

hairs, over this same subject, without any reason whatever, except that the matter would be better dealt with as a separate measure. One hon. gentleman, the Commissioner of Crown Lands, said there was a great difference between our Government and the Governments of the other colonies, inasmuch as those Governments are engaged in carrying out a certain policy as regards public works,—the inference being, that our own Government had no line of policy, and that consequently there was no necessity for the House to exercise any control over the expenditure upon public works. He congratulated the hon. gentleman upon his argument.

MR. MARMION said the hon. member for the Murray and Williams had referred at some length to the action of the House in dealing with this same subject last year, and to the stand then made by the House in favor of the clause in question. But what was the end of the whole matter? Was not the Bill sent back by the Governor in order to have the clause struck out, and did not hon. members swallow the leek? He was very much afraid, if they insisted upon the introduction of the clause again, the result would be precisely the same at last.

The question was then put—That the clause proposed to be struck out stand part of the Bill; whereupon the Committee divided with the following result:

Ayes	...	...	7
Noes	...	...	12
Majority against ...			5

AYES.  
Mr. Burt  
Mr. Carey  
Mr. Crowther  
Mr. Higham  
Mr. S. H. Parker  
Mr. Venn  
Mr. Steere (Teller.)

NOES.  
The Hon. A. C. Onslow  
The Hon. M. Fraser  
Mr. Brown  
Mr. Burges  
Mr. Glyde  
Mr. Grant  
Mr. Hamersley  
Mr. Marmion  
Mr. S. S. Parker  
Mr. Randell  
Mr. Shenton  
Lord Gifford (Teller.)

Question—That the clause proposed to be struck out be struck out—put and passed.

Bill reported.

The House adjourned at ten o'clock, p.m.

## LEGISLATIVE COUNCIL,

Thursday, 21st September, 1882.

Powers of Roads Boards to close gates across Minor Roads—Officers and men employed at Railway Station, Fremantle—Loan Monies Control Bill: first reading—Aboriginal Native Offenders Bill: in committee—Appropriation Bill, 1883: in committee—Martini Rifles for Metropolitan Rifle Volunteers—Message (No. 14): Clerical error in Trepas, Fencing, and Impounding Bill—Reply to Message No. 14—Loan Bill, 1882: third reading—The Native Question—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### POWERS OF ROADS BOARDS TO CLOSE GATES ACROSS MINOR ROADS.

THE COLONIAL SECRETARY (Lord Gifford), in continuation of his reply to Mr. Carey's question of the previous day, as to the power of Roads Boards to put and remove gates across Minor Roads, said "that the Government think "perhaps it might be advisable to give "the Boards such power, but, before "giving any definite opinion on the subject, it is necessary to most carefully "consider the question."

### OFFICERS AND MEN EMPLOYED AT FREMANTLE RAILWAY STATION.

MR. MARMION, in accordance with notice, asked the Colonial Secretary, "To "lay upon the Table a return showing "the number of men employed at that "date in and about the Eastern Railway "terminus and workshops at Fremantle; "such return to specify the names, present occupation, and salary of each "person so employed."

THE COLONIAL SECRETARY (Lord Gifford) said the return asked for should be laid on the Table as soon as it was ready. (This was done next day.)

### ABORIGINAL NATIVE OFFENDERS BILL.

This Bill, introduced by MR. BROWN, was passed through Committee without discussion or amendment.

### LOAN MONEYS CONTROL BILL.

MR. STEERE, in accordance with notice, moved the first reading of a Bill intituled "An Act to provide for the more effectual control of all moneys

raised by Loan for Public Works purposes."

Motion agreed to.

Bill read a first time.

#### APPROPRIATION BILL.

This Bill was passed through Committee without discussion.

MR. S. H. PARKER asked the Colonial Secretary whether it would be possible to include in this Bill the sum of £500 for the purpose of providing the Metropolitan Rifle Volunteers with Martini rifles, in lieu of the Sniders with which they are now armed? He understood from the noble lord the other evening, when the Volunteer vote was under discussion, that the Government would not be averse to add £500 to the Estimates for this purpose if such was the wish of the House, but he (Mr. Parker) omitted to move an address asking His Excellency to do so, while the Estimates were in Committee. If not too late now, he would be glad if the noble lord could manage to make some provision whereby these rifles could be obtained for the Metropolitan Volunteers, without waiting for another Session to come round. The Sniders with which the Perth company are now armed might be given to the York Volunteers instead of their present rifles (the Enfield), which he understood were "worse than useless."

THE COLONIAL SECRETARY (Lord Gifford) said the Government were perfectly prepared to appropriate £500 for the purpose of supplying the Metropolitan Volunteers with Martini rifles, and to give the Sniders with which that corps is now armed to the York company; but he failed to see how it could possibly be done by including the amount in the Appropriation Bill, as the Estimates had now been passed. He would however promise the hon. member to include the amount in the Supplementary Estimates.

MR. PARKER: Thank you.

#### MESSAGE (No. 14): CLERICAL ERROR IN TRESPASS, FENCING, AND IMPOUNDING BILL.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

"The Governor returns, herewith, to  
"Your Honorable House the Bill in-

"titled 'An Act to consolidate and  
"amend the Laws relating to Trespasses  
"by Live Stock and the Poundage  
"thereof, and to consolidate the Laws  
"relating to the Construction of Fences,'  
"in the 34th section of which there  
"appears to be a clerical error. Instead  
"of 'The Justices of the Peace mentioned  
"in the 30th section hereof,' the line  
"should read 'The Justices of the Peace  
"mentioned in the 32nd section hereof';  
"and the Governor suggests to Your  
"Honorable Council to amend the section  
"accordingly."

"Government House, Perth, 21st Sep-  
"tember, 1882."

#### REPLY TO MESSAGE No. 14.

THE COLONIAL SECRETARY (Lord Gifford) moved the following Address in Reply to the above Message: "That this House agrees to the alteration in the 34th section of the Trespass, Fencing, and Impounding Bill, as suggested by His Excellency in Message No. 14."

Agreed to.

#### LOAN BILL, 1882.

THE SPEAKER having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of Lord Gifford, was read a third time, and *passed*.

