been committed until after some hours had elapsed, and the perpetrators of it had thereby ample opportunity for making their escape. Immediately that the authorities on the spot and the Government were informed of what had occurred, every possible means were resorted to for the capture of the offenders, whose names were readily ascertained from the other natives, but for a considerable time without effect. It was not until early in June of the following year, 1840, that the police succeeded in capturing two of the principals concerned in this outrage.

These two men, whose names were Doodjeep and Barrabong, were brought up for trial at the quarter sessions in July 1840, and found guilty of the murder. The sentence of the law was carried into effect on the 10th of the same month; the offenders were hung in chains almost immediately on the spot which had been the scene of their crime.

This proceeding I was aware was a hazardous experiment. It was difficult to foresee in what way it would be taken by the aborigines, except that I felt confident they would either be awed into submission, or greatly exasperated. My expectations were that their fears would prevail, and I am happy to say, that such has proved to be the case. From the time of the execution, until the present hour, no attempt at any further violence on the part of the aborigines has been heard of in that part of the country; and every successive report which I receive from the Protector, whose residence is at York, as the centre of the district over which his superintendence extends, leads me firmly to believe that the severe punishment inflicted upon these two men will prove of lasting benefit to the colony.

Besides Doodjeep and Barrabong, it was well ascertained that a third man, "Yambup," had been present, and taken an active part in the murder. After two

WESTERN AUSTRALIA.

years' anxious search and watchfulness, the police, in the middle of May of this year, succeeded in taking him prisoner. He was tried, and found guilty, and sentence of death was passed against him at the quarter sessions held at Perth, on the 1st of July last.

Having received from the chairman of quarter sessions the report of the trial and sentence, I laid the same on the table of the Executive Council; stating at the same time, that, under the authority vested in the Governor by the Royal instructions, I should reprove Yambup, and report that I had done so to Her Majesty's Government.

I stated as my reasons for pursuing this course, that the ends of justice had been, I considered, sufficiently answered by the previous execution of Doodjeep and Barrabong, inasmuch as it was evident that others of the aborigines had been deterred by it from the commission of similar crimes, and that to execute Yambup would be, therefore, only to satiate justice with an unnecessary sacrifice of human life.

Minutes of Council of 7 October 1841.

Each of the other members of Council recorded their dissent from this decision. I have now, therefore, the honour to lay before your Lordship a copy of the several opinions recorded on the minutes of the Council, and to request, should your Lordship agree with me under the circumstances of the case, in the propriety of reprobating Yambup, that I may be authorised to remove him to the convict establishment at Rottneest, there to be detained as a prisoner for life.

I have, &c.  
(signed) John Hutt.

## Enclosure in No. 16.

Encl. in No. 16.

At a Meeting of the Executive Council, held at Perth, on the 7th October 1841; present, his Excellency the Governor, the Honourable the Commandant, the Honourable the Colonial Secretary, the Honourable the Surveyor-general, the Honourable the Acting Advocate-general:

Report of Chairman of Quarter Sessions, laid on the table.

THE minutes of last meeting were read and confirmed. The Governor laid upon the table the abstract from the criminal record book for the last quarter, and a report from the chairman of quarter sessions, stating that a man named William Page had the sentence of death recorded against him for shooting, with intent to kill, at Caroline Jackson; that Mendic, an aboriginal native, had been sentenced to death for the murder of a European boy, and that Yambup had also been sentenced to death for the murder of Mrs. Cook and her child.

His Excellency stated his intention to transport Page for life, and to allow the law to take its course against Mendic; but that he should reprove Yambup, as two natives had been executed for the murder of Mrs. Cook, and he considered that the ends of justice had been attained by that execution, inasmuch as it had deterred others from committing similar crimes, and that the execution, therefore, of Yambup would be satiating justice with unnecessary sacrifice of human life.

The honourable the Advocate-general regretted that he could not concur with his Excellency in his opinion that the prisoner Yambup was a proper object for a reprove. He thought that most beneficial results were daily arising from the adoption of the principle, that as length of time did not diminish guilt, so it should not affect its punishment; and he attributed to the steady enforcement hitherto of this principle, the fact that the guilty natives were now generally surrendered by the respective tribes. He thought that it was of vital moment to the efficacy of punishment, that it should not appear to result from temporary feelings, but to be an inseparable (however distant) consequence of crime. The chairman of the quarter sessions had stated, and he had reason to know that the other members of the bench, as well as the jury, were of the same opinion, that no single point of difference had appeared between the cases of Yambup and Mendic, or between those of Yambup and his accomplices, which could impart a character of less atrocity to the guilt of Yambup, while there were several circumstances which have a contrary tendency. It was certain that the appalling murder of Mrs. Cook and her child was the result of a deliberate conspiracy, and accompanied by circumstances of such disgusting and gratuitous insult and barbarity, as had rarely been heard of even among the most ferocious savages; and it was well known that this prisoner was the chief originator and instigator and leader of the gang. There was another reason why he conceived it especially necessary to leave the decision of the court inviolate, namely, that the natives were impressed with an opinion that we, like themselves, balanced life against life, and were content if we took a corresponding number of lives to those taken by them. It was to the complete annihilation of this idea among the Murray tribe, by the contest at Pinjarra, that he attributed the perfect good order of that tribe from that period to the present, and the consequent good will and useful intercourse which exists between them and the settlers in that district. He was also of opinion, that in case of murder, the relatives of the victim, who were prevented by the laws from taking that vengeance which the laws of nature would have entitled them to, had a right to have the full sentence of those laws inflicted, at least in cases of unmitigated guilt; and he apprehended that the consequences of an interference on the part of Government to screen so atrocious a criminal,

a criminal, would have the effect of inducing the settlers in future, when excited by outraged feelings, to take redress into their own hands, rather than trust to laws which the Crown would interfere to render inoperative. So strong used to be the feeling of our laws on this subject, that they gave a remedy to the relatives by which they could prevent the Crown from pardoning, and this had only been removed by the Legislature from a conviction that the Crown would never interfere with the laws, unless where the case presented strong circumstances of palliation. He would conclude by saying, that a valuable opportunity now exists of impressing on the natives the determination of the Government to punish murder, especially of so aggravated a nature. It was the known opinion of the whole colony, that the prisoner Yambup was the most deserving of death of all concerned, and more so than the murderer of the boy on the Canning. He conceived that if Yambup be a proper object for mercy, his accomplices must have been treated with undue severity, and he would say the same in comparing his guilt with that of the other murderer, Mendic.

Mr. Roe said he could not but subscribe to the opinions expressed by the Advocate-general, and considered the barbarous murder of Mrs. Cook and her child to have been attended with circumstances of such peculiar atrocity, that the law should be suffered to take its course in this instance, especially in the absence of any recommendation either of the bench or jury. The violation of the poor woman's person by the murderers, both before and after they terminated her existence, and their dashing out the brains of the child before the eyes of the wretched mother, marked the deed as one of aggravated barbarity, and rendered it probable that a repetition of such crimes might not only be attempted by others, if Yambup were not capitally punished, but those Europeans who were located in remote and solitary situations might be disposed, on any such melancholy occasions in future, to take the law into their own hands.

Mr. Brown most fully concurred in the view taken by the honourable the Advocate-general and the honourable the Surveyor-general, and strongly advised, in the event of his Excellency still resolving on the reprieve of Yambup, that Mendic should not be executed until the pleasure of her Majesty in respect to Yambup is known, as although he could not see the slightest ground for interfering with the laws in either case, he nevertheless conceived that if mercy is extended to one it ought to be to the other.

The honourable the Commandant entirely concurred with the other members of Council, except that he could not see that the undeserved reprieve of Yambup could in any way warrant the reprieve of Mendic.

His Excellency regretted that he could not concur with the members of the Council in the view they had taken of this case. He informed the Council of his intention to reprieve Yambup, and as this measure was in opposition to the opinions and consent of the Council, he would record his reasons for carrying out his own views on the minute book.

"I consider that all punishment, but particularly capital punishment, is intended not as an expiation of the crime through the death or sufferings of the criminal, but as an example to deter others from being guilty of similar offences; that it is the bounden duty of Government, in their endeavours to provide for the peace and order of society, to strive to attain their object, even when extreme measures may be necessary, by the smallest possible sacrifice of human life. That as regards Yambup, whose case has been under consideration, and who has been convicted of murder, two of his accomplices in the atrocious outrage have already been executed; and the experience of 18 months proves that the design of this execution has been completely fulfilled. A salutary terror has thereby been impressed upon the natives in the district where the murder was committed; that we should gain nothing further by carrying the final sentence of the law into effect against Yambup now, and that to do so would be only to offer him up as a victim to the vengeance of the law, and thus carry out to the fullest extent the savage maxim of blood for blood; and finally, it appears to me to be extremely doubtful and problematical to suppose that the natives will ever think of reasoning within themselves, and of acting upon the notion that we have taken the lives of two only of their people because they killed only two white persons, as admitting that they will regard our proceedings in the light of retaliation; they must remark that for two females, a woman and child, individuals for whom among themselves they would not have the slightest regard or consideration, we have taken the lives of two of the best men of their tribe, and that they would therefore be severe losers in such a contest.

"For these reasons, reluctant as I am to decide in opposition to the opinion of the Council, I shall, under the authority vested in me by the Royal instructions, reprieve Yambup until Her Majesty's pleasure may be known, and shall recommend that he be removed to the establishment at Rottnest, to be there eventually retained as a convict for life."

(signed) *Edward C. Souper,*  
Acting Clerk of the Council.

— No. 17. —

(No. 57.)

COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,

Downing-street, 2 July 1842.

I HAVE received your despatch, No. 75, of the 10th of November last, reporting the case of a native named "Yambup," who was convicted and sentenced to death as the participator in a murder, but was respited until Her Majesty's pleasure should be known; and you request that a pardon should be granted to the criminal

No. 17.  
Lord Stanley to  
Governor Hutt,  
2 July 1842.

WESTERN  
AUSTRALIA.

Encl. in No. 17.

on the condition that he be retained as a prisoner for life at the establishment at Rottnest Island.

As the reprieve has been granted to the prisoner, I could not undertake to advise Her Majesty to order his execution after so long a period, but I certainly can see no sufficient grounds for the commutation of the sentence.

It is only in consideration of the expectations of mercy which have been created by your decision, that I have been induced to advise the Crown to commute the sentence, according to your recommendation. Her Majesty has been pleased to authorize a pardon to the prisoner, on the conditions which you have proposed.

Without the notes of the trial, it is possible to form but a conjectural opinion on the question; but there appears reason to conclude that the murder was attended with circumstances of the most revolting kind; that the prisoner was as guilty as the rest of the parties concerned, if not more so; that the motive which led to his reprieve is very much open to misconstruction, and that by sparing the life of such an offender, the local Government may induce their savage neighbours to underrate the feelings with which the Europeans regard such enormities.

I have, &c.  
(signed) *Stanley.*

— No. 18. —

No. 18.  
Governor Hutt to  
Lord John Russell,  
20 January 1842.

(No. 2.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

My Lord,

Perth, Western Australia, 20 January 1842.

Page 377

1. I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 64, of the 30th April 1841, disallowing two Acts, Nos. 1 and 8 of 4 Victoria, passed by the Legislative Council of this Colony.

2. I now enclose two new Acts, Nos. 21 and 22 of the 4 & 5 Victoria, containing, generally, the same provisions as the former Acts, but modified and altered according to the instructions received from your Lordship.

3. To the first of these, being "An Act to constitute the Island of Rottnest a legal Prison," it was objected that the 3d clause, as originally framed, which authorized the Governor and Executive Council to make all such rules and regulations as might be necessary to insure the custody, employment and discipline, as well as the health and comfort of the prisoners, was a delegation, by the Legislative to the Executive Government, of a power of which they could not properly divest themselves in favour of any other body; that the laws of the Governor and Executive Council would not be made subject to the conditions, and with the safeguard for which Parliament and the Crown have stipulated, they would not necessarily be transmitted even for her Majesty's sanction or disallowance; and that, whenever authority is delegated, it should, as far as possible, be defined, by laying down the general rules and principles by which the exercise of it is to be guided; whereas in the case of this Act as it formerly stood, the whole subject of prison discipline was transferred from the Legislative to the Executive Government, to be dealt with as the latter should see fit.

4. In the legislative enactment which I now submit to your Lordship, endeavours have been made to avoid the errors pointed out, and which had been inadvertently fallen into. The exclusive superintendence and management of the establishment at Rottnest are still vested in the Governor and Executive Council, but a check upon the authority thus conferred is maintained by the provision of the third clause, which requires that all proclamations, rules and regulations issued by the Executive Government shall, with all convenient speed, be laid before the Legislative Council.

5. The prison discipline of Rottnest is still experimental, and in its infancy. Experience and constant watchfulness alone can teach us the improvements to be effected in the system, and therefore it becomes the more necessary that the power to make any changes, or to adopt any new rules, should be concentrated in efficient and yet responsible hands. In England, each county has its body of magistrates, who have the charge of the gaols of that county. In this, as I believe in the other Australian colonies, the gentlemen in the commission of the peace are not magistrates of any particular district, but of the territory, and they each of them have the right of visiting the several gaols throughout the country. It is evident that it would be imprudent and dangerous policy to allow the discipline



pline of such a place of confinement as Rottnest, where so much depends upon a settled unity of plan being followed out, to be subjected to the suggestions of a vast variety of persons, few of whom perhaps would have thought upon the subject before finding themselves in the island. Under the present proposed arrangement, the Executive Government, having the discretionary care of the prisoners, can as a body act upon certain rules, determined upon with reference to one particular end; and they are answerable to the Legislature, and thereby to the community, for the proper discharge of their important functions, whilst an account of the circumstances connected with Rottnest must form a prominent and important part in the report on the subject of the aborigines, required to be submitted annually by the Governor to your Lordship.

6. The second of the enclosed Acts is intended to allow the aborigines of Western Australia to give information and evidence without the sanction of an oath.

7. Your Lordship's observations and instructions have, in the reframing of this Act, been strictly attended to, and literally followed out. The evidence of the aborigines is hereby admitted without distinction, whether in civil or criminal cases, whilst it is left to the court to decide the value to be attached to such testimony; and the summary jurisdiction over aboriginal offenders, given to magistrates under the disallowed Bill, is not only separated from the present Act, but is done away with altogether.

8. In my former despatch on this subject, No. 43, of 3d May 1839, I pointed out that my desire in introducing the Act was to protect the aborigines against injuries inflicted upon any of them by their fellow-countrymen or others, in proof of which no evidence but theirs could be adduced; and that, having no civil policy among themselves which could be intruded upon, it was only as criminal violators of their own imperfect ideas of right and wrong, or of our laws, that we ever were or ever could be called upon to take legal cognizance of proceedings in which they were concerned. It is on this account that the Colonial Legislature, in passing the original Bill, laying down the law of evidence, as related to the aborigines, must be excused for having had regard only to criminal matters.

9. I cannot avoid expressing to your Lordship my sincere regret that the summary jurisdiction of any two justices of the peace, in the case of aborigines, should have been objected to. In the way in which it was provided that their jurisdiction should be exercised, great care was taken to guard it from abuse. An immediate report of all such summary decisions was to be made to the Governor, and the vigilance of the Protectors would have been called for to see that no injustice was suffered by those whose welfare they are appointed peculiarly to superintend. The aborigines themselves would have been pleased and satisfied with a measure which would have provided them with an immediate punishment or acquittal; instead of which, they are now liable to a confinement in gaol for eight or ten weeks, on their being committed to take their trial before the quarter sessions. I beg your Lordship to remark, that this confinement is unavoidable, whenever one of the aborigines is brought up before a magistrate, whatever the charge against him may be, should the magistrate see cause to refer the matter for trial to the quarter sessions, because a prisoner, being one of the aborigines, could not find securities amongst his own people, and no white person would become bail for him; and further, if he were let go, he would neither be seen or heard of again perhaps for years; so that there is no alternative but to retain him in confinement until the day of final trial comes on. Whether acquitted or convicted, therefore, a previous imprisonment is inflicted upon accused persons of the aboriginal race, from which Europeans escape by being admitted to bail. There is nothing which the aborigines dread and abhor so much as personal restraint, which might in very many instances be done away with by conferring upon the magistrates the power of summary jurisdiction.

10. That the expense on account of the administration of justice, which will be greatly enhanced by the summary jurisdiction being disallowed, absorbs one-tenth of the whole colonial revenue, is, on such an occasion, a secondary argument. A serious evil, however, is likely to arise from the want of some power of this kind in the hands of the magistrates. A farmer's horses or cattle are speared, or some two or three or more of his sheep stolen; if he could immediately apprehend the offenders, and take them before a justice of the peace a few miles from his own door, and have the case settled at once, he would do so; the culprit would be deterred, certainly for some time, from the commission of any such offence again,

WESTERN AUSTRALIA.

and the injured party would be satisfied. But if the accused is to be sent down to Perth to be tried at the quarter sessions, and the farmer, or the individual who is the sufferer, has to be subpoenaed to appear also at Perth as a witness, 60 or more miles distant, he will refrain from prosecuting, because the satisfaction he may finally obtain in the way of justice will not remunerate him for the loss of his time, the cessation, very possibly, of some important farm operations, and the expense he will be put to during this compulsory absence from home. Under these circumstances, it is greatly to be feared, that persons at the out stations will attempt, and frequently succeed in taking the law into their own hands, and adopt some violent and improper means to redress themselves.

11. I beg leave earnestly to press these considerations upon your Lordship's attention, and I would submit that, in bringing the laws of a highly civilized community to bear upon a people in the savage state of the Australian aborigines, those laws must, in some instances, be made to assume an exceptional form, so as to adapt them to the character and condition of those with whom we have to deal; and I solicit from your Lordship that I may still be allowed to bring in a Bill giving summary jurisdiction to magistrates in the case of aboriginal offenders, similar in substance to the provisions contained in the 5th, 6th & 7th clauses of the disallowed Bill of the 4th of Victoria, No. VIII., which is herewith enclosed.

I have, &c.  
(signed) *John Hutt.*

## Enclosures in No. 18.

Western Australia, 4 &amp; 5 Victoriae.

Encl. in No. 18.

## No. 21.—AN ACT to constitute the Island of Rottnest a Legal Prison.

Preamble.

WHEREAS it has been deemed expedient to provide some place within the limits of the colony of Western Australia, in which such of the aboriginal race as are sentenced to transportation or imprisonment, or committed for trial, or in any other manner committed to custody, may be conveniently kept, in order that they may be instructed in useful knowledge, and gradually trained in the habits of civilized life: And whereas a continued close confinement is prejudicial to their health, as being so uncongenial with their ordinary habits: And whereas the island of Rottnest appears peculiarly suitable for their detention, inasmuch as a greater degree of personal liberty may be allowed, consistently with their safe custody, on account of the isolated situation of that place, and the consequent difficulty of escape therefrom; Be it therefore enacted, by his Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, That the island of Rottnest shall be constituted, and is hereby declared to be a gaol or legal place of imprisonment for the purposes and under the provisions of this Act, to which any person so committed as aforesaid may be sent: Provided always, that no person shall be sent to the said island except by the order or direction of the Governor or other Officer administering the Government of this colony.

The island of Rottnest constituted a Prison for the purposes of this Act.

The Governor to establish by proclamation the bounds of the Prison, and to make rules and regulations for the landing of boats, so as to prevent the escape of the Prisoners.

2. And be it enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, to appoint the gaoler and other requisite officers, and from time to time to alter and establish by proclamation the bounds and extent of the said prison, so as to limit it to any portion of the said island, if at any time it should be deemed expedient so to do, and also to make all necessary rules and regulations touching the landing of boats at the said island, and for the due custody, discipline, health and comfort of the prisoners.

Penalty for contravening regulations not less than 21, nor exceeding 104, or imprisonment not less than seven days, nor exceeding three months.

3. And be it enacted, that all such proclamations, rules and regulations as aforesaid, shall, with all convenient speed, be laid by the Governor before the Legislative Council.

The Governor may remove any white or black prisoners to the island, if advisable.

4. And be it enacted, that any person who shall be convicted before any two justices of the peace, of having wilfully contravened any such proclamation, rule or regulation as aforesaid, shall forfeit and pay a sum not less than forty shillings, nor exceeding ten pounds, or in default thereof, shall be committed to prison for a period not less than seven days, nor more than three calendar months.

5. And be it enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, to direct that any persons in prison within this colony, whether of the aboriginal race, or otherwise under sentence of any court, or of any competent authority, for any offence committed by them, shall be removed from the prison in which they are confined to the island of Rottnest aforesaid, there to be imprisoned for and during the whole or any portion of their respective terms of imprisonment, according to their respective sentences, if under special circumstances, or for any special reasons it shall be deemed advisable so to do.

Limitation of prosecutions.

6. And be it enacted, that all prosecutions for offences against the provisions of this Act shall be commenced within six calendar months after the commission of the offence, and not otherwise.

Appropriation of fines.

