

1905.

WESTERN AUSTRALIA.

ROYAL COMMISSION

ON

THE CONDITION OF THE NATIVES.

**REPORT
and
EVIDENCE**

Presented to both Houses of Parliament by His Excellency's Command.

PERTH.

BY AUTHORITY : WM ALFRED WATSON, GOVERNMENT PRINTER.

1905.

Now with Index !

Transcribed by Alistair Crooks, April-May 2015

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COMMISSION.

WESTERN AUSTRALIA } TO WIT. } FRED. G. D. BEDFORD, } Governor. } [L.S.] }	By His Excellency Admiral Sir FREDERICK GEORGE DENHAM BEDFORD, Knight Grand Cross of the Most Honourable Order of the Bath, Governor in and over the State of Western Australia and its Dependencies, etc. etc., etc.,
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To WALTER EDMUND ROTH, Esquire, B.A., M.R.C.S. Eng., etc.

WHEREAS it is desirable that a Commissioner should be appointed to inquire into the administration of the Aborigines Department, and the employment and treatment of the aboriginal and half-caste inhabitants of the State: NOW THEREFORE I, the said Sir FREDERICK GEORGE DENHAM BEDFORD, Governor, as aforesaid, do by these presents appoint you, the said Walter Edmund Roth, Esquire, a Commissioner to inquire into and report to me upon:-

- (1.) The administration of the Aborigines Department;
- (2.) The employment of aboriginal natives under contracts of service and indentures of apprenticeship;
- (3.) Employment of aboriginal natives in the pearlshell fishery and otherwise on boats;
- (4.) The native police system;
- (5.) The treatment of aboriginal prisoners;
- (6.) The distribution of relief; and
- (7.) Generally into the treatment of the aboriginal and half-caste inhabitants of the State.

AND in furtherance of such inquiry I do by this Commission appoint you, during the continuance of this Commission, a protector of aborigines under the provisions of the Aborigines Act, 1897, and declare this Commission to be a Royal Commission within the meaning of the Royal Commissioners' Powers Act, 1902:

AND I do hereby desire and request that you do, as soon as the same can conveniently be done, report to me in writing your proceedings and the results of your inquiries, and also your recommendations by virtue of this Commission: AND I hereby command all Government officers and other persons within the State that they be assistant to you in the execution of these presents.

Given at Perth, this 31st day of August, 1904.

By Command,

(Signed)

GEORGE TAYLOR

Colonial Secretary.

GOD SAVE THE KING !!!

*Colonial Secretary's Office,
Perth, 8th September, 1904.*

HIS Excellency the Governor by his Deputy in Council has been pleased to make the following appointment :-

V. S. HARTRICK to temporary special duty as shorthand writer and typist to Dr. Roth, Commissioner appointed to inquire into the Native question; from the 3rd September, 1904.

D. B. ORD,
Acting Under Secretary.

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ROYAL COMMISSION

ON THE CONDITION OF THE NATIVES.

REPORT AND RECOMMENDATIONS.

To His Excellency Admiral Sir Frederick George Denham Bedford, G.G.B., Governor in and over the State of Western Australia and its Dependencies, etc., etc., etc.

MAY IT PLEASE YOUR EXCELLENCY,-

Your Commissioner's inquiries have been confined chiefly to the condition of the natives in the Northern and North-Western areas of the State, and have been based largely on information conveyed by forty-two witnesses (Appendix B) drawn from various conditions of life; much also has been gleaned from communications received confidentially. Attention has only been paid to occurrences taking place within the last three years. It is to be regretted that owing to the limited time at the disposal of your Commissioner he has been prevented making any investigations throughout the Central and Southern Districts other than those in connection with the Mission Stations, but his duties as Chief Protector of Aborigines, Queensland, demand his return to Brisbane at an early date.

(1.) THE ADMINISTRATION OF THE ABORIGINES DEPARTMENT.

The Chief Protector of Aborigines has no legal status [207]*, while his authority as head of the Department controlling the welfare and protection of the natives is a divided one [206], and may be even ignored; indeed, so far as the labour conditions of aborigines are concerned, honorary justices are invested with greater powers. With the exception of his Clerk-Accountant he has no subordinate officers from whom, as a matter of right, he can command obedience in the execution of his instructions, though it is true that other Government officers are assisting him, but only as a matter of courtesy [210-13, 843].

There are believed to be only one or two Protectors of Aborigines gazetted: one Resident Magistrate believes and acts as one from an *ex officio* point of view [1902]. The Chief Protector daily meets with difficulties in regard to not possessing necessary powers for even enforcing the provisions of the present imperfect Acts and, until quite recently, in his efforts to obtain redress for the representations made on behalf of the natives admittedly under his care, has not met with that encouragement which he had a right to expect [216-8].

All the Resident Magistrates examined approve of decentralisation in the working of the Department [324, 898-9, 1629, 1921], an approval recommended by the Chief Protector himself [208], in the sense that there should be one person responsible for each district and that one responsible to Head Office. One man cannot thoroughly understand the whole State, the work being much [1629]: what the whole thing really requires is constant, active,

* Numbers in brackets refer to the Questions and Answers in the Minutes of Evidence (Appendix C).

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personal supervision, there being so many chances for abuses [1921] It should not be in the power of any justice to interfere [643] with this local, as distinguished from the Chief, Protector. In the opinion of another witness, in the West Kimberley District, honorary justices ought to have nothing whatever to do

with aboriginal matters. Sometimes such an individual, on account of his treatment to natives, is not even fit to be a justice, nor is his proposed appointment to such a position necessarily referred to the Resident Magistrate [1975-7].

Your Commissioner recommends legislation on the lines of Sections 3 to 10 of the Aborigines Bill as laid before Parliament this last session: "A Bill for an Act to make provision for the better protection and care of the Aboriginal Inhabitants of Western Australia."

Amongst the duties of the Chief Protector, additional to those defined in this Bill would be the regular inspection of all aboriginal institutions subsidised by the Government.

The Clerk-Accountant should be relieved of his accountant's work [220-2], which could be transferred to the Treasury, where vouchers would be paid only on the Chief Protector's certificate. As clerk he would thus have more time to devote to his specially departmental duties, and train himself for the position of Acting Chief Protector when that gentleman is away on his annual inspection work.

With regard to the local Protectors, each should act as the assistant and deputy of the Chief Protector, and should report to him, and communicate direct with him in all matters of aboriginal interest: Each should forward to him a monthly return of all convictions, prosecutions, and relief issued in his district as well as an annual report. As these local Protectors will have extra duties and heavy responsibilities, great care should be exercised in their appointment - a matter in which the Chief Protector should necessarily have a say: where possible, use should be made of the Resident Magistrates or senior police officers. Honoraria varying from £50 to £25 per annum should be given for these extra services.

(2.) THE EMPLOYMENT OF ABORIGINAL NATIVES UNDER CONTRACTS OF SERVICE AND INDENTURES OF APPRENTICESHIP.

Aborigines are employed with or without contracts, and under indentures of apprenticeship.

A. With Contracts (50 Vic., No. 25, Part II). - Intended for service on land only and for aborigines of 14 years of age and upwards, the particular form of contract and attesting certificate is permissive, even the one at present in force not being strictly in accordance with that laid down in the schedule to the Act. In order to protect the interests of the native as to age, absence of coercion, etc., the attesting certificate has to be signed by a Justice of the Peace, a Protector of Aborigines, or some proper person specially appointed by the Resident Magistrate.

The interests of the native are certainly not protected against the fitness or unfitness of his or her future employer, there being nothing [17] to prevent the greatest scoundrel unhung, European or Asiatic, putting under contract any blacks he pleases. It must be admitted that it is permissible for the Minister (61 Vic., No. 5, Sec. 11) to cancel, owing to the employer's unfitness, a contract when once made, but as at the same time there is nothing to prevent working a native without contract, such a prohibition is valueless.

Furthermore, the contract may be entered into without the sanction or knowledge of the Chief [15] or other Protector, and without the opinion of the local chiefs of police being consulted [334, 616, 1080] indeed, there are at present employers of aboriginal

labour to whom, were it in their power, the police would raise objections [330, 1081]. The Protector, the person most concerned for the native's welfare, has thus no means of satisfying himself whether the contract is a just one or not. One justice may attest a contract which another has refused [828]. Owing to the police not being consulted or advised, difficulties often arise; for instance, if a native deserts a warrant is issued, but until such issue, the patrolling police do not know whether any native they may come across is absconding from his lawful employment or not [342]. The period of service must not exceed 12 months,

and the contract has to be signed by the employer or his agent: this latter stipulation is objectionable in that the native does not realise his proper master [7] and may have objections when he discovers what kind of an employer he is bound to.

Besides rations, clothing, and blankets, the employer has to supply medicine and medical attendance where practicable and necessary, unless the illness of the aboriginal be caused by the latter's own improper act or default. One witness [18] points out that venereal disease is not included altogether in the latter category, because the infection may have been imparted to the woman by a white man, and the aboriginal may have contracted it in all innocence; another [1928] is still more emphatic when he states that while the native is under contract this class of disease is considered to be the result of his own fault, which he strongly urges it seldom, if ever, is.

It is permissible for any Justice of the Peace, on hearing of a complaint, to cancel the contract, irrespective of any other decision; order, or judgment in the case: a Protector of Aborigines specially charged with the aboriginal's well-being has no such power. Again, any justice, but not a protector (unless he is himself a J.P.) may cancel a contract certain grounds. The cancellation of a contract can thus be effected without even the knowledge of a protector. Wages are not stipulated for in the contract, and it is only in about one case out of seven that they are alleged to be paid.

A total of 369 contracts (258 men, 111 women) is known to the Chief Protector [19], while the number in receipt of wages [22] according to their contract is 53; on the other hand, he has no means of satisfying himself whether the wages are actually being paid [26]. It is compulsory on no one to keep either a register or copies of the contracts, though the clerk accountant of the Aborigines Department keeps a book [221] of natives under contract, based on such particulars as may be forwarded to the office by courtesy.

Breaches of contract are provided for, but the Act (55 Vict., No. 25) brings into prominence an unjust inequality of punishment for the two contracting parties: the native may receive up to three months' imprisonment, with or without hard labour, while the employer can only be mulcted by fine. What might have been expected as the outcome of a system of contract, wherein all the advantage is on the side of the employer, has come to light; the Chief Protector [30-33] knows of no conviction of an employer for breach of contract, but during the past three years has received information of 20 cases against natives. Similar experiences are reported by the Broome [619, 620] and Roebourne [1087-8] police.

Though the magistrate has no power to do so under the Act just cited, the absconding aboriginal is sometimes ordered back to his or her employment. Warrants are issued for native women absconding from service [1089]. In the Roebourne Gaol your Commissioner saw an aboriginal female, "Sally", who had been sentenced by the acting Resident Magistrate on the 29th October, 1904, to two weeks' imprisonment for this offence: the sub-inspector informed him that no previous summons had been served on the defendant, who had been arrested on warrant.

Employers have benefited themselves pecuniarily by hiring the services of their aboriginal employees to others: the Aborigines Department has had to issue a circular pointing out this illegality in the case of aborigines under contract [213]. Apparently, the employer of a native under contract to someone else cannot be punished, although the aboriginal is subject to penalties for absconding.

B. *Without contracts.*-No action can be taken against an employer for working blacks without contract, the commonest form of service. The proportion of natives under contract (already stated to be 369) to natives actually employed is one in twelve [20], as compared with the census taken three years ago by the police.

Amongst the employers of the 4,000 natives thus estimated in service, there are many to whom the police

[330, 970, 1688] would be prepared to object, but at present they are powerless to act. According to the evidence brought before your Commissioner, none of these natives throughout the North-West receive wages. There is a sort of code of honour (*sic*) amongst the pastoralists [1685, 1880-1] to the effect that one station owner, etc., does not interfere with his neighbour's blacks, the outcome of which is apparently to prevent them absconding. Being anxious to learn, if possible, what action was actually taken in order to bring such runaways back, inquiry was made from a pastoralist who, while denying that he either flogged or whipped them [1879], admitted that he used no force further than the command that he had over them as being their "master" [1878]; yet this same gentleman had only a minute before stated [1876] that his reason for not putting his blacks under contract was that if they would not work of their own free will he always considered they were not worth having.