THE COLONIAL SECRETARY (Lord Gifford) moved, That the title of the Bill be "*An Act for raising the sum of Two Hundred and Fifty-four Thousand Pounds by Loan for the construction of certain Public Works.*"

MR. STEERE said that, in order to show consistency—the clause he had introduced into the Bill relating to legislative control over the expenditure of the proposed loan having been struck out, he must divide the House on the question.

Question put.

Committee divided, with the following result,—

Ayes	...	...	13
Noes	...	...	5
Majority for	...		8

## AYES.

The Hon. A. C. Onslow  
The Hon. M. Fraser  
Mr. Brown  
Mr. Burges  
Mr. Glyde  
Mr. Grant  
Mr. Hamersley  
Mr. Higham  
Mr. Marmion  
Mr. S. S. Parker  
Mr. Randell  
Mr. Shenton  
Lord Gifford (*Teller.*)

## NOES.

Mr. Carey  
Mr. Crowther  
Mr. Steere  
Mr. Venn  
Mr. Burt (*Teller.*)

## NATIVE QUESTION.

MR. BROWN, in accordance with notice, moved that the House do now resolve itself into a Committee of the whole, for the purpose of taking into consideration the communications made to the House by the Government with reference to the native question.

The motion was agreed to.

## IN COMMITTEE.

MR. BROWN said that, in asking the attention of the Committee to what was known as the native question, he felt there was no necessity to trouble them with any very lengthy history of the question. Hon. members were aware that for years past letters written by settlers had appeared in the columns of the public press, detailing the serious difficulties under which they professed to be laboring, in settling the Gascoyne and Upper Murchison Districts, and that lately a considerable number of these letters had appeared with the settlers' names attached to them. Hon. members were aware that the results of these complaints, and also of certain representations which were made a short time ago by a deputation which waited upon His Excellency the Governor, was that the Government dispatched to those districts a Magistrate, on a special mission, to ascertain the real state of things. Reports from this gentleman (Mr. Fairbairn) had been placed on the Table of the House for the information of hon. members, and, before he proceeded to deal with them, he should like to say this,—he was very pleased to find that the general impression which was abroad some time ago among the settlers of the Gascoyne, to the effect that the Government had issued a circular order to Magistrates not in any instance to swear in special constables, was an incorrect impression. A copy of this circular had been placed on the Table of the House,

and, having read it, he was bound to say it was a very proper order, and that the Government were perfectly justified in issuing instructions—which was all that was done—that no Magistrate should swear in special constables for the purpose of arresting natives who had absconded from service. To have done so would, in his opinion, be going outside the law, and the order was a right and proper one. He was also pleased to find, so far as he had been able to gather, that the impression which was abroad with reference to the unfortunate murder of the young settler, Clarkson,—that the police had reported to the Government that they could have arrested the murderers had they not been precluded by their instructions from doing so,—was also incorrect. It now appeared that the first party of police sent to inquire into the circumstances connected with that outrage were precluded by their instructions from doing anything beyond investigating and reporting upon the matter, but that, subsequently, another expedition was sent by the Government with full powers to arrest the offenders and bring them to justice. They did not, however, succeed in doing so, with the exception of one man, who was supposed to have been connected with the murder; but, in the opinion of the Government, there was not sufficient evidence to put that man on his trial. Before concluding his remarks, he would have to call attention to what was done on that occasion, and to the steps which the Government neglected to take with reference to it. He would ask what impression these reports of Mr. Fairbairn, and the memoranda made by the Government with reference to them, had produced on the minds of hon. members? Why, it was this—at least he could speak for himself, that, if he had gathered his information with reference to this native question solely from these reports and memoranda, the conclusion which would have been forced upon him was—and he appealed to other hon. members whether it would not have been their impression—that the settlers on the Gascoyne and Upper Murchison, and those who had been speaking up for them, had been crying out with very little cause. [Lord GIFFORD: Hear, hear.] He was glad to hear the noble lord admit it, for it would be his

endeavor to refute and remove this impression. But it could not be denied that the conclusion which these reports and memoranda would lead anyone to come to, who depended solely for his information upon these sources, was this: that, certainly in some instances, serious depredations had been committed by the natives, but that they had been exaggerated; that it was absurd to say that the natives as a rule were hostile to the settlers; and that, whatever depredations or outrages the natives had been guilty of, the settlers themselves, in the opinion of Mr. Fairbairn and in the opinion of the Government, were to blame for it. Mr. Fairbairn and the Government also appeared to have made this discovery—he did not wish to speak with any levity on the subject—but they seemed to have made this discovery: that the settlers on the Gascoyne and the Upper Murchison were no exception, as regards their moral relations with the native women, to other people who resided in the very centres of civilisation, not only within our own Colony, but in every part of the world where the two races are brought in contact with each other. Now, that may have been a very important discovery to have made,—the Government at any rate seemed to regard it as a very valuable discovery indeed, and one which was at the bottom of all the troubles and trials of these unfortunate settlers. But even if it were true—and he would deal with that part of the question later on—was it not the case in every other part of the world? Had it not been the case ever since the spread of civilisation had been attempted? And, men and women being human, and, being human, frail, it was much to be feared, and no doubt much to be regretted, that such would be the case in the future. But no one, unless he were a mere child in his experience of human nature, would regard the existence of sexual relations between one race and the other as an important discovery, of the first magnitude in the solution of this so-called native difficulty. But he denied, so far as the papers now before the House went to prove, that there was any ground whatever for the allegation of the Government, as regards the settlers of the Gascoyne and the Murchison,—that they had “permitted the seizing