7. And be it enacted, that all fines and forfeitures recovered under this Act, shall be divided and applied as follows; that is to say, after deducting charges of prosecution and safe from the produce thereof, one moiety shall be paid to the colonial treasurer, to be applied toward the government of this colony in such manner as the Governor, acting with

the advice and consent of the Legislative Council, shall by law appoint, and the other moiety to the party or parties informing.

8. And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present session.

(signed) *John Hutt*, Governor.

Passed the Council, 26 November 1841.

(signed) *Edward C. Souper*, Acting Clerk of the Council.

WESTERN AUSTRALIA.

Act may be amended.

No. 22.—AN ACT to allow the Aboriginal Natives of Western Australia to give Information and Evidence without the sanction of an Oath.

WHEREAS many of the forms, requisites and provisions of the law have been found inapplicable to the aboriginal inhabitants of Australia, inasmuch as there is strong reason to believe that these people are ignorant of the existence of any future state of rewards and punishments, and do not acknowledge any form or mode of adjuration as binding upon them, in consequence of which much failure of justice might ensue, and many serious offences and crimes, which have been committed with their privity only, might pass unpunished: And whereas, it is expedient to devise some means whereby such evils may be prevented: And whereas, the attendance of natives to give evidence cannot be secured by the forms of British law; Be it therefore enacted, by his Excellency the Governor of Western Australia, by and with the advice and consent of the Legislative Council thereof, that from and after the passing of this Act, it shall and may be lawful for any justice of the peace of the said colony, upon any complaint being made before him, by any of the aboriginal race of this territory, to receive and take the information of the said individual, upon his affirmation or declaration to tell the truth, the whole truth and nothing but the truth, without administering the usual form of oath, and to reduce the substance of such information into writing, if it should appear necessary so to do, and thereupon to issue his summons, or his warrant, as the nature of the case may require, or to take any other such proceedings as may be usual and proper in the case of an information made by any other of Her Majesty's subjects.

Preamble:

Any Justice of the Peace may receive the information of an aboriginal native on his affirmation, without administering the usual form of oath.

2. And be it enacted, that in any civil action, or upon any inquiry into any matter of complaint, or upon the trial of any offence, whether committed by one of the aborigines or by any other person, it shall and may be lawful for any court, or for any justice or justices of the peace, to receive the evidence of any of the aborigines without administering the usual form of oath, such aboriginal native having first made an affirmation or declaration to tell the truth, the whole truth and nothing but the truth: provided always, that in the case of any proceeding in the nature of a preliminary inquiry, the substance of the evidence or information of such aboriginal native shall be reduced to writing, and signed by a mark by such native, and verified by the signature of one or more of the justices of the peace before whom such information or such evidence shall have been given.

On the inquiry or trial, the evidence of any of the aborigines may be received on affirmation, without administering the usual form of oath.

In any preliminary stage of proceeding, such information or evidence is to be reduced to writing, signed by a mark, and verified by the Justice.

3. And be it enacted, that if at the appointed time of such inquiry or trial as aforesaid, the aboriginal native who gave his or her information or evidence in any preliminary stage of the proceedings shall not appear when called upon, then, in such case, such information or evidence so taken as aforesaid, and so reduced to writing, and so signed and verified as aforesaid, may be read and received as evidence, in any future stage of the proceedings relative to the same transaction, without the necessity of bringing forward the same individual to repeat his testimony orally: provided always, nevertheless, that the degree of credibility to be attached to any such information or evidence, whether in the preliminary or in the final stage of the proceedings, and whether oral or written, shall be entirely left to the decision of the justice or justices, or of the court and jury respectively, according to the tribunal before which such information or evidence shall have been offered, as being evidence given without the sanction of an oath, or the test of cross-examination.

If at the appointed time of inquiry or hearing the individual who gave the information does not appear, then such information or evidence, so written and signed and verified, may be read in evidence. The degree of credibility to be attached to such information or evidence shall be entirely left to the decision of the Justices or Court and Jury.

Any person making such affirmation falsely, is to be punishable as in case of perjury.

4. And be it enacted, that if any aboriginal native making such affirmation or declaration as aforesaid, shall be convicted of having wilfully, falsely and corruptly affirmed or declared any matter or thing, which, if the same had been made upon oath in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of England are enacted against persons convicted of wilful and corrupt perjury.

5. And be it enacted, that this Act shall be and continue in force for two years from the date of its passing the Legislative Council.

(signed) *John Hutt*, Governor.

Passed the Council, 26th November 1841.

(signed) *Edward C. Souper*, Acting Clerk of the Council.

Duration of Act, two Years.

— No. 19. —

(No. 5.) COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,

Downing-street, 15 February 1843.

No. 19.

I HAVE laid before the Queen the Act which accompanied your despatch, No. 2, of the 20th January 1842, passed by the Legislative Council of Western Australia, on the 26th of October 1841, intituled, "An Act to allow the Aboriginal Natives of Western Australia to give Information and Evidence without the sanction of an Oath."

Lord Stanley to Governor Hutt, 15 February 1843.

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I transmit

WESTERN  
AUSTRALIA.

Colonial Office,  
8 Oct. 1842;  
Law Officers,  
24 Dec. 1842.

I transmit to you copies of a reference to the law officers of the Crown, and of their report on this Act. In consequence of the objections stated by them to this Act, I have thought it my duty to advise the Queen to disallow it; and I have received Her Majesty's commands to signify to you, that Her Majesty has been pleased to disallow it accordingly.

It is not without regret that I announce to you this decision; and I am so fully sensible of the importance of the subject, that I shall consider whether it may not be advisable to introduce into Parliament a Bill to enable Colonial Legislatures to pass laws authorising the admission of the testimony of natives, although unsworn, in civil and in criminal cases, under such restriction as may be thought necessary.

I have, &c.  
(signed) *Stanley.*

— No. 20. —

No. 20.  
Governor Hutt to  
Lord John Russell,  
1 March 1842.

Mr. Symmons' Annual  
Report, No. 1.  
Mr. Symmons' Report  
of Native Schools, No. 2.  
Mr. Symmons' Report  
of the Island of Rot-  
tneft, No. 3.  
Mr. Bland's (Acting  
Protector) Report,  
No. 4.  
Plan of Buildings at  
Rottneft, No. 5.

(No. 10.)

COPY of a DESPATCH from Governor *Hutt* to Lord *John Russell*.

My Lord,

Perth, Western Australia, 1 March 1842.

I HAVE the honour to submit to your Lordship the second annual report upon the state and condition of the aborigines of this colony.

2. The progress which has been made in the arduous work of civilization during the past year has been on the whole satisfactory. We have the people of all ages evidently more under control, and more obedient to rule than formerly, which is a great advance towards that moral as well as physical influence which, to do them any good, we must strive permanently to exercise over them. They are daily becoming throughout the country more and more convinced of our superior power, and of our determination to use that power for the attainment and maintenance of our own ends; and having gained this advantage, we shall be able more freely and readily to direct our efforts towards their social improvement.

3. In the reports from the Protectors, which are enclosed, your Lordship will remark, that great stress is laid upon the quiet demeanour generally evinced by the aborigines throughout their respective districts, though circumstances have occurred forming exceptions to this promising account. These I shall have occasion before I conclude to bring under your Lordship's particular notice. They have been unavoidable, but are not the less to be deplored.

4. I am afraid we must limit our expectations of the good likely to be produced among the adults, to restraining them from immediate acts of violence, and compelling them to yield outward obedience to our laws, so long as they are within our reach and observation. The habits of a savage are engrained into him. They are founded upon the animal instincts of his nature, and the character of his country. He clings to them, frequently tenaciously, as his rights, because they are opposed to the will and customs of the stranger who has intruded upon him. They are so diametrically opposed in most points to the ideas connected with the rudest form of civilization, that it seems as though the very being of a man must be changed before he can forsake the one and take to the other. It is not that he has to learn a new fashion of building his house, or shaping his clothes, or tilling his land; but in this country he must acquire a desire to live in a house, to wear clothes, or to till the ground at all. The aborigines here live solely for the present, without the slightest foresight for the future. I do not notice this as any plea for relaxing in our endeavours to benefit them, but only to point to the formidable hinderances which stand in our way, and to account for what might seem to be the barely perceptible progress, destitute almost entirely of any striking examples of improvement which has been made, in redeeming these people from a wild to a civilized course of existence.

5. It is encouraging to be able, at the same time to state, from the returns which have been furnished to me by the Protectors, that there are about 130 of the aborigines, generally in the employ of the settlers throughout the country, besides 18 native constables in the pay of the Government, making altogether 148 or 150 persons, of whom the largest number are adults. I am correct, also, I believe, in saying, that this practice of the aborigines seeking employment with the colonists is increasing, and we may suppose that this cannot go on to any extent, or for any continuance, without some advantages springing therefrom to the aboriginal population, from the kind and regularity of work to which so many of them are by this means introduced.

6. With

6. With the children, by acquiring charge over them at an early age, we have a prospect of being more successful. In my report last year I mentioned that a school had been established for them at Perth; since then another, on a similar plan, has been formed at Guildford; and through the kindness and ministerial zeal of the Rev. Mr. King, one is also in operation at Fremantle. The Acting Protector, Mr. Bland, has earnestly suggested to me, that something should be done for the aborigines in the York District, and at Albany; and I have given him authority to organise a school at York, and have instructed the resident magistrate of the Plantagenet District, residing at Albany, to take the necessary steps for the formation of one at that station.

7. The numbers of the children of both sexes under instruction, are

|             |   |   |   |   |    |
|-------------|---|---|---|---|----|
| At Perth -  | - | - | - | - | 29 |
| Guildford - | - | - | - | - | 11 |
| Fremantle - | - | - | - | - | 11 |
| TOTAL -     |   |   |   |   | 41 |

The attempts which are making, through means of these schools, to educate and improve the youth of the aborigines, are still only experimental. But I consider the results to be fully equal to whatever, in justice and moderation, can be required or expected. I enclose the report of the Protector, Mr. Symmons, on this subject.

8. It has often been a cause of surprise and disappointment, that after all the pains which may have been bestowed upon a savage in order to imbue him with a love for the comforts and conveniences of European civilization, he should, so soon as he finds himself once more amongst his own people, revert to and adopt their mode of life in preference to all to which he has been more recently introduced and accustomed. The fact is, he has no other alternative, and that without so doing he would become in his own native country a solitary outcast. His new friends, whose tastes he has acquired, tolerate him, but will not acknowledge him as a member of their society; he cannot intermarry, and thus connect himself by any link of social affection with them; and his relations and old acquaintances disown him as an apostate from the manners and customs of his fathers. These are still, however, willing to invite and anxious to receive him back again as one of themselves, provided he will leave behind him his new dress and opinions; natural feelings urge him to the step, and he relapses to his original barbarism.

9. It may even be a question whether, as regards missionary efforts in the midst of the aborigines themselves, tuition may not be too exclusive, and the pupils not sufficiently prepared for the secular and every-day concerns of life.

10. The course of education which the children who attend the schools of this colony go through, and to which we have been led by the course of events, rather than by any preconceived system or forethought, is meant to combine discipline of the body with cultivation of the mind. One part of their treatment, which is insisted upon is, that, if possible, none but the very young ones shall attend the school who are not domesticated as servants among the settlers. The boys and girls are trained together in useful arts and knowledge. They acquire no practices with which they are not all familiar. They are fitted for each other, and they are thus prepared for a state of domestic comfort and happiness, and of usefulness in the world.

11. In the reports from the Protectors, mention is made of outrages committed by the aborigines, which, having led to loss of life, call for some remark and explanation.

12. The first case is the murder of Mr. Layman, referred to by Mr. Symmons in the 3d para. of his report. Mr. Layman was a thriving, industrious settler, on the Vasse inlet, with a wife and family dependent upon him for support, when he was speared by one of a party of aborigines, who had been employed by him in farm work, but among whom a quarrel accidentally arose, and he died on the threshold of his own doorway.

13. Some time in the year 1840, a boy, named Robert Campbell, in the employ of a colonist, located not far from the Leschenault estuary, was discovered to have been murdered by the natives, and there was every reason to suppose that the guilty parties were three youths well known in the district. One of these, Nyugandong, was, after some time, apprehended and sent up to Fremantle goal for

trial at the quarter sessions. His friends and relations, and particularly his father-in-law, Gay-war, threatened vengeance against the settlers, unless Nyugandong was released, which was not at all, or only slightly regarded, and he was retained in custody.

14. On the 22d of November 1841, in the evening, Mr. Layman, having been employed the whole day, with the assistance of a number of the aborigines, threshing out his wheat, had rewarded each of them with a certain quantity of "damper," or cake of unleavened bread, baked in the ashes of a wood fire. Among the aborigines assembled on this occasion was Nyugandong's father-in-law, Gay-war. Mr. Layman had retired into his house, when a native, named Milligan, came to complain that Gay-war had robbed him of his damper; Mr. Layman went out, took the damper from Gay-war and reprimanded him for his misconduct. It is supposed that this roused the ill-feeling rankling in Gay-war's mind on account of Nyugandong's detention, and as Mr. Layman was returning to his house he threw a spear, which pierced Mr. Layman through the body, and caused his almost immediate death.

15. An alarm was given, the natives dispersed, and the magistrates took instant measures to pursue and capture the offender. His retreat was discovered within a fortnight after the murder, and refusing to surrender when summoned, he was shot in the act of making his escape.

16. It is now more than 12 months since this occurred. The aborigines have reassembled round the farms, and no endeavour has been made to interrupt the peace of the district.

17. The next case is one in which an attempt was made upon the life of Mr. N. Shaw, a settler in the Toodyay District. It is particularly noticed in the 3d para. of the report of the Acting Protector, Mr. Bland.

18. One of the aborigines had been apprehended by Mr. Shaw for sheep-stealing. The two magistrates in that part of the country were temporarily absent, and there being no lock-up house in which the prisoner could be secured, he had been chained by Mr. Shaw under a tree near his house, until the return of one or other of the magistrates, who were hourly expected. Mr. Shaw, not being well, had laid himself down on his cot, within the hut which he inhabited, when three of the prisoner's friends, who had assembled on hearing of his capture, entered, and after a short conversation proposed to Mr. Shaw, who complained of head-ache, to perform a sort of shampooing operation, to afford him relief. Whilst some pretence was made of setting about this, one of the natives struck Mr. Shaw across the face with an axe, which cut down to, and broke his jaw; happily the wound was not fatal, but it has left a fearful scar, which Mr. Shaw will carry with him to his grave.

19. The three men who were concerned in this outrage were taken very shortly afterwards by the police, under the charge of one of whom, and a special constable, they were sent down for trial to Perth. On their road hither they became exceedingly impatient, evidently watching for an opportunity to escape. At length one of them threw a heavy thick stick at the policeman, and they all made a rush at the special constable, and attempted to take his gun from him; the policeman seeing this, fired at and killed one of the prisoners.

20. On hearing of this unfortunate affair, I ordered the resident magistrates of the York and Toodyay Districts, with Mr. Barrow, then Protector of Aborigines, to inquire into the circumstances, and they reported it as their opinion, that no blame attached to the policeman for his conduct on this occasion.

21. The two other prisoners, who were accompanying the man that was shot, were brought to Perth, tried, convicted of the crime laid to their charge, and sentenced to transportation for life to the island of Rottnest. The above is the first and last instance of any act of violence on the part of the aborigines of the Toodyay District.

22. In the third and last case which I have to bring to the especial notice of your Lordship, Charles Newell, a boy in the service of a colonist, residing a few miles from Albany, was murdered, apparently without any provocation whatever. A full account of the unfortunate transaction, together with its fatal consequences, are given in the 5th, 6th, 7th and 8th paragraphs of Mr. Bland's report. It will be seen that the death of Charles Newell has led to one native being wounded, who has since recovered, and to another being killed, and that a third is in prison for the offence.

23. I have

23. I have made earnest inquiries respecting the causes which could be surmised to have produced this outbreak in a part of the colony where, until then, as the Acting Protector properly observes, the aborigines had conducted themselves extremely peaceably. But I have been disappointed in obtaining the slightest, even probable, explanation. It would seem to have been a sudden ebullition of irritated feelings, arising out of a sense of shame at having been detected in a robbery, and deprived of the intended booty by a much weaker party.

24. I lament, as much as any one can, the melancholy events which are here recorded, but I do not see by what possible means they could have been prevented. In each, the aborigines were the first aggressors; and, when I consider over what a line of frontier, from Augusta to Perth, from Perth to Toodyay, and from Toodyay to King George's Sound, comprising an extent of 530 miles, the settlers are scattered, and the innumerable points, therefore, at which they are brought into contact with the aborigines, who can, immediately they have been guilty of an offence, take to the bush, where it is difficult either to pursue or to find them; it appears to me to be a matter of congratulation that collisions between them and the colonists are not of more frequent occurrence.

25. Instructions have been issued to the resident magistrate at Albany, and to the Protector, which I hope will counteract the disorderly practices mentioned in the concluding paragraphs of Mr. Bland's report, which threaten to spring up among the aborigines in that town and its vicinity, from contact with the crews of whaling vessels, and other disorderly persons.

26. Among the accompanying documents will be found an interesting report from Mr. Symmons, as visiting magistrate, of the native prisoners' establishment on the island of Rottneest. I have little to add to Mr. Symmons' favourable statement of the good conduct and useful labours of the prisoners under the superintendence of Mr. Henry Vincent, upon whom the order and discipline maintained among them reflects the highest credit.

27. The salutary efficacy of this establishment upon the aborigines has been proved in more than one case of adults, who, from being frequent and troublesome offenders, careless of every thing which could be addressed to them, or that they could be threatened with, have come forth from only a limited confinement on Rottneest quiet and orderly characters, so far as regards attention to the rules laid down for their conduct towards us and their country people.

28. Appended to Mr. Symmons' report is a plan of the buildings constructed of stone, cut and dressed by the prisoners on the island, the extent of cultivation accomplished by their means is shown by the abundance of vegetables with which they are supplied, and that they have in the course of last year raised grain sufficient for their own consumption. On the subject of the lighthouse, in the erection of which they are now employed, I shall have occasion again to address your Lordship.

I have, &c.

(signed) *John Hutt.*

Enclosures in No. 20.

(No. 1.)

Perth, 31 December 1841.

Sir,

I HAVE the honour to submit my annual report, ending 31st December 1841.

Encs. in No. 20.

In its perusal I trust that his Excellency will not consider that the satisfactory promise held out in my report for the year 1840 has been belied; but, on the contrary, I should hope it will be admitted that the seeds scattered during the first year of my duties as Protector, have produced a harvest as satisfactory and abundant, under existing circumstances, as could fairly have been anticipated.

With the exception of the gross outrage of the murder of Mr. Layman at the Vasse, in February last, the period included in this report has been unmarked throughout my widely extended district by any native aggression on the persons or property of the settlers, while, on the other hand, it has not elapsed without evident proofs of the advantages accruing from the present system of management, and of the influence we are daily acquiring over the minds of the aborigines.

This influence, so important in its results, may be doubtless attributed partly to fear, the hope of reward, or other such motives; but I have also reason to believe that our mild treatment, our undeviating good faith in all transactions with the natives, and the conviction that neither time nor space can eventually avert the punishment of crime, have each and all combined to produce the beneficial effects above alluded to.

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WESTERN  
AUSTRALIA.

Encls. in No. 20.

It is also gratifying to observe, that the protection afforded to the native by "dressing him in a little brief authority," is neither undervalued nor deemed of trifling importance. A fact in point has lately fallen within my observation. Boo-rar, a native Canning mountain-man, by his zeal and activity in the apprehension of several notorious native offenders, had rendered himself so obnoxious, that his life had been repeatedly menaced by members of his own and the neighbouring tribes, a spear wound having even been inflicted on him. In this extremity Boo-rar adopted the sole course which, in his opinion, could effectually shield him from the vengeance of his countrymen, and his safety has been ensured by his recent appointment to the office of constable of the Canning District.

No fact can more triumphantly bear out the assertion of our growing influence over the native population than the late capture of the native Mendic (alias Nicola) in the Canning District; official notice of which appeared in the Government Gazette of 9 September 1841. In the month of July 1839 this man had murdered an unoffending European lad, with the design of driving away the flock under his charge. In vain, at the time of the occurrence, had parties both of military and settlers scoured the country; all search was ineffectual, and thus for a period of more than two years had the murderer successfully baffled all attempts at his apprehension.

In this dilemma, having on previous minor occasions satisfactorily tested the efficacy of the native constables, and judging that no fitter occasion could be found for proving their capabilities and eventual utility, I assembled these functionaries from their several districts, and despatched them with positive injunctions to seize the said Mendic alive.

Within 10 days the murderer was brought in, chained to the wrist of a native constable; at the quarter session he was found guilty on his own confession, and ultimately paid with his life the penalty of his offence.

Such examples of our retributive justice must surely produce a deep moral effect on the minds of the aborigines, more especially when occurring so long after the commission of the crime, and effected through the instrumentality of their own countrymen.