Even without contracts the blacks are not free to come and go as they please. The assistance of the police is also invoked to bring such runaways back, an official acquiescence which is of course quite illegal: the native is practically forced to work for his so-called master. While under such circumstances the absence of a contract does not prevent the employer securing and enforcing the services of the aboriginal, it relieves him of all responsibilities in the way of rations, clothing, and maintenance during sickness.

I. *Indentures of Apprenticeship* (50 Vict., No. 25, Part IV).-Acting under instructions from the Aborigines Department, a Resident Magistrate "may bind by indenture any half-caste or aboriginal child having attained a suitable age as an apprentice, until he shall attain the age of 21 years, to any master or mistress willing to receive such child in any suitable trade, business, or employment whatsoever."

II.

That children are being indentured without permission from the department [755, 843] and certainly without its knowledge, is evident from the fact that while the Chief Protector has received information of about 50 cases [48], the commission has obtained evidence of at least 85 [745, 838, 1094]. There is no compulsory notification to head office, and it is apparently no one's business to keep copies of a register of these indentureships; no regulations are in force to protect the interests of the children so bound to service. The form of indenture used Appendix A) is in accordance with the schedule of the Act. On the other hand, the form issued under the Industrial Schools Act (38 Vict., No. 11) is different [38]; the manager of such institution, *e.g.*, Swan Native and Half-caste Mission may issue it independently or instructions from the Aborigines Department.

Indentures of apprenticeship are clearly applicable to children only of tender years; cases of boys [750] and girls [755], 17 and 16 years of age, being indentured are clearly evasions of the provisions of the contract system, which, as already mentioned, is intended to cover the service of aborigines or 14 years and upwards (50 Vict., No. 25, Sec. 19).

With regard to the most suitable age at which a child can be indentured as laid down by law, the Chief Protector considers this to be about six years [36]. It being only permissive for a justice or protector to visit apprenticed children, your Commissioner is not surprised to learn that, with one exception [838], no one knows or its ever being done [51, 746].

No education and no wages are stipulated for in the indenture. The very spirit and principles of the Pearl Shell Fishery Regulation Act of 1873, which absolutely forbids a term of aboriginal service on

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the boats longer than twelve months, have been stultified by recourse to the system of apprenticeship: at Broome quite one-half of the children, ranging from 10 years and upwards [750], are indentured to the pearling industry [747] and taken out on to the boats [748,751]. The Chief Protector draws special attention to the fact that he cannot prevent male children being employed on the boats [62].

One witness approves of the indenture system if under proper supervision, but objects to the clause in the Act referring to the assignment of apprentices on the death of the master [842]: another considers it fairly useful if under proper restrictions [1098]: several express the opinion that the term of service up to 21 years of age is too long, the limits of age suggested varying from 14 to 18 [756, 841, 1139]. Others object to the system altogether. One Resident Magistrate [1909] very ably expresses the present state of affairs as follows :-The child is bound and can be reached by law and punished, but the person to whom the child is bound is apparently responsible to nobody. Even the Chief Protector is obliged to admit the injustice of a system where, taking a concrete case, a child of tender years may be indentured to a mistress as domestic up to 21 years of age, and receives neither education nor payment in return for the services rendered [55].

D. *The question of wages.*-Witnesses are almost unanimous that services rendered by the native should be paid for, differences of opinion arising only out of the question whether the moneys should be paid direct [339, 618, 1919-20] or into a fund to recoup the Government for the expense of granting aboriginal indigent relief [320, 368, 834, 985-8, 1085-6]. The two notable exceptions to the unanimity [24, 320] express views which have evidently been influenced by possible retaliatory action on the part of the pastoralists, though one of them certainly upholds the principle when he admits it to be a reasonable stipulation [108] to make each contract conditional on one destitute aboriginal being rationed for every native lawfully employed.

It is true that in the more settled districts on nearly all stations the policy is to fence and erect windmills to enable the owners to be independent of black labour [904]; and rumours are certainly current [865] that if too many restrictions are put upon the service of the natives they will be dispensed with. **As the law stands, the pastoralists cannot rid themselves of black employees from off their runs (62 Vict., No. 37, Sect. 92, Schedule 24) provided they want to hunt there.**

On the other hand, the natives may be offered no encouragement to remain; by depasturing the stock on all the watered portions of the [25]; by destroying the kangaroos; by dropping baits for the aborigines' hunting dogs; by limiting, in the way of fences, the areas throughout which native game can be obtained; by taking proceedings against blacks for setting fire to the grass, etc. At the same time, the evidence tends to show that in many cases the squatters act with humane consideration [24], and that people who have always had natives as servants will not part with them [904]. Should, however, any retaliatory measures be put into practical effect there is nothing to prevent the Executive resuming the whole or portion of the runs so complained of, and proclaiming them reserves for the sole use of the natives [903].

Your Commissioner recommends the legislation covered by Sections 19 to 21, and Sections 24 to 31, in the proposed Aborigines Bill. The sooner the indentures of apprenticeship are cancelled the better. In order to prevent the present abuse of maintaining the native only during a few months at a time and then turning him adrift to shift for himself, when if under contract he is prevented working for anyone else, provision should be made in Section 31 that if his leave of absence is extended beyond the limits mentioned therein the contract will lapse.

If children of school age are in employment and a school is available, the employers should be compelled to fulfil their duties in this respect as the legal guardians under the Education Act. The police should be instructed not to lend any assistance whatever in the way of bringing back runaway

natives, except of course when armed with proper warrants. With a view to recouping the Government for the expense not only of granting aboriginal indigent relief, but also of benefiting the natives generally and the half-caste waifs and strays in particular, your Commissioner further recommends a minimum wage of five shillings per month on land and ten shillings per month on boats (Q. 1902, No.1, Sect. 12), exclusive of food, accommodation, and other necessities; the period of leave of absence to be also paid for.

By Sect. 60 of the proposed Bill, both aborigines and half-castes may, under certain circumstances, be exempted from the provisions of the Act, including the labour conditions.

(3) EMPLOYMENT OF ABORIGINAL NATIVES IN THE PEARL-SHELL FISHERY AND OTHERWISE ON BOATS.

Separate written agreements with indorsement [37 Vict., No. 11, etc.] have to be entered into between natives engaged for employment in the Pearl-shell Fishery, "or any other industry which shall necessitate the conveyance of such aboriginal by sea to the scene of such industry."

The indorsement, which can be signed by an Inspector of Pearl Fisheries, a Resident Magistrate, a Protector of Aborigines, or a Justice of the Peace, is with a view to safeguarding the interests of the native so far as freewill, length of service, etc., is concerned. The person who indorses has to take and keep a copy of the agreement. Aborigines can thus be employed on the boats contrary to the wishes, and even without the knowledge, of the chief or other protector; nor are the particulars of such employment bound to be communicated to him [59, 60].

On the local boats at Broome [757] there are about 25 natives signed on and about 20 whose agreements are not witnessed (indorsed), although there is no doubt that these 45 are working on the boats. These natives are employed at cleaning shell or as boatmen (not as divers), and are sometimes retained to keep a watch on the rest of the crew, so as to prevent pearls being stolen [807-8]; they are all on a twelve months' agreement [759], and receive no wages [760, 730]. The practice at Broome appears to be for Western Australian natives not to be signed on the ship's articles, evidently [720, 723] on the excuse of the special agreement with indorsement, which is not necessarily even properly filled in; the Port Darwin natives here have to sign articles.

Male children, as already mentioned, are taken to sea under articles of apprenticeship, *i.e.*, by evasion of the spirit and intention of the Pearl Fishery Act. Native women are taken on the boats [1312-1317, 1833] in strict defiance of the Act. There are unseaworthy boats engaged in the industry [783-4, 793-8], that one witness thinks it is to the pearlery's interests to keep in use [800], and that carry aborigines [785].

Of the 400 odd pearling boats engaged in the North-West fisheries, the Shipping Master at Port Hedland [961] and acting Sub-Collector (acting as Shipping Master) at Broome [715] do not know which or how many are registered under the Merchant Shipping Act, a rather important item of information considering that, provided the vessel be not registered, she cannot be prevented going to sea if unseaworthy [714, 962]. Furthermore, both these officers are doubtful [7-26, 963] whether they can stop a vessel carrying more men than her articles show. Apparently there is no compulsion for the luggers to carry lifebuoys. Owing to their being no aborigines engaged in deep-sea diving, it hardly came within the scope of the present commission to inquire into any results directly attributable to the extraordinary absence of any compulsory Governmental inspection of the diving gear. Vessels are not boarded by a Shipping Master on his own initiative [966] even if at all [716, 725]. The Act gives any justice, etc., power to board a vessel with a view to examining the stores, there is nothing to show that this has been exercised within recent years; one witness' boats have not been boarded and examined

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since 1886 [801]. There is no limit to the amount of liquor, opium, etc., which a boat may take to sea; of the former, your Commissioner is informed that this is sold to the crew as "goods supplied" for slop-chest purposes at the rate of ten shillings per bottle for whisky and from twelve to fifteen shillings for gin. The administration of the Pearling Acts at Broome, the centre of the pearling trade, is admitted by the acting Resident Magistrate to be very mixed [761].

Along the whole coast-line extending from a few miles South of La Grange Bay to the Eastern shores of King Sound [71], drunkenness and prostitution, the former being the prelude to the latter [66], with consequent loathsome disease [1278-1281], is rife amongst the aborigines. This condition of affairs is mainly due to Asiatic aliens [1217] allowed into the State [738] as pearling-boats' crews by special

permission of the Commonwealth Minister for External Affairs and allowed to land from their boats under conditions expressed in I. Ed. VII., No. 17, Section 3, Subsection K. The boats call in at certain creeks, ostensibly for wood and water, and the natives flock to these creeks, the men being perfectly willing to barter their women for gin, tobacco, flour, or rice [675]; the coloured crews to whom they are bartered are mostly Malays, Manillamen, and Japanese [810]; they frequently take the women off to the luggers [70].

Direct evidence of this state of affairs comes from La Grange Bay [127 5-1 292], from Beagle Bay, where your Commissioner saw native women at daybreak returning to shore from the boats with presents of rice, etc., and from Cygnet Bay [1833-4], where the disgraceful state of affairs and effects of disease on the aboriginal population are more fully detailed [1968]. One magistrate considers that the whites are just as much to blame as the coloured crews for the prostitution going on where the boats land for getting wood and water [769-770].

As the result of their intercourse with aboriginal women, the boats' crews suffer a good deal from venereal disease, and the loss of their labour is severely felt by the pearlers [812-3]. During about three months in the year the fleets lay up at Cunningham Point, Cygnet Bay, Beagle Bay, and Broome, as well as at other places: except perhaps at Broome, this laying-up season is taken advantage of by the more unscrupulous of the pearlers to swell the profits of the slop-chest by getting rid of their supplies of opium and of liquor, no small portion of the latter ultimately finding its way to the natives as payment for prostitution.

A still greater evil, and one which may have disastrous results in the future, is that both the Malays and the natives, with whom they are at present, allowed to consort, possess in common a certain vice peculiar to the Mahometan. It is highly probable that this habit, practically unknown amongst the autochthonous population of other parts of Australia, has been introduced along this North-West coast-line by Malay visitors during past generations; the fact remains that these aliens are being admitted into the Commonwealth.

Further beyond King Sound, along isolated patches of the coast-line, pearling vessels certainly do land, and their crews bring fire-arms ashore [1968]. A witness states that Asiatic crews may camp on shore while the boats are being overhauled, and also during sickness [775]; according to the form of surety now issued by the Sub-Collector of Customs, Form No. 15, they can be engaged in any duties ordinarily connected with the vessels.

With a view to minimising the sexual intercourse between the Asiatics and aborigines at present existing and its resultant evils, the following recommendations have been suggested : Power to be given to the police to order the men back to their boats [675] ; reserves to be proclaimed where boats only should be allowed to land, but no aborigines to enter, and *vice versa* [74, 814-818, 1304-5, 1311], and the chartering of a patrol boat [68, 1308].

One witness suggests that under proper supervision the male natives could earn their own living by cutting wood and getting water for the boats [1305].

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Your Commissioner recommends the passing of Sections 22, 23, 32, 42, and 43 of the proposed Aborigines Bill, and the proclamation of certain areas in addition to the registered ports where only the pearling crews shall be allowed to land for wood and water and the vessels to lay-up during the off season. In the N.W. District these areas are recommended to be at Ballangarra Creek, La Grange Bay, and Beagle Bay; the suggested limits and conditions applicable are to be found in the evidence given by Mr. Rodriguez [817-8], whose views, it is understood, are acceptable to many of the other pearlers.