of native women.” That, however, he would refer to presently, when he came to deal more particularly with these reports and memoranda. Before doing so, and in order to show the hostility displayed by the natives of these districts towards Europeans ever since the country was first visited by white men, and before there could possibly have been any ground for saying, as the Government said, that the settlers had themselves to blame for the attitude now assumed towards them by the natives, he would read some extracts from the journal of a man who—as all who knew him must be aware—was incapable of misrepresentation, a man whose word must command the respect and the belief even of the Government. He alluded to Mr. Frank Gregory. [The hon. member then proceeded to read extracts from Mr. Gregory’s journal, of the expedition conducted by him to these districts in 1858, showing that a large mob of armed natives, on the Upper Gascoyne, attacked his camp during the night, and that on the Lower Gascoyne also the natives showed them determined hostility.] Mr. Brown also related his own personal experience of the treacherous and aggressive character of the natives in this part of the Colony; after which the hon. member read a large number of letters, and other communications made to the Government or to himself by settlers and others, from the first settlement of the district to the present day, in confirmation of his contention that the policy of the Government as regards this native question had, all along, been a mistaken policy, and that ever since these districts were first settled the attitude assumed by the natives towards the settlers had, generally speaking, been one of unpromising hostility. Amongst the letters and memoranda were: (1st). Letters, etc., referring to the spearing of Charles Shires, on the Murchison in 1874. Seven warrants were issued, but no arrests made. (2nd). Papers relating to the murder of Henry Clarkson in 1874; the attack upon Mr. Horne and others on the Upper Murchison in 1878. In this case police were sent to investigate and ordered to communicate with the natives, distribute presents amongst them, and, caution them against interfering with

the settlers, but to make no arrests except in glaring cases. No arrests were made. (3rd). Papers concerning the spearing of Luke Parkwood and Henry Birch in 1876. (4th). Papers concerning the attack upon James Craig, on the Gascoyne in 1877, for which two natives were imprisoned. (5th). Papers on attack upon Doust in 1878, upon which inquiry followed. (6th). Concerning attack upon David Forrest and Pearim, on the Ashburton. (7th). Concerning attack upon A. S. Watts, on the Gascoyne in 1878; the inquiry into this case showed the troublesome character of the natives. (8th). Concerning attack upon Mooney, in 1878, by large body of natives. (9th). Concerning attack upon Mr. Finnerty, in 1881. (10th). Concerning attack upon Selby J. Spurling's party, on the Ashburton in 1880, when severe fighting occurred. (11th). Concerning night attack upon Sewell's camp in 1881; the minute upon the report of this case was to the effect that Government would send police to inquire and ascertain the truth as to the alleged troublesome character of the natives. (12th). Concerning spearing of Bailey in 1881. (13th). Concerning outrage upon Woodley's shepherd in 1881. (14th). Concerning spearing of Collins in 1882. (15th). Concerning murders of Brackell and Redfern, and spearing of Mick, in 1882. The hon. member also read some correspondence which had passed between the Government and Mr. John Brockman, in which the Colonial Secretary raised the question of Mr. Brockman's jurisdiction as a Justice of the Peace in dealing with native offenders. The hon. member said in that case the Government appeared to have taken a perfectly correct view of the law on the subject, but at the same time he must state that he did not think they had acted in accordance with the law when sending up Mr. Fairbairn, who, not having been duly gazetted, had no power in the world—so far as he (Mr. Brown) was aware—to inflict the sentences of imprisonment which he had passed upon these natives. For his own part he was very glad he (Mr. Fairbairn) had punished the offenders, but inasmuch as he was not a Resident Magistrate of the district, he (Mr. Brown) doubted very much whether he had any legal right to pass the sentences he did upon them.

In fact, he had no hesitation in saying that all the natives who had been sentenced by Mr. Fairbairn had been illegally sentenced.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): We'll let them off, then.

Mr. BROWN said he had no wish to see them let off; he simply gave expression to what he believed to be a correct view of the case,—that Mr. Fairbairn had no legal right to sentence these natives. The hon. member then read some memoranda furnished to him by Mr. Fred. Smith, who had recently returned from the disturbed districts; also a letter received by him from Mr. Frank Monger, detailing the depredations committed by the natives. The hon. member, continuing, said he hoped he had succeeded in showing the House that a most serious state of things, culminating in depredations, outrages, and bloodshed on the part of the native inhabitants, had prevailed in these districts for years past, and that, whatever may have been the "exaggerations" put forward on behalf of the settlers, the Government had not taken a correct view of the situation, and had themselves resorted to "exaggeration" from their own point of view. He now came to Mr. Fairbairn's mission. The instructions given to Mr. Fairbairn by the Government would be fresh in the recollection of all hon. members. On reference to them it would be observed that, at first, the Government had no idea of sending him to the Gascoyne, but that he should merely proceed to the Upper Murchison, and he (Mr. Brown) might mention incidentally that it was at his request that Mr. Fairbairn was instructed to make a point of visiting the Gascoyne District. In sketching out a general line of instructions for his guidance, the Colonial Secretary, writing on behalf of the Government, said: "Whilst 'in the neighborhood of the Upper 'Murchison, His Excellency hopes that 'you will be able to report, from a dis-' 'interested side of the question, the 'true state of the relations that exist 'between the settlers and the aborig-' 'inals—whether the former have acted 'in any way harshly towards the latter 'and thereby forced them to the hostile 'attitude that it is reported they have 'assumed towards the settlers, or 'whether the natives have, without re-

"ceiving provocation, taken upon themselves the position which they are said "to occupy, from a belief that they will "not be punished, and from a mistaken "notion of our inability to cope with "them successfully." Now he felt that the very wording of these instructions was a reflection and a very serious reflection upon the settlers of these districts, and he knew the settlers themselves felt it so, too. He had a private letter which he had received from one of them (Mr. Charles Brockman), who said: "Fairbairn asked me to assist him "to catch some of the native offenders, "but I refused to work with him at all, "as I consider the instructions given to "him—to see if we had not brought the "troubles with the natives on ourselves, "by ill-treating them—a gross insult on "every settler in the district, and I for "one do not intend to quietly pocket it, "and go on as if I was quite satisfied. "If Fairbairn or any other man says the "natives have been ill-treated here, I "say"—this, of course, was a private letter to himself—"it is a wilful lie. "The fault with most people is that they "treated them like spoilt children from "the very first. . . . Fairbairn knows "no more than a child of the native "character, and of our difficulties." That was what Mr. Brockman said; and what did Mr. Fairbairn himself say with regard to the treatment received by these natives at the hands of the settlers? Reporting from the Upper Murchison, on the 12th July, he said, "the "natives in the service of the whites "appear to be well fed and kindly "treated." That was with reference to natives employed by the settlers; Mr. Fairbairn did not say a word upon this point with regard to the other natives,—but had he considered they had been subjected to anything like harsh treatment at the hands of the settlers, no doubt he would have taken care to report upon it, and his silence on the subject showed conclusively that these natives were kindly treated. This was admitted, and the only excuse which Mr. Fairbairn could find for the depredations and outrages committed by these natives, was the simple fact,—or rather he should say, the simple allegation—that some of the white shepherds and some of the white settlers had