To Mr. Edward Hester, of the Canning, who voluntarily accompanied the party of constables, much praise is due, as to his watchful superintendence subsequent to his capture, the prisoner's safe arrival in Perth must be mainly attributed. I have the pleasure of informing his Excellency that the execution of the said Mendic (alias Nicola) has been productive of effects equally beneficial as in the cases of Dod-jeep and Barbong, who suffered death for the murder of Mr. Cooks, at York, in 1840. A stern moral lesson has been inculcated, and I am inclined to believe henceforth that the lives, if not the property, of Europeans will be held sacred by the natives of the settled districts of the colony.

In September I visited the convict establishment at Rottnest. The health of the prisoners since my last visit (a period of some months, owing to the tempestuous weather during the winter season) had been uninterruptedly good; their general appearance was cheerful and contented, the Superintendent's report of their conduct satisfactory, while the great progress both in building and agricultural improvements needed no comment on their habits of active industry, or the zeal and energy of Mr. Vincent, their Superintendent.

I have endeavoured at all times to inculcate the idea of the inviolability of all natives, either when acting as guides or in any way immediately under our protection; and this injunction is likely to be permanently impressed on the minds of the aborigines by the recent capture of the native Wi-war, for the deliberate murder of a Canning man (Dy-ung), while acting as guide to some soldiers of the 51st regiment. The prisoner will be tried on the capital charge at the ensuing sessions.

From these details of the success of our coercive measures towards the adult native population, it is gratifying for me to direct his Excellency's attention to the progress we are, perhaps insensibly but really rapidly making, in the civilization of the juvenile branches of the native community.

Our day and Sunday schools now number upwards of thirty-three (33) children of either sex, all of whom have made considerable progress in spelling and reading; sand-boxes, for teaching the rudiments of writing on the Lancasterian principle, have been introduced, and promise to prove a source not merely of present amusement, but of future improvement.

The children in the employ of the inhabitants of Perth continue to give perfect satisfaction, and it is gratifying to observe that the demand for their services is greater than the possible supply.

To the active co-operation of the Rev. Mr. Smithies and the committee of management, as also to the patient zeal of Mr. Armstrong, the teacher, much of the good produced must be attributed.

It is a subject of real gratification to find that the advantages derivable from these juvenile institutions are beginning to be appreciated in the other districts of the colony. A school, on nearly a similar footing to that of its progenitor at Perth, has lately been established at Guildford; where twenty-one (21) native children are in daily attendance, nearly all of whom are in the service of the settlers at Guildford or in the vicinity. The teacher at this school, Mr. Abraham Jones, to whom an allowance of £0 L per annum for a school-room has been granted by the local Government, appears, by his knowledge of the habits and language of the aborigines, to be well fitted for his present occupation, and extremely zealous in the discharge of his duties.

Within the limits of our town sites and locations native fights and disturbances have either wholly ceased, or are of such rare occurrence as to form exceptions to the generally peaceable demeanour of the aborigines, and are invariably visited with severe punishment.

The late quarter is also memorable as the era of an event likely, if systematically followed up, to be productive of great future changes and amelioration in the domestic habits of the natives.



natives of Western Australia. I allude to the first marriage celebrated according to the forms of the Christian Church between two aboriginal natives. By some it may possibly be urged, that in the present unenlightened state of the aborigines, the experiment (for such only it professes to be) was premature. It was not, however, adopted without a careful deliberation on its probable results, and few parties perhaps could have been better selected than the two individuals in question, as the precursors of a future generation of native legitimacy. Both have been for upwards of two years domiciliated in the service of our Perth settlers, and consequently, to a certain extent, unfitted to return, even if so disposed, to the privations of the bush; the young man, more especially, is remarkable for his tractability, uniform good conduct, and apparent appreciation of the comforts of civilized life.

The marriage ceremony and the previous rite of baptism were not administered until the solemn nature of the engagements they were on the eve of contracting were first repeatedly explained in a style suited to their very limited comprehension. The Government has communicated its intention of presenting the couple, with a town allotment in fee simple, unalienable, and to devolve to their legitimate descendants; and through the liberality of their Wesleyan friends, a comfortable temporary residence has been provided until their own grant is ready for location.

As there may be some who would object to the above experiment as premature, I would name the following prospective advantages as, I trust, an amply sufficient justification. Nearly the whole of the children of either sex belonging to the Perth and neighbouring tribes, from the age of six to 15, are at present domiciliated as servants with the inhabitants. Amongst these the girls, with scarcely an exception, have, according to custom, been from their birth affianced to blood relatives, generally old men, and already married. It is almost needless to observe from such unions too frequently arise infidelity, quarrels and bloodshed. To resign girls, after having been brought up in comparative luxury and civilization, to the arms of savages old enough to be their grandfathers, and to the rigorous privations of the bush, would be evidently the refinement of cruelty, and destructive of all our anxious labours and expense on their account. Our object, therefore, is, to endeavour to overthrow a custom so opposed to nature and common sense, and to effect, when time and circumstances may render them expedient, suitable unions between the juvenile natives now in training in our establishments. To obviate, however, any charge of injustice towards the original proprietors of these girls, gratuities of flour will be distributed to them at stated intervals, and the reason for such distribution distinctly explained.

Again, by the introduction of the ceremony of marriage amongst the natives so immediately under our charge, and the enforcement of its regulations, polygamy, that native curse, will gradually become extinct, and the women become something better than the degraded creatures, the mere domestic drudges, they at present are.

From the children of the rising generation, of that generation now in training in our families and schools, can we alone hope for the fruits of our exertions; and surely I am justified in urging even the possibility of such results above alluded to, as an ample apology (if apology indeed be needed) for the introduction of the experiment of legally solemnized native marriages.

I have but just returned from a visit to the Canning, Murray, Australind and Leschenault Districts. I found the natives severely suffering from a disease similar in its effects to the European influenza; some deaths had occurred, chiefly amongst the aged or very young children. On my return, to Perth I found that the same disease had manifested itself in that neighbourhood, and within the last few days several natives had fallen victims. In Fremantle also it had made serious ravages.

The quiet of the several districts above mentioned was undisturbed, and a mutual good feeling appears daily to be more and more established between the colonists and the aborigines.

As herdsmen on several of the farms, and as guides to travelling and surveying parties in the bush, the natives are especially useful, but I regret that their wandering habits, and abhorrence of any fixed occupation, still oppose insuperable obstacles to any systematic civilization of the adult population. In the summer season particularly, when roots and other food are easily procurable, the daily rations issued to the native constables are found an insufficient inducement to keep them from the bush. To attempt to extract any thing assimilating to daily or systematic labour from the adults of such a class, is hopeless.

In spite, however, of these and similar obstacles naturally incidental to any attempt at engrafting civilization on the stem of native barbarism, the good work is silently but surely progressing, and I believe that the day is not far distant when the colonists will reap the fruits of their exertions, and of that kind treatment which has, with few exceptions, invariably characterised their relations with the aborigines of Western Australia.

The Honourable the Colonial Secretary,  
&c. &c. &c.

I have, &c.  
(signed) Chas. Symmons,  
Protector of Natives.

Since writing the above (the delivery of which into the honourable the Colonial Secretary's office has been delayed through indisposition), I regret to be compelled to notify to his Excellency the death, on the 3d January, of the native John Warrup, to whose recent marriage I have so particularly alluded in the foregoing report; he fell a victim to the now prevalent disease.

Perth, 4 January 1842.

C. S.

WESTERN  
AUSTRALIA.

Encls. in No. 20.

(No. 2.)

Sir,  
I HAVE the honour to subjoin, for the information of his Excellency the Governor, a short report of the native schools established in my district.

Perth, 21 February 1842.

## Native School at Perth; established September 1840.

|       |   |   |   |   |   |           |
|-------|---|---|---|---|---|-----------|
| Girls | - | - | - | - | - | 12        |
| Boys  | - | - | - | - | - | 17        |
|       |   |   |   |   |   | <u>29</u> |

## Ages of the children, from 6 to 14 years.

About nine of the boys, and six girls, can write their names in Roman text, and are now learning large hand. The above also read most words of two syllables, and have for some time past been reading words of three, four, and even five syllables. Their attempts, however, at polysyllables, are necessarily imperfect. They spell words of two syllables. The younger children all know their letters, and have made some progress in reading and spelling words of one syllable. Many of the children can count with facility from one to 100.

They have made some progress in netting, and the elder girls sew neatly.  
All the above children are in the employ of the inhabitants of Perth.

## Native School at Guildford; established August 1841.

|   |   |       |   |   |   |           |
|---|---|-------|---|---|---|-----------|
| Boys (at first establishment of school) | - | -     | - | - | - | 13        |
| Girls                                   | - | ditto | - | - | - | 10        |
|   |   |       |   |   |   | <u>23</u> |

At the present date only about seven boys and four girls attend this school, owing to the late influenza, which compelled the teacher to allow several of the pupils, both boys and girls, to return to their parents in the bush, under the promise of their being brought back on their recovery.

The ages of these children vary from six to ten years, and they are all in the service of the inhabitants of Guildford.

The elder children spell and read words of two syllables, and the younger have made proportionate progress. The girls sew very neatly.

## Native School at Fremantle; established January 1842.

|       |   |   |   |   |   |           |
|-------|---|---|---|---|---|-----------|
| Boys  | - | - | - | - | - | 6         |
| Girls | - | - | - | - | - | 5         |
|       |   |   |   |   |   | <u>11</u> |

## Ages, from six to ten years.

This school is of such late formation, and certain final arrangements being scarcely yet completed, that it would be premature to speak of any progress made by the scholars. Several, however, are in service, and more will probably shortly be so.

I am, &amp;c.

(signed) *Charles Symmons,*  
Protector of Natives.

The Honourable the Colonial Secretary.

(A true copy.)

(signed) *Peter Brown,*  
Colonial Secretary.

(No. 3.)

Sir,

Perth, 8 January 1842.

I HAVE the honour to communicate to his Excellency my return from the Island of Rott-  
nest, on the 7th ultimo.

The native prisoners had been, since my last visit, and were then in perfect health. The prevalent influenza had but slightly visited the establishment, and the Superintendent reported favourably of their uniform good conduct.

The outbuildings attached to the establishment having been completed, and the grain stacked, the convicts were directing their attention to the collection of stone on the hill intended for the site of the lighthouse. Mr. Vincent reports, that he will be prepared for the visit of the Superintendent of Public Works whenever that gentleman is ready with the required plans, and only requests that the working plan of the lighthouse may be so clearly laid down as to suit the comprehension of one, who, like himself, is not a professed mechanic.

The

The Superintendent states that the natives are much in want of caps, and the soldiers on the Island have agreed to supply the establishment with walloby skin caps, at 1s. 6d. each. I would suggest the acceptance of this proposal, the skin caps being more durable than those previously worn.

A small quantity of common medicine is also needed for the use of the establishment.

Previous to the ensuing winter, some blankets will be required; and it is suggested that coarse linen frocks should supply the present woollen shirts (when the latter are worn out), as being much more durable, and more easily kept clean.

The Superintendent also wishes to be informed if the barley (of which he has a considerable quantity) may be ground and mixed with a proportion of wheat for the prisoners' rations.

I beg leave to recommend, that in consequence of the heavy expense of shoe-leather incurred by Corporal Dennet, in the constant superintendence of the convicts while at work, the Government will grant him a yearly gratuity of one pair of shoes.

A party of ladies and gentlemen who accompanied me on this excursion, expressed themselves highly delighted and surprised at the admirable arrangements of the entire establishment.

I have, &c.

(signed) *Chas. Symmons,*  
Protector of Natives.

The Honourable the Colonial Secretary,  
&c. &c. &c.

WESTERN  
AUSTRALIA.  
Encls. in No. 20.

Sir,

Perth, 6 March 1842.

I HAVE the honour to subjoin a short summary of the present state of the native convict establishment at Rottnest, for the information of his Excellency the Governor.

Having paid my last official visit there no later than the 3d of the present month, I am enabled to speak most favourably of the health and general appearance of the prisoners; no cases of sickness having occurred during the past twelvemonth, and the Superintendent, Mr. Vincent, reports well of their uniform diligence and good conduct.

The high state of discipline observable throughout this establishment, I am happy to state, is the effect of the mild but determined treatment of the Superintendent; few instances of punishment occurring, and such only on the first introduction of the men to a state of life so totally dissimilar to their usual habits.

There are twenty-three (23) natives at present on the island, a few of whom are to remain for the term of their natural lives; the majority, however, are sentenced for periods varying from six months to three and six years.

They are employed most profitably in the various operations of agriculture, in the collection of salt from the lakes on the Island, and in the erection of the several outbuildings necessary for the establishment, great additions to which have been made since my last annual report, and the whole executed in a style most creditable even to a European mechanic.

The lighthouse now in progress of erection on the Island promises, when completed, to be a proud memorial of the capabilities of the Australian savage, when called forth and duly directed.

As Protector, I cannot but observe with pleasure, that the admirable system of discipline above alluded to, is maintained without any of those more rigid coercive measures necessarily incidental to a prison on the main-land, and which is attributable to the insulated position of Rottnest, and the fact that no boats, save by a Government order, are permitted to land on the Island, thus rendering escape impracticable.

I avail myself of this opportunity to again mention the ordinary regulations of the establishment: the prisoners breakfast at eight, commence work at nine, and most usually complete their task by one or two o'clock; three is the latest hour in any case to which their work is prolonged, and then only when despatch is of importance. After their morning's labour they dine, and are then permitted to roam in freedom over the Island in search of fish, game, reptiles, &c. &c. At sunset they are again mustered, and locked up in a large apartment (not cells) until the following morning.

Their daily diet, exclusive of what they may procure by the chase, consists of one pound and three-quarters of flour, an almost unlimited quantity of vegetables and half pound of pork per man on every alternate day.

The grain raised on the island, consisting of wheat, barley and Indian corn, which is sown, reaped and made into meal by the natives themselves, will this year prove sufficient for the support of the establishment.

I have, &c.

(signed) *Chas. Symmons,*  
Protector of Natives.

The Honourable the Colonial Secretary,  
&c. &c. &c.

(No. 4.)

York, 26 January 1842.

I BEG to submit to you, for his Excellency's information, the usual annual report of matters connected with the natives in the district allotted to me as Protector.

2. Having so recently received the appointment, I am unable to give as correct a statement of the proceedings of the natives as I should wish to do.

627.

3 G 2

York.

WESTERN  
AUSTRALIA.  
Encls. in No. 20.

*York.*—I am happy to state, that throughout this district the natives have, during the past year, been peaceably inclined towards the settlers; the only offences committed by them being a few cases of petty theft. I am sorry to report differently of their conduct in the adjoining district of the Toodyay, two men having attempted the life of a settler, and inflicted a severe wound on his face with an axe. Their motive in attempting this murder, was to endeavour to release a native who had just been taken prisoner for sheep-stealing, and who was at the time chained to a tree near the house. This should be a warning to all those attempting the apprehension of native offenders, to be particularly on their guard against treachery. Several cases of cattle-stealing have also occurred in that neighbourhood; as, however, the principals concerned in these offences have been apprehended and transported to Rottneet Island, it is to be hoped that the remainder of the tribe will take warning, and conduct themselves more orderly for the future. In taking some of these offenders to gaol, I regret to say that in their attempting to escape and overpower the constables, they found it necessary to fire upon their prisoners, when one man was killed, and another wounded. A strict inquiry was instituted at the time by the magistrates of that and the adjoining district, when the men were exonerated from all blame.

3. I am happy to state, that since my appointment to this office, I have not had one complaint made to me by a native against a settler for any offence whatever, which is a convincing proof of the kind treatment they receive from the settlers.

4. The natives have altered but little in their habits during the last 12 months; their civilization must be a work of time, and will go on more slowly here than in the neighbourhood of the towns. The pursuits of the settlers being principally pastoral, they are necessarily scattered over a great extent of country, and so small a quantity of land being actually under cultivation, enables the natives to procure game and the indigenous productions of the earth, with nearly the same facility as before the district was settled; there is consequently but little inducement, and no real necessity, for their changing their habits of wild freedom for the restraints of civilized life. Indeed, with regard to the adults, all that we can expect is to make them orderly subjects, so far as respecting our persons and property. Our efforts to improve the race should be directed towards the rising generation, by establishing schools, and thus early weaning them from their wandering habits, and giving them a taste for the employments and comforts of civilized life; for which purpose I am anxious to see a school established at York, so soon as a person can be found willing and competent to undertake the duties.

5. *King George's Sound.*—A murder having been committed by the natives upon a European boy at Kindenup, about 40 miles to the north-west of Albany, I proceeded to that place, and made particular inquiries on the spot as to all matters connected with it, and the conduct of the natives generally. It appears that a tribe of natives from the north-west of that place had several times collected in large numbers, and (as the establishment at Kindenup imagine) for the purpose of obstructing them in their farming operations. This, however, appears doubtful, as the number of natives it is said amounted to 200, and but two men on the establishment, with but one gun between them. The natives, therefore, had they been so inclined, could no doubt have successfully attacked them. From March 1840, when that farm was established, until September 1841, the only offence committed by them at Kindenup was the spearing a heifer. The particular offender was never known, and consequently escaped punishment. On the 26th of September last, about 40 natives collected at Kindenup; a man named Brailford, and a boy, Charles Newell, were in charge of the place. The natives were told to go away, which they did. After locking up the house, the man and boy went to their work, a short distance off; soon after this, seeing a native getting out of the window, the man and boy returned, and with some difficulty succeeded in driving the natives away. On searching the house to see if any thing had been stolen, they missed a number of knives. The boy went to the natives, who were about 100 yards off, and got the knives from them; as soon as he turned round to return to the house, he received a spear in his back, from which wound he died in eight days. The boy did not know who speared him, and the only man of the party he knew was "Quabbam," a man who seemed to have considerable influence over the others, and who was at the time exciting the others to use their spears. The natives belonging to the establishment gave information that Utigi threw the spear, and that Necononet and Quabbam persuaded him to do so. Utigi was apprehended the same day, and sent to Albany gaol. On the death of the boy an inquest was held upon the body, the result of which was the committal of Utigi for the murder, and, at the recommendation of the jury, a warrant was issued for the apprehension of Necononet and Quabbam as accessories. The former was apprehended accordingly, and placed in charge of two soldiers to take to Albany gaol; when near that place, the prisoner escaped, and was shot at by one of the soldiers, and wounded in the neck; but not seriously. The soldiers state, that they were attacked by a number of natives on the road, who rescued the prisoner; but the statement of a native who was with them, and I have no doubt the correct one, is, that the prisoner was secured by a string to one of the soldiers, named Oberhand, and that the other was tired and lagged behind, that the native, watching an opportunity, seized the musket from the man and knocked him down, and severely bit him on the hand; that the soldier fired a pistol at him and wounded him in the neck, from the effects of which he is now perfectly recovered.

6. The 6th of October, a man named Brailford, and a native, Camilwert, were proceeding with a cart from Albany to Kindenup; when near the latter place they were attacked by a number of natives, who threw several spears at them; but from the information of Camilwert and others, their attack appears to have been directed against Camilwert, in revenge for Utigi being taken prisoner. Quabbam was a principal in this attack.

7. Warrants

7. Warrants having been issued for his apprehension, a native constable and two soldiers were sent to execute it. The man was found near to Kindenup, but refused to be taken prisoner, and was shot by one of the soldiers in self-defence, he being at the time in the act of throwing a spear at him. The natives appear satisfied about the death of this man, that the soldier shot him in self-defence. And it is so far fortunate, that the punishment has fallen on the right person, and, by all accounts, a very troublesome character, he having before threatened to spear the soldiers concerned in the apprehension of Utigi, and being much feared by his own tribe.

8. I visited the prisoner Utigi in Albany gaol; he confesses to having speared the boy; that he did it in consequence of his having taken the knives from him; that Necononet and Quabbam urged him to do so, and gave him a spear for that purpose. This attack upon the station does not appear to have been premeditated, but evidently done at the moment of excitement.

9. That these unfortunate occurrences will occasionally take place, arising frequently from misunderstanding and ignorance of their language and habits, is to be expected, from the settlers and savages living in such close contact, and indeed it is a matter of surprise that they do not more frequently occur.

10. The natives in, the immediate neighbourhood of Albany appear to be well behaved, inasmuch as they neither molest the settlers nor their property, but they do not appear so orderly, or so regularly employed by the settlers as formerly. Latterly, from frequent intercourse with disorderly persons, particularly with the crews of whaling vessels, &c. visiting that port, they are acquiring a taste for spirits and tobacco, which they indulge in whenever they have the means of procuring it; particularly two natives, who have recently visited Adelaide. In the neighbourhood of the settlement they appear to be fast learning all the evils of civilized life, and but little of the good, and deriving no advantage from the settlement, beyond the occasional distribution of flour. Without a little effectual control, therefore, they may easily become troublesome to the settlers.

I have, &c.

The Honourable the Colonial Secretary,  
Perth.

(signed) R. H. Bland,  
Protector of Natives.

— No. 21. —

(No. 18.)

COPY of a DESPATCH from Governor Hutt to Lord Stanley.

My Lord,

Perth, Western Australia, 8 April 1842.

No. 21.  
Governor Hutt to  
Lord Stanley,  
8 April 1842.