Cygnet Bay has also been proposed, but is objected to by Mr. Hadley, of the Sunday Island Mission [1839-1845], who states that it would be no hardship for the boats to lay-up instead at Beagle Bay. With such areas and an officer of police in charge, assisted by a small patrol-boat up and down the coast-line, the

present evils would be greatly minimised, because the pearling boats would then have to obtain wood and water by means of their own Malay crews independently of the assistance of the natives. No sacrifice should be considered too great to ensure these races being kept apart. The maintenance of a constable at La Grange Bay should be charged to the Police, and not to the Aborigines Department [72-4].

Your Commissioner further recommends an additional clause limiting the quantity of liquor allowed to be carried on anyone boat to two gallons, as in the Queensland statutes.

(4.) THE NATIVE POLICE SYSTEM:.

Strictly speaking, there are no native police, and but little system in the departmental supervision of the trackers. A few trackers have been handed over to the Commissioner of Police as prisoners [283], under 50 Vic., 25, Sec. 33, but he is not aware whether they are ever visited by justices [284] as is provided for by Sec.35 of the same Act. Otherwise they are got "the best way we can," generally from stations in the neighbourhood [281], and being engaged in their native country seldom leave it [294].

Trackers can come and go as they please, and are permanently employed if they like to stay [1480-1, 1593]: when the police want one they pick out what they consider is a good boy and put him on the list, but there is no signing on [1681]. During the course of his inquiry in the Northern and North-Western districts your Commissioner has only heard of one case where a tracker has been placed under contract [953]; this omission to enter into agreement is apparently unknown to the the Police Department [287, 289., 290]. Trackers are paid nothing, though two shillings a day and in some cases three shillings are paid to the officer or constable of the station who provides the necessaries of life: the balance, if any, is handed over to the native [288]. So far, no evidence has been adduced to show that they ever do get any balance, while all the police witnesses examined on the matter have been found to be paid on the lower scale. Out of this, the officer in charge has to supply not only necessaries of life, but also clothes, and sometimes, where the "double-gee" plant flourishes, boots. There is no trackers' camp at the police stations, the tracker, if single, being supplied with accommodation in the stable or on the premises [296-8].

In the absence of any contract or other authority of office it seems almost questionable whether the tracker ought to assist in arresting, or be left in charge of, black prisoners, even while others are being arrested. The very fact of leaving black prisoners of trackers has on at least two occasions led to shooting, with fatal results ; one of these was in connection with the murdered gin referred to by the Resident Magistrate, Derby [1970]; the other led to correspondence (*re* death of **Jumbi Jumbi**) between the same gentleman and the Commissioner of Police wherein the former (3rd August, 1904) considered it undesirable that trackers should be armed. In the North-West they are still armed with Winchester rifles, That they are presumably used to firearms in these districts is reasonably deduced from the admission made by one of the police witnesses, that if the tracker is given a shot-gun he can

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find his own food [1583]. Your Commissioner recommends that these trackers be put under agreement with, a minimum wage, that their duties be strictly limited to trackers and horse-boys, and that on no pretext whatever should they be allowed to use firearms. It is not the business of a tracker to either arrest or be put in charge of any prisoner, white or black. A suitable uniform should be provided by the Police Department, in lieu of the garments at present supplied by the officers in charge.

(5.) THE TREATMENT OF ABORIGINAL PRISONERS.

A. *By the Police.* *Cattle-killing* is the chief offence for which natives are sentenced in the Northern parts of the State; indeed, the proportion it bears to other crimes committed by them is about 90 per cent. [224, 225]. It is attributable to settlement in a new part of the country where the aboriginal race is

rather numerous -- in the Kimberley districts, for instance [226].

Objections to European settlement from the natives' point of view - one which must not be lost sight of - are discussed when dealing with the question of Reserves, pp. 27/28. In connection with the arrest of aborigines accused of this crime, your Commissioner has received evidence which demonstrates a most brutal and outrageous condition of affairs. Not the least important of the links in this chain of evidence has been supplied by two native prisoners [1766, 1767] who, by a strange concatenation of events, proved to be the very men arrested by constables [1323-1465, 1466-1593] who had already been called before him as witnesses. The arrest of natives, and their subsequent treatment on charges of cattle-killing may be detailed as follows:-

When starting out on such an expedition, the constable takes a variable amount of provisions, private and Government horses, and a certain number of chains. Both he and his black trackers, as many as five of them [1479], are armed with Winchester rifles. A warrant is taken out in the first place if information is laid against certain aborigines, but when the police go out on patrol, and the offence is reported, the offenders are tracked and arrested without warrant [304.] Very often there is no proper information laid, in that it is verbal [1328-30]: when already out on patrol, there may be no information at all [1471]. Blacks may be arrested without instructions, authority, or information [1856-60] received from the pastoralist whose cattle are alleged to have been killed; the pastoralist may even object to such measures having been taken [1861]. Not knowing beforehand how many blacks he is going to arrest, the policeman only takes chains sufficient for about 15 natives [1336] ; if a large number are reported guilty, he will take chains to hold from about 25 to 30 [1485]. Chains in the Northern, not in the Southern, portion of this State [312] are fixed to the necks instead of to the wrists of native prisoners.

Authority for this is to be found in No. 647 of the Police Regulations [308]; which states that "the practice of chaining them by the neck must not be resorted to except in cases where the prisoners are of a desperate character, or have been arrested at a considerable distance in the bush; or when travelling by sea, they are near the land to which they belong, and it is necessary to adopt special measures to secure them. Even then the practice must not be adopted if it can be avoided." Children of from 14 to 16 years of age are neck-chained. There are no regulations as to the size, weight [309], mode of attachment, or length of chain connecting the necks of any two prisoners.

When the prisoner is alone, the chain is attached to his neck and hands, and wound round his body; the weight prevents him running away so easily [941-2]. According to the evidence of the Commissioner of Police [310], when there is more than one aboriginal concerned, the attachment of the chain would be to the saddle of the mounted police officer, but only when absolutely necessary; such an accident as a native neck-chained to a bolting horse has not yet happened, to his knowledge [311]. The mode of attachment of the chain round the neck is effected with hand-cuffs [1338] and

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split-links [1486, 1747]; the latter bought privately, *i.e.*, at the expense of the arresting constable, from a firm in Perth [1487-8], and doubtfully [1489] with the knowledge or the Police Commissioner. The grave dangers attendant on the use of these iron split-links, and the difficulty of opening them in cases of urgency or accident, are pointed out [1067-1074, 1748]. The fact of the connecting chain being too short is also dangerous, because if a prisoner fell he would be bound to drag down the prisoner on either side of him ; yet the Wyndham gaoler has noticed the length of the chain joining two natives' necks to be twenty-four inches, the cruelty of which he remarked upon to the escorting police [1749]. As far as one witness can find out from police and natives, the chains are never taken off when crossing rivers and creeks [1759].

In addition to the neckchains, the prisoner may be still further secured with cuffs on his wrists (as your Commissioner has seen in photographs of constables escorting the chain-gangs), or on his ankles [1751]. Apparently unknown to the Commissioner of Police [306], chains are used for female natives [1159] not only at night, but sometimes during the day [1398-1400, 1409] ; these women are the unwilling witnesses arrested illegally for the Crown [1396-7]. The actual arrest usually takes place at daylight in the morning

[1364, 1505] when the camp is surrounded, and occasionally the (armed) tracker is sent in by himself first [1353-4]. Accompanying the police may be the manager, or stockmen [1360], who have volunteered to come [1358], but as the manager does not prosecute [1641, 1942] and the stockmen are not called as witnesses, this voluntary action on the part of the station-employees may admit of another construction.

For instance, of the two constables examined, one takes no precautions at night to prevent the assisting stockmen and trackers having sexual connection with the chained-up female witnesses and yet supposes such intercourse to go on [1405-7]: the other never watches his trackers, who might carry on in this way, and never takes any notice of these things - it would have caused trouble if he did [1547]. It is noteworthy that these same two constables, together with two others, are charged by natives [1766-7] with intimacy with the women: the females brought in as witnesses are usually young ones [1248, 1653-5, 1955]. About six or seven is the largest number of guns in the arresting party [1363], perhaps such a quantity is accounted for by remembering that as many as 33 prisoners have been secured on the one occasion [1352, 1496].

The larger the number of prisoners and witnesses, the better, pecuniarily, for the police, who receive from one and sixpence halfpenny [1674] to two shillings and fivepence [1442, 1675] daily per head, or as it is called in the North-Western vernacular "per knob." This expenditure is spread over four departments [1895] as follows :-

- The Crown Law pays for the witnesses brought to and from the court,
- the gaols for sentenced prisoners in the police lock-ups,
- the police for prisoners from the time they are arrested until such time as they are convicted, and
- the aborigines for prisoners returning to their own country on expiry of their sentence [1890-4].

One constable admits making a profit [1458], a corporal considers that this allowance acts as a temptation to bring in a larger number of prisoners and witnesses than otherwise [1677], a civilian does not think so many cases would be brought before the courts if these allowances were not sanctioned [1249-1269], a Resident Magistrate has always been struck with the idea that this was the reason for so many natives being brought in at a time [1640], etc.

Your Commissioner is satisfied that the amount of purchased food, given to natives while on the road, usually constitutes but a fraction of the native food supplied, *e.g.*, lizard, kangaroo, [1252, 1418, 1349, 1583, 1667a, 1766, 1767] : notwithstanding the challenged statement of the police [1495, 1983-6] meat is not usually sold but given to the police on these North-Western stations. The daily amounts allowed per head are charged for under the heading of Aboriginal Prisoners' Rations Account, and the Treasury Paymasters, etc., at Wyndham, Derby, and Hall's Creek [1594, 1670, 1889, 1987] have been called upon to supply items.

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In less than three years up to date the amount so expended in the North-West districts of the State, North of Broome alone, has been £3,529 16s. 2d., and even this is incomplete, your Commissioner having reason to believe that certain of the claims are paid into private banking accounts, and so need not appear on the local Paymaster's list. Examples of the total amounts which certain of these constables, etc., have individually received are as follows :-

- J. A. Caldow, £259 6s. 9d. since January, 1904;
- Wilson [1323-1465], £462 2s. 7d. between March, 1902, and October, 1903, and £192 14s. 7d. since July, 1904, it not having transpired how much he received between October, 1903, and July, 1904;
- J. Inglis [1466-1593], £29 17s. 1d. in October, 1902, and £165 16s. between April, 1903, and May, 1904;
- F. W. Richardson, £121 7s. 8d. between October and December, 1903;
- J. C. Thomson, £300 19s. 1d. between March, 1901, and May, 1904, with £33 9s. 5d. since then;
- W. Goodridge [1670-1705], £138 10s. 8d. since April, 1903;
- J. O'Brien, £138 5s. 9d. between November, 1901, and August, 1902;

- A. H. Buckland, £215 12s. 6d., since March, 1903;
- M. Mulkerin, £335 6s. since November, 1901 ;
- J. P. Sullivan, £230 11s. up to September, 1904.

One of these recipients alleges that such moneys are paid into the mess fund at the station, so that the profits are indirectly shared by other police officers [1459]. The number of aborigines brought in being the great desideratum, each having a money value to the escorting officer, it is not surprising to find that little boys of immature age have been brought in to give evidence [1248], that children varying in age between 10 and 16 are charged with killing cattle [1752, 1034], that blacks do not realise what they are sentenced for [513, 1039], that an old and feeble native arrives at the end of his journey in a state of collapse and dies 18 days after admission into gaol [1754]. (It is only fair to state that with regard to the cattle-killing children just referred to, some of whom were found neck-chained in the Roebourne Gaol, that, as soon as the attention of the Executive was drawn to them by your Commissioner, they were released.)

Besides being half-starved [250-2], blacks are “hammered” on the way down [1766]. Any detentions on the journey in with the prisoners, or out with the witnesses, are also encouraged by this system of capitation fees. The Resident Magistrate at Wyndham complains of the constable’s delay [1667c] in bringing down six alleged cattle-killers and the four witnesses; of the corporal and lock-up keeper detaining discharged prisoners, etc., unnecessarily [1067b].