voluntary intercourse with the native women. Now, surely it was not necessary to send Mr. Fairbairn all the way to the other end of the Colony in order to enable him to inform the Government of that. Was it not a notorious fact, ever since the foundation of the Colony, that the same thing had occurred, wherever the two races were thrown together? He did not attempt for a moment to justify it, nor did he mean to say that it was anything which anybody ought to attempt to justify, or that it was a creditable state of affairs, but this he did say,—if the Government believed that the moral relations which existed between the whites and the blacks was discreditable, if they believed that the natives were in this way wronged, surely that was all the more reason why Government should have taken some steps for the protection of the blacks as well as of the whites, and should not have withheld that protection which the settlers had been begging and praying for. He did not mean the sending up of an occasional policeman, to ascertain whether reports as to native outrages and depredations were true or not, but to have provided some means, which was within their power, for bringing the depredators, and the authors of these outrages, to justice on the spot. It was the merest mockery to send a policeman or two to inquire whether there was any truth in the rumours which obtained currency, and to expect the settlers to travel hundreds of miles away from their stations, with a possibility or otherwise of obtaining redress. What settler could afford to come down three or four hundred miles to appear against a native who perhaps had robbed his hut or thrown a spear at his shepherd? Would it not mean ruin to him? Yes. And hence it was these people had been crying out for protection for years past, but crying out in vain. They had over and over again told their piteous tale to the Government, but they had told it in vain. They were "exaggerating." So the Governor said in his opening speech. So Mr. Fairbairn said in these reports. "Most of the settlers," he said, "have "lost sheep, and some have doubtless been "heavy losers by the natives, but the "reports as to the losses by depredations "have been exaggerated." The Colonial

Secretary, in commenting upon this statement said, "it was clear that the reports of native depredations and outrages had lost nothing by being carried, but, on the contrary, increased in magnitude." How eagerly the Government jumped at this conclusion was shown in another paragraph of this memorandum written by the noble lord. "Mr. Crawford's statement," the noble lord said, "is most valuable"—most valuable—"as to his loss of only 72 sheep, as it will be remembered it was stated that thousands of sheep had been carried away from this station by the natives." He challenged the Government to prove that assertion—that it was stated by anybody that "thousands" of sheep had been carried away from Mr. Crawford's station. If the settlers had exaggerated there was equal exaggeration here. He challenged the Government to prove that any person who was likely to know anything about the matter, or whose statement was worth listening to, had told them anything of the sort. The statement made by the deputation that waited upon His Excellency the Governor, and at which the noble lord was present, was that 1,500 or 1,700 sheep had disappeared from this station during a period of twelve months when Mr. Monger had it, and not in Mr. Crawford's time (although that did not appear from the newspaper report); but it was an absolute fact. But even then, 1,500 or 1,700 sheep did not constitute "thousands." The Colonial Secretary, in his memorandum, said that, "in the opinion of Mr. Crawford, blacks are better than whites for shepherds," and (the noble lord added) "the latter certainly seem to have peculiar habits, and are not particular about observing the difference between *meum* and *tuum*." This was the estimate which the noble lord entertained of white shepherds,—they were not particular in observing the difference between "mine and thine"—and yet the Government blamed the settlers for employing black shepherds, who apparently, in the opinion of the Government, did know the difference. The noble lord was somewhat inconsistent. The concluding paragraph in this memorandum was to this effect: "From the reports herewith" (namely, Mr. Fairbairn's) "it will be seen indisputably"—there

could be no doubt about it—"that the course adopted by the Government was a correct one, and that the measures taken to investigate and repress outrages were sufficient." He denied it. Personally, he considered that the Government had lamentably failed in the discharge of their duty to extend adequate protection to the lives, the property, and the rights of the settlers of these districts; and the sooner they recognised their duty in this respect, the better would it be for all concerned. "I think," His Excellency said in his memorandum to the Colonial Secretary, "you are quite right in saying that the interference with native women on the part of the white shepherds is to a large extent at the bottom of the reprisals which have taken place. Their women are surely as valuable to them as our flocks and herds are to us; and so long as we outrage those feelings which human nature has placed in a greater or less degree in even the most savage breast, what right have we to expect that they will respect the property of the aggressor, what right have we to be surprised when we hear that a native, 'sulky' with a shepherd for taking his woman away, has put the white man to death?" No one had a right to be surprised. But he challenged the Government to prove from any of the papers laid on the Table of the House that any white man, settler, or shepherd, ever took a native woman away. The evidence was all the other way. But supposing it was the case,—supposing that the whites were in the habit of forcibly abducting the native women from their black protectors, was that any excuse for the Government to delay putting the machinery of the law in motion for enforcing a stricter observance of it? On the contrary, was it not a very good reason for hastening to set the machinery of the law in motion, and to afford protection to the blacks as well as the whites? He thought so. The Colonial Secretary, in another memorandum, said "We are told by the opponents of our proceedings that the natives are at war with the settlers—a fact that is not borne out by the evidence attached." So the noble lord said. But, he would ask, if they were not at war with us what could be the

meaning of the extracts he had read from the papers laid on the Table? What did the noble lord mean by being at war? Did he mean to say that these blacks who, according to the evidence of Mr. Fairbairn himself, had been guilty of serious depredations, had been guilty of savage outrages, had been guilty of brutal murders, did the noble lord mean to say that these natives were living in peace and harmony with the settlers of the district? Undoubtedly they were at war with the settlers, but the settlers (to their honor be it said) were not at war with their aggressors. No doubt there had been some blood shed, and that blood was upon the head of those who had neglected to put the law in force. The noble lord, in the same paragraph, talked about the "seizing of native women" by the settlers; but he (Mr. Brown) looked in vain for one tittle of evidence, from one end of these communications to the other, to support such a charge. There was no proof of a solitary case in which a native woman had been "seized;" on the contrary, it had been shown that those who did keep these women had them given to them by the natives voluntarily,—which was a very different thing, though none the more defensible on moral grounds. Settler after settler testified, in this evidence, that in all cases these native women were voluntarily offered to the whites; and Mr. Fairbairn, although he tried hard, and very properly tried, to ascertain whether there had been any forcible seizure or any forcible detention, had been unable to show that there had been anything of the kind, and the statement to the contrary was a fallacious statement, so far as could be gathered from any of the papers furnished to that House. If the Government were in possession of any further information, it was their duty to have laid it before the House, and, inasmuch as they had not done so, he thought he was justified in characterising this statement as fallacious, and it was a thousand pities that the Government had so maligned the settlers of the district. One thing was very certain: the action of the Government in regard to this native question, whether it was right or whether it was wrong, had had this effect,—he did not refer to the present Administration alone,

