

WESTERN AUSTRALIAN GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY.)

FRIDAY, JANUARY 13, 1843.

[NUMBER 338

*Colonial Secretary's Office, Perth,
January 10, 1843.*

His Excellency the Governor has been pleased to direct the publication of the following order of Her Majesty in Council, establishing a reduced rate of fees in Appeals heard by the Judicial Committee of the Privy Council, together with a copy of an order made by that Committee transferring the taxation of costs from the Masters of Her Majesty's Courts at Westminster to the Clerk of Appeals of the Privy Council.

*By His Excellency's command,
PETER BROWN.*

*At the Court at Buckingham Palace,
the 11th day of August, 1842.*

Present, Her Queen's Most Excellent Majesty in Council.

Whereas there was this day read at the Board a representation from the Judicial Committee of the Privy Council, dated the tenth August instant, and in the words following, viz.—

“The Lords of the Judicial Committee having taken into consideration the scale on which the costs of Appeals, and other matters referred by your Majesty to this Committee, are usually taxed by the Masters of the Court of Queen's Bench, or other persons to whom their Lordship's have, from time to time, referred the same; their Lordships agree humbly to represent to your Majesty, that it is expedient the scale of costs heretofore allowed in the said proceedings before this Committee, should be reduced; and their Lordships recommend that, provisionally, and until further consideration, such costs in all Appeals, or matters not being Appeals, from the Courts of Ecclesiastical or Admiralty Jurisdiction, should be taxed and allowed by all such taxing officers as shall hereafter be directed to ascertain and report the same to the Board, according to the schedule hereunto annexed; and that this rate of charges should be observed by Solicitors conducting business before this Committee.”

Her Majesty, having taken this representation into consideration, was pleased, by and with the advice of the Privy Council, to approve thereof, and of what is therein recommended, and to order, as it is hereby ordered, that the same be duly and punctually observed, complied with, and carried into execution. Whereof all persons whom it may concern are to take notice, and govern themselves accordingly.

C. C. GREVILLE.

The Schedule of Fees above referred to.

	£	s.	d.
Retaining fee.....	13	4	
Perusing official copy of proceedings.....	2	2	0
<i>(This fee to be raised at the discretion of the Clerk of Appeals.)</i>			
Attendance at the Council Office, or elsewhere, on ordinary business, such as to enter an appeal or an appearance, to make a search, to lodge a petition or affidavit, or to retain counsel.....	10	0	
Instructions for petition of appeal.....	10	0	
Drawing petition or case, per folio.....	2	0	
Drawing appendix, per folio..	1	0	
Copying, per folio.....	6		
Attendance on order of reference	nil.		
Drawing small petitions for orders, &c.....	10	0	
Instructions for case.....	1	0	0
Attending consultation.....	1	0	0

	£	s.	d.
Correcting proof sheets, per printed sheet.....	10	6	
Correcting Foreign or Indian proof sheets, per printed sheet.....	1	1	0
Attending on setting down for hearing.....	nil.		
Attending Clerk of Council for order.....	nil.		
Attending at Council Chamber on a petition.....	1	6	8
Attending Council Chamber all day, on an appeal not called on.....	2	6	8
Attending a hearing.....	3	6	8
Attending a judgment.....	1	6	8
Sessions fee (for the legal year) equal to four term fees.....	3	3	0

*At the Council Chamber, Whitehall,
August 10, 1842.*

By the Judicial Committee of the Privy Council.

The Lords of the Judicial Committee having taken into consideration the practice of referring the taxation of costs in Appeals and other matters heard at their Lordship's bar to the Masters of Her Majesty's Courts at Westminster, and being of opinion that such practice ought to be discontinued; their Lordships are thereupon pleased to order, as it is hereby ordered, that it be referred to the Clerk of Appeals of the Privy Council Office, acting as the Registrar of this Committee, to tax all Bills of Costs, under their Lordships' orders, on appeals or upon the petition of the parties; and their Lordships do further direct that all such taxation shall be regulated by the schedule of fees annexed to their lordship's representation to Her Majesty in Council of this day's date; and their Lordships do further direct that a separate account be kept of all the fees received by the said Clerk of Appeals on account of such taxation, such fees to be the same as have been usually charged by the Masters or other persons to whom the taxation of such bills of costs have heretofore been referred.