Because rations are charged for to take the witnesses home again, it does not follow that they are escorted back; in some cases [1444-5, 1758] they are certainly not; in others, they may hardly have time to get to their destination before they are “rushed in” again by the police with another mob [1660, 1727]. It is no secret that the police say, if the ration allowance was cut down or taken away they would not arrest so many natives. By their own assertions, every native caught means more money in their pocket; reliable witnesses have heard such assertions made [1269, 1755].

At present there is nothing to prevent the constable arresting as many blacks as he chooses [1898], while there is no limit to the number of witnesses he is allowed to bring in with him [1899]. With a view to avowedly justifying their action in bringing these large batches of prisoners into court - as many as ten [1940] or fourteen [1637] at a time - the police necessarily take care to make absolutely sure of a conviction, and, unfortunately, the Criminal Code Amendment Act of 1902 is the means of putting a suitable weapon into their hands. By 2 Edw. VII., No. 29, Sec. 5, “If an aboriginal native charged before justices with any offence not punishable with death pleads guilty, the justices may deal with the charge summarily. But no sentence of imprisonment imposed on summary conviction shall exceed three years.”

To secure a conviction- the accused are accordingly made to plead guilty at the muzzle of the rifle, if need be [1766-7]. At this your Commissioner is not at all surprised, considering his firm conviction

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in the truth of a statement made him by a native lately released from gaol, where he had served a sentence for cattle-killing, to the effect, that one of the batch of prisoners originally arrested with him was shot by the escorting constable in the forehead, the victim in question being very sick at the time. Owing to the informant’s lack of proper pronunciation, your Commissioner unfortunately cannot absolutely identify the murderer’s name, though he has reported the matter to the proper authorities.

With regard to the young women witnesses, their prostitution by the escorting police, the trackers, and stockmen, etc., who have aided in hunting them down, has already been referred to; partly for this reason and partly to gain their acquiescence in the subsequent court proceedings, their treatment on the way down, as compared with the men, is tempered with perhaps a little more mercy in the way of food and comparative freedom.

Though these women are allegedly as guilty as the men [1432, 1519, 1546], one constable states that he is acting under instructions in not arresting them [1519-1521]; on the other hand, they are chained [1398,

1159] or otherwise prevented getting away [1555-8] ; they are practically asked to turn informers [1433, 1568] ; they are never cautioned in the proper sense of the term [1377, 1428, 1514-1517] when giving evidence against their husbands, and thus do not in the slightest degree realise the harm they may be doing [1570].

The excuse made for bringing in these women at all is that the constable can get no other native evidence [1430], or that “the grown-up men are those that kill the bullock; there are no young boys in the tribes; the squatters have them all” [1566]. The accused male prisoners still less understand their position: On their arrest, which may even be before any evidence detrimental to them had been received [1374], they are asked (apparently without being cautioned) whether they have killed a beast [1378, 1530-1], but not necessarily informed with what they are charged [1379, 1532] ; they do not at the time thoroughly understand what the charge is, but might a few hours later [1390], evidently after the gins’ evidence had been suborned.

The police tracker is the medium of communication, occasionally has to converse through a second interpreter [1388], and camps with the prisoners and witnesses before the case is brought into court [1272]. No witnesses are ever brought in for the defence [1424, 1564]. Furthermore, the pastoralist or station manager does not prosecute: he is generally very busy [1563] ; it is a matter of domestic economy, he would be only too pleased to prosecute if he could do so with a minimum of personal inconvenience [1607].

It is quite intelligible that such an individual’s personal convenience should be thus respected; the liability of the accused to a sentence of three years’ hard labour, possibly in neckchains throughout the whole of that period, is hardly worth consideration - it is only a “nigger.” The Resident Magistrate, Wyndham, states, “I think, and, have seen it, that a man will plead guilty now for killing a beast some time ago: the native cannot separate two charges on two beasts, and will still have the same offence in his mind: if he kills a bullock once he will plead guilty to every subsequent charge of killing a bullock, no matter how often he will be charged with it [1651].”

Thus, all to the advantage of the prosecution, when once the native has been induced to plead guilty, there is no necessity under this Criminal Code Amendment Act of 1902 for any awkward questions being asked concerning proof of identity or ownership of the beast, the actual killing, eating, or alleged removal of the carcase. One witness who has brought about, or perhaps over, 100 natives into Court does not remember any who have been found “not guilty” [1446-7]; under the circumstances already detailed, this is no matter for surprise.

In two cases drawn attention to before the Commission where the accused pleaded not guilty [1938] they were of course remanded to Quarter Sessions; the charges were thereupon withdrawn on the application of the corporal of police on account of the expense of maintaining the witnesses.

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Your Commissioner recommends the abolition of neck-chains and their substitution by wrist-cuffs, one prisoner’s right hand being connected by chain to his neighbour’s left. All the officers in charge of the three north-western gaols admit that by this method the transport of prisoners could be effected in safety. There should also be an alteration in the present system of allowing the police to draw so much “bloodmoney” for each native prisoner. If rations are purchased at stations or stores *en route* they should be charged for on vouchers.

B. *By the Bench.*- The Resident Magistrate, Derby, objects to the procedure already mentioned in the Criminal Code Amendment Act, in that he thinks it has resulted in depriving the aboriginal of one of his chances of assistance [1936]. His evidence on this and kindred questions is well worthy of perusal [1933-1966]. He is now altering the usual procedure, and has told the police that in future he would expect the aggrieved party himself-the pastoralist, etc., whose cattle have been killed - to prosecute in person; and that where such cases are of the nature that the Criminal Code is amended to cover, he will endeavour, on

the ground of expense, to hold special sessions for them [1938].

He has also objected to the question being put to the native to show cause why he should not be committed for the particular offence; for by the time it is explained, he usually regards it as an opportunity to admit the crime. The Act of Parliament, however, directs that the question be put whether he has killed or not killed; and if a black commits the offence he will plead guilty, *i.e.*, admit the offence. For this reason this witness does not think the question should be put, but he is forced to do so when dealing with the case under the Criminal Code Amendment Act [1952]. Of course, the same evidence which convicts an aboriginal with a plea of guilty would convict a European under a similar plea [1665, 1961]; but the latter is intelligent enough not to risk any unnecessary chances.

Blacks are charged conjointly in these cattle-killing cases [1439, 1571, 1637, 1939], as many as 14 at a time. The Resident Magistrate, Wyndham, has felt all along that the natives, first of all, do not thoroughly understand the charge against them, and that they do not understand the nature of the crime of killing a beast [1667a]. His fellow magistrate at Derby thinks that the blacks kill the cattle for the mere sport of it, although they may do so for want of food when the kangaroos (destroyed by the pastoralist on account of sheep and cattle) become scarce [1932].

Beyond what the Bench can do in the way of justice and fair-play to the aboriginal – and both at Wyndham and Derby your Commissioner is satisfied that the present occupants have done their best under the circumstances - the accused usually has no one specially appointed to act in his defence, be it on a charge of cattle-killing or of murder. On the other hand, small amounts for this purpose have been expended by the Aborigines' Department [121-3].

In a case of murder, the depositions are signed and sent to the Attorney General, Perth, who decides whether the indictment is to be filed against the accused, when, where, and by whom. A Supreme Court commission is then issued for the trial, the Attorney General filing the indictment. It has happened that the magistrate holding the preliminary inquiry has been put in the unenviable position of acting under this commission as a Judge of the Supreme Court.

If a human being is being tried for his life, the least the State can do is to give the accused the fullest justice in its power, with a view to directing the jury to the best of its ability: the medical men placed in this responsible position, while conscientiously doing what is right, have, however, received no special training in the law.

Two Resident Magistrates are dissatisfied with the present system of trying savages for tribal murders: one believes in them managing their own tribal affairs [1668], the other considers there should be special laws and procedure for them [1962, 1974]. By the same section of the Criminal Code Amendment Act, and by the Justices Act of 1902, Section 32, which permits a Justice of the Peace to

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adjudicate by himself in the absence of another honorary magistrate within a radius of 10 miles, the terrible power is given to any of these justices of sentencing a native to three years, in addition to a flogging (Section 655 of the Criminal Code): fortunately, the whipping ordered under such circumstances cannot be carried out without the sanction of the Governor in Council. Not a single witness consulted approves of such a power being given to a justice [190, 906, 1140, 1633, 1933, etc.].

On looking over the warrants at the various gaols, your Commissioner finds that natives have been sentenced under such circumstances: *e.g.*, four of these warrants were dated 8th May, 1903, and signed by D. W. Green, J.P., the Postmaster at Turkey Creek [1180-1189]. There is nothing to prevent a Justice sitting on a neighbouring Justice's grievance, and although he may not be an interested person within the meaning of the Act, he is actually interested in the principles involved [1974].

It is thankful to learn from the Broome gaoler that sentences for cattle-killing are not quite so long as they

have been in former years [517]. On the other hand, the Chief Protector suggests justification for severe sentences (three years) for this charge, on the grounds that other and more unlawful means might be taken against the native [I 88-9]: surely the Executive would not hesitate to arraign the pastoralist for murder?

At Wyndham, when boys aged from 14 to 16 have been charged with cattle-killing, the Resident Magistrate has cautioned, convicted, and released them without imprisonment [1657-8]: at Derby, when a young boy comes into court the Resident Magistrate prefers to give a small sentence and to find him an employer [1953].

At Hall's Creek the whole brutality of the present system is brought into prominence when the acting Resident Magistrate sentences a child of 10 years of age to six months' hard labour for "that he did, on or about 10th September, 1904, near Cartridge Springs, unlawfully kill and carry away one head of cattle, the property of S. Muggleton, contrary to statute then and there provided" [1752]. The same magistrate has sentenced another infant of 15 to nine months for killing a goat [1753], and at least eight other children, between 14 and 16 years of age, to two years' hard labour for alleged cattle-killing. As already mentioned, four of the latter met with by your Commissioner in the Roebourne gaol have since been released.

Your Commissioner recommends a modification of Section 5 of the Criminal Code Amendment Act, and invites the Crown Law officers to consider the advisability of allowing the acting Resident Magistrate at Hall's Creek to continue in office.

So far as tribal homicides are concerned, no action should be taken in the courts or otherwise, unless the killer has become such a terror or "bully" that his clansmen are afraid to deal with him ; owing to length of contact with civilisation, he ought to have known better ; or the killing has taken place in the neighbourhood of close European settlement. Even then, unless very particular circumstances demand it - and this would be for the Chief Protector to decide - the culprit should be deported and detained in another district, in employment if necessary, under the provisions of Section 15 of the proposed Bill.

C. *In the Gaols.*-Your Commissioner visited the gaols at Carnarvon, Broome, Roebourne, and Wyndham, and is able to place on record his high appreciation of the humane supervision and considerate treatment exercised by the gaolers over their aboriginal prisoners. Approximately, there are about 300 native prisoners in the gaols throughout the State [223].

Two very degrading and yet remediable features of the prison system are the neck-chains, and their continuous use - morning, noon, and night - usually throughout the entire period of sentence.

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Though the Comptroller General of Prisons has no legal authority for using neck-chains at all [241], and there are no regulations as to weight, size [244], and mode of fixation (Yale locks, split-links, or cuffs, etc. [423]), he has nevertheless given instructions for their employment in the case of natives [495-499]. His predecessor gave similar instructions [411]. Except in times of sickness, etc., the prisoner is neck-chained from the day he comes into gaol until the day he leaves it, sometimes from two to three years [525] and upwards, according to sentence.

There appears to be differences of opinion as to whether neck-chains should be leather-covered or remain bare [246, 421, 489, 521, 1007, 1712-3] so as to minimise chafing, etc. At night in the Roebourne gaol the chains are fastened to rings in the wall [1021], etc.: at Wyndham one out of every group of three (neckchained together) is chained by the ankle to a ring-bolt in the floor [1719]; at Carnarvon, the chains connecting one prisoner's neck-chain with another's serve to fix them around the central post supporting the roof [425].

Still neck-chained, the native prisoners work outside on the roads, etc.: they thus work about eight hours' daily at Broome [526], seven and a-half hours at Carnarvon [442], under six hours at Roebourne [1047], and somewhat longer at Wyndham [1730]. Though the number of hours is fixed by the Gaols Regulations

No. 263, slight alterations have to be made here and there in the summer-time [444, 1049, 1731]; at Carnarvon there is the medical officer's standing order that all prisoners are to be brought into gaol when the thermometer stands at or over 98 deg. in the shade [443].