I HAVE the honour to enclose a letter, addressed to your Lordship by Mr. William Nairn Clark, a practising attorney and solicitor in the court of this colony.

2. The object of the memorial is to solicit from your Lordship the appointment of Protector of Aborigines in the King George's Sound District of Western Australia. It contains also opinions respecting the best means to be adopted for the civilization of the aborigines, and statements relative to the conduct of the present Protectors, from all which I differ most widely, whilst I seriously doubt the fitness of Mr. Clark for the post he desires to obtain.

3. Mr. Clark considers that the Protectors should pass their time in the bush with the natives, subjecting themselves to constant discomforts, privations, filth and disappointment. I do not conceive that Her Majesty's Government, in appointing the Protectors, ever intended to require this of them. I am quite sure that, before twelve months were expired, the most disinterested persons would, after a trial, resign an office to which such burthens were attached. I question the possibility of any one continuing such a life for any length of time, and I cannot discover the necessity or utility of it.

4. The name, "Protector of Aborigines," seems to point out the duties of these officers, which, as I understand them, are to receive complaints which any of the aborigines may have to prefer against the colonists for ill usage, and, where investigation may be practicable, against each other; to act as mediators between contending parties, or in really serious cases to use every legal means to procure redress for grievances; to keep a constant and watchful look-out, to prevent, as far as possible, both the settlers and the aborigines from committing those acts which may lead to quarrels and collisions, and probably to bloodshed; in connexion with these endeavours, to instruct the aborigines in the conduct which the laws and usages of the white people require from them, with a view both to their own benefit and to the peace and quiet of the colonists; and finally to take all

WESTERN  
AUSTRALIA.

necessary steps to bring them within the pale of civilization. The Protectors fully comprehend that, when one of the aborigines is put upon his trial, it is their duty to see that full justice is done him.

5. In order to exercise any beneficial authority, whether as mediators or redressers of injuries, it appears evident that the Protectors cannot separate themselves from the neighbourhood of the colonists; but if they reside with the natives in the woods, this would be almost unavoidable. They could not, indeed, say themselves, from day to day, or in cases of emergency, where they should be found. They would be necessitated to be constantly on the move, for the birds and the wild animals are not more restless in their habits, and are more regular in returning to their haunts and their resting places, than these people.

6. For these reasons, I have considered that I should best fulfil the desires and intentions of Her Majesty's Government by not detaching the Protectors from the locations, and settled portions of the colony; I have, on the contrary, stationed them in the midst of the white population, pointing out Perth and York as their several head-quarters, or the centre to which communications generally might be addressed to them.

7. Regarding, however, this question in its broadest light, and looking upon the Protectors not simply as overseers and magistrates, but as tutors and guardians of the aborigines, I am strongly inclined to believe, from some experience and much thought and consultation, as to the best mode to set about the progress of civilization, that the experiment (for, after all, it is nothing more) which is now making to that end in this colony, is one which, if persevered in, promises to lead to success.

8. It would be of little avail, as a means of usefulness, for any one to pursue these people into their native wilds, to accompany them in their wanderings, to live as they live, and to become one of them. His purpose would rather be to reduce them to a settled community; to persuade them, by a prospect of the benefit likely to arise from their labours, to clear and cultivate the wilderness, to live as he lived, and to become like him. But here arises a chief and serious difficulty, which has marred many of the attempts that have been made to civilize the natives of Australia. They cannot be persuaded to give up their roaming propensities, and to associate together in a self-supporting community; they dislike regular habits, and, above all, they are averse to continued toil and industry; and the question of civilization or non-civilization can only be satisfactorily replied to by discovering some method of overcoming this repugnance to regular work.

9. I have persevered for this purpose in trying every way, both publicly and privately, which has suggested itself to me, and though I do not despair, I must acknowledge that hitherto these efforts have been attended, in solitary and individual instances only, with partial success. If such has been the case with all the means of Government at command, what could a solitary individual hope to accomplish, trusting to his own sole exertions and persuasions, against prejudice, ignorance and the inveteracy of custom in their very birth-place, the bush?

11. My earnest endeavours have been directed to dislodging the aborigines from the woods, and encouraging them to frequent our town sites and farming locations, because I believe that verbal arguments and wise counsels will never bring a savage to adopt industrious habits; he cannot be taught civilization, though by constant contact he may become infected with it. The temptation which is held out to him to cultivate our intercourse and friendship, is food. The engrossing pursuit of life with a people in the state of the Australian natives is, where and how they can most readily obtain the largest supply of daily sustenance. They soon discover that the bread and meat which we have to offer, are far superior to any other which they are in the habit of procuring, and they gradually yield to the demand which is made, that they must earn by their own exertions what they so much desire; thus the first lesson, which is a prelude to further advances in industry and improvement, is taken from the hope of a reward, which they have discovered and set up for themselves.

12. Additional motives have also had their weight with me, in trying to induce the aborigines to come to us, in preference to our seeking for them. We offer the permanent nucleus of an organized society, to which they will be increasingly attracted, and round which in time they may form; whereas, being destitute of any, the

the feeblest semblance of government, having no rulers or priests, or chief personages of any kind, and no religion or generally recognized code of moral obligations, they do not possess even an embryo germ which can be taken advantage of to promote the development and growth of the social system among them as a separate community.

13. It is further extremely desirable, if these people are to survive our taking possession of their country, that there should be no material boundary-line of demarcation, dividing us and them, as to the actual ground we reside on, from each other. If the aborigines and the colonists are destined to occupy this land in common as British subjects, they ought to be encouraged to mingle together as one people. I cannot conceive, if proper care and precaution is observed on the part of the Protectors, that much is to be apprehended from the aborigines being brought into closer connexion and dependence upon us. In their natural state, they are guilty of every crime forbidden by the Decalogue. They are not likely, therefore, to be further contaminated, save by the vice of drunkenness, whilst they will be gainers by the greatly augmented means which we shall have of serving them.

14. One other remark will terminate this portion of the subject. Barbarism and civilization are treated by the aborigines as antagonist principles. The older natives of both sexes are opposed to innovations, and set themselves in decided hostility against the youths, or any others amongst them, who indicate any inclination for civilized habits. Of the few who are in the service of the settlers, some have been threatened, and the lives of one or two have been attempted, as a punishment for having forsaken the ways of their country people. In the towns we can ensure the necessary protection; in the bush, a large and expensive armed force would not suffice for this purpose.

15. With regard to what has been done or is doing by the Protectors, I leave your Lordship to judge whether Mr. Symmons has been very idle at his post, from the two annual statements which he has made to me, and copies of which have been forwarded with my last and present year's report.

16. I might allow Mr. Bland, who has only been acting as Protector since October of last year, in the same manner to speak for himself; but I am compelled, in justice to that gentleman, to observe, that a more active public servant does not exist; that he is thoroughly conversant with his district, few weeks intervening that he does not visit some part of it, from the southern station beyond the Dale, to Toodyay, and that he is well acquainted with the natives and their proceedings.

17. Albany, on the shores of Princess Royal Harbour, King George's Sound, is placed under Mr. Bland's superintendence. A tract of wild country, 182 miles in length, extends between it and the Hotham River. In the 5th paragraph of my despatch, No. 7, of 11th February 1840, I noticed that this station was beyond the immediate reach of the Protector, and that I had depended upon the exertions of Captain Grey, then resident magistrate there, to supply that officer's place. Instructions to the same effect have been given to his successor, Mr. Phillips. The Protector is directed to visit Albany at different periods in the course of the year, and to proceed thither without delay whenever the peace of the district may be disturbed by any unfortunate misunderstanding between the aborigines and the settlers. Page 371.

18. Mr. Clark is correct in his account of the application he made to me for the appointment of Protector of Aborigines in the King George's Sound District of the colony, and of my replies to him. What I informed Mr. Clark was perfectly true, that I had neither authority to create, nor funds to provide for such a situation; but I did not, from feelings of delicacy, think myself called upon to represent to him what his present letter compels me to bring to the notice of your Lordship, that I consider him to be totally disqualified, for the office.

I have, &c,  
(signed) John Hunt.

WESTERN  
AUSTRALIA:  
Encl. in No. 21.

Enclosure in No. 20.

My Lord,

Perth, Western Australia, 7 March 1842.

I do myself the honour of announcing to your Lordship, officially, that I have applied to his Excellency Governor Hutt, for the appointment of Protector of Aborigines in the King George's Sound District of South Western Australia. His Excellency has met my proposals, in the first place by a letter of 10th January last, in which it is stated, through the medium of the Colonial Secretary, that "he has no funds at his disposal, from which funds could be provided to carry out your views respecting the natives;" and another letter, of date the 17th of February last, is couched in the following words:—

"I am directed by the Governor to inform you, in reply to your letter of the 10th of January, that he has no funds at his disposal, nor at present any prospect of having any, which would authorize his offering you terms to proceed into the bush on the philanthropic mission of civilizing the native tribes, and he has no instructions in regard to the appointment of an Assistant Protector and standing counsel for the natives."

Since the date of the above letter, I have seen the Governor twice on the subject, and it may not be out of place to add, that I walked from King George's Sound to Perth (a distance of 320 miles), purposely to have a personal interview with his Excellency regarding the natives, but not with much effect, as the Governor of this colony seems to have no discretionary power beyond the tenor of his instructions, or if he has such powers, is afraid or unwilling to use them.

From the tenor of these remarks, your Lordship will at once perceive that I am at variance with the local Government regarding the natives. My views may be briefly explained. Two Protectors of Aborigines, whose salaries are paid out of the Parliamentary Grant, are appointed for this colony; one lives in Perth, and occasionally takes a trip to the Island of Rottnest, established as a native prison; the other lives in the town of York, and pursues avocations much more profitable than 250 *l.* per annum, drawn from the British Treasury as Protector of Aborigines; so that, in fact, both situations are at present mere sinecures, as the Protectors do not go into the bush and endeavour to civilize the natives. Here a remark will probably be made by the Governor, contradictory of this statement, or explaining it away. My Lord, I adhere to my assertion, and have farther to remark, that not much good can be effected by those who live in the towns of the colony, enjoying many of the luxuries of civilized life; but chiefly by others who despise them, and will be contented to endure every privation, and wander with the native tribes amidst the wilds of Australia. Here the Governor and I differ in opinion. He thinks that civilization may be best accomplished by enticing the natives to frequent the towns, and accustoming them to European manners and customs. In opposition to this idea I have only to state, that in the history of the world the habitual intercourse of whites and blacks has only produced misery, and in the end, destruction to the latter; and that in the towns of this colony, where the natives are encouraged to congregate, the females are prostitutes to the whites, and the native husbands actually receive the wages of their iniquity. I offer to substantiate by undoubted evidence the allegations now put forth, if your Lordship calls for it, but I do not think Mr. Hutt will dispute the fact.

When the natives are on trial for any offences against British laws, they have no counsel paid for by the Government on their side, although the Advocate-general, with all his array of legal knowledge, conducts the Crown prosecution against these poor creatures. There is an interpreter of the native language on the part of the Crown, but none on the part of the prisoner, as a check on the other, as in all cases according to British law is invariably allowed.

I have offered to Government my services to go into the bush, and endeavour to civilize the natives by making them acquainted with our laws and religion; to be their counsel on all occasions when on trial for offences; and to be a protector for them in that large district of country, from King George's Sound to Point D'Entrecasteaux, where there is at present no Protector under the designation contemplated by the British legislature. These offers have been politely declined by his Excellency, for reasons which he will state to your Lordship, but which I am debarred the privilege of seeing, thus leaving me at a disadvantage.

I have been in this colony for some little time more than 11 years; I know the native language in the southern districts. I have discovered much good land in the territory westward of King George's Sound, which will be of some benefit to the British Government, and I have been refused any recompense, probably, because the Governor has no power, contrary to the acts of his predecessor.

The natives, generally to the southward wish me to be their "kobony" (*Anglice* "friend"), and with this ground of recommendation from the parties interested in my favour, which neither the Governor nor the Protectors of Natives can possibly know, I trust that your Lordship will appreciate my views, and appoint me to some office connected with the natives, whose interests I have invariably advocated since my arrival in this colony, much to my own private injury.

I have done myself the honour of addressing a private letter to your Lordship on this subject, as if I do not see the private remarks of the local Government, it is no reason why they should see mine.

I have, &c.

(signed) *Wm. Nairn Clark.*

The Right hon. the Secretary of State for the Colonies,  
&c. &c. &c.

I subjoin



ABORIGINES; AUSTRALIAN COLONIES.

415

I subjoin the copy of a letter which I wrote to his Excellency with reference to this matter:—

WESTERN-AUSTRALIA.

Encl. in No. 21.

Sir,  
 In consequence of the conversation I had the honour of having with your Excellency yesterday, I distinctly understand that I send to the Secretary of State for the Colonies (whoever he is) my statement regarding the natives, through your Excellency, as the chief authority in this part of the world, and subject to remarks which I can have no opportunity of seeing.

Perth, 25 February 1842.

I am perfectly aware that they will be unfavourable to me, through our difference of opinion regarding every topic on this subject. If any statement of mine, published openly after the test of years of experience, are said to be erroneous, there is a way of contradicting them by means of legitimate arguments before the public, and I shall be happy to meet any opponent in that arena.

I will do myself the honour of transmitting you the letter, or memorial, to the Queen's Minister of State for the Colonies, and hope, that so far as opposition goes, I will be met merely by fair argument.

I have, &c.  
 (signed) William N. Clark.

To His Excellency Governor Hutt,  
 &c. &c. &c.

— No. 22. —

(No. 69.)

COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,  
 I HAVE to acknowledge the receipt of your despatch of the 8th of April last, No. 18, forwarding a letter addressed to my predecessor by Mr. William Nairne Clark, in which he solicits the appointment of Protector of Aborigines in the King George's Sound District of Western Australia.

Downing-street, 11 October 1842.

No. 22.  
 Lord Stanley to  
 Governor Hutt,  
 11 Oct. 1842.

I assent to the general views which you take, in opposition to those of Mr. Clark, in regard to the duties to be required from the Protectors of Aborigines.

There are two assertions in Mr. Clark's statement to which no allusion is made in your despatch, namely, that the Protector residing at York carries on some profitable business, which diverts his attention from his duties, and that when the natives are tried, interpreters and counsel are employed against but not for them. I shall be glad to receive an explanation from you on those points.

You will acquaint Mr. Clark that I can hold out to him no expectation of having created for him the office for which he has applied.

I am, &c.  
 (signed) Stanley.

— No. 23. —

(No. 15.)

COPY of a DESPATCH from Governor Hutt to Lord Stanley.

My Lord,  
 Perth, Western Australia, 21 January 1843.  
 THE Reports received from the Protectors of Natives in this colony, for the past year, copies of which I have now the honour to lay before your Lordship, are so full and explicit, as to leave me scarcely any thing further to do than to add my testimony to the accuracy of their statement respecting the good conduct of the aborigines, and the general harmony existing between them and the settlers, which, during the whole period referred to, has remained, with one exception only, uninterrupted by any of those serious disturbances and personal acts of violence which formerly were by no means unfrequent.

No. 23.  
 Governor Hutt to  
 Lord Stanley,  
 21 January 1843.

2. I am extremely desirous of avoiding any representations with regard to the treatment of the aborigines, whereby hopes may be raised which may not after all be realized. I am aware of the danger of giving undue weight to mere outward appearances in the demeanour of a people like the wild races of this country, who have been made to feel their weakness, whenever brought into actual conflict with us; whose want of union among themselves must impress them with a consciousness of the impossibility of their making any permanent stand against us; and who are kept in awe, and controlled into obedience, by the knowledge of the almost certain punishment which awaits offences. But still it seems to me, that every succeeding year gives fresh assurances of the benefits which have

627.

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resulted,

WESTERN  
AUSTRALIA.

resulted, both to the aborigines and the colonists, from the appointment of the Protectors, and of the excellent working of the system of management adopted by them, whereby temporary amelioration and improvement have certainly been brought about in the habits and conduct of those under their charge.

3. It is to the schools, of course, that we must look for any lasting benefit to be wrought amongst the natives, and I regret most deeply the total failure of the school instituted at York, and the partial failure of that at Guildford, both of which at first promised so well. The fickle disposition of these people, in youth as in older years, incapacitate them from any long continued exertions, whether of learning or labour, whilst from the roving lives of the parents in search of food, the children, if received into the schools, must be entirely supported at the public expense. This limits the sphere of our operations, by restricting the number of the scholars who can be thus taken charge of. Through the kindly co-operation of the Wesleyan Society at Perth, and the zealous pastoral exertions of the Rev. Mr. King at Fremantle, the schools at both those places have been efficiently maintained; but in the country, and apart from the large towns, to which the aborigines have an interest in resorting in large numbers for food and money, the formation of schools of a lasting character will be for some time a work of doubt and of difficulty.

4. The measure which I have determined upon, and which I hope will meet with your Lordship's approbation, of appointing a person in the character of police constable, for the natives only in the southern district along the sea coast, will, I confidently expect, put an effectual stop to the recurrence of such unfortunate events as those mentioned by Mr. Symmons as having occurred at the Vasse. There will now be no excuse for those who may have suffered, and are still smarting from the depredations of the natives, going out in pursuit of them; and at the same time the appearance of Mr. Bussel at the bar of the criminal court to take his trial for the shooting of the native female, will doubtless prove a salutary warning to himself and others for the future.

5. Mr. Edward Hester, whom I have nominated to the situation of police constable, is a young man, the son of one of the oldest settlers in the colony. He has always interested himself regarding the aborigines, among whom he may almost be said to have grown up, and he speaks their language fluently. The arrangement which I have made with him is, that he is to hold himself subordinate to the Protector, Mr. Symmons, and always to be in readiness when called upon to execute any warrant issued by the resident magistrates at Bunbury and the Vasse, against the natives, to whom also he is to make known the rules and orders laid down for their guidance by the Government and its officers. Mr. Hester receives for his services a daily ration of flour and meat, and 3s. 3d. per diem for the keep of a horse, with which he is bound to provide himself. I enclose the letter and instructions addressed to Mr. Hester on his appointment.

I have, &c.  
(signed) *John Hutt.*

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Enclosure 1, in No. 23.

Colonial Secretary's Office, Perth,  
11 January 1843.

Encl. 1, in No. 23. His Excellency the Governor has been pleased to direct the following reports, received from the Protectors of Natives, to be published for general information.

By His Excellency's command,  
(signed) *Peter Brown.*

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Sir,  
I HAVE the honour to submit to you my report of proceedings connected with the natives during the past year.

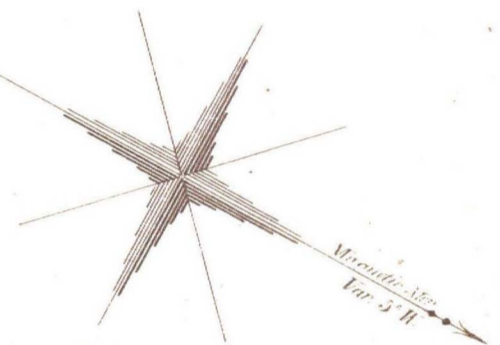
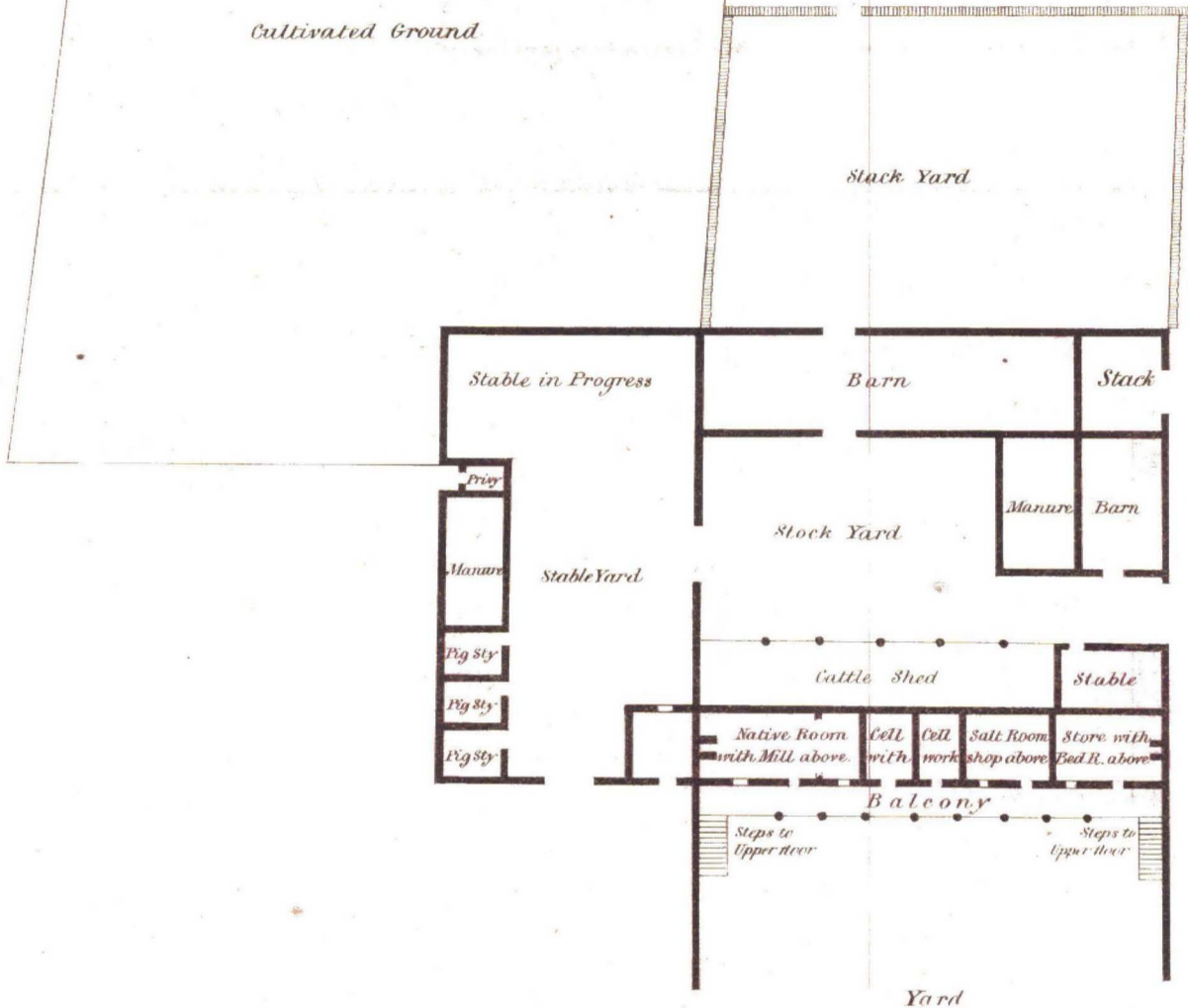
I am happy in having the satisfaction of informing his Excellency, on a retrospect of the occurrences of the past year, that during that period no outrage has been attempted upon the person of any settler throughout my district, which extends from the settlements to the north of the Toodyay to Cape Riche on the south coast, a distance of 350 miles. Along the greater part of this extensive line, there is frequent communication, and I have not heard of any but the most friendly intercourse having existed between travellers and the natives inhabiting

4 January 1843.

Enclosed Field

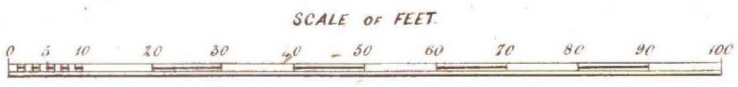
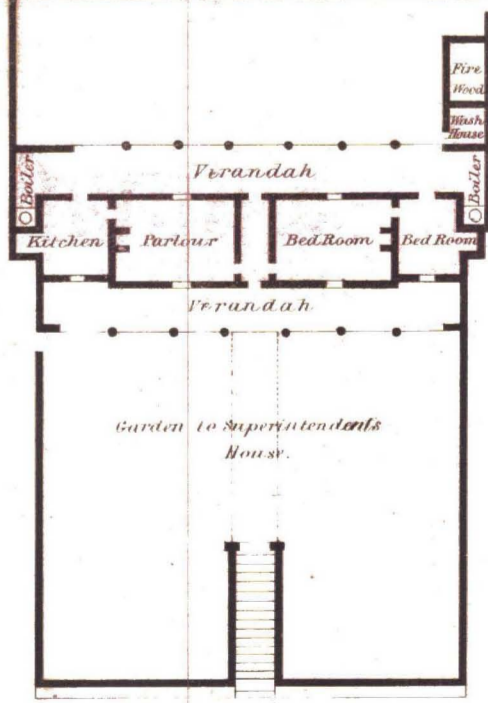
Land under cultivation, including gardens,  
about 100 acres.  
The buildings, including yards, extend over  
24,460 superficial feet or 0.5531.

Cultivated Ground



PLAN  
of the  
**NATIVE ESTABLISHMENT,  
ROTTNEST ISLAND.**

By A. C. Gregory, Ass<sup>t</sup> Surv<sup>r</sup>.  
Feb<sup>y</sup> 1842.



Salt Store

PART OF THOMSONS BAY.

627.—  
Ordered by the House of Commons to be Printed, 9th August 1844.  
James & John I. H. and Partners  
Printers, Strand, London.

PAPERS RELATIVE TO THE ABORIGINES; AUSTRALIAN COLONIES. 5.

inhabiting or frequenting the neighbourhood of the road. The best proof of this is the fact of the postman, who has travelled the whole of the line from York to Albany monthly, and generally alone, never having been molested.

Though this period has been unmarked by any act of aggression upon the persons of the settlers, I regret that their property has not in like manner been respected, though, except in one instance, that has not materially suffered.

In the York and Toodyay Districts, a few cases of petty theft and sheep-stealing have occurred; of the latter, only four were proved to have been stolen. In almost every case the offenders have been apprehended, and sentenced by the court of quarter sessions to various terms of imprisonment at Rottnest Island.

The extensive robbery I alluded to was committed at a farm some distance from King George's Sound, where some natives (who had been banished from Albany for the murder of a native boy) had collected; and, from their intimate knowledge of the habits of the settlers, they concocted a scheme, and persuading the other natives to assist, they robbed the fold every night of one or two sheep. This went on for some months, and upwards of a hundred were taken before any were missed; and though the carelessness of the man in charge of these sheep, not earlier ascertaining his loss, does not exonerate the natives, or lessen the crime of theft, yet it shows that, with proper precautions, in this, as many similar instances, the robbery might have been checked before it had arrived at so serious an extent. It is better to prevent crime than punish it; and in dealing with savages care should be taken to put as little temptation as possible in their way. I should here observe that "Lindol," the principal native concerned in this robbery, had visited the neighbouring colony of South Australia, where he was for some time in the police; on his return, however, his relatives made him cast off the white man's dress, and adopt the habits of the savage. In this state they require well looking after, their knowledge of our habits, added to the cunning of the savage, enables them to carry on schemes which it is difficult to prevent.

Much of this absence of crime in the Avon District, may be attributed to the fear of detection, and the certainty of punishment. Through motives of jealousy the natives are sure to inform of each other when any crimes are committed; and the able services of Mr. John Drummond, superintendent of police, renders it a matter of extreme chance their escaping apprehension.

Their private quarrels are of less frequent occurrence than formerly, as I now take notice of all cases of spearing where the injured is in the employ and under the protection of a settler. If the case is serious, the offender takes his trial at the quarter sessions; but, in general, I find that a short term of imprisonment, on summary conviction for the offence, has a very salutary effect.

Early in the year I attempted the establishment of a school in York, and collected a number of native children together, who appeared anxious to commence. They attended it for about two months, when, the novelty having worn off, they all left, and I have not since been able to re-establish it upon any system that is likely permanently to answer. The school was deserted through no fault of the person in charge, neither through want, as all the children that attended were both fed and clothed. At the time of establishing the school, I had great doubts about its success; the centre of a populous neighbourhood is the only situation that a native school can be properly established. The school duties occupy so small a portion of the day, that it is necessary to find situations for the children where they can be usefully employed, and at the same time kept under the discipline of the school-master. The education should be directed towards teaching them the means of supporting themselves in after life. This district, being so thinly peopled, offers at present none of these facilities.

A considerable number of natives are in the service of the settlers upon the different farms. They are principally employed in herding stock, for which their services are in great request. The average number employed in the Avon District is from 80 to 100; but considerably more than these would find employment were they at all willing to work, but naturally indolent, and disliking the restraints of civilized life, the bush has so many attractions, that they prefer the precarious subsistence it affords to the food of the white man, which must be earned by labour, however slight. There are some, however, of more settled habits and active dispositions, who have remained in the employ of settlers for some years, and have been usefully employed in getting in the last harvest. It must be a work of considerable time to alter their habits sufficiently to induce them to live entirely amongst us.

I have just returned from a visit to the prison establishment at Rottnest Island, and as far as I can judge from observation made during the few hours I remained there, I should say that the system pursued by the Superintendent was well calculated to carry out the views of the local Government in forming that establishment. The native prisoners are made to work just sufficiently to be considered a punishment, at the same time they are kindly treated; and that every care and attention is paid to their comfort, their appearance fully indicates.

As I am about to visit the district of King George's Sound, I shall be able to report more particularly about the natives in that neighbourhood on my return.

I have, &c.

(signed) R. H. Bland,

The Honourable the Colonial Secretary.

Protector of Natives.

WESTERN  
AUSTRALIA.

Sir,

Perth, 31 December 1842.

I HAVE the honour to submit to his Excellency the Governor my annual report for the year 1842, embracing a brief summary of the leading events during that period.

I have great pleasure in stating, that the friendly relations which have so long subsisted between the settlers and the aborigines, have remained during that interval with scarcely a solitary exception, uninterrupted; nor is there reason to doubt their duration so long as our salutary police regulations continue to be so efficiently enforced, our good faith in all mutual transactions so rigidly observed, and our physical and mental superiority so universally acknowledged.

The system of native management, which from my first appointment to office has been adopted and steadily enforced, continues to produce results equally satisfactory and encouraging. Two of its main features, the inevitability of punishment however long deferred, and our determination to protect from the aggressions of their brethren of the bush all natives in the casual or regular employ of the settlers, have in several instances during the past year been practically enforced. Of this the following facts will be sufficiently illustrative. In the month of March last, an assault with intent to kill was committed by three natives on a lad in the service of an inhabitant of Fremantle. On the 22d of the same month, one of the accused was captured by Mr. F. F. Armstrong after a desperate resistance, convicted of the offence, and sentenced to two years confinement at Rottnest. On the 11th of June his two accomplices, who had absconded to the bush, were also apprehended by the same party, and similarly convicted.

In the month of January, a murder was committed by a Murray native on another of the same tribe, who was in the employ of a settler in that district. The offender was captured some months subsequently, convicted of manslaughter at the April sessions, and sentenced to seven years hard labour at Rottnest.

Numerous as have been the arrests of natives since my appointment (a period of three years), it is to me matter of congratulation that in no one instance have they been effected with bloodshed; while the decrease of crime cannot be better evidenced than by the gratifying statement I am enabled to make to his Excellency, that at this moment not a warrant remains unserved, nor a culprit unapprehended within my widely extended district.

In February last the tranquillity of the Vasse District was partially disturbed by a robbery at the flour-mill of the Messrs. Bussel, and the shooting, ostensibly in self-defence, of one of the ringleaders by a party in pursuit. A magisterial inquiry was immediately instituted, and the act pronounced "justifiable homicide." On the 11th of March ensuing, a deeply to be deplored catastrophe occurred in the same district. A native girl, implicated in the above robbery, having been apprehended, Mr. Charles Bussel, finding all attempts to extort from her a confession of her accomplices ineffectual, took from the gun-rack his fowling-piece, which he had that morning unloaded. One of his brothers had, however, in the interim, substituted a loaded weapon, and the trigger being pulled with the intention of intimidating by the click of the lock, the ball passed through the unfortunate girl's body, who expired shortly after. For this offence Mr. Bussel pleaded guilty of manslaughter at the July sessions, but the act, however illegal, being on the clearest evidence proved to have been unintentional, that gentleman was discharged with a fine and a severe caution from the Bench.

In watching the working of our various attempts at native civilization, I had observed with regret that such attempts were often checked or altogether thwarted by an influence which, though felt to exist, was difficult to grapple with. I allude to the threats and other covert, but equally effectual modes of intimidation resorted to by a few of the more daring spirits, in order to deter the better-disposed from profiting by our earnest wish to ameliorate their condition by a domiciliation under our roofs, and instruction in the groundwork of civilization. Aware as I was of the existence of an influence which paralyzed and menaced eventually to destroy the little good we were attempting, still, in almost every case, the threats were so vague, the influence so carefully concealed, that severely felt as were the effects, no legal and therefore tangible grounds were afforded me of striking at the root of the evil. An opportunity at length occurred in an information laid before me by a native lad, long in the service of Mr. F. F. Armstrong, the interpreter, of a design to waylay and murder him by two natives, solely for having assisted his employer in his attempts to capture themselves and other offending parties. These men (Eanna and Bokoberry) were the ringleaders of that opposition of which I have been complaining. Both in the prime of manhood, they were fine specimens of the daring, untamed, and, I believe, untameable savage; laughing to scorn the white man's efforts at civilization; the terror of their own and the surrounding tribes for deeds of blood and violence; and exercising in consequence much influence over their countrymen; an influence unhappily never exerted but in urging them to acts of aggression amongst themselves, or on the property of the settler. For nearly three months did both the offenders openly set at defiance the whole body of natives, and ever on the alert, rarely sleeping two consecutive nights in the same place, baffled every attempt at their apprehension. At length, by the spirited exertions of Mr. F. F. Armstrong, both Eanna and Bokoberry were separately apprehended, the charge fully proved, and in default of sureties to keep the peace towards the complainant, committed to the prison at Rottnest, which will, it is hoped, teach them outwardly at least, to conform to our social regulations. I believe that their removal from their comrades has had a salutary effect.

The native constables generally give satisfaction, and frequently exert themselves efficiently in the suppression of broils amongst their own countrymen. The activity of those in  
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the Murray District, as exemplified of late in the execution of several magistrate's warrants, is worthy of especial notice and commendation.

The natives in the more immediate vicinity of Perth, appear to be gradually acquiring ideas of the value of property, and a consequent desire for its possession. Several have saved up their daily earnings, until a sufficient sum has been accumulated for the purchase of a woollen shirt; and I certainly attach some importance, however slight, to the fact of a savage having the forbearance to hoard up his scanty earnings for a specific purpose, more particularly when that purpose is not one of mere sensual gratification.

I have made several attempts during the past year to induce the adult natives, whose term of imprisonment at Rottneest had expired, to abandon their savage life, and have offered them light employment, and the comforts of ample food and raiment. Every inducement has, however, failed to eradicate their innate love of wild and unrestricted freedom. The effect, however, of their prison discipline has been decidedly beneficial; and although in every instance their bush habits have been partially resumed, they have invariably abstained from a renewal of those acts of aggression which originally provoked the penalty of the law.

Of the progressive improvement of the juvenile natives of the Perth school, I am enabled to make most creditable mention. Many of the pupils evince great aptitude for learning, and avail themselves of every leisure moment to improve in reading and writing, while their general conduct affords satisfaction to their employers. It must not, however, be imagined, that our success in the experiment of civilizing the youthful aborigines is uninterrupted, nor that we have not occasionally perplexing difficulties to contend with. The zealous energy of the committee of management, who spare neither time, labour nor expense in the cause of native civilization, has hitherto successfully combated all such obstacles, and to these gentlemen I beg to offer my best thanks for their active co-operation with the views of the local Government.\*

To Mr. and Mrs. Armstrong, the teachers, my warmest acknowledgments are also due, for their cheerful performance of the many irksome duties necessarily connected with their important charge. Mr. Armstrong especially, whose activity, unvarying good temper, intelligence and intimate acquaintance with the customs of the natives, so peculiarly fit him for the office of constable and interpreter, and who has repeatedly distinguished himself by the capture of several daring individuals, I beg leave to recommend to the favourable notice of his Excellency. I have also reason to be perfectly satisfied with the general discharge of his duties by police constable Williams.

Of the progress of the native school at Guildford during the past year, I cannot make such favourable mention; this, however, I have no reason to attribute to any want of zeal in the teacher, Mr. A. Jones, but mainly to the scattered position of the neighbourhood, the consequent difficulty of ensuring regular attendance, and more especially to the fact of the hours of tuition being in the evening, when the children, fatigued with the labours of the day, are disinclined to study. I see but little possibility of any change being effected in this arrangement, especially as regards the boys, who are all employed in herding stock, or other out-door occupations.

At the commencement of the present year, a native school was established at Fremantle, the success of which is wholly attributable to the zealous exertions of the minister, the Rev. G. King, and the Government Resident Mr. R. M'B. Brown. It has struggled successfully through the difficulties naturally incidental to the formation of such establishments, and the progress of the children, all of whom are of very tender age, reflects credit on themselves, and on Mrs. Robinson their teacher. That he might be better able to carry out his ulterior views for their civilization, Mr. King has recently administered to ten of the pupils the rite of baptism.

In my periodical visits to the Canning, Murray, Leschenault and Vasse Districts, I have great pleasure in testifying to the reciprocal good feeling which everywhere exists between the settlers and the aborigines; a feeling engendered, and likely to be rendered permanent not merely by a mutual sentiment of self-interest, but by the mild and conciliatory conduct of the whole body of colonists. On many farms, the services of the natives as herdsmen are invaluable, and rare are the instances in which the confidence of their employers has been betrayed.

At

\* The pupils are 28 in number; 14 boys and 14 girls: most of whom, as house servants, are in the daily employ of the inhabitants of Perth. The girls are divided into two classes, as are also the boys, according to their respective ages, which vary from 5 to 16.

At the late annual examination, in the presence of the Governor and numerous visitors, the pupils exhibited most gratifying proofs of their progress in the rudiments of education. The elder boys and girls read alternately verses from the New Testament with much fluency, and gave very intelligent answers to questions catechetically put relative to the subject they had been reading. They spelt with general correctness words of two, three and even four syllables, and enumerated with rapidity from one to one hundred. Very creditable specimens of the boys' writing on slates were then exhibited, as also of the needlework of the girls, by whom not only their own frocks, but the tunics of the boys had been made. They evinced equal proficiency in their answers to queries from Watt's Catechism, and in repeating the Lord's Prayer, Creed and Decalogue.

The examination commenced and concluded with hymns sung by the pupils in a very pleasing style, and but one feeling of satisfaction was expressed at this truly gratifying exhibition of the capabilities, when duly cultivated, of the youthful aboriginal population.

WESTERN  
AUSTRALIA.

Encl. 1, in No. 23.

At the new settlement at Australind, it is gratifying to observe that the Chief Commissioner and the emigrants appear desirous of emulating their older brother colonists in the protection and kind treatment afforded to the aborigines.

As Protector, I beg leave to thank his Excellency for the recent appointment of Mr. Edward Hester to the office of chief police constable for the southern districts. The interest which that gentleman has always shown in all matters connected with the aborigines, his facility in acquiring their language, and the influence he has obtained and so beneficially exerted in his own (the Canning) district over the mountain tribes, all induce me to hail his appointment with hope and satisfaction.

During the past year I have repeatedly visited the establishment of Rottneet, and my reports on such occasions have been deservedly laudatory, both as regards the good conduct of the prisoners and the energetic exertions of Mr. Vincent, the Superintendent. The house and homestead, to which I alluded in a former report as forming one of the most complete establishments of the kind in the colony, and all erected by the natives and the Superintendent, being now completed, the prisoners in the intervals of their gardening and agricultural occupations are employed in assisting in the erection of the lighthouse, of which I have made previous mention. A severe cutaneous eruption had, in the month of September, attacked several of the prisoners, but by judicious medical treatment was shortly removed. One man had a few weeks previously died of pleuritis, a fact ascertained by a post mortem examination. With the concurrence of his Excellency, I have made some alterations which I considered necessary in the domestic arrangements of the establishment. In lieu of one, I have substituted two sleeping apartments; the hours of labour have been somewhat curtailed, and a ration of pork distributed on every alternate day. A charge of undue severity on the part of the Superintendent towards the prisoners, has been promptly and thoroughly investigated by the chairman of the quarter sessions and a bench of magistrates, and I have great pleasure in stating, that his full and honourable acquittal, even on the testimony of some of the former prisoners, was the result. In fact, with one exception, no recourse to corporal punishment has been rendered necessary for a period of more than two years; a circumstance equally creditable to the prisoners and to the system adopted by the Superintendent.

Previous to closing this report, and a period of three years having now elapsed since the appointment of Protector or Superintendent of Natives in this colony, it may not be irrelevant to take a slight retrospective glance at the gradual improvement in the habits and civilization of the aborigines generally, but particularly of such as reside in the more immediate vicinity of the settled districts.

Previous to the period above alluded to, outrages on the property, and occasionally on the persons of the remote settlers, were not unfrequent; native fights were constantly occurring; our town sites, nay Perth itself, were the theatres of their strife; armed savages, often in a state of disgusting nudity, wandered through our streets, and more than once have murdered their victim at noonday on the very threshold of our doors; if money or food were withheld, our females were insulted, and our very constables menaced with threats of future vengeance. So changed is the actual state of things, so perfect, but yet so gradual has been the revolution effected, at least in the outward demeanour of the native population, that I fear the above statement of by-gone days may by some be deemed apocryphal, or at least too highly coloured. The facts are, however, indisputable, and equally indisputable is it, that a halo of protection now encircles the life of the white man; that property is, with rare exceptions, safe from aggression; that an armed or naked savage is never seen, save in the solitude of the bush or in the thinly located districts; that quarrels and fights are of daily rarer occurrence; that our native schools are gradually weaning the juvenile aborigines from the barbarism of their fathers; in a word, that the habits of the natives, as connected with the white population, have undergone an outward and very material amelioration.