or to the members of that Administration personally—the action of the Government with reference to this native question had undoubtedly had one very serious effect: it had completely alienated the sympathies of the settlers from the Government. The settlers had come to regard themselves as altogether outside the pale of Government sympathy or of Government assistance, and been led to a conviction that they had not their interests at heart. They would like to be rid of a Government that had so lamentably failed in their first duty towards the settlers of the soil. This was a deplorable state of things in a community like this. He would say no more. He would not detain the House any longer. His acknowledgments were due to hon. members for the patience with which they had listened to him. If he were to do what perhaps he might conceive to be the right thing to do in this matter, he would ask the House to adopt a resolution somewhat to this effect,—that the Government has lamentably failed in its obligations to provide protection for the lives, the property, and the rights of the settlers, black and white, in the Murchison and Gascoyne Districts. But he refrained from doing that, for this reason,—he hoped that after this discussion the Government would see things in a truer light, and, having done so, would be as anxious as he was to apply some effectual remedial measures for alleviating the position of the settlers of these districts. Under these circumstances, and in this expectation, he would content himself by asking the House to affirm the resolution which he would presently move. It would possibly be remembered that when the subject of police protection for the Gascoyne and Upper Murchison was under discussion in the House last year, and reference was made to the small force which it was proposed to send up there, he told the Government then that he believed they could rely upon the co-operation of the settlers in dealing with this native difficulty. He was then fresh from among these settlers, and he felt he was justified in assuring the Government of their cordial co-operation, and that, such being the case, he thought the small police force which the Government contemplated sending up there would be



sufficient, at any rate as a commencement; but he knew now, that, since then, there had been such a revulsion of feeling on the part of those settlers,—the Government by their inaction had so alienated their sympathies, that, as they (the Government) themselves admitted, there was only one settler in the district who had promised them any assistance, and that was Mr. Finnerty. Under these circumstances, he doubted very much whether the small force which the Government were sending up would be able, successfully, to cope with the state of affairs now existing on the Gascoyne. And was this revulsion of feeling on the part of the settlers to be wondered at? He thought not. Where was the murderer of poor Brackell? Where was the man who murdered Redfern? He noticed, by-the-by, that Mr. Fairbairn implied that it was not Wangabiddy who murdered Redfern—he doubted whether the story was correct or not as to Wangabiddy being the man who killed him. For his own part he (Mr. Brown) had not much doubt about it. When he was at the Gascoyne last year this very man, Wangabiddy, had openly threatened that, the first white-fellow he came across, he would murder him; in fact, he was the terror of the district. He twice endeavored to inveigle Mr. Officer to go with him while he showed him where he could obtain water; but, having been warned of the dangerous and treacherous character of the man, Mr. Officer wisely refrained from placing himself in his power. This same native also came into collision with Mr. Davies, during the time he (Mr. Brown) was visiting the district, and there was a fracas between them. Wangabiddy had always declared that the white man should not occupy that part of the country in peace,—at any rate, so long as he lived; and the idea suggested by Mr. Fairbairn that it was not this particular native who murdered Redfern was, he fancied, in the face of the native evidence, and of the truculent character of the man, incorrect. At any rate Redfern's murderer was still at large. Where, he would ask, were the authors of the many other outrages referred to in the letters before the House? Where, again was the would-be murderer of poor Collins? He had begged of the Gov-

ernment when sending Mr. Fairbairn on this mission to make it imperative that he should proceed as far as the Gascoyne, in order to bring to justice those who had so brutally and cruelly sought the life of this intending settler; but it did not appear to have been done. Did the Government mean to deny that Mr. Collins was speared, and without provocation, in the brutal manner described? They could not do that. True to the line of action they had pursued throughout in regard to this native question, the Government had allowed these offenders to run at large for so long a time that the natives naturally thought they could commit outrages upon the whites with impunity. The resolution he had to submit was as follows:—"That this House desires to express an earnest hope that such steps may be taken by the Government, without any delay, as will effectually put a stop to a state of things in the Murchison and Gascoyne Districts, in regard to the position of the settlers amongst the native population, which is highly prejudicial to the interests both of the whites and the blacks, and greatly tends to retard the development of a promising portion of the Colony."

THE COLONIAL SECRETARY (Lord Gifford) thought the hon. member had proved clearly that the Government had done all that was within their power with regard to this native question. Not one single letter, not one single word, had been adduced to show that the Government had not been alive to the exigencies of the situation, and taken action as speedily as the circumstances of the case admitted of, whenever an outrage was reported to them. The hon. member had quoted copiously from letters and from reports, but he had failed, and signally failed, to prove that the Government had neglected its duty. One portion of the hon. member's speech appeared to him (the noble lord) to show conclusively that the Government had taken a correct view of the situation, and that the settlers in these districts had not adopted such precautions as might reasonably have been expected of them to protect their property. The hon. member commenced by referring to Mr. Frank Gregory's journal, in order to show that as early as 1858 the natives of