On the other hand, at Broome there is no distinction made between winter and summer months; in the gaoler's opinion the hours here are too long in the latter season, and in some cases the prisoner's health has been affected in the way of sunstroke [527-8]. All the gaolers in the North-West are in agreement that the present system of neck-chains could be abolished, and suitably replaced by wrist-cuffs, one prisoner's right hand being connected by chains to his neighbour's left [545, 1061, 1736]; that a shorter connecting chain could be used [546, 1062, 1737] : that more freedom of movement would be allowed [546, 1062] : that the present employment outside the prison walls would not be interfered with [549, 1063, 1739]; and that, when necessary, the transport of prisoners, thus chained, could be effected in safety [549, 1063, 1738]. This method of chaining natives does not appear to have been known to the Comptroller General of Prisons who, in correspondence with the Aborigines Protection Board, expressed the wish to see his way to abolishing chains, but stated that he knew of no method of retaining the aboriginal except within walls [255].

Your Commissioner was certainly surprised to find that such walls, except at Roebourne, had not yet been built. Chains could be abolished in the case of aboriginals working inside the prison, and at night, if the gaols were properly built [505]; as temporary measures, - all that would be required is a cheap iron fence at Broome and Wyndham, and a *chevaux-de-frise* at Roebourne. By 50 Vic., No. 25, Section 33, the Governor in Council may place an aboriginal prisoner "under custody of any officer or servant of the Government" who is thus responsible, and the prisoner is deemed to be in legal custody, wherever he may be employed or detained. Though this has been done within the last twelve months the Comptroller General does not consider the system a good one [264-273].

So far the rules and regulations provided for by the Act, for the employment and safe custody of such prisoners, are conspicuous by their absence [275]. An aboriginal prisoner is being lent out to a Resident Magistrate on doubtful legal authority [402-7]. Others, on the instructions of such an official [484, 1709, 1710], are labouring outside the prison walls on public and municipal works [261] and for local roads boards [1709]. In return for the work done for the Carnarvon Municipal Council they get a little tobacco, which, it is believed, is paid for out of the Mayor's private pocket [429]. Although they may be improving the value of local and municipal property, no payment is received by the Government towards reducing the expense of their keep, or return-home journey when

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liberated, or even of covering the cost of their clothes which, on expiry of their sentence, the Aborigines Department has to provide [84]. Furthermore, the Gaols Department Regulations Nos. 264, 266 preclude any gratuity being given, on release, to an aboriginal - another colour distinction - although he may be as civilised and appreciate the value of money as well as his European fellow-captive.

With regard to long sentences passed upon native prisoners, they are not considered beneficial. The blacks are far better in their uncivilised than semi-civilised state, and are a great deal of trouble after they come out of gaol [1863]. It does not do them the least bit of good, and does not stop them from killing cattle, the same blacks being brought before the Court again and again [1604, 1168].

Your Commissioner has also been informed that, according to the prison dietary, their taste for beef is still further cultivated. When blacks have been away from their native homes so long, they seem forgotten when they return; their tribes will have very little to do with them, and they often commit further crimes because in the meantime their women have been taken [1041, 428].

It is doubtful whether the aboriginal prisoner understands his position [519], or knows that he is committing an offence when he tries to break gaol [533]. One gaoler is of opinion that amongst the twenty blacks in his charge sentenced for cattle-killing, not one really understands what he is there for [513]. Another, with

seventy-two prisoners, thinks that about one-third of them know [1039]. Another states that when he took charge a great number of the prisoners were “myalls”, and their idea was that they were there for road-making, but that as they became educated and get to gaol so often they now realise that it is for cattle-killing [1726].

In the Kimberley District due care does not seem to have been always taken as to the identity of prisoners when first brought to gaol. Carelessness almost amounting to criminality is responsible for longer sentences having been exchanged for shorter ones, and for one case where a prisoner having two native names has really received two sentences on the same charge, while a fellow prisoner’s name was on no warrant at all [1765]. When once in gaol, however, due precautions are taken in the way, of attaching numbered metal tags to the chains [433, etc.].

The transfer of prisoners from one gaol to another is carried out under the escort of the police, and not of the warders, who know their prisoners and understand their temperaments better [541-3, 1064-5, 1744-5]. Alone at Wyndham there would appear to be a valid reason - delay in the return of the warder - why this work should not be always undertaken by officers of the Gaols’ Department [1746]. Certainly on two occasions, owing to running short of handcuffs [1740-1], two batches of prisoners, twenty in each batch, were received at Roebourne bearing neck-chains fixed with split links; evidence was taken on the difficulty in unloosening such fastenings, and the terrible risks run on board the steamer conveying them [1067-1075]. In spite of Police Regulation No. 647, it would appear that during transport on the steamer the neck-chains are not removed.

Flogging of natives is not approved by the gaolers at Broome [583] and at Roebourne [1057-9]; at Wyndham the officer in charge approves of it in certain cases, say for assault on a warder, although such has never occurred [1733-4]. The Resident Magistrate at Marble Bar does not think whipping as cruel as imprisonment, than which it has a more deterrent effect; he would have ordered it oftener only for public opinion being so much against it [906]. The flogging of a native is referred to the Comptroller General of Prisons for approval before being carried out; a merciful provision.

Your Commissioner recommends the abolition of chains of all description within the precincts of the gaols, the insecure condition of which should be remedied without delay. In English prisons, *e.g.*, Portland, chains are used only in punishment for the most serious offences - assaults on officers attempts at escape, and persistent insubordination or refusal to work: the irons consist of rings for the

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ankles and two chains which are linked together and fastened to a belt; their weight varies from six to ten pounds, and when a prisoner is put into them he wears them constantly day and night for the period of his punishment, for which the maximum is six months.

In the North-Western gaols of West Australia chains are used on natives only because of the inadequate or faulty construction of the buildings: the irons consist of a chain round each prisoner’s neck connected with other chains by cuff, etc., to his neighbours’ necks: the weight of the neck-chain, cuff, and connecting chain is as much as 5± pounds [246], but as the centre man has to carry the weight of the chains connecting the individuals at his side, he of course bears most of the strain, and double that carried by the others: he wears it constantly, often as long as three years, and sometimes more, according to the length of sentence with a *chevaux-de-frise* [*sim. to barbed-wire entanglement*] around the central courtyard at Roebourne, and with a properly constructed galvanised iron fence around the boundaries of the prison grounds at Broome and Wyndham, the use of chains could be safely prohibited. The fence recommended by the gaolers would be from 12 to 14 feet high, of corrugated iron, with supporting battens on the outside, and nothing in the way of barbed wire on top [536-7, 1742-3].

When called upon to work outside the prison walls your Commissioner recommends the abolition of neck-chains, and their substitution by :- (1) wrist-cuffs and connecting chains, as approved of by all three officers in charge of the North-Western gaols, who state that the present employment of natives outside the prison

walls would not be interfered with [5-19, 1063, 1739]; (2) waist-belts and connecting chains; or (3) anklets joined by chain when the prisoners are required to work singly. In the last-mentioned proposal, the ankles of each prisoner are connected by a light chain up to 20 or 22 inches long, an arrangement which allows him to walk but not to run, and at the same time gives full scope to the free movement of his arms and trunk.

When working for municipal or local bodies, these corporations should be made to pay for the prisoner's rations, etc., while so employed, and also for the clothes supplied to them when liberated, the latter charge at present falling upon the Aborigines Department. The hours of outside labour in these tropical climates should certainly be limited to six, as at Roebourne, and even then curtailed when the temperature is greater than 98 degrees in the shade, as is already insisted upon according to the medical officer's orders at Carnarvon. Wherever practicable, prisoners, when transferred, should be escorted by 'warders and not by constables. Furthermore, gaolers should not be allowed, as at present, to receive instructions from the Resident Magistrates, but only from the Sheriff and Comptroller General of Prisons.

(6.) THE DISTRIBUTION OF RELIEF.

A. *Food*.-- The cost to the Aborigines Department of providing with rations those natives who are aged, crippled, blind, etc., as well as those women and children who are destitute has, during the past three years, been respectively £6,621 14s., £7,238 4s. 10d., and £8,289 16s. 4d. [87-89]. During the same periods the number of aborigines thus alleged to be benefited was 816, 833, and 984, and this is expected to show an increase in the future [97, 98].

The Department also supplies food relief to discharged aboriginal prisoners [112-3] who, until now, have been charged for at higher rates than the other class of native [114]. The Resident Magistrate at Wyndham, recognising the abuse to which this has led, starts each of the liberated prisoners on his journey home with two pounds of bread, independently of a police escort [1667 (b)]. In the settled districts the scale per (adult) native per week is 101bs. flour, 1½ lbs. sugar, 1/2 lb. tea, and 5¼ lbs. meat; in the unsettled districts there is no particular scale, but a bargain is made with the distributor as to the food given for the amount allowed [95]. Throughout the former areas the amount is 6d. per head per day: in outlying districts as much as 1s., and here and there 1d. or 2d.

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more [91]. The certification of the vouchers would not everywhere seem to be too satisfactory, one magistrate admitting that, by request, he signs them as a matter of form [317]. There is apparently no one person solely responsible for the issue of food relief in a particular district: it can be granted without the knowledge or approval of the Resident Magistrate [851, 854]: without the local police being consulted [919]: while communications may pass from the Aborigines Department direct to the local distributing constable without his superior officer being any the wiser [1697]. The distributor is a member of the police force, of the Post and Telegraph Department, some employee of the pastoralist, the owner himself, or other private individual, *e.g.*, a working miner [913, 915, 922], a publican [357]. So far as they constitute the responsible channels through, which rations are issued, certain of the people are objected to; the pastoralist leading a life of profligacy is a case in point [628-630].

Allegations of a serious character are made concerning prostitution condoned by State and Commonwealth officials at two relieving centres [1770-1778, 1180-1200]. In most townships the relief is distributed through an order on the storekeeper. Rations, separately paid for by the Department, are also issued at two of the Mission Stations, *i.e.*, Sunday Island [818] and Beagle Bay [588]: one witness objects to this expenditure at the latter institution [635-6]. At Broome, for 10 years past, Father Nicholas [644-5, 696-8] has issued relief to the sick, the indigent, and the destitute at his own expense; having nothing more to give, and being now for the first time in debt, he has lately appealed through your Commissioner to the Aborigines Department for assistance, with successful results.

The same people who distribute rations, charged to the Government, for the relief of indigent and other aborigines, benefit themselves by buying at wholesale and charging at retail current prices [1114], issuing about half the allowance [867], distributing the food cooked instead of raw [1295-1299], or as in the case of aboriginal prisoners, giving them native food, e.g., lizards [12.52, 1418] at the cost of nothing, or kangaroo [1349, 1767] at the price of a Winchester bullet [1667a].

With regard to any checks on the aboriginal actually receiving the relief authorised, there is the certification already referred to, and [105] occasional police patrols of inspection. One witness, who in some cases is of opinion that the natives do not get the relief authorised, explained how the constable may come round and certify in perfect good faith, but as soon as the latter's back is turned points out that there is nothing to prevent the distributor hunting the natives into the bush and using the rations to his own advantage [316]. Or, when the constable comes round to inquire into the number of blacks relieved, they may be away "in the bush." In another case, the witness believes that the natives do not get the relief as it is intended to be given: that instead of the full quantity of flour they get vegetable produce, e.g., pumpkins, which they have helped to grow [1926].

There must be many cases where blacks who have been working on stations for years are now being supplied with rations by the Department; some pastoralists recognise their moral obligations in pensioning off such natives, but the larger number of them do not [101-3]. One Member of Parliament expresses the opinion that the practice of the Government allowing relief and blankets to old natives on all the North-West stations is really wrong [855]. Furthermore, on a station are to be found healthy and able-bodied blacks working without wages who could supply their destitute relatives (rationed on the same station at Government expense) with native food, were it not that their time is occupied in their employers' service [106-7, 365-7, 632-3, 1300-1]; any expenditure out of the public funds under such conditions appears to be a premium on pauperisation [99-100], and is a farce [1303].

The remedy suggested is to make each contract conditional on one destitute aboriginal being rationed for every native lawfully employed [108], or to insist on the payment of wages with a view to the Government recouping itself for the rations disbursed [368, 834, 985-8, 1085-6]. That district officers of police should be alone responsible for the distribution of relief, -etc., is recommended by the

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Resident Magistrate, Carnarvon [318]; this principle of making one man responsible is more or less approved by other witnesses [361-2, 638-42]; the method of calling for tenders in the supply of stores to be distributed is also advocated [856], as well as the distribution of relief in certain localities where the recipients might be collected to receive it [706].