With this cheering retrospect, and the probability of still greater improvement in perspective, let it not be said that the time and money either of the Government, or of its active coadjutor the Wesleyan Committee, have been thrown away. I am no visionary, no dreamer of native perfectibility, and fully conceding the many difficulties, the discouraging rebuffs we have hitherto, and still will have to encounter, I yet maintain that much real good may be effected by a continuance of the same systematic discipline, the same unvarying good faith, justice and humanity, and by applying, as opportunity may permit, other and more efficient means in furtherance of the one great principle of native civilization.

I have, &c.  
(signed) Chas. Symmons,  
Protector of Natives.

The Honourable the Colonial Secretary,  
&c. &c. &c.

## Enclosure 2, in No. 23.

(No. 1198.)

Sir,  
Encl. 2, in No. 23. I AM directed by the Governor, with reference to your letter of the 17th instant, to inform you of your appointment to the situation of Superintendent or Chief Constable of Police. Your duties will require you to reside in the southern districts on the sea-coasts, making Bunbury your head-quarters, whither you will proceed without loss of time, and report to the Government your arrival there.

You

You have been selected for this situation on account of your acquaintance with the language and customs of the natives, and the general interest you are known to take in their welfare, and the Governor feels assured you will, by your activity and good conduct, prove yourself worthy of the trust thus reposed in you.

WESTERN AUSTRALIA.

Encl. 2, in No. 23.

You will not receive any salary, but are permitted to draw, from this date, a daily ration, consisting of one pound of flour and one pound of meat, and 3 s. 3 d. per diem as forage allowance for the keep of a horse, with which you are expected to furnish yourself. All hopes of any further remuneration at a future period must depend upon your own zeal and diligence, and the utility of your services to the public.

A copy of the instructions drawn up for your guidance is enclosed.

I am, &c.  
(signed) *Peter Brown*,  
Colonial Secretary.

Mr. Edward Hester.

INSTRUCTIONS for Mr. *Edward Hester*.

THE gradual increase of the population in the southern districts, particularly around Bunbury and in the neighbourhood of the Vasse, bringing the colonists and the natives daily into [more frequent intercourse with each other, it is to be feared that this close contact may lead at times to misunderstandings between the two parties, particularly as the stores of flour and other provisions in the possession of, though not always very securely guarded by, the settlers, tempt to pilfering and robbing on the part of the natives; and in many instances the offenders have resisted when attempts have been made to capture them, and violence and bloodshed have been the result.

You are appointed peculiarly to keep peace and order among the natives, and to exercise some check over them, and, if possible, to prevent those depredations, and the ill consequences which flow from them.

For this purpose you will be expected to keep up a constant communication with the tribes in the several districts. You will explain to them that it is the wish of the white people to treat them kindly; that it is the determination of the Government to pass over no outrage committed against them; but that neither will they be permitted to injure the white people, and that if they do, though they may escape for a time, they will assuredly be seized and punished at last.

You will be under the necessity, doubtless, occasionally of apprehending offenders among the aborigines, and bringing them to justice; but your services will be most highly appreciated by the Government when you shall appear as the mediator and pacifier of grievances.

You will consider yourself as the assistant, and under the orders of Mr. Symmons, the Protector of Aborigines, through whom henceforth all communications will pass between the Government and yourself.

You will send in monthly, through Mr. Symmons, for transmission to the Government, a report of your proceedings, and of the state and condition of the natives, with any other remarks relative to the preservation of the peace of the country which you may think proper.

The resident magistrates at Bunbury and the Vasse have been instructed to call upon you to execute all warrants which they may issue against any of the aborigines, as well as to make known through you to these people any orders which they may find expedient to issue for the good order and safety of the persons and property of the settlers in their districts.

On extraordinary occasions you will be expected to co-operate with the resident magistrate at Penjarra, either to quell disturbances, or to seize any very daring and turbulent characters.

In the fulfilment of your duties you will be dependent upon whatever aid the authorities of the districts may be able to furnish. But your principal reliance must be upon the personal influence which you must endeavour to gain over the minds of the aborigines, and the use which you may be able to make as a police force of the native constables.

By his Excellency's command,  
(signed) *Peter Brown*,  
Colonial Secretary.

—No. 24.—

{No. 27.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hutt*.

Sir,

Downing-street, 10 July 1843.

I HAVE received your despatch, No. 15, of the 21st of January last, enclosing the Reports of the Protectors of Aborigines for the preceding year, and notifying the appointment of Mr. Edward Hester, in the character of Police Constable for the natives in the southern districts of Western Australia along the sea coast.

No. 24.  
Lord Stanley to  
Governor Hutt,  
10 July 1844.

I have read with much satisfaction the Protectors' Reports, as giving evidence of the success of the attempts made to protect and civilize the natives within the limits of your Government.

627.

3 F 4

I would



WESTERN  
AUSTRALIA.

I would suggest, that you should transmit to the Governors of New South Wales and South Australia, and to the Superintendent at Port Phillip, a memorandum, showing the measures which you have taken for that purpose, and the effects which those measures have produced. I shall intimate to those officers, that I have given you instructions so to do, admitting, however, at the same time, that the circumstances of the colonies are so various, and possibly the characters of the tribes so different, that it by no means necessarily follows that the same measures which have been successfully pursued within the colony of Western Australia, are applicable to all the cases which may present themselves elsewhere; or would produce the same results.

I have, &c.  
(signed) *Stanley.*

—No. 25.—

(No. 26.)

COPY of a DESPATCH from Governor *Hutt* to Lord *Stanley*.

No. 25.  
Governor *Hutt* to  
Lord *Stanley*,  
6 April 1843.

My Lord,

Perth, Western Australia, 6 April 1843.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 69, of the 11th October 1842, pointing out that, in forwarding, with my letter, No. 18, of the 8th April 1842, a statement from Mr. William Nairne Clark, on the subject of the aborigines, I have made no allusion to two portions of Mr. Clark's statement, and requiring an explanation respecting them.

2. These are, that the Protector residing at York carries on some profitable business, which diverts his attention from his duties, and that, when the natives are tried, interpreters and counsel are employed against, but not for them.

3. The Protector here referred to is Mr. Bland, who resides on his farm in the York District. The only profits he can enjoy are from his occupation as a landholder, and I should certainly consider that these are not very considerable. But the point principally to be considered is, whether the attention to his own private affairs is so engrossing as in any way to interfere with his duties as a servant of the Government. I conclude your Lordship would not object to an individual filling a public situation because he is the possessor of landed property. I have formerly stated, that I consider Mr. Bland one of the most active magistrates and country gentlemen in the colony; he is thoroughly well informed in all that regards his district, and the inhabitants in it, whether aborigines or white settlers. I have never either received or heard of any complaints against him, and I have always found him ready to perform whatever work devolved upon him, without further consideration than how that might be accomplished most promptly and effectively.

4. With respect to law proceedings, I have the pleasure to acquaint your Lordship, that so soon as the number of the gentlemen of the legal profession practising at Perth permitted me to apply to one of them, without having recourse to Mr. Clark, to act as counsel for aboriginal offenders, I did so. At the latter end of the year 1841, I spoke to Mr. Edward Laudor, a solicitor, on the subject, and he most readily and kindly undertook to appear for the natives whenever, as prisoners, they might require his assistance.

5. The Government interpreter is Mr. Armstrong, than whom there is no person who concerns himself more for the real benefit of the aborigines than he does. He would be the last man in the world who would press hardly upon them when in trouble, even if he dared to do it after the oath he has taken to interpret truly, and before the magistrates assembled in quarter sessions, among whom there are always the Protector and others, whose knowledge of the native language is sufficient to enable them to detect whether the questions, answers and remarks are correctly translated or not. I think I cannot better express to your Lordship the value of Mr. Armstrong as an interpreter for, rather than against, the natives, than by saying he can converse in their tongue almost as one of themselves; that he is in constant communication with them; that on all occasions, both in court and out of it, they look to him to tell their tale for them, and that after a long trial of him during some years, they place the utmost confidence in his faithful care of their interests.

I have, &c.  
(signed) *John Hutt.*

—No.

—No. 26.—

(No. 42.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hutt*.

Sir,  
I HAVE received your despatches of the numbers and dates specified in the margin, written with reference to certain communications addressed to me by Mr. W. N. Clark.

No. 20.—On that despatch I should wish Mr. Clark to be distinctly informed, that I can hold out to him no prospect of that employment which he is desirous of obtaining under this department.

No. 26.—The explanations which you have afforded, in answer to allegations made by Mr. Clark as to the treatment of the aborigines when put on their trial, and as to the performance of the duties of Protector of Aborigines by Mr. Bland, are complete and satisfactory, and serve entirely to exonerate your Government from the blame attempted to be cast upon it.

No. 32.—It is quite unnecessary to pursue further the complaint of Mr. Clark, in regard to the letter alleged to have been returned to him by the postmaster at Perth. The letter which he addressed to you on that subject contains sufficient evidence of the spirit and temper by which he is actuated.

I am, &c.  
(signed) *Stanley*.

No. 26.  
Lord Stanley to  
Governor Hutt,  
29 Sept. 1843.

No. 20,  
2 March 1843.  
No. 26,  
6 April 1843.  
No. 32,  
27 April 1843.

—No. 27.—

(No. 38.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hutt*.

Sir,  
My attention has recently been called to the public notice issued by your Government on the 23d June 1841, offering a remission in the purchase of land to those persons who should reclaim and civilize natives.

The provisions of the recent Act of Parliament for regulating the sale of lands in the Australian colonies would of course prevent the grant of such remissions, except on the fulfilment of existing obligations. I should wish, however, to adhere to the same principle, as far as may be compatible with the provisions of the Act of Parliament, as I conceive the measure calculated to produce beneficial results; and I should not object to the payment, from that portion of the land revenue which would be available for the support and civilization of the aborigines, of grants of money to the amount stated in the Government notice before referred to, to be expended by those to whom such payments may be made in the purchase of land in the manner provided by the Act of Parliament.

I have, &c.  
(signed) *Stanley*.

No. 27.  
Lord Stanley to  
Governor Hutt,  
8 September 1843.  
Page 394.

— No. 28. —

(No. 37.)

COPY of a DESPATCH from Governor *Hutt* to Lord *Stanley*.

My Lord,  
Perth, Western Australia, 19 June 1843.  
I HAVE been requested by Mr. William N. Clark to submit to your Lordship the accompanying letter, containing some suggestions respecting the system of civilization of the aborigines now in force in this colony.

Many of the observations offered by Mr. Clark have reference to points in the mode of treating the natives of Western Australia, upon which I have already furnished your Lordship with the fullest information in my power. I conceive I need not on this occasion go into details respecting the places of residence of the Protectors, the duties which they are called upon to perform, and their mode of performing them, or apologize for the education of the juvenile aborigines at  
627.

No. 28.  
Governor Hutt to  
Lord Stanley,  
19 June 1843.

Perth being conducted by the Wesleyan Committee; on the contrary, I cannot refrain from expressing, as often as an opportunity presents itself, how thankful I am that a body of excellent men have thus taken upon themselves this always troublesome, sometimes ungrateful, and not unfrequently arduous task. But there are other circumstances mentioned by Mr. Clark, which demand special notice and explanation. I shall advert to them in the order in which they occur in his letter.

Mr. Clark states, that he, "amongst many others, entirely disapproves of Mr. Symmons and Mr. Bland officiating in the commission of the peace as magistrates. Instead of being Protectors of Aborigines, they are," he says, "native judges, armed with all the severity of the law, and acting against alleged culprits, whom they are bound to protect, according to the instructions of Her Majesty's Ministers."

The Protectors, it appears to me, are bound to guard the aborigines against outrage, and undue severity of every kind. They have, therefore, been placed on the commission of the peace, to act as magistrates, with power to investigate all alleged offences, whether committed by or against the aborigines; and at the meeting of the magistrates in quarter sessions, they are necessarily present to watch and to see that, whilst the law takes its course, the natives shall not be exposed to any unnecessary harshness, either in the progress or at the termination of their trials.

Mr. Clark further represents, that "Mr. Bland (now Protector), then Government Resident of York, sent Mr. Barrow's (the late Protector's) resignation of office, and his own request for the same, in the letter which he addressed to the local Government, and obtained the appointment, for qualifications best known to those in power here."

I have formerly, in my despatch, No. 70, of 4th April 1841, explained to your Lordship my reasons for recommending Mr. Bland to the situation vacant by the resignation of Mr. Barrow. Any blame which attaches to the selection and appointment of this gentleman, I must take most entirely upon myself. Mr. Bland knew nothing of Mr. Barrow's resignation until it was completed. Mr. Barrow was in Perth at the time, and sent in his request to be relieved, direct to myself, and not through any intermediate channel; and so far from Mr. Bland soliciting the post, he rather hesitated about accepting it when I first offered it to him.

Mr. Clark objects "to the appointment of an interpreter for the natives, so called, but who is an interpreter for the Crown, bound to attend to the interests of those from whom he receives his rations and monthly pay, whilst the aborigines, sometimes introduced into our criminal courts in chains, have no interpreter sworn to administer the solemn truth for them, to check any erroneous statement that may occur."

Mr. Armstrong, the interpreter, receives pay, but no rations. Each time that he is employed by the court, he takes the following oath:—

"You will well and truly interpret between the prisoner at the bar and the court, to the best of your knowledge and ability.—So help you God."

Before interrogating any witness, he carefully explains to him that he must tell what is true, and no lies; the meaning of which is as well understood by the aborigines as by ourselves; and I think I am not wrong in stating that, was any one who knows Mr. Armstrong to be asked, supposing a conscientious man like him to be inclined to swerve from the full intent and import of his oath, whether he would do so in favour of the prosecutor or of the native prisoner? the answer would be, "doubtless to favour the latter."

The prisoners are introduced into the court in irons, because of the absolute difficulty of otherwise securely retaining them in their transit from the gaol to the court, and back again; and as the bush still closely borders the back streets of Perth, if they were once to slip from the grasp of their keepers, it would be extremely difficult to stop them, or to apprehend them again. To confirm this, I may give your Lordship one single instance of their powers of escaping, even when fettered and guarded. About three years ago, a man, who had made himself extremely notorious and troublesome, was taken with some trouble, tried and convicted. He was put on board a boat, in charge of the constable, to be conveyed to Fremantle gaol, and finally to Rottnest. On the way down, the boat stopped for a short time at a house about half way between Perth and Fremantle. The native was handcuffed, and to the handcuffs was attached a rope, which was held

held by the constable, who, having occasion to land, gave the rope into the hands of another man in the boat. The prisoner seized the opportunity, jerked the rope away, jumped over the side of the boat, and although he had to scramble over some rocks and rough ground, and through the bush, he eluded all the efforts of his pursuers, and got clear off; nor was it without great trouble, and not until some time afterwards, that he was recaptured.

He has reason, Mr. Clark goes on to say, "to complain that there is no standing counsel for the natives, when tried for offences against British laws, which they cannot comprehend;" and he adds, that "latterly, Mr. Symmons has employed a gentleman, who has since quietly sunk into the repose of the court of requests."

The gentleman here alluded to is Mr. Edward Laudor, a practising solicitor, who, as I have stated in my despatch, No. 26, of 6th April 1843, has been requested to defend native prisoners, when brought up before the court of quarter sessions, and whose situation as chairman of the court of requests does not incapacitate or debar him from still taking upon himself the friendly office of counsel for native prisoners, when needed.

Page 422.

"In the months of December and January last," Mr. Clark says, "I visited the native haunts in the bush, far beyond York, and I am sorry to acquaint your Lordship, that no less than thirty-eight (38) of them, male and female, were suffering cruelly from a loathsome venereal disease. One man died of it in a state too shocking to describe. I complain, that no notice of the ravages which this disorder is making amongst the natives, appears in the reports of the Protectors.—I believe the truth to be that, confining themselves merely to the towns, the Protectors had no idea of the extent to which the disorder had spread, or even of its existence."

In the month of May 1842, full six months prior to Mr. Clark's visit to York, Mr. Bland had reported to me the distressing condition many of the natives were in from disease, and urged that something should be done for their relief. I accordingly ordered him to be furnished with a supply of medicines, and at the same time authorized him to adopt such measures for the administration of them as might best conduce to the benefit and cure of those who, both the Protector and myself well knew, would prove most difficult and refractory patients. A hospital was accordingly established at York, of which Mr. Henry Laudor, a medical gentleman residing at that station, took charge. Early in June, being one month after this arrangement had been determined upon, Mr. Laudor reported that 17 natives had been admitted, of whom 10 had been discharged cured, one had run away, and six remained; that owing to their dirty habits, they had been much longer under treatment than white persons with the same complaint would have been; that the most constant attention had been requisite to prevent their covering their ulcers with dust as soon as they were dressed; that it was with great trouble they had been made to take the necessary internal medicines sufficiently often; and that there were many others who were ill, besides these patients, but whom it was impossible to persuade to enter the hospital.

The hinderances which the inveterate habits of the aborigines oppose to the discipline and cleanliness of European medical practice, and their very great reluctance to take advantage of the hospital, led, after two months' trial, to its abandonment; but finding that the disease was again upon the increase, Mr. Bland, in the month of January, being on the point of proceeding on his periodical visit to King George's Sound, placed (under the constrained charge of one of the policemen of York, who was furnished at the same time with proper medicines), a number of sick natives, who, I am happy to say, were finally dismissed perfectly cured.

The picture Mr. Clark draws of the condition of the aborigines, both male and female, at King George's Sound, is, I regret to say, perfectly correct; not that the immorality of the women is at all aggravated by their intercourse with the sealers, whalers and other frequenters of a seaport, but the vice of drinking, which may tempt them to crime, and must end in their ruin, is growing upon the men; and the Protectors have repeatedly solicited me to consider whether some attempt should not be made to check it. This would have been done some time ago, but the fault lies not with the native who receives, so much as the persons from whom he may procure intoxicating drinks, and I was extremely reluctant to legislate on a point where detection was so difficult, and evasion so easy. The height, however, to which this evil threatened to reach, has determined me to insert a clause into a short Act, which will be brought this session before the Legislative

WESTERN  
AUSTRALIA.

Council, making it penal for publicans to supply spirituous liquors to the aborigines.

In the postscript to his letter, Mr. Clark has brought under your Lordship's particular notice the rule which I have laid down for the Protector's guidance, that whenever a serious offence has been committed by any of the aborigines calling for punishment under our laws, such as injury to the persons, servants or property of the white inhabitants, or brawling amongst themselves within the limits of our town sites and farm locations, if the offender cannot be captured within a certain time, the whole of the particular tribe or party to which the guilty individual may belong, are to be banished, and precluded from sharing in the benefits and security they enjoy from our employment and protection.

Your Lordship should understand, that the natives do not, as a body, reside in Perth. They are only passers by. Some of them are always about; but the same families are never here scarcely for more than a month at a time, when they wander away into the bush, or to a distant part of the country, to reappear some weeks, perhaps months, afterwards. This rule, therefore, deprives them of none of their personal liberty; it only says, until our ideas of justice have been satisfied, we will not allow you to visit us. I am perfectly conscious of the great inconvenience experienced by the natives from this regulation, and I came to the determination of establishing it, because I conceive it is only through his bodily comforts that a savage can be made to feel the benefits of civilized rule and order. A law, similar in principle, once existed in England, when each inhabitant of a tithing or hundred was made responsible for his own conduct and that of his nearest neighbour.

Mr. Clark's experience differs most widely from mine, as to the effect which this species of punishment has hitherto had upon the natives' minds. I can discover no exasperation or ill-will to have been generated by it, and I know that, in Perth particularly, great good has been hereby accomplished. They are more careful of their conduct whilst in the town, and we have by this means, on more than one occasion, compelled the other natives, for their own sakes, to assist us in tracking out and capturing offenders, who would otherwise have set us completely at defiance; and as regards the knowledge which these people possess of each other's movements, I can only say, that I never inquired of man or woman or child respecting any particular individual, that they could not immediately declare where he or she then actually was, or would most likely be found.

The case of Migo, or more properly Miago, to which Mr. Clark's observations especially apply, required severe notice to be taken of it. The man is one of the most civilized of the adult natives; he was formerly a constable, but had been disgraced for misconduct, and on this occasion, contrary to the strict orders which he knew I had issued against quarrelling and fighting within our precincts, he severely beat and wounded his wife in the streets of Perth. On being required to give himself up and answer the charge brought against him, he absconded, and remained out a considerable time. But the banishment of the others until he should appear having been insisted on, a party of them brought him in on the 28th ultimo, and they are all once more quietly occupying themselves in and about Perth.

Mr. Clark is incorrect in supposing that no notice was taken by the Protector of the disturbance which occurred some weeks ago among the aborigines at Guildford. Mr. Symmons proceeded so soon as he heard of it, to the spot, investigated the circumstances, and dismissed a native who had been appointed constable of one part of that district, although he was badly wounded, because it appeared that he had been a principal in the affray.

I have, &c.

(signed) *John Hutt.*

—No. 29.—

(No. 25.)

Copy of a DESPATCH from Lord *Stanley* to Governor *Hutt*.

Sir,

Downing-street, 4 July 1843.

In my despatch, No. 5, of the 15th February last, I intimated to you that it might probably be considered advisable to introduce into Parliament a Bill to enable colonial Legislatures to pass laws authorizing the admission of the testimony of natives, although unsworn, in civil and criminal cases, with such restrictions as might be thought necessary.

I now

I now transmit to you a copy of an Act which has been passed for that object. The purposes of this Act have already been so fully discussed in previous correspondence that it is not necessary for me to trouble you with any further explanations on the subject. I have, therefore, only to request that you will take an early opportunity of proposing to the Legislative Council of your Government an enactment in accordance with the provisions of the Act of Parliament.

WESTERN AUSTRALIA.

6 Vict., c. 22.

I have, &c.  
(signed) Stanley.

(No. 31.)

—No. 30.—

COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,  
In transmitting to you the enclosed copies of letters addressed by Mr. W. N. Clark, of Perth, Western Australia, to the Aborigines Protection Society, I have to request that you will furnish me with any observations which you may have to make on the allegations contained in those letters.

No. 30.  
Lord Stanley to  
Governor Hutt,  
26 July 1843.

I have, &c.  
(signed) Stanley.

Extract Enclosure in No. 30.

To the Secretary of the Aborigines Protection Society, London.

Sir,  
I HAVE written two letters to you respecting the aborigines of Western Australia, but as I have received no answer, I suspect they never reached their destination. I therefore embrace the present opportunity of writing you again for the information of the Aborigines Protection Society.

Encl. in No. 30.

There are two Protectors (so called) of the aborigines in this colony. One (Mr. Symmons) is stationed at Perth, the capital, and the other (Mr. Bland) is stationed at York, within sixty miles of Perth.

The large part of the territory adjoining Australind and King George's Sound, possesses no Protector, and the above-mentioned gentlemen, instead of sojourning in the bush for weeks or months for the purpose of reclaiming the wild savage, seldom or ever quit the towns of the colony, except when the sheer necessity of a glaring case of outrage calls their dormant attention.

Mr. Bland has a large flock of sheep, and a splendid estate, to which all his attention is devoted, and receives his allowance of 250*l.* a year as Protector, for doing absolutely nothing, except an annual visit to King George's Sound with his wife and family, professedly on the business of his office, may be stretched into doing something. Such were not the Protectors contemplated by the British Government, when the Imperial House of Parliament was called on for 500*l.* per annum to defray the salaries of these men in office in the south.

I shall now mention to you one or two instances of oppression against the natives.

A Mr. Bussell, at the Vasse, suspected a native girl of stealing some flour from him. He taxed her with the fact, but she steadfastly denied it. He then took up a percussion lock gun, which on his trial he said he thought was unloaded, and snapped it repeatedly at her, threatening to shoot her if she would not confess, and putting a percussion cap on the nipple each time. The poor girl still denied the theft. At last the gun went off, the contents were lodged in the girl's body, and she died on the spot. Such a glaring instance of wanton mischief could not be overlooked, and Mr. Bussell was accordingly tried, pleaded Guilty, but to the surprise of all, was merely fined one shilling by Mr. Mackie, the Judge of the colony, an intimate friend of his, and immediately discharged from his recognizances. I venture to say, that if the case had been reversed, if the native had stood in the white man's shoes, the punishment would have been very severe.

You have very likely heard that a Native Penitentiary has been established on the island of Rottenest, about 16 miles from the mainland. To this place, natives who have been found guilty of spearing sheep, pigs, &c., because white men kill their kangaroos, or who commit other offences against laws which they do not understand, are transported for such a number

WESTERN  
AUSTRALIA.

Encl. in No. 30.

of years as each case may warrant, under the plenitude of authority assumed by the local Government.

A superintendent of the name of Henry Vincent, formerly the gaoler at Fremantle, manages the establishment. Several of the native criminals have died on this island, and speculation has been busy regarding the cause of their deaths. It now appears that Vincent forced the prisoners to perform harder labour than they could bear, and when their work did not please him, he, like the overseer of a West India planter, lashed them repeatedly on the bare back and one native died from the effects of such a brutal punishment. He likewise cut their hair very close, and pulled out their beards by the roots by means of pincers. When it is known that the long hair of the native, which they bedaub with grease, is a wise ordinance of nature to protect their heads from the fervid rays of the sun, and that the mere touching of the beard by whites is an offence which they never forgive, the extreme cruelty of this Western Australian overseer must be apparent, and may be attended with very dangerous consequences to the whites, from an exasperated black population smarting under conceived wrongs. Such facts have been related to Governor Hutt for some time past, but he has neglected to notice them, until roused from his apathy by the voice of public indignation. If he attempt to screen this Vincent, I only hope that he will meet with his reward.

I shall be happy at all times to afford you any required information. I am well acquainted with the natives all over the colony, and have been repeatedly in the bush for 150 or 200 miles, without a warlike weapon of any kind. In fact, I repose confidence in them, and they know and are pleased with it.

Sometime ago I applied for the office of Protector of the Aborigines for Australind and King George's Sound, but was met by the reply that Governor Hutt had no funds at his disposal for such a purpose, and have applied to the Secretary of State on the subject, and await his Lordship's answer.

Surely those that can and will go into the wild bush are better adapted for the situation of Protectors of the Aborigines, than others whose whole attention is devoted to their farms and the monthly payments from the British Treasury.

— Hindley, Esq., Secretary for the  
Aborigines Protection Society.

I have, &c.  
(signed) *W. N. Clark.*

You are at perfect liberty to make this letter as public as possible, as it contains nothing but the truth; and with regard to myself, they know me too well in this colony to attempt an answer.

*W. N. C.*

[Extracts.]

To the Secretary for the Aborigines Protection Society, London.

Sir,

Perth, Western Australia, 20 January 1843.

I do not know that I am obeying the dictates of prudence in addressing letters to you respecting the aborigines of Western Australia, where there are two Protectors with ample salaries, whose whole duty consists in sending a quarterly report to Mr. John Hutt, the Governor of the colony, of their inactive proceedings; nevertheless, I feel it my duty to give every information to that truly Christian institution the Aborigines Protection Society.

The salaries bestowed by Parliament on the two Protectors for Western Australia, are mere sinecures; and in no instance regarding aboriginal inhabitants of a British colony, has the British public been more deceived.

Mr. Bland, the Protector of the Natives at York, has for some time past been absent from the district with his wife on a visit of pleasure to the seaport; and instead of travelling overland to King George's Sound, to examine into the state of the native tribes, he coolly takes his passage to that port by sea, in Her Majesty's colonial schooner "Champion," accompanied by some government officers, as a relaxation from the very severe duties imposed on them in the colony of Western Australia. In the meantime, the York natives are deprived of the valuable cognomen of a Protector, and live as happily as if Mr. Bland had never existed.

\* \* \* Mr. Bland is one of the richest men in the colony in point of land, horses, cattle and sheep, and had no need of the British grant of money to swell his accumulated hoards.

Mr. Bland does absolutely nothing for the salary which he receives, neither does Mr. Symmons, at Perth, and they are both mere instruments in the hands of the Governor, to make an ostentatious parade respecting the natives, without any real benefit arising to that unprotected race of men.

I have written to you on a previous occasion respecting the treatment of the superintendent of the Rottenest Penitentiary, regarding the natives sent there as condemned criminals, by the operation of laws totally incomprehensible to them. The investigation before a few magistrates ended, as was anticipated, in an acquittal of all the charges brought against him. Henry Vincent, the cruel gaoler of Rottenest Island, is a favourite officer under Mr. Hutt's administration, and it so happens that two material witnesses, who could have sworn to the death of a native called Gun-de-bun, by severe lashing on the bare back and belly, were not examined, and it thus appears the inquiry was merely partial, in order to exhibit some signs of efficiency on the part of the Government and the Protectors. I have been in correspondence with the local Government regarding the natives, for a long time past, but the members of Government are jealous of any interference,

ference, unless it comes from their own body, and as I have endeavoured to show that the salaries given to the Protectors produce no public good, but are merely abstractions from the funds of the British Treasury for the purposes of government patronage in this colony, I have incurred the displeasure of the Protectors and their friends.

The Annual Reports of Messrs. Bland and Symmons have been published in the colonial newspapers, and every art has been resorted to, to give them effect, and to impress the idea that they have been most zealous in the discharge of their duties. You will observe, in particular, that Mr. Bland states, in his report to the Governor, that his district extends from the settlements to the north of the Toodyay to Cape Riche on the south coast, a distance of 350 miles. Now the fact is, that Mr. Bland has never visited Cape Riche, nor the large territory west of King George's Sound, onwards to Port Leschenault, now called Australind, and a trip to the Sound once a year, in the Government schooner, is no great exertion for 250*l.* per annum. Mr. Bland likewise mentions that he established a native school at York, which was, after a trial of two months, abandoned by the children. The real facts are as follows:—Mr. Bland resides at a distance of two miles from York, and did try the establishment of a native school, not by his own exertions, but by the employment of a Mr. Wall, the postmaster in York, as teacher of the children. Mr. Wall has informed me that after its institution he received no farther encouragement from Mr. Bland or the local Government, and not choosing to give his exertions for nothing, declined the task of teaching unless a salary was allowed him, which was declined by Mr. Bland. There is not one word in the annual report respecting the health of the natives, when, it is a notorious fact, that many of them are labouring under loathsome venereal disease, first given to the women by the whites, and by the women to their husbands. I saw one native whose private parts had been eaten away close to the skin by this fell disorder, and who was evidently hastening to his grave. The reason of Mr. Bland's silence is his utter ignorance respecting the natives in the bush, as he never troubles himself respecting them. I have written to the local Government on the subject, and earnestly called for medical assistance. In Mr. Symmons' report, a very unfair statement is given respecting the murder of a young native girl by Mr. Charles Bussell, of the Vasse district, respecting which I formerly wrote you. The native girl was not implicated in the robbery of some flour, but always denied any knowledge thereof. Although Mr. Bussell is a friend of Mr. Symmons, the latter is obliged to admit the fact, that the former snatched a gun at the girl for the purpose of intimidation, which was surely a most unwarrantable procedure, and that at last the gun went off, the discharge causing her instant death. I was present at Mr. Bussell's trial, and he did plead guilty of manslaughter, but there was no proof of a loaded gun having been substituted by one of his brothers for an unloaded one, except the mere statement of the prisoner to that effect. The fine was only 1*s.*, and instead of a severe caution being given from the bench, he was mildly told to be "more circumspect in future."

From the tenor of my remarks it will be at once evident, that I disapprove of the system of management pursued by the Protectors in this colony, and if it was in my power would compel them to work hard for their salaries, instead of living in comparative idleness. Mr. Peter Barrow (the late Protector) used to remark that he had scarcely, if anything, to do in his capacity of Protector of Aborigines, and thought the British grant was uselessly expended. Nay, his time hung so heavy on his hands whilst stationed at York, that he had commenced the establishment of an academy for the education of European children, and those from India, when his laudable endeavours were frustrated by Mr. Bland.

To the Secretary of the  
Aborigines Protection Society.

I have, &c.  
(signed) *W. N. Clark.*

— No. 31. —

(No. 7.)

EXTRACT of a DESPATCH from Governor *Hutt* to Lord *Stanley*.

My Lord,

Perth, Western Australia, 9 February 1844.

1. I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 31, of 26 July 1843, enclosing copies of letters addressed by Mr. William Nairne Clark, of Perth, in this colony, to the Aborigines Protection Society in England, and requiring me to furnish any observations I may have to make upon the allegations contained in those letters.

2. Mr. Clark's statements refer principally to the general inertness and inefficiency of the two Protectors in Western Australia, particularly exemplified in the careless ignorance of Mr. Bland, as to the sickness from venereal disease under which the aborigines were suffering in the York District; and in the total failure, through the same gentleman's wilful neglect, of a school established at

627.

3 F 4

York

WESTERN  
AUSTRALIA.

Encl. in No. 30.

No. 31.  
Governor *Hutt* to  
Lord *Stanley*,  
9 February 1844.



WESTERN  
AUSTRALIA.

York under Mr. Wall's (the postmaster's) management, for the instruction of the native children; to the unfortunate case of a native girl who was shot by Mr. Bussel, a settler residing at the Vasse; and lastly, to the harsh treatment by the Superintendent, of the prisoners under his charge in the Native Penitentiary on the island of Rottneest.

3. Several of these charges have been already brought forward by Mr. Clark in letters and memorials addressed to your Lordship, to which I have endeavoured to furnish replies and explanations; and much, therefore, of what I have now to offer in refutation, can only be a repetition of my former communication on the same subject.

\* \* \* \* \*

£. 250.

5. But Mr. Clark further states, that Mr. Bland has a large flock of sheep, with a splendid estate, to which all his attention is devoted; and that for his allowance of two hundred and fifty pounds a year he absolutely does nothing. Mr. Bland has a considerable property in the York District, and is the owner of a large number of sheep; but at the very time of Mr. Clark writing his letter, he might, if he had made the proper inquiries, have learned that Mr. Bland, having been appointed Protector in October 1842, on the 1st December following let his principal farm, with the stock upon it, to a gentleman who still holds it, reserving to himself only a small house, which he had recently built, and a few acres of cultivated land round it.

6. Of the mode in which Mr. Bland has performed his duties, the peace and good order of his very extensive district is the best proof, and the two instances which Mr. Clark selects as specimens of gross mismanagement and negligence, I should adduce as worthy of commendation, because I know the real facts to be the very reverse of Mr. Clark's representations. He visited the York District in the months of December 1842 and January 1843, when he found the natives, both male and female, to be suffering severely from disease, and he concluded that no attempts had been made to cure or relieve them; whereas in the month of May 1842, full six months prior to Mr. Clark being at York, Mr. Bland had reported to me the distressing condition many of the natives were in from this cause, and urged that something should be done for them. I accordingly ordered him to be furnished with a supply of medicines, and at the same time authorized him to adopt such measures as might best conduce to the benefit and cure of those who, both the Protector and myself well knew, would prove most difficult and refractory patients. A hospital was accordingly established at York, of which Mr. Henry Laudor, a medical gentleman residing at that station, took charge. Early in June, being one month after this arrangement had been determined upon, Mr. Laudor reported that 17 natives had been admitted, of whom 10 had been discharged cured, one had run away, and six remained; that, owing to their dirty habits, they had been much longer under treatment than white persons with the same complaint would have been; that the most constant attention was necessary to prevent their covering their ulcers with dust as soon as they were dressed; that it was with great trouble they had been made to take the necessary internal medicines sufficiently often, and that there were many others who were sick, besides these patients, but whom it was impossible to persuade to enter the hospital.

7. The hinderances which the inveterate habits of the aborigines oppose to the discipline and cleanliness of European medical practice, and their very great reluctance to take advantage of the hospital, led, after two months' trial, to its abandonment; but finding that the disease was again upon the increase, Mr. Bland, in the month of January, being on the point of proceeding on his periodical visit to King George's Sound, placed (under the constrained charge of one of the policemen at York, who was furnished at the same time with proper medicines), a number of sick natives, who, I am happy to say, were finally dismissed perfectly cured.

8. Further, in respect of the school, of the ill success of which Mr. Clark complains. It was established at Mr. Bland's earnest solicitations; he selected the master and mistress of it, and took a deep interest in it, being struck with the successful tuition of the children at Perth; but in his annual report at the end of the year, which accompanied my despatch, No. 15, of 21st January 1843, he mentioned

mentioned that "he attempted to establish the school, and at one time collected a number of children together, who appeared anxious to commence; that they attended for about two months, when, the novelty having worn off, they all left, nor had he been able to re-establish it upon any system that is likely permanently to answer;" and he observed that "the school was deserted, through no fault of the person who had charge of it, neither through want, as the children who attended it were all fed and clothed." This was done by furnishing flour and blue baize shirts at the public expense.

9. I know not how I can better vindicate the Protectors from the censures cast upon them by Mr. Clark, than by pointing to what has been accomplished under their management. Within the limits of our town sites and farm locations, and so far as our power can be made to reach them in the bush, a wild and savage race have been tamed down into law and order; the desperate feuds between tribe and tribe have been checked; the danger and violence to which before we came among them they were individually exposed, have been put a stop to, whilst all outrages against either the lives or properties of the settlers have nearly ceased. Travellers pass alone and unmolested through every part of the territory, and all, both colonists and aborigines, know that, if any outrage does occur, by an appeal to the Protectors redress and justice can always be obtained. This, too, has been brought about through the instrumentality of the Protectors, aided by the kind disposition towards the natives of the settlers, and the existence of a police force consisting of 10 constables, two chief constables of police and four policemen, throughout a tract of country 280 miles long by upwards of 100 miles broad. This is the system of management of which Mr. Clark disapproves, and of the executive officers of which he avers that "in no instance, regarding aboriginal inhabitants of a British colony, has the British public been more deceived."

10. The case of the native girl, who was accidentally shot by Mr. Bussel, was faithfully detailed by the Protector, Mr. Symmons, the melancholy event having happened within his district, in the annual report received from that gentleman, which I forwarded to your Lordship, with my despatch, No. 15, of 21st January 1843. He therein stated, that "on the 11th March 1842 a deeply to be deplored catastrophe occurred in the Vasse district. A native girl, implicated in the robbery of Mr. Bussel's flour-mill, having been apprehended, Mr. Charles Bussel, finding all attempts to extort from her a confession of her accomplices ineffectual, took from the gun-rack his fowling-piece, which he had that morning unloaded. One of his brothers had, however, in the interim substituted a loaded weapon, and the trigger being pulled, with the intention of intimidating by the click of the lock, the ball passed through the unfortunate girl's body, who expired shortly after. For this offence Mr. Bussel pleaded guilty of manslaughter at the July sessions; but the act, however illegal, being, on the clearest evidence, proved to have been accidental, that gentleman was discharged with a fine and severe caution from the bench."

Page 415-

11. I felt as much pained as Mr. Clark possibly could on hearing of the girl's death; the Advocate-general received my personal instructions to prosecute for the offence; the trial came on at the quarter sessions, and Mr. Bussel having pleaded guilty to an indictment for manslaughter, the court, taking into consideration all the circumstances of the case, imposed a fine of one shilling upon Mr. Bussel, and discharged him. I am not aware that any thing else could have been done; but your Lordship will observe the difference between the two accounts, given severally by Mr. Symmons and Mr. Clark, of the termination of the trial. Mr. Symmons says, that Mr. Bussel was discharged with a "severe caution from the bench." Mr. Clark, that "he was mildly told to be more circumspect in future." I have endeavoured to ascertain which of these statements is correct, and I have now lying before me a note from Mr. Mackie, the chairman of the quarter sessions, in which he says, "I distinctly recollect that, on my delivering the judgment of the court on Mr. Charles Bussel for the manslaughter of a native, I commented, in terms of strong reprehension, on the illegality of displaying fire-arms in a menacing manner, though without designing any actual injury towards a native, for the purpose of intimidating him."

12. Mr. Symmons noticed in his report that "a charge of undue severity had been brought forward against the Superintendent of the establishment on the island of Rottneest, towards the prisoners under his charge; that the same had been promptly and thoroughly investigated by the chairman of the quarter sessions and a bench of magistrates, and that a full and honourable acquittal, even

WESTERN  
AUSTRALIA.

on the testimony of some of the former prisoners, was the result. In fact that with one exception, no recourse to corporal punishment had been necessary for period of more than two years, a circumstance equally creditable to the prisoners and the system adopted by the Superintendent."

13. The severity, or rather the cruelty, of which the Superintendent was stated to have been guilty, was that of flogging a prisoner so as to cause his death. The punishment of flogging, though absolutely necessary at times when dealing with savages fresh from the bush, unused to any kind of restraint, and therefore peculiarly unwilling to submit to prison discipline, would have been quite sufficient to condemn the Superintendent as unfit for the responsible office he holds, could it have been shown that he had inflicted it unduly, or unmercifully. But this, as came out on the public examination before the magistrates, was not the case. The death of "Gundabung," the man whom Mr. Clark accuses the Superintendent of having so barbarously treated, took place in October 1840, two years before any idea was entertained of a criminal investigation being gone into of the Superintendent's conduct, and it was occasioned by inflammation of the bowels. This I satisfied myself of, having occasion, at the very time of Gundabung's decease, to send over the colonial surgeon to attend another person, who had been taken suddenly and violently ill, from eating a poisonous fish.

14. I agree with Mr. Clark, that the long hair of the natives, which they bedaub "with grease, is a wise ordinance of nature to protect their heads from the fervid rays of the sun." This, however, is cut close whilst they are detained on Rottnest, in order that they may be able to keep their heads, with the rest of their persons, perfectly clean, and they are supplied with Scotch caps, in order to protect them from the sun. But when Mr. Clark speaks of the Superintendent having "pulled out their beards by the roots by means of pincers," he gives easy credence and circulation to reports as false as they are malicious.

15. Mr. Clark asserts that I had, when he wrote, for some time past been made acquainted with these facts, of the Superintendent having, like the overseer of a West Indian plantation, lashed the native prisoners on the bare back until one of them died from the effects of such a brutal punishment, and of his having plucked out their beards with pincers, but that I had neglected to notice them, until roused from my apathy by the voice of public indignation. In saying this, Mr. Clark seems to me to be indulging in pure conjecture. No public representations were ever made to me of the misconduct of the Superintendent. From conversations with the natives themselves, who had been at Rottnest, I gathered that some of their fellow-prisoners were considered by them to have been treated very harshly. Knowing that the statements of these people must always be received with caution, and being most sensitively anxious, at the same time, that the proceedings in an establishment, which I look upon as one of the principal means which we possess for controlling the aborigines, should not be marked by any wanton or inhuman exercise of power, I waited, whilst I privately prosecuted my inquiries, and when I thought I had gained sufficient evidence on which to ground a charge against the Superintendent, without apprising, or communicating with him, I placed the whole case in the hands of the Advocate-general, with strict injunctions to take such steps as might ensure the speediest and utmost punishment the law allowed, should Mr. Vincent be found guilty. The result was, as stated by Mr. Symmons, a full and honourable acquittal.

16. This took place in the latter end of the year 1842 and the beginning of 1843. In the month of July 1843, Mr. Symmons, and Mr. Armstrong the native interpreter, being about to visit Rottnest, I requested Captain Hare, the senior officer in command of the detachment of her Majesty's 51st regiment, stationed in this colony, to accompany them, in order that he might ascertain from the non-commissioned officer and soldiers forming the guard on the island, whether, during a residence of some months, they had observed any thing in the Superintendent's conduct which would at all lead them to suppose that he did not treat the prisoners properly. The universal reply, as reported to me by Captain Hare, was, that they were surprised at his patience and forbearance with them. But not satisfied with this, in the month of September following I sent Mr. Armstrong over to remain on the island, with his servant, a native lad, whom he has himself brought up and educated, and reclaimed from bush habits, who is, therefore, attached to him, and in whom he can trust. Mr. Armstrong remained there a fortnight; he talks, and understands the language nearly as well as a native; both he and his servant had ample opportunities, at all times, of conversing

ing with the prisoners, of ascertaining how they were fed, worked and managed, and of learning from their own mouths, whether they had any complaints to make. Some of them, sentenced for murder, it ought to be remarked, have been on the island ever since the first formation of the establishment; and he informed me on his return, that any discontent expressed by the prisoners, arose solely out of the extreme dislike they felt to the irksome restraint of regular living, cleanly habits, and constant work.

I have, &c.  
(signed) *John Hutt.*

— No. 32. —

(No. 30.)

COPY of a DESPATCH from Lord *Stanley* to Governor *Hutt*.

Sir,  
I HAVE received your despatch, No. 7, of the 9th of February last, containing a reply to certain allegations set forth in a letter addressed by Mr. W. N. Clark, to the Secretary to the Aborigines Protection Society, relative to the treatment of the aborigines in the colony under your government; and I have intimated to the society my opinion, that your despatch affords a conclusive answer to the complaints of Mr. Clark.

Downing-street, 31 July 1844.

No. 32.  
Lord Stanley to  
Governor Hutt,  
31 July 1844.

I have, &c.  
(signed) *Stanley.*

— No. 33. —

(No. 10.)

COPY of a DESPATCH from Governor *Hutt* to Lord *Stanley*.

My Lord,  
I HAVE the honour to enclose copies of the annual reports, received from the Protectors of Aborigines in this colony.

Perth Western, Australia, 19 February 1844.

No. 33.  
Governor Hutt to  
Lord Stanley,  
19 February 1844.

It is a most pleasing duty to me to have to lay these documents before your Lordship, furnishing, as they do, such gratifying proofs of the peaceable conduct of the aborigines, and of the concord and good feeling which subsists between them and the settlers, in every part of the colony.

In the district under Mr. Symmons's charge, which includes all the country below the Darling Hills, from a few miles north of Perth to Augusta, "during the last 15 months, not a native subject has been arraigned at the criminal bar; although four out of six of the military detachments at the cut-stations within that range, were withdrawn in the course of the last year; a measure which I have watched with some anxiety, lest the natives might be encouraged, by the apparently defenceless position of settlers, to be guilty of some attack upon them or their property.

The state of the district of which Mr. Yule has charge, is equally satisfactory; particularly considering the long line of wild unsettled frontier with which it is bordered to the eastward. The depredations which have been committed, are extremely few, three only in number; and the complaint, which has been preferred against the natives, of setting fire to the bush with the intention of injuring the settlers, appears to be perfectly groundless. Feelings of kindness and good-will prevail between all classes of the white population and the aborigines; and in confirmation of Mr. Yule's notice of the amicable disposition of the tribes on the line of road leading to King George's Sound, through a tract of country, where for upwards of 180 miles two detachments only of soldiers, between 50 and 60 miles apart from each other, and no colonists' stations are to be found, I may mention that, a short time since the mail carrier, proceeding to Albany, lost his way, and after wandering about for several days was met, unarmed and perfectly exhausted, by a native, who carefully brought him back to where he could obtain assistance.

The disease with which the natives have been long affected in Mr. Yule's district, is rapidly disappearing; the progress made by the pupils in the schools at Perth and Fremantle is most encouraging; and I have every reason to believe that the taste for fermented liquors, which was beginning to creep in among these people in the towns, has been effectually checked by the 1st section of the

WESTERN  
AUSTRALIA:

Act of Council, 7 Vict. No. 3, which accompanied my despatch, No. 52, of 18th October 1843, whereby it is declared penal to supply any native with intoxicating drink.

The statement made by Mr. Symmons respecting the native establishment on the Island of Rottneest, of which he is the visiting magistrate, is the highest compliment which can be paid to such an institution, and is fully borne out by my own observation. He says that "the number of prisoners is decreasing; and that from the influence of its name, it will probably, henceforward, serve rather as the preventive, than the punisher of crime."

In estimating the amount of influence which our endeavours to benefit, enlighten and restrain them, has had, or may have on the native character, I am always fearful of indulging in too sanguine expectations, and thence deducing what may afterwards prove to be false conclusions. But I cannot avoid requesting your Lordship's attention to the circumstance, of two adult natives having been baptized and married by the Wesleyan minister, and one lad baptized by the colonial chaplain; and of the Protector having been several times called upon, within the past year, at the mutual request of the parties, to indenture native youths to settlers in Perth and its neighbourhood. I have also had several claims presented to me lately for the remission, amounting to 18*l.* in the purchase of land, to be allowed to parties who have had natives for the whole period of two years in their service, and who have instructed them in some useful art or calling. I have not yet acceded to any of these claims, only because it could not be satisfactorily shown that the youths themselves were at least 18 years of age, the period fixed upon when a native may be regarded as an adult labourer.

I have, &c.  
(signed) *John Hutt.*

Enclosure in No. 33.

(1.)

Colonial Secretary's Office, Perth, 11 January 1844.

Encl. in No. 33.

HIS Excellency the Governor has been pleased to direct the following Fourth Annual Report of the Protector of Natives, C. Symmons, Esq., to be published for general information.

By his Excellency's command,  
(signed) *Peter Brown.*

Sir,

Perth, 31 December 1843.

At the close of the fourth year after entering on the duties of Protector of Aborigines, I have the honour to submit my annual report to his Excellency the Governor.

The conduct of the natives under my superintendence has for so long a period been so strictly inoffensive, so almost wholly free from those acts of petty aggression, which might naturally be expected in the unrestrained intercourse of an uncivilized people with Europeans, that were I not borne out by the experience of my widely extended district, I might be suspected of having pre-arranged my late quarterly reports on one undeviating system of panegyric.

During the period of the last (15) fifteen months, not a native subject to my jurisdiction has been arraigned at the criminal bar; a fact, however mainly attributable to the good conduct of the aborigines, is likewise, I consider, most creditable to the forbearance and kind feeling of their European neighbours, and affords the most satisfactory evidence of the efficient working of our police regulations, and general system of native management.

Independently of frequent visits to the stations in my more immediate vicinity, I have during the past year made two official tours to the Murray, Leschenault, Vasse and Augusta districts. To Augusta my attention was in the month of April last more particularly directed, rumours of threatened outrage on the family of Mr. Turner, the almost sole remaining resident in that district, having reached me at head-quarters, and to which the very recent removal of the military from that outpost, combined with its extremely isolated position, gave some plausibility.

Accompanied, therefore, by the chief constable of police for the southern districts, I proceeded direct to Augusta. On my arrival, I found that this, like all other rumours connected with, or emanating from the natives, had been much exaggerated; that the aborigines in the immediate vicinity were not only decidedly friendly disposed, but were actually in the employ of Mr. Turner as herdsmen and farm labourers, and that the threats of aggression were of such an extremely vague and indefinite nature, that no importance could reasonably be attached to them.

But

But although the result of my visit gave me no reason to apprehend any premeditated evil intentions on the part of the native population, still it would have been at that time premature to infer that Mr. Turner's position, so isolated, so dependent on his own resources, and feeble means of defence, was not one of considerable difficulty. Nine months have since elapsed, and with the exception of the robbery of a hut left wholly unguarded, no interruption of the former friendly intercourse has occurred; and by a continuance of that firmness and forbearance for which Mr. Turner and his family have been hitherto distinguished, I see but small cause for apprehending future danger, or even serious annoyance from the aboriginal population.

In each of the other districts, the experience of the past year induces me to believe that, as the intercourse is more frequent, so are the good offices between the natives and the settlers becoming daily more essential, and their mutual interests more closely connected and recognized.

His Excellency will feel gratified at thus finding that the withdrawal of the troops from several of the out-stations, a measure fraught at the time with uncertainty, as to its effects on the native character, has been hitherto unattended by any obnoxious results to the peace of the community.

Our native schools at Perth and Fremantle are making a steady and most satisfactory advance. At the former, a more efficient system of internal management has, under the superintendence of the committee, been lately adopted. By the present arrangement, the pupils are subjected to a more constant supervision than before; their meals are taken in the presence of the Wesleyan minister and his family, and a greater order and decorum thereby enforced. Dormitories and other necessary apartments have been erected by subscription, and other arrangements are in process of organization, all tending to the further gradual perfection of this interesting experiment. At a late public examination, the progress evinced in reading, writing, needlework, and the rudiments of scriptural knowledge, was highly encouraging and satisfactory.

In the early part of this year, the rites of baptism and marriage were administered by the Wesleyan minister to two adult natives, both late pupils of our school, and at present resident in service at the Mission house. Some months subsequent I witnessed the baptism by the Reverend the colonial chaplain of a young adult native boy, who has been for some years in the regular employ of an inhabitant of Perth. Sponsors, as for an infant, took upon themselves the usual obligations, although the lad was perfectly cognizant of our Church catechism, and spoke English with remarkable fluency.

At the commencement of the past year it was judged expedient to withdraw the Government stipend from the native school at Guildford, the progress of the pupils, and its consequent advantages, not being deemed equivalent to the expense; a fact chiefly attributable to the scattered nature of the population, and the unavoidable unfavourable hours of tuition. In lieu of this school, another has been established on the Upper Swan, but is of too recent formation to permit me to speak decidedly of its future prospects of success.

With reference to the native establishment on the Island of Rottnest, it is gratifying to remark that the number of its prisoners is gradually decreasing, and that from the influence of its name, it will probably henceforward serve rather as the preventive than the punisher of crime.

Since my last annual report, two prisoners have died; the one from dysentery, the other from venereal; the general health of the remainder (at this time 17 in number) has been uninterruptedly good. With the concurrence of his Excellency, I have made some alterations in the discipline and domestic arrangements, as also some slight addition to the dietary of the establishment. The latter I have done, not so much on account of any previous insufficiency, as to prevent the possibility of complaints by the prisoners on this score.

On the minds of those natives who have been subsequently released from Rottnest, the discipline of the prison has produced a most salutary effect. In but one instance\* since the formation of the establishment, has a native, once a prisoner, rendered himself again amenable to the laws, while the exaggerated narrations of the aborigines to each other of the rigour of the gaol regulations, has greatly aided in deterring the bush natives from the commission of acts of aggression.

During the past year I have had my attention directed to several cases of native intoxication. This being a vice from which until of late the aborigines had been remarkably exempt, has doubtless been encouraged in them by the example, and I fear in many instances by the very persuasions of the Europeans.

The taste for fermented liquors is, however, yet in its infancy, and will, I trust, be effectually checked by a legal enactment passed last sessions, rendering it penal to supply any native with intoxicating drink.

The appointment of Mr. E. Hester as chief constable of police for the southern district, and the steadiness and activity displayed by him on various occasions, appear to have given general satisfaction to the settlers. In a thinly populated district, surrounded by numerous tribes

\* In the case of the native Ngugandung, who was arrested in the Vasse District for an aggravated assault on a native woman, and on a charge for having broken into a settler's hut at Augusta. In endeavouring to escape from the constable, he threw himself into the River Vasse, and was drowned. He had previously been 12 months at Rottnest.

WESTERN  
AUSTRALIA.

Encls. in No. 33.

tribes of uncivilized natives, the efficacy of such an appointment must be self-evident, when it is filled by a person so intimately acquainted with the habits and language of the aborigines as Mr. Hester, in constant and direct communication with the local magistracy, and ever on the spot to conciliate the well-inclined, and repress the turbulence of the disaffected. In cases of actual outrage, the services of such an individual are truly valuable, as the efforts of the ordinary district constables, when in the pursuit of natives in the bush, have in most instances proved ineffectual.

I have several times within the past year, at the mutual request of the parties, indentured native lads to respectable settlers in the district of Perth, and in almost every instance they have given satisfaction.

As an initiatory experiment, preparatory to a longer period of service, and as tending gradually to wean the native from his desultory and roving habits, I am inclined, under certain reservations, to think favourably of this system of indenture, but from the experience in a late instance of its injurious effects, and indeed total inefficacy when applied to service of any long duration, I am decidedly opposed to any native being permitted or induced to bind himself for more than six months, and in most cases I should certainly prefer three. To endeavour to retain by legal enactments the services of an unwilling European servant, is ever an irksome, too generally a losing game to the employer; but to hope for success in a similar struggle with a refractory native, is a manifest absurdity.

Time, kind treatment, and a just appreciation of the benefits derivable from his intercourse with civilization, can alone transform an Australian savage into a willing and permanent coadjutor of his European brethren.

Trusting that the above brief recapitulation of the fruits, trifling though they may appear, of the system of native management organized and carried out by me since my appointment as Protector, may meet with the approval of his Excellency,

I have, &c.

(signed) *Charles Symmons,*  
Protector of Natives.

The Honourable the Colonial Secretary.

(2.)

Colonial Secretary's Office, Perth, 7 February 1844.

His Excellency the Governor has been pleased to direct the publication of the Report of the Protector of Natives, York, for the past year.

By his Excellency's command,  
(signed) *Peter Brown.*

Sir,

York, 20 January 1844.

HAVING so recently assumed the office of Protector of Natives for this district, to which it has pleased his Excellency the Governor to nominate me during the absence of Mr. Bland on leave to Europe, I feel a diffidence in drawing up an annual report for the past year, fearing from my short acquaintance with those under my charge, on many points to express a decided opinion, and consequently that it will prove neither so comprehensive or circumstantial as it has heretofore been.

I have, however, great satisfaction in informing his Excellency, that the natives continue in the same quiet and well disposed state as they were left by my immediate predecessor. No complaints of any aggression on their part have reached me, except that too general one of their firing the country this season to an unusual extent. On this subject several communications have been forwarded to me; and I regret to state, that on repairing to the scenes of some recent bush fires, I have found the loss to the settlers to have been considerable, particularly so in the case of Mr. Foley, of the Northam District, the whole of whose crops and out-buildings I found had been consumed; but after examining the spot, accompanied by a neighbouring magistrate, and instituting a strict inquiry, assisted by the inspector of police, Mr. Drummond, I feel perfectly confident in stating, that, contrary to the supposition, the fire had come in several miles from the bush; and in this, as well as in every other case which has come under my cognizance, whatever degree of carelessness may be attributable to the natives in their hunting or other avocations, in which the use of fire may be indispensable, there has been no intention to injure the property of the settlers.

I regret to say that the stock feed has been destroyed to a much greater extent by bush fires this season than during any former one, the main cause of their frequency and magnitude I attribute to the unusual abundance and rankness of the grass, consequent on the protracted rains of last year; but I must, in seeking to do common justice to the aborigines, I fear, cast some onus on our shepherds, herdsmen and others, from their too immoderate habit of smoking; a spark from a pipe or even the wadding from a gun, it is well known to all old settlers, has been sufficient on many occasions to burn miles of country.

I have, as requested by his Excellency, endeavoured to make it as widely understood as possible by the native population, that a liberal quantity of flour, and a number of  
blankets

blankets will be given in York after the first fall of rain, to such as shall come recommended by settlers as having forborne firing the country; and I am aware that the like inducements have been held out at the different settlements generally.

During the past year, from the best information which I have been able to procure, there have been only three depredations on stock; those of a cow being speared at the Toodyay, and the abstraction at different times of about seven sheep from the fold of Captain Scully, both by the same party, viz. "Derringwert" and "Doonamurrah." They were, as his Excellency has been informed by Mr. Bland in his last October's report, captured, but unfortunately they effected their escape. They are now with their tribe to the northward of Moore's River. The other instance, was that of a sheep having been stolen, but although a native was confined on suspicion, no evidence was adduced; he was consequently liberated.

I have pleasure in stating my belief, from the arrival frequently of foot passengers from the Sound, that the tribes on that line of road continue to be peaceably disposed, no information of interruption to the person who carries the mail, or others, having reached me.

It is highly satisfactory to observe the good feeling which continues to exist between all classes of the white population and the aborigines, though, I believe, the number of the latter employed by the former has materially decreased of late, not from any want of confidence, but invariably having obtained leave to glean the corn-fields, probably they may have (temporarily) found an easier mode of acquiring a livelihood.

I am happy in my ability to state, that the disease which has for so long a time been lamentably prevalent among the natives of this district is rapidly disappearing.

It is my intention, if no part of my duty should detain me in this neighbourhood, to visit the southern stations, viz., King George's Sound and Cape Riche, during the ensuing month, on my return from which I shall feel it my duty to communicate to his Excellency the state in which I may find the aborigines in that part of the district.

In conclusion, I cannot avoid expressing my conviction of the clear understanding which the natives appear to entertain of the protection which they will receive on appealing to the officer appointed to that duty, as well as of the restrictions under which they are held, and in which desirable state I have little doubt, strict attention to any trifling misdemeanor on their part, will long retain them.

I have only to add, that for the short time which he has been under my direction, I have found the inspector of police, Mr. Drummond, a most efficient and willing officer, and one on whom I feel that I can rely in any case where his services may be requisite.

I have, &c.

(signed) *Thos. N. Yule,*  
Acting Protector of Natives.

The Honourable the Colonial Secretary.

—No. 34.—

(No. 27.)

COPY of a DESPATCH from Lord Stanley to Governor Hutt.

Sir,

Downing-street, 19 July 1844.

I HAVE to acknowledge the receipt of your despatch, No. 10, of the 19th February last, accompanied by the annual Reports addressed to you by the Protectors of Aborigines in Western Australia.

No. 34.  
Lord Stanley to  
Governor Hutt,  
19 July 1844.

It has afforded me much satisfaction to learn that the system of native management adopted throughout the districts under your government is marked by the favourable results referred to in these Reports, and that, notwithstanding the partial withdrawal of troops from a portion of the interior, the intercourse which subsists between the natives and the European population, is not only undisturbed by any open acts of aggression on the part of the former, but that more valuable proofs are not wanting of the spread of civilization and good order among them.

It is very desirable that these people should gradually be brought to perceive, that their own interests are as much as possible identified with those of the European class, and with this view, it will of course be your constant endeavour to strengthen those feelings of kindness and good will with which both parties seem alike to be animated.

I have, &c.

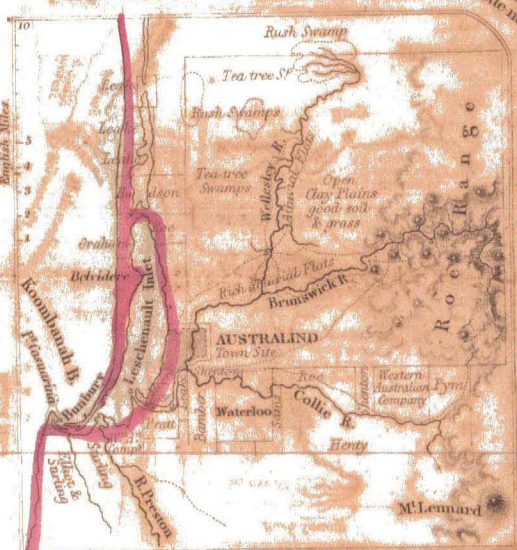
(signed) *Stanley.*



# WESTERN AUSTRALIA

From the Government Surveys.  
Drawn by  
John Arrowsmith

English Miles



627 Drawn by the House of Commons in the Session of the 1844

MAPS RELATIVE TO THE PROVINCES AUSTRALIAN COUNTIES