these districts were inclined to resent any invasion of their country by the whites, and the hon. member further confirmed this fact by his own experience, and by the conduct of the blacks before the districts first became settled. It was well known, according to the hon. member's own showing, that the natives were a savage lot, and the settlers before they went up amongst them must have been perfectly well aware that it would be prudent on their part not to go there without taking every reasonable means within their power to protect themselves and their property. But what was the case? Was it not clearly shown, according to the evidence of the settlers themselves, that they took hardly any precautions at all against the native depredations? Had they been living amongst the most civilised and highly moral people in the world, instead of among untutored savages, they could not have taken less precautions than according to their own evidence they appeared to have taken. Their huts were left unprotected, their flocks were left unguarded, their sheds unfastened—in fact they seemed to imagine that they had cast their lot amongst the most simple-minded and honorable class of people in the world, instead of a treacherous and depraved race. The hon. member had shown that it was known years ago that these natives were not to be trusted, and the settlers themselves could not have been ignorant of the fact, yet what do we find? Instead of exercising the most ordinary precautions, we find them leaving their stores and their flocks unprotected, while they themselves lie down to sleep unprotected and unguarded in any way. Although the hon. member had shown from Mr. Gregory's journal that these natives were not to be trusted, it was also on record that these very people many years ago had shown themselves capable of acting with kindness towards the whites, in distress. The hon. member was of course aware of the fact that a ship was wrecked, in the early days of the Colony, on this part of the coast, somewhere in the vicinity of Point Cloates, and that the natives did all within their power to succour the shipwrecked crew, treating them most humanely. That showed that these natives were not quite so black as they

were painted, and that if in these latter days they have assumed a more hostile attitude there must probably be some cause for it. As to the case referred to by the hon. member, at the Ashburton, when Sergeant Houlahan came across natives in that district who appeared to be instinctively hostile to the whites, without any cause for provocation, the hon. member must be aware that the natives in that district had not then had any relations with the whites, and that these untutored savages regarded a white man as the devil. Was it any wonder, then, that they should resent any invasion of their territory by the whites? Was it not the same in every part of the world, where Europeans first came in contact with uncivilised native races? Was there not almost sure to be a conflict between them? The hon. member also referred to Clarkson's murder. No doubt that was a cruel murder, but the difficulty was to obtain conclusive proof as to the identity of the murderers. The Government had sent two expeditions to endeavor to do this, and to bring the guilty parties to justice, and surely it was not fair to blame them if their efforts had as yet proved unsuccessful. It could not be said that the Government had not recognised their duty in regard to this case, for, as a matter of fact, they had done all they could in the matter. It had been said that Mr. Brockman had given the Government to understand that he knew four of Clarkson's murderers, and that he had given us their names; but when the Government, upon receiving this information, sent a police expedition to investigate the matter, what did they find? Why, that two of those whose names had been given as the murderers of this unfortunate gentleman were little children, twelve or thirteen years of age. No one witnessed the murder except the natives themselves, who were concerned in it, and unless some of these turned what was called "Queen's evidence," how were they going to secure a conviction, even if they succeeded in obtaining the right parties? One man who was supposed to have been an accessory to the outrage was arrested, and brought down by the Government, but the law could not reach him, for the simple reason that there was no evidence

against him except his own statement. Under these circumstances he maintained the Government had done all they possibly could in this unfortunate affair, yet the hon. member for Geraldton would have them believe that the Government had done nothing either in this or in any other case of reported outrage. How many expeditions had the Government, with the limited means at their command, sent to these districts during the last two years? Including Mr. Fairbairn's, no less than seven expeditions had been dispatched by the Government to inquire into these complaints. Whenever a report of any serious depredation or outrage was sent down, the Government immediately forwarded the police to investigate, and to report as to the true state of affairs. (The noble lord instanced several cases in which this was done, giving dates, names, and particulars.) Last year, when the Estimates were under discussion, and the Government came forward with a proposal to increase the police vote in order to give greater protection to the settlers in these districts, the House agreed—the hon. member for Geraldton himself agreed—that what was proposed to be done would answer the object in view at that time. It was resolved then to station police at the Gascoyne, and a vote was taken for that purpose, but owing to the drought and the state of the country being adverse to the police staff travelling overland, it was impossible to send them up at the commencement of the year, but no time was lost in sending them as soon as the season admitted of it. In addition to this, constables at Mount Murchison were instructed to use every effort to capture depredators in their district, and finally, in May last, it was resolved to send up Mr. Fairbairn, with a posse of police, on a special mission to ascertain the real state of affairs, and to punish offenders on the spot. Hon. members would thus see that every effort had been made by the Government, with the limited means at their command, to deal with this native question, and he unhesitatingly maintained that the Government had acted throughout in an energetic and decisive manner, but with a desire to avoid bloodshed. He noticed that the hon. member for Geraldton, in

quoting from the letters and papers laid before the House by the Government, referred only to such outrages as were alleged to have been committed by the natives upon the whites. The hon. member carefully abstained from all reference to cases of shooting by whites at the black; the hon. member made the most of the other side of the question, but took good care not to present this side of it. The hon. member must have known, if he read those papers carefully, as he seemed to have done, that there had been investigations into other cases than charges made against the natives,—that there had been investigations in which charges were made against the whites of shooting natives; not lately he was happy to say, but still if the hon. member had wished to do so, he could have pointed to many cold-blooded deeds committed by Europeans against the blacks. The hon. member, however, carefully refrained from doing that. The hon. member took exception to the wording of Mr. Fairbairn's instructions because—so he said—the Government had insulted the settlers by asking Mr. Fairbairn to report, from a disinterested side of the question, the true state of the relations that existed between the settlers and the aboriginals—whether the former had acted in any way harshly towards the latter and thereby forced them to the hostile attitude that it was reported they had assumed towards the settlers, or whether the natives had, without receiving provocation, taken upon themselves the position which they were said to occupy, from a belief that they would not be punished, and from a mistaken notion of our inability to cope with them successfully. The hon. member took exception to these instructions, but for his own part he thought they were very proper instructions to issue, under all the circumstances, especially when read in conjunction with other parts of Mr. Fairbairn's instructions. The hon. member should also have read the closing paragraph which he (the Colonial Secretary) had written to Mr. Fairbairn, when giving him his instructions, and which was as follows: "In conclusion, I am desired to say that His Excellency has every confidence that your discretion and experience will enable you to carry

“to a successful end the objects for which the expedition is sent, namely, to show the natives that Government are determined to punish all breaches of law and order with severity, but yet with justice, and that while on the one hand the natives will at all times receive all proper protection and assistance from this Government, they will not on the other hand be permitted to commit outrages with impunity, as they apparently seem to imagine they can.” He would ask the hon. member now, in the face of these instructions, if it could be said that Mr. Fairbairn had been sent up to put the natives in the right and the settlers in the wrong. He would ask any unprejudiced person whether such instructions could bear such an interpretation? The hon. member for Geraldton cavilled at these instructions now, but he would remind the hon. member what he said on the occasion when he formed one of the deputation that waited upon His Excellency the Governor, in May last, just before Mr. Fairbairn was sent up, and when these instructions were read by His Excellency for the information of the deputation. The hon. member said “it afforded him much pleasure to make one of the deputation,—not with the object of in any way complaining that the Government had not taken steps, and sufficient steps, in the matter, but in order to strengthen the hands of the Government in doing what they conceived necessary to be done.” Those were the hon. member’s own words as reported in the *West Australian*, and he would put it to any unbiassed mind whether, on reading those words, it would not have been imagined that the hon. member agreed at that time that the Government had taken proper steps in the matter, and that these instructions met his approval. (Mr. Brown: No.) At any rate, after the instructions were read to the deputation, he found the hon. member saying this: “Mr. Fairbairn was going on a very delicate and important mission, and, so far as he (Mr. Brown) could judge of the instructions which had been prepared for his guidance, the course proposed to be adopted was a very wise one.” Yet the hon. member came before the House that evening and stated that these instructions were framed in the interests of the natives and

to the prejudice of the settlers. Really one would think from the tone of the hon. member’s remark that the Government had actually done nothing at all, but sat by, with folded hands, and let the settlers be outraged and murdered with impunity. “Where are the murderers of Brackle? Where are the murderers of Redfern?” the hon. member asked, in melodramatic accents. One would think the Government had taken no steps to arrest the murderers of these unfortunate men; but what were the real facts of the case? What did Mr. Fairbairn say in his report from the Lower Gascoyne, dated the 16th of August? This was what he said: “I regret to state that two white men have been murdered recently by natives, one a shepherd named Charles Brackle, in the service of Messrs. Gooch and Wheelock, on the Minilia River, about 150 miles North-east from the mouth of the Gascoyne; the other a teamster named Charles Redfern, in the service of Mr. Mackintosh, near the Kennedy Range. I received a report of the murder of Charles Brackle on the 8th instant, and as soon as the horses had a day’s rest, of which they were in much need after their long journey from the Murchison, I despatched two police and a native to the Minilia, with instructions not to return till the murderers were arrested. Three days after the police had started, a man arrived with a letter from Messrs. Gooch and Wheelock, reporting that they had shot the native in attempting to arrest him; also five or six others. I have little doubt, therefore, that the police, whom the messenger missed on the way in, will return much sooner than I anticipated. I held an inquest on the body of Charles Redfern on the 5th instant, and from the marks of violence still plainly visible, the jury had no difficulty in arriving at the conclusion that he had been murdered. The head had apparently been almost severed from the body by some heavy sharp instrument, but by whom the blow was inflicted there was no evidence to show. I enclose, herewith, a copy of the evidence taken at the inquest. What the motive was for murdering Redfern, or by whom the deed was perpetrated, we have not as yet been able to determine.

"Some of the settlers inform me that the natives have told them he was murdered by a native named Wangabiddie, and that he murdered him for his rations. I have questioned several natives (through an interpreter) who were found in the Kennedy Range, not far from where the murder was committed, and who are known pretty well to have seen Wangabiddie since, and in whose possession some of Redfern's things were found; and they all state that Wangabiddie killed him, because he was 'sulky' with him for taking away a woman named Kaluman, who belonged to a relative of his named Dickie; they state that when the murder was committed Dickie was in the neighborhood. Whether this be the correct story or not, on one point there seems to be no doubt: Redfern left Mackintosh's station for the Port on the 6th May, taking with him a young woman named Kaluman; and this woman, Wangabiddie, and Dickie have never been seen since by the whites. Wangabiddie is well known, and the settlers will have no difficulty in pointing him out to the police. It may take some time to catch him, but that he will be taken I have no doubt whatever." In a subsequent letter, dated Gascoyne, 30th August, Mr. Fairbairn reported that the police had succeeded in arresting this man Wangabiddie, but that there appeared very little evidence against him, "Wangabiddie" Mr. Fairbairn said, "denies the charge, and states that Redfern was murdered by a native named Dickie, husband of the woman who accompanied Redfern. Before the case can be gone into, it will be necessary to get hold of Dickie, Kaluman, and the other men whom Mr. Mackintosh states he sent with a letter after Redfern." This showed the difficulties the Government had to contend against in dealing with these cases, and it also showed very clearly that, so far from lying idle, with their hands folded, the Government were doing all within their power to do justice between the blacks and whites. With regard to these reports of Mr. Fairbairn's it was stated that the evidence given to him by the settlers was not read to them. [MR. BROWN: Who said that?] He had heard it so said, and probably

the hon. member had heard it—he was not sure whether he had not heard the hon. member himself say so. [MR. BROWN: I am sure you never did.] At any rate, as a matter of fact, the evidence taken down by Mr. Fairbairn was read over to them, and, on one occasion, when a somewhat highly colored statement was made, Mr. Fairbairn asked the witness whether he wished that to remain, or whether he wished to modify it, and the reply he received was to this effect: "Oh, never mind; a little agitation, a little sensation, will be a good thing for us." The hon. member for Geraldton made a strong point of what he was pleased to term exaggeration, on his (the noble lord's) part, in reference to what had been said about "thousands" of sheep having been missed from some of the stations, when, in reality, it turned out that only comparatively few had been missed from the stations referred to. He particularly alluded to Mr. Crawford's station. It was mentioned by the deputation that waited on the Governor that 1,700 sheep had been missing from this station; but what did Mr. Crawford himself say? That when he took over the station from Messrs. Gale and Monger, there were 8,134 sheep; that, since then, he had counted them and found there were only 8,062, showing a deficiency of 72, of which 14 had been killed for station use, and one he had found dead in the yard. Mr. Crawford believed that the natives had taken the rest—57, not 1,700. [MR. BROWN: I have already explained that the heavy losses on this station were before Mr. Crawford took it over from Messrs. Gale and Monger]. At any rate, the losses were not apparently attributable altogether to native depredations. Mr. Crawford in his evidence said: "He looked upon his white men as a bad lot; they had robbed him of his stores both for themselves and the natives. A short time since, he had a white shepherd who kept a lot of native women, for whom he used to kill sheep, and he had known this man to kill nine sheep in eleven days to feed natives." That was what Mr. Crawford said. Yet all these depredations were put down to the natives themselves. The hon. member for Geraldton had challenged him to prove one single case in which the whites

had taken native women away by force. He referred the hon. member to the following paragraph in Mr. Fairbairn's report: "At Irrida, a native came and complained that last summer, a settler, travelling to the Gascoyne with sheep, took three girls from the Murchison, his own woman being one of them." This native's story, Mr. Fairbairn adds, has been corroborated by the settlers. Two of these girls, it appeared, were in service, and, on hearing of their abduction, their master pursued the party on horseback, and brought one of the girls back. He must say that looked to him very much like taking these women by force. He did not mean to say that these natives were perfect,—that they were models of all that is good, or that they were very amiable creatures; on the contrary, he believed some of them were very treacherous, and no doubt they had been guilty of depredations, and guilty of outrages; but he thought it must be admitted, on a perusal of Mr. Fairbairn's reports, that some of the statements which had been disseminated with reference to their hostile attitude had been highly colored, and he thought every unbiassed person would also admit that the Government had done all in their power, with the means at their command, to remedy the evil complained of, and that in no instance could it be fairly charged with any dereliction of the duty which it owed to the settlers of the Colony on the one hand, and to the natives, on the other. Under these circumstances he would ask the House to affirm the following amendment upon the resolution moved by the hon. member for Geraldton: "That this Council having considered the Reports placed before it on the subject of the state of affairs in the Murchison and Gascoyne Districts is of opinion that the steps taken by the Government have been well calculated to meet the requirements of the case, and to establish a better feeling as between the white settlers and the natives."

MR. BROWN said the noble lord had misrepresented him entirely—the noble lord was incapable of doing so intentionally—as to what he had stated on the occasion of the deputation waiting upon the Governor. The fact of the matter was, he (Mr. Brown) had to speak on the

spur of the moment—it was necessary that somebody should say something to keep up the conversation—but, after all, what was it that he did say, which would justify the noble lord in saying that he had approved of the past action of the Government? Surely the noble lord did not think that, when His Excellency the Governor granted an interview to any deputation of private gentlemen, it would be becoming on the part of the members of the deputation to attack the policy of the Government. That House was the proper place to do that. But what was it he did tell the Governor at this deputation? He told His Excellency that, in his (Mr. Brown's) opinion, the steps which were then about to be taken ought to have been taken months previously—that he had told His Excellency so even before the Session of Council last year. He had said so in the House, and he thought His Excellency would admit that the Government, even at that time, saw that this was the state of affairs, and that the feeling which prevailed among the settlers of the district was, that, unless they could deal with these native depredators according to the natives' own law, namely, that of force,—he himself never advocated that system of dealing with the natives—their own lives were not safe, nor were their flocks. Whether any steps had been taken by the Government to afford protection to the settlers, he did not know, and he told the Governor so at the deputation, and that, on the contrary, he was informed that no steps had been taken at that time, and that practically there had been no difference in the action of the Government, as regards bringing native offenders to justice since the Council had separated. Was that approving of the action of the Government? Why did not the noble lord read that portion of his remarks? Though he had approved of the steps which were then about to be taken in despatching Mr. Fairbairn to exercise magisterial functions on the spot, he had also suggested that a stronger force should follow, that there should always be in these districts a sufficiently powerful force to protect the settlers and their stock from native depredations, and that he hoped the Government would in future deal with this

native question in a thorough manner—no half measures. As to his having approved of the paragraph referred to in Mr. Fairbairn's instructions, he very much doubted whether that paragraph was ever read at the deputation referred to; at any rate it escaped his attention, and had it not done so he should certainly have resented it as a slur upon the settlers of the district. It was not correct to say that he had approved of these instructions; what he did say, and what he was reported to have said, was that, so far as he could understand the instructions—which he had simply heard read over by the Governor—he thought the course proposed to be pursued (not the instructions themselves) was a wise one, namely, to send a Magistrate and a police force to deal with native offenders on the spot. He also told the Governor that it would be a marvel to him if Mr. Fairbairn could get through the work with which he had been entrusted, in six months. He marvelled so still, and he was very much afraid that the mission had returned before its work was completed.

MR. CROWTHER said the fault he found with Mr. Fairbairn was this: although all he wrote was perfectly true according to his own ideas, yet he had not said all which, in justice to the settlers whose evidence he took, ought to have been said, in order to show their exact meaning. For instance, any one reading the summary of Mr. Campbell's evidence as given by Mr. Fairbairn would imagine that he employed none but natives on his station, whereas in reality he employed no less than sixteen white people, of various ages. Again, the evidence as given by Mr. Crawford, and which the noble lord opposite considered so valuable, conveyed a wrong impression altogether, as to the number of sheep which had been lost from that station. Mr. Crawford had only had the station a few weeks when Mr. Fairbairn went up, and the losses had not been in his time at all. The thousands of sheep which had been lost, were lost before Mr. Crawford ever took the station; but any one reading Mr. Fairbairn's report would imagine that the natives had only taken 57 sheep altogether, whereas, in truth and in fact, that was only during the few weeks Mr. Crawford had had the

station before Mr. Fairbairn visited it. As he was sure that it was the wish of the House to deal with this question in a dispassionate manner and not without due deliberation, he would now move that Progress be reported, and leave given to sit again on the following day.

This was agreed to and Progress reported.

The House adjourned at a quarter past five o'clock, p.m.

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## LEGISLATIVE COUNCIL,

*Friday, 22nd September, 1882.*

The Law as to Gambling—Gratuity to Chaplain of Legislative Council (Dean Gegg)—Aboriginal Native Offenders Bill: third reading—Loan Monies Control Bill: second reading; in committee: suspension of Standing Orders; third reading—Native Question: Adjourned Debate—Suspension of Standing Orders—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

### PRAYERS.

### THE LAW AS TO GAMBLING.

SIR T. COCKBURN-CAMPBELL asked the Attorney General whether the Government intend taking any steps during the recess in regard to amending the law relating to gambling, with a view to introduce a Bill next Session dealing with the subject. As hon. members were aware, the subject was one which had gained considerable notoriety of late, and letters had appeared in the public prints which would lead one to believe that a good deal of gambling was going on among some sections of the community, and there was an impression abroad that the law as it now stands was not sufficient to enable the authorities effectually to cope with the evil. If it was the intention of the Government to