Your Commissioner is satisfied, both from official and confidential sources, as to the existence of grave irregularities in the distribution of rations, and realises the difficulties in checking them. He feels assured, however, that from one-half to two-thirds of the present expenditure could be saved if relief were issued only on the following lines :-

(a.) While Government rations are primarily intended for the aged, infirm, and sick, for destitute women and children, there should be no attempt at relieving the able-bodied blacks of their responsibilities towards their aged and crippled relatives, an abuse of charity in pauper relief generally. After many years' experience among the natives of North Queensland, where the conditions of life are very similar, your Commissioner is confident that, as a general rule, it is not in the nature of the aboriginal to neglect his older or younger relatives [1300], much less so in fact than is the case with the lower-caste European.

(b.) No encouragement should be given to the establishment of distributing centres in the unsettled districts or in such other areas, e.g., La Grange Bay [1295-9] where, if the blacks were forced to hunt for their native food, they would be able to do so [1292]. Rations are at present being paid for 14 blacks at Argyle Police Station, for 12 at Turkey Creek Telegraph Station, for 20 at Fitzroy, and for 41 at La Grange Bay.

(c.) In the more settled parts of the State the indigent blacks should, as far as practicable, be collected on to a reserve - one or two according to the size of the Magisterial District. At Broome, Father Nicholas is renting a few acres in the neighbourhood as a private reserve, and supporting therein between 20 and 30 aborigines, while within a comparatively small circuit the Department is paying for 8 blacks at the local butcher's, only four miles out, for 7 at Thangoo, and 10 at Yurdagurra. It will probably be urged by those of the distributors at present benefiting themselves thereby that the aged and infirm aborigines will not care to leave the stations and permanently reside in those localities where the Executive is prepared to supply their wants. In reply to such protestations your Commissioner would recommend that in all cases of alleged refusal the relief be cancelled.

(d.) On the stations no pastoralist should certainly be allowed rations for indigent blacks when at the same time he is employing able-bodied ones. Indeed, in such cases it would be the duty of the proposed local protector to see that the permit-to-employ issued to the pastoralist was conditional on one destitute aboriginal being supported for every native lawfully employed [108], the amount of wages to be paid being, of course, proportionately decreased, or wholly remitted, as may be considered proper.

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(e.) As far as possible, the distributors of relief should be responsible persons, preferably Government officials, against whom, in case of irregularities, departmental action could be promptly and drastically taken. A working miner, however estimable he may be personally, should not be allowed to issue rations to 18 natives at Mosquito Creek when there is a constable stationed about 30 miles distant at Nullagine [912-6]. A publican should most certainly not be tolerated as distributor [357].

(f.) The relief granted to the blacks being Government property, distributors making any pecuniary profit whatever through its issue come perilously near committing themselves under 50 Vict, No. 25, Section 41, now incorporated in section 48 of the proposed Aboriginal Bill. Furthermore, your Commissioner recommends that this Section 48 be so modified as to include penalties for such a practice.

(g.) Unless local requirements absolutely prevent such an arrangement, all relief should be paid for by voucher on the storekeeper, etc., for the goods supplied (preferably by contract) and not to the distributor at so much per head.

(h.) There should be one person solely responsible for the relief issued in each magisterial district. At present there are so many different people supplying relief to the natives that no one knows how they are really supplied [362].

B. *Blankets and Clothes.* During the past three years the cost of blankets and clothes the Department has been £698 2s., £984 3s. 8d., and £1,157 13s. 8d. respectively [77]. Blankets are distributed to the aged, crippled, and blind, and to destitute women and children. At first a difference was made in the supplies sent to the far North, but owing to the numerous appeals made by people who stated that there [*can be*] really cold weather there, very little distinction is now made [81]. With a view to checking their proper distribution, lists which show the claim of each native are asked for [83].

At two distributing centres allegations have been made that these articles are not applied to the purpose intended [1177-9, 1202-5]. Recently, blankets have been sent up for the use of discharged native prisoners during travel only [84]. Clothes are also supplied for such people, but as they are bought from the local storekeeper [415, 1054] at ordinary retail prices, a saving might profitably be effected: a stock could be supplied to the gaoler in the same manner as gaol clothes are, and when issued they could be credited to

that Department [415].

Your Commissioner recommends that the blankets should be purchased on proper business lines, to the best advantage. He finds that up to two years ago they were contracted for through the Agent-General's office, which meant a saving of about eightpence on each as compared with the prices ruling under the present arrangement of buying them in the State. More than 2,000 blankets are ordered each year.

C. Medical Fees, etc.- Payment by the Department for the past three years has varied from £92 to £94 annually on account of maternity cases, epidemics, injuries, and long-standing ailments [115-7]. Government Medical Officers are bound to attend a pauper aboriginal if asked to do so by the police [118], though the only authority appears to be a circular, dated May, 1898, and issued by the Premier, wherein it is to be considered part of the duty of Resident Magistrates, Resident Medical Officers, and Police Officers, to assist . . . in providing relief to the aged, infirm, and sick . . . [843], This circular does not appear to be known to every District Medical Officer [1666]. Owing to the

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general practice of employers neglecting to enter into contracts with natives working in their service, a certain expense must necessarily be incurred by the Department in attending to the medical relief of cases which, according to the contract, it would be the duty of the employers to provide.

**(7.) GENERAL TREATMENT OF THE ABORIGINAL
AND HALF-CASTE INHABITANTS OF THE STATE.**

A. Women and Children.-The Chief Protector has no power to enforce the protection, care, safety, and education of unprotected aboriginal women and children, nor to send the latter to mission stations, orphanages, or reformatories [170-1]. The registration of the births of either half-castes or full-bloods is a matter of difficulty even in the settled districts. Of the many hundred half-caste children-over 500 were enumerated in last year's census [172] - if these are left to their own devices under the present state of the law, their future will be one of vagabondism and harlotry [173].

In speaking of the numerous aboriginal and half-caste children around Carnarvon, the Resident Magistrate says they will spend most of their lives in gaol or as prostitutes if something is not done with them. He would suggest their being sent to some reformatory or mission whether their parents wish it or not; but at present he has no power to deal with such cases [32:3]. With regard to the 25 or 30 half-caste children around Broome, the officer in charge of police considers they should be taken right away; as long as they are left in their own district it is impossible for anything to be done with them [673].

At Roebourne the Sub-Inspector of Police is of opinion that such children should be removed from the blacks' camps altogether: a shame that they should be allowed to run wild [1139]. At Marble Bar the Resident Magistrate suggests that the same means should be adopted with native waifs and strays as with white children: if they are bright and intelligent they should be sent at a suitable age to reformatories or schools, and in other cases be apprenticed to suitable employers to learn - girls domestic duties, boys, in that part of the country, stockmen's work [901].

At Derby, the Resident Magistrate considers these are the people that should be got at. There is a large number of absolutely worthless blacks and half-castes about who grow up to lives of prostitution and idleness; they are a perfect nuisance; if they were taken away young from their surroundings of temptation much good might be done with them. He approves of sending them to properly organised and properly supervised schools, etc. [1922-3]. The evils antecedent to the presence of half-castes in the neighbourhood of townships, which can be more or less controlled by the police, are increased in the northern and north-

western stations where the patrols are necessarily less frequent: one station in the Fitzroy River District is credited with from 12 to 15 half-castes, varying from infancy to 21 and 22 years of age. Only occasionally does one hear of a pastoralist providing education to these waifs and strays. Unfortunately it is not compulsory for the reputed father to support his half-caste children. In the North-Western Districts the pastoralists have taken most of the native boys from the tribes; the blacks come in from the bush and get tobacco and food from the boys working' on the stations; this leads to a lot of immorality with the women [1584-5].

There is no power to stop squatters, drovers [1586], and teamsters taking these women and boys away. Women are to be seen on the roads dressed up as men. "Kombo"-ism is rife [1590]. The Resident Magistrate at Derby records how the daughter of the gin employed by his wife was taken away by a white man to the great indignation of his blacks, who told him that a native would have been speared under similar circumstances: at present the aboriginal husband has no redress [1971]. Certain police are alleged to be guilty of intercourse with the native women [1766-7], while others, as well as Commonwealth officials, are charged with abetting or condoning it [1773-8, 1184-7]; in some cases, the police may take no steps to prevent defilement of the gins by the stockmen, trackers, etc., who

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lent assistance in hunting them down [1405-7, 1547]. In the Beagle Bay, Broome, and La Grange Bay Districts, prostitution is due to the presence mainly of the alien pearling crews. There is nothing to prevent Europeans or Asiatics living with native women [466, 658-661], or legally marrying them. In one case the magistrate refused to marry a Malay, but had no objection to him living with the gin, provided she was agreeable [463-5]. The only circumstances where the police can interfere is when a man is found loitering in a natives' camp; action can then be taken under Section 65 of the Police Act, 55 Vic., No. 27.

To remedy the above appalling state of affairs, your Commissioner recommends the legislation embodied in sections 11, 35, 36, 38, 39, 44, 45, and 50 of the proposed Bill. Section 11 proposes that the Chief Protector shall be the legal guardian of every aboriginal and half-caste child until such child attains the age of 18 years. Even at the present time the certified managers of certain schools [2004, 2012, 2058] are the legal guardians of natives up to 21 years of age.

There can be no doubt that of the 500 half-caste children [172] many will, when the necessary protective legislation is provided, become a charge upon the Executive, and the question will then arise as to whether a special Government institution or one or other of the mission stations will receive them. For the Central and Southern Districts there are only the Swan and New Norcia Missions, and the Salvation Army Collie Home, the first and third being prohibitive as against any large number being sent there. Even there, however, the charge of one shilling per day is equal to, and in some cases less than the cost of only feeding many an aboriginal indigent in other parts of the State, and from an economic point of view it would be wiser to make the pecuniary sacrifice - if the sacrifice is indeed imperative - rather in the interests of the half-caste infant than in those of the adult full-blood. As has already been shown, large savings can undoubtedly be made in the present distribution of food-relief, and these, supplemented by moneys received on account of natives under employment, could be utilised for the benefit of the waifs and strays.

B. *The Supply of Liquor* .- The frequency with which liquor is being supplied to natives varies from its alleged absence at Onslow [458] to the terrible drunkenness reported on the Cooglegong tinfields, than which one witness thinks there is not a worse place for drink in Australia [934]. The consensus of opinion appears to be that it is given for purposes of immorality and prostitution [375, 929, 1121, 1910].

According to the Act 44 Vict., No.9, section 56, the prohibition of selling, supplying, or giving liquor does not extend to the giving or supplying of fermented liquor by unlicensed persons to aboriginal natives in their service. As the service is not specified as being with or without contract, etc., there is nothing to prevent an individual employing a native, say, for five minutes at wood-chopping, holding his horse, etc., and giving him liquor with impunity.

With regard to the law as to blacks being employed or being on the premises of a publican, one magistrate shows that as section 57 of the Police Act and its Amendment (2 Edw. VII., No. 44, Section 6) stand at present, they are awkward, because most people who travel in this country have a native boy with them to look after the horses, etc.; if they stay at an hotel this boy must attend to his work, and thus be about the premises ; but if the Act were read strictly these travellers would not be allowed to have the services of the native boys [878].

Another magistrate points out that by the same amendment just referred to, no provision is made for any license holder, other than a publican's general license holder, employing an aboriginal; this means that no provision is made to allow for the holder of a wayside-house license to employ a black, even if considered worthy of it [1623]. As a matter of practice, however, the consent, in writing, of the Chief Protector of Aborigines is first obtained on behalf of the publican, as required by the same Amending

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Act. Opinions vary greatly as to whether such employers should be allowed permits; amongst objectors the reasons given are that it is the means of blacks getting liquor that they otherwise would not be able to obtain [1130], or that the native employed acts as a decoy for others [378]. The local police are apparently not always consulted about allowing a native on the premises of a publican [378]. The penalty for supplying liquor is a £20 fine or three months' imprisonment [167], but as the fine can be reduced for a first offence, under the Justices Act of 1902, section 166, it is but little wonder that the punishment then inflicted does not cope with the evil.

At Broome, for instance, for some time past the fine has been reduced, and latterly it has been only £1 and costs, and £1 including costs, but very seldom over £5 [653]. Not only do witnesses consider that the present penalties are insufficient [375, 974], but recommend that even the possession of liquor by a native should be made a punishable offence [322, 400d]. Twenty-three convictions against aborigines for drunkenness last year were reported to the Chief Protector [164].

Your Commissioner recommends section 47 of the Bill, enforcing minimum penalties, with an additional proviso making it penal for any aboriginal or half-caste to have liquor or opium in his possession. Owing to the advent of the Malay crews along the coast-line and the ubiquitous presence of the Chinaman, it is highly probable, judging from North Queensland experiences, that opium will sooner or later come into use amongst the natives.

It should be a regulation under the Act that no permit should be granted by a local Protector for the employment of an aboriginal or half-caste at any hotel, licensed victualler's premises, or store where liquor is sold, without reference to the Chief Protector; the reference to set out such special circumstances as, in the opinion of the local Protector, warrant the issue of such permit. To cope with the present evil of supplying liquor on the tinfields, etc., is worse than useless with constables who are but recruits and inexperienced bushmen [874-6, 934-5].

C. Reserves.- A grave responsibility rests upon the Executive in pursuing a policy of allowing large areas of country to be taken up and occupied without the slightest provision being made for the natives, who are thus dispossessed of their hunting grounds. The pastoralist gets a grant of land to raise sheep and cattle, and accordingly the kangaroo, the native food of the aboriginal, has to be got rid of. When these animals get scarce the blacks must kill the cattle or sheep [1932].

Another witness states that the natural herbage is eaten by stock put on the country for pastoral purposes, and the game is not so plentiful; the kangaroo hunters also destroy the natives' principal food [863]. In the Sturt's Creek district, where a large number of cattle appear to be annually speared, the blacks can only get water where the cattle are watered; once they are driven from these places, they have nothing to live on; they could get food if they were allowed to stop where the cattle are, but blacks and cattle will not agree, and the blacks are driven away; they must live somehow, so they spear cattle [1588].

In another case, the natives are not allowed about the central paddocks, and the very fact of the stock being depastured on all the watered portions of the runs, quite deprives them of the chance of finding any of their natural animal food [25]. In the North, the stock is gradually obliterating the natural native game [110].

Under these conditions, the right reserved to the aboriginal by the Government to hunt for native food over the land when taken up by Europeans is of practically little worth; it has already been pointed out (when dealing with the question of wages) what obstacles may be put in his way when attempting to exercise this right, although possibly no actively hostile action to his presence need necessarily be taken by the station owner. The climax of refined hardship and abuse has so far been reached in the recent Dog Act of 1904, Section 29, where the black is not allowed to have more than one male dog unregistered, the ultimate and ill-concealed effect of such legislation being to prevent

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aborigines using dogs for hunting purposes, and so limiting still further the supplies of native food otherwise available. There is no reserve for natives in Western Australia that is devoted exclusively to their use and benefit. Several witnesses approve of a system of such reserves in each district, due regard being given to their location [902]; one suggests their establishment in districts where the majority of the blacks already are if the proposed Act causes the station-owners to throw the natives off [903]; another, that the reserves would have to be pretty extensive, etc. [1930].

In the same way that reserves are required for the exclusive use of the natives, so are others, *e.g.*, township sites, required for the use of the Europeans; blacks should not be allowed to enter the latter except under lawful employment [1133].

Your Commissioner recommends the legislation dealing with reserves as expressed in sections 13 to 18 of the proposed Bill, and the proclamation of various townships, etc., in which aborigines, except in lawful employment, are not allowed to remain, as provided for in section 41. In the far northern unsettled districts the whole question of reserves resolves itself into one of either sacrificing many human lives or losing a few pounds derived from rents. So long as the land can be taken up at a few shillings per thousand acres, and no provision made for the dependent blacks who can and are being hunted off it, there certainly will be trouble. The stockowner naturally does his best for his cattle - one cannot for a moment blame him - while the protector exerts his utmost on behalf of his aborigines.

In your Commissioner's opinion large northern reserves for hunting purposes are imperative not only on humanitarian grounds, but also on grounds of practical policy. The policy is not new, but already adopted in Queensland, and for many years past, on a much larger scale, of course, in Canada, the United States, and elsewhere. If the natives continue to be dispossessed of the country upon which they are dependent for their food and water supplies, by their lands being rented for grazing rights at a nominal figure-lands from which the lessees naturally desire to drive them - bloodshed and retribution will be certain to ensue, and the Executive in its efforts to restore law and order, and in the cost of rations to make up deficiencies in the natural food supplies, will be ultimately put to an expenditure considerably in excess of the total rents received.

Carrying the present practice of Might against Right to a logical conclusion, it would simply mean that, were all the land in the northern areas of the State to be thus leased, all the blacks would be hunted into the sea. The poor wretches must be allowed the wherewithal to live - their main hunting grounds and water supplies. They dare not voluntarily migrate elsewhere, as such action, according to tribal law, would constitute a trespass, punishable by death.

Your Commissioner pleads again that large areas be resumed in the northern unsettled districts for the sole benefit of the natives, the location and extent of such reserves being dependent on local conditions, *i.e.*, islands, large promontories, mountain areas, districts where the marches of several tribes meet, etc. [1930];

indeed, where the natives already are. In the settled districts of the State, of course, much smaller areas of country would only be necessary, because here the reserves, instead of being utilised as hunting grounds would constitute sanctuaries and asylums for the indigent, the infirm, the children, and others on whose behalf it behoves the State to make special provision.

As already mentioned; one of the main objects of section 15 of the proposed Bill is to give the Minister power to remove an aboriginal whose presence it is undesirable to continue in one particular district on account of his incorrigibility or proneness to crime, the evidence of which would not be sufficient to secure conviction in the law courts. In cases of tribal murder and cattle-killing such a power would be both economic to the State and merciful to the individual or individuals concerned.

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D. Mission Stations and Aboriginal Institutions.- Your Commissioner visited the missions carried on at Beagle Bay [554-611], Broome [677-712], the Swan [1988-2020], and New Norcia [2021-2093], and had the opportunity of examining the superintendent of the Sunday Island Mission, as a witness [1791-1853]. "The small home at Ellensbrook (Bunbury District) for waifs and strays, who for various reasons cannot be received into the other institutions, is carried on in a practical manner, partly as a nursery for the little ones, and as a temporary refuge against evil influences for the bigger ones."

During the past three years the extent to which these institutions have been subsidised by the Department is detailed by the Chief Protector [139-141]. Although the executive head, this gentleman does not appear to be always consulted as to the grants allowed to the missions [146], one of which (Swan Native Mission) is paid on a capitation basis.

- (a) (a) Beagle Bay (Roman Catholic, Pallottine).-Annual subsidy, £250; 31 children attending school [566] and 20 to 80 camp-blacks [586]; approximately, 100 inmates, at a cost to the Department of £2 10s. each per annum.
- (b)
- (c) Your Commissioner, after a full review of all the circumstances, cannot recommend any increase at present in the amount of the annual subsidy. There has been a decrease in the number of inmates of almost 50 per cent. within the past four or five years [688-9]; perhaps the quality and quantity of food supplied to the natives, several of whom made separate complaints to your Commissioner, may be one of the prime factors. There are at present no Sisters in connection with the mission, but it is understood that arrangements are being made to remedy this defect. An ex-civil servant is being paid a small salary (by the Order) to act as school-teacher [558-560]. Thirteen blacks are receiving Government relief at a cost of sixpence each per day: this expenditure should be cancelled, the care of the indigent being certainly one of those acts of charity which the public has the right to expect the mission to meet out of its own resources.
- (d)
- (e) With regard to the tenure of the land at Beagle Bay, 600,000 acres were originally reserved for the use of the aborigines here; subsequently 100,000 acres adjoining the reserve were added to the reservation, the Government at the time agreeing that should the Trappists expend the sum of £5,000 on improvements on the total reservation, 10,000 acres would be granted in fee simple. On inquiry from Father Walter, the present official head of the Mission, the improvements on which this sum of money has been expended are in the main on Dampier Location No.6: at any rate, certainly not on the total reservation as required by the conditions.
- (f)
- (g) This location is one of the four (Nos. 5, 6, 7, 8) which the Mission is anxious to obtain in fee simple, and practically the only four on the whole reserve where there would appear to be permanent water. Furthermore, when the Trappists first arrived in the State in 1895 they brought a little money out with them, and with this they purchased about 150 head of cattle. When the Order took its departure in 1901 and was replaced by the Pallottines, Father Nicholas, under power of

attorney from his superior, only sold Bishop Gibney the cattle, which had by that time increased to 800 ; the price to be paid was £2,640 [690-3]. Father Nicholas did not feel justified in selling the buildings, fences, improvements, etc., because he considered them to be part and parcel of the trust: they had been built with the labour and assistance of the blacks, and they had been erected for the use and benefit of the natives [694-5].

Your Commissioner recommends that the Lands Department, when issuing the title to the lands in question, will protect the interests of the aborigines, and take care that the property held in trust for them is not handed over to the Mission.

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(b) Broome (Roman Catholic, Trappist).- Your Commissioner cannot do more than beg your Excellency's perusal of the minutes of evidence obtained from Father Nicholas [677-712], who for ten years past has devoted himself entirely to the benefit of the natives--a more unselfish man it would be rare to meet. Being as anxious as ever to give up the remainder of his life to working amongst the aborigines, the Department would do well to afford him an opportunity of increasing his sphere of influence. He certainly should not be allowed to pay rent for a reserve out of his private purse. At present he is responsible for the distribution of indigent relief to the extent of a few shillings daily, an amount far from commensurate with what is absolutely required.

(c) Sunday Island (Independent).- Annual subsidy £100; 23 children attending school and about 90 permanent residents [1829]; in other words, 113 inmates at a cost to the Department of a little over 17s. 8d. per head per annum.

Your Commissioner strongly recommends the application of Mr. Hadley, another fine example of a man who is sacrificing self on behalf of others, for an increase of subsidy to £200, in order to pay the services of a school teacher and assistant generally [1849]. This would enable the Mission to probably obtain a married couple, the help and presence of a European women being very desirable.

It is also highly necessary, as soon as the proposed Bill comes into force, that the whole of Sunday Island and portion of the Western Mainland coast line at Swan Point and Cygnet Bay (provided the pearlers are not allowed there, as already suggested) be proclaimed a Reserve [1835-1845]. As all deficiencies in the financial condition of the Mission, which is free from debt, are already made up out of Mr. Hadley's private purse, it would hardly be fair to withdraw the Government relief issued to the indigent natives, though probably exertions might be successfully made to considerably reduce it.

(d) Swan Native and Half-caste Mission (Anglican).- Annual subsidy, £721 8s., with an attendance of from 30 to 33 children at the school and eight at the Orphanage. The subsidy varies, being made on a capitation basis of one shilling per head per day. Though this amount of over £18 per annum per child is excessive as compared with the grants in aid to other institutions, it must be remembered that the inmates here [1988-2020] are brought up on identical lines as the Orphanage (white) children, receiving concurrently with them the same food, clothing, education, and training.

It is quite evident that on this capitation basis the Aborigines Department cannot afford to pay for many more waifs and strays at the institution, unless some provision be made whereby, when they are finally sent out into service or under apprenticeship, and until they are 21-the age at which the guardianship of the school manager ceases-some fair proportion of their earnings is repaid to the Executive in return for the heavy outlay that has been expended on their behalf.

It is apparent that, greatly to the credit of themselves and the management, the coloured children profit by the opportunities given them of reaching that stage of civilisation and advancement which ultimately helps them to hold their own in the struggle for existence.

Should some such an arrangement be come to, your Commissioner would recommend that the manager be granted a railway pass [1993] to regularly visit and keep in touch with the inmates after they have left the institution to go into service [2015]. This inspection is undoubtedly a most important branch of the work, and as both white and coloured young people are visited, it would be but fair that one-half the cost of the pass be paid by the Charities and the other by the Aborigines Department.

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- (e.) New Norcia (Roman Catholic, Benedictine).- Annual subsidy £450: over 50 children are attending school, with a total of about 200 aboriginals and half-castes under the charge of the Mission; average cost to the Department of £2 5s. per head per annum. This, the oldest aboriginal institution in the State, is in a most flourishing condition, continues to carry on very excellent work, and is well worthy of the support extended to it by the Department. The minutes of evidence [2021-2094] obtained at this mission will also well repay your Excellency's perusal.

Taking the Mission and Aboriginal Institutions generally, your Commissioner recommends that :-

- (1.) they be regularly inspected by the Chief Protector or other officer authorised by him;
- (2.) the standard of the Government Provisional School system should be at least maintained;
- (3.) that uniform returns be forwarded to the Department.

E. *Firearms.*- The possession of, firearms by natives is considered a grave danger [934], as very wrong and likely to lead to trouble [1136], and should not be allowed [892]. There is no doubt that there should be legislation to prevent it [1972]. One objector urges that exception should be made in the case of an aboriginal when working for a master to obtain game [892]. Your Commissioner recommends an additional clause in the proposed Bill to make the possession of firearms by aborigines; as well as their sale to them, illegal.

F. *Removals.*- There is nothing to prevent [332, 372, 1118, etc.] blacks being taken away from one district to another, without any provision being made that they shall be returned. A native has been induced to leave his woman and all, and been left stranded hundreds of miles away [332]; another instance is that of a European taking a native woman away by force [333]; others are cases of teamsters and drovers removing aborigines to other districts and not necessarily returning them [869]. Your Commissioner notes that these abuses are provided for under section 12 of the proposed Bill.

G. *Deaths, Burials.*- It would not appear to be anyone's business to notify the death of an aboriginal, whether under contract or not. At Derby, the Resident Magistrate has given instructions that in the event of a native dying without medical attendance within the limits of the townsite, a magisterial inquiry or inquest is to be held [1929]. Matters will be rectified by section 33 of the proposed Bill, which makes it incumbent upon the employer to give the necessary notice. By 61 Vict., No. 3, section 6, bodies must be buried in a public cemetery where one has been proclaimed, it being unlawful for a burial to take place elsewhere within a radius of 10 miles. In certain districts this has resulted in the contractors insisting upon burying natives. As

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the charges for burial are in some cases as much as £9 [125-132] this would seem a useless expenditure, all the more so when prayers are put in as part of the contract at an additional cost of 10 shillings. The aborigines would appear to be always prepared to bury their own dead, and as they do not as a general rule die from any specially infectious disease, there can be no strictly valid reason for interment in a cemetery. Your Commissioner recommends that the provisions of section 9 of the same Act be availed of, and permission obtained from the Governor in Council to bury blacks in a more economic manner.

H. *Conclusion.* In the settled areas or those portions of the State along which his investigations have led him, your Commissioner is satisfied that the natives, generally speaking, are not subject to any actual physical cruelty. On the other hand, the wrongs and injustices taking place in these areas, and the cruelties and abuses met with in the unsettled districts cannot be longer hidden or tolerated. Fortunately they are of such a nature that they can be largely remedied by proper legislation, combined with firm departmental supervision. My earnest prayer, on the eve of my departure from Western Australia, is that the next Parliamentary Session will see that the proposed Aborigines Bill of 1904, as originally introduced, supplemented with the recommendations contained in this Report, will become the Aborigines Act of 1905.

Attached hereto are the minutes or evidence taken (Appendix C).

I have the honour to be,

Your Excellency's most obedient servant,

WALTER E. ROTH,

Commissioner.

Perth, W.A., 29th December, 1904.

Indenture;

APPENDIX A.

COPY OF INDENTURE OF APPENTICESHIP.

THIS INDENTURE made the _____ day of _____
One thousand eight hundred and _____ BETWEEN
of _____
in the Colony of Western Australia _____ (hereinafter called
“the said _____”) of the first part *alias*
an Aboriginal Native _____ of the said Colony
hereinafter called “the said Apprentice”) of the second part and
Resident Magistrate of the _____ District of the said Colony of the third part

WHEREAS it is provided by the 36th Section of “The Aborigines' Protection Act 1886” that it shall be lawful for any Resident Magistrate acting under the instructions of The Aborigines' Protection Board appointed under the provisions of the said Act to bind by Indenture and put out any Half-caste or other Aboriginal Child having attained a suitable age as an apprentice until _____ shall attain the age of twenty-one years to any Master or Mistress willing to receive such Child in any suitable trade business or employment whatsoever NOW THIS INDENTURE
WITNESSETH that the said _____ as such Resident Magistrate as aforesaid and acting herein under the instructions of the said Board in this behalf DOETH bind and put out the said Apprentice who is deemed to be and is for the purposes of this Indenture of the age of _____ years and _____ months and the said Apprentice doth hereby put place and bind _____ as an Apprentice to the said _____ to learn the trade or business or employment of a _____ and to work and live at _____ aforesaid or

elsewhere as the said _____ may direct until the said Apprentice shall attain the age of twenty-one years DURING all which time the said Apprentice shall well faithfully honestly and diligently serve the said _____ and the lawful and reasonable commands orders and requirements of the said _____ the said Apprentice shall at all times willingly obey perform and do.

AND the said Apprentice shall do no damage to said _____ or _____ property or knowingly suffer the same to be done by any other person or persons without acquainting therewith AND the said Apprentice shall not at any time during the said term depart or absent from the service of the said _____ without leave but _____ the said Apprentice shall in all things and at all times during the said term conduct demean behave and acquit _____ as a good and faithful Apprentice ought to do AND the said _____ doth hereby for _____ executors administrators and assigns covenant and agree with the said Apprentice and as a separate covenant with the Resident Magistrate for the time being of the said _____ District in manner following that is to say THAT the said _____ will take receive and keep the said Apprentice from the day of the date of these presents until the said Apprentice shall attain the age of twenty-one years AND also will until the said Apprentice shall attain the said age to the best of _____ power knowledge and ability instruct the said Apprentice or cause _____ to be instructed in the trade business or employment aforesaid AND find and provide the said Apprentice with good proper and sufficient food, lodging and clothing AND treat the said Apprentice in a proper and humane manner finding the said Apprentice with medicine and medical attendance when practicable and necessary.

IN WITNESS whereof the said parties hereto have hereunto set their hands and seals the day and year first before written.

SIGNED sealed and delivered by the said _____ in the _____ presence of _____ [L.S.]

SIGNED sealed and delivered by the Apprentice by affixing his mark and touching his seal in the presence of the said Resident Magistrate and also in my presence and I hereby certify that previous to the execution thereof by the said Apprentice the nature and effect of the foregoing Indenture was in my presence I explained to him by the Resident Magistrate aforesaid and he seemed fully to understand the same [L.S.]

SIGNED sealed and delivered by the Resident Magistrate aforesaid in the presence of _____ [L.S.]

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APPENDIX B.

LIST OF WITNESSES EXAMINED.

Prinsep, H. C.	Chief Protector of Aborigines, Perth	1-219
Pechell, E. D. 220-222	Clerk and Accountant, Aborigines Department, Perth.	
Burt, S. 223-280	Sheriff and Comptroller General of Prisons, Perth.	
Hare, F. A. 281-315	Commissioner of Police, Perth.	
Foss, C. D. V 316-324	Resident Magistrate, Carnarvon .	
Houlahan, T. 325-400	Sergeant of Police, Carnarvon.	
Townsend, T. E.	Gaoler, Carnarvon.	

401-445		
Radley, T.	Sergeant of Police, Onslow.	
446-482		
Paterson, W.	Gaoler, Broome.	
483-553		
Walter, G.	Priest, Beagle Bay Mission.	
554-611		
Byrne, J.	Sergeant of Police, Broome.	
612-676		
Emo, N. M.	Parish Priest, Broome.	
677-712		
McKenna, W. J.	Acting Sub-Collector of Customs, Broome.	
713-738		
Blick, G.	District Medical Officer and Acting Resident Magistrate, Broome.	
739-777		
Baker, O. E.	Lightkeeper, Broome.	
778-788		
Rodriguez, F.	Pearler, Broome.	
789-818		
Ostluud, A.	Resident Magistrate and Warden, Marble Bar.	
819-906		
Anderson, R.	Corporal of Police, Marble Bar.	
907-960		
Martin, J.	Sub-Collector of Customs and Shipping Master, Port Hedland.	
961-966		
Edwardes, E.	Constable of Police, Port Hedland.	
967-1001		
Pond, J. J.	Gaoler, Roebourne.	
1002-1075		
Lappin, W.	Sub-Inspector of Police, Roebourne.	
1076-1147		
Langtree, M. J.	Stockman, Roebourne.	
1148-1231		
Woodroffe, A. E. V.	Branch Manager Adelaide Steamship Company, Port Hedland.	
1232-1274		
*Fletcher, B. H.	Constable of Police, La Grange Bay.	
1275-1322		
Wilson, J.	Constable of Police, Isdell River.	
1323-1465		
Inglis, J.	Constable of Police, Hall's Creek.	
1466-1593		
Skinner, H. M.	Clerk of Courts, Wyndham.	
1594-1615		
Browne, D.	Resident Magistrate and District Medical Officer, Wyndham.	
1616-1669		
Goodridge, W.	Corporal of Police, Wyndham.	
1670-1705		
cott, G. J.	Gaoler, Wyndham .	1706-
1765		
Boodnugarry,	Aboriginal Prisoner, Wyndham.	1766
Garngulling,	Aboriginal Prisoner, Wyndham.	1767
Butler, J. J.	Drover, Wyndham.	
1768-1790		

Hadley, M. S . 1791-1853	Superintendent, Sunday Island Mission.
Rose, A. F. 1854-1888	Station-owner, Leopold Downs.
Thurkle, E. G. 1889-1899	Clerk of Courts, Derby.
Wace, R. H. 1900-1979	Resident Magistrate and District Medical Officer, Derby.
McInnes, D. 1980-1986	Stockman, Sturt's Creek.
McManus, C. J. 1987	Treasury Paymaster, Acting Resident Magistrate, etc., Hall's Creek.
Burton, A. 1988-2020	Manager, Swan Native and Half-caste Mission.
McCormick, E. 2021-2093	Priest, New Norcia Mission.

* Late Kuhlmann.

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Prinsep;

APPENDIX C.

MINUTES OF EVIDENCE

3rd September, 1904.

Henry Charles Prinsep, Chief Protector of Aborigines.

1. How long have you been Chief Protector of Aborigines ? - Since April, 1898. The work of the department is carried on under the provisions of the Act 50 Vict., *No. 25*.
2. By what methods can aborigines be bound into service for employment on land ? - By contract and indenture.
3. At what age may contracts be entered into ? - The age of 14 years.
4. Has the age to be attested by the witnessing party only? - Yes, by witnessing party only.
5. May the contract be signed by the employer's agent ? - Yes.
6. Is this often done ? - Not often; if done at all it would be in the case of boats.
7. Do you consider the system of the agent being able to sign a very good one ? - Decidedly not. The native does not realise his proper master.
8. For how long are contracts usually made ? - Contracts are usually made for twelve months. On stations I think twelve months is the general rule, but of course some are made for shorter times.

9. Is the form of contract and attesting certificate permissive ? - Yes.
10. Are blankets stipulated for by the Act ? - Yes.
11. Are blankets mentioned in the printed form in use ? - No; the form at present used is not in accordance with the schedule of the Act.
12. Have medicine and medical attendance to be given? - Yes, in ordinary cases. Not if sickness is caused by aboriginal's own improper act or default.
13. Do you consider venereal disease as included in the latter category ? - Venereal disease would not be included altogether. The infection may have been imparted to the woman by a white man and a black man may have contracted it in all innocence.
14. Have employers ever charged your Department for medicine and. medical attendance? - Yes. A doctor here and there has sent in bills which the employer has refused to pay, stating it is the duty of the Department.

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Prinsep;

15. Would your Department pay for the confinement of women under contract ? - Legally the Department need not pay.
16. Can a contract be legally entered into without your knowledge ? - Yes.
17. Can you prevent an Asiatic or European from being an employer under the Act ?-- No, I cannot.
18. Can you prevent the greatest scoundrel unhung from employing an aboriginal under contract? - No.
19. How many contracts are at present in force to your knowledge ? - Two hundred and fifty-eight men and 111 women; total, 369.
20. What is the proportion of natives under contract to natives employed ? - One twelfth, as compared with the census taken three years ago, by the police, of all natives in employment.
21. Are there any districts in which contracts are entered into more frequently than others? - Most contracts are entered into in the Gascoyne, where the natives are more civilised.
22. How many natives are supposed to be in receipt of wages according to their contract? – Fifty three.
23. Is it compulsory that wages should