C. C. GREVILLE.

*Colonial Secretary's Office, Perth,
January 5, 1843.*

His Excellency the Governor directs it to be notified, that the Right Honorable the Secretary of State has, by a Despatch dated 13th August, 1842, signified that Her Majesty has been graciously pleased to confirm and allow the following Acts of the Colonial Legislature—

- ANNO QUARTO ET QUINTO,
VICTORIÆ REGINÆ.
- No. 16.—An Act to repeal certain Acts relating to the management of roads, streets, and other internal communications, and enabling the inhabitants of townships to assess themselves for the improvement of the town.
- No. 17.—An Act to provide for the construction and management of roads and other internal communications in the Colony of Western Australia.
- No. 18.—An Act to provide for the Improvement of towns in the Colony of Western Australia.
- By His Excellency's command,
PETER BROWN.*

*Colonial Secretary's Office, Perth,
January 7, 1843.*

His Excellency the Governor is pleased to direct the publication of a List of the Officers appointed at the last Annual

Meeting of the Perth Town Trust, held on the 2nd instant, viz.—

Chairman.
Thomas Helms, Esq.
Treasurer.
Mr. William S. Rogers.
Committee.
Messrs. George Lazenby,
William S. Rogers,
William Nairn,
T. W. Mews, Sen.,
Richard Jones.
Collector of Assessments.
Mr. Thomss Salkilld.
Collector of Dues.
Mr. John Chipper.

*By His Excellency's command,
PETER BROWN.*

*Colonial Secretary's Office, Perth,
January 10, 1843.*

His Excellency the Governor has been pleased to appoint R. G. Meares, Esquire, Resident Magistrate of York, to be Sub-Registrar of Births, Marriages, and Deaths, in the said District, in the room of R. H. Bland, Esquire, who has resigned.

*By His Excellency's command,
PETER BROWN.*

*Colonial Secretary's Office, Perth,
January 11, 1843.*

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,
PETER BROWN.*

January 4th, 1843.

SIR,—I have the honor 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 or frequenting the neighborhood 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 Rott-nest 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 neighboring 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 neighborhood 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 schoolmaster. 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 civilised 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 labor 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 Rottneest 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 neighborhood on my return.

I have the honor to be, Sir,

Your obedient servant,

R. H. BLAND,
Protector of Natives.

The Honorable the }
Colonial Secretary. }

Perth, December 31, 1842.

SIR,—I have the honor 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 22nd 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 Rottneest. 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 labor at Rottneest.

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 tranquility 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 enquiry 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 accom-

plices 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. Doubtless the prime of their hood, 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 Rottneest, 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 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 ex-

pired, 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, labor, 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 coöperation with the views of the Local Government.*

To Mr. and Mrs. Armstrong, the teachers, my warmest acknowledgements 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 favorable 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 favorable 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 neighborhood—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 labors 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 outdoor 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. McB. 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 her ministrations have not only met their 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 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 Rottneest, 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 Light-house 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 labor 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 honorable 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 townsites, nay Perth itself, were the theatres of their strife,—armed savages often in a state of disquieting more than once have murdered their victims 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 bygone days may by some be deemed apocryphal, or at least too highly colored. 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 the honor to be, Sir,

Your very obedient servant,

CHAS. SYMMONS,

Protector of Natives.

The Honorable the }
Colonial Secretary. }

* 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 2, 3, and even 4 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.

Colonial Secretary's Office, Perth,
December 29, 1842.

The following notice, issued by the Resident Magistrate of Bunbury respecting the sale of an allotment, is published for general information.

By His Excellency's command,
Bunbury, December 25, 1842.

The Sub-Collector of Revenue will offer for sale by public auction, at the Resident's Office, Bunbury, on Friday, the 20th day of January next, at one o'clock, the undermentioned town allotment, subject to the Government regulations—

Bunbury town lot No. 291.

for further particulars application to be made to the Sub-Collector, or Assistant-Surveyor.

GEORGE ELIOT
Resident.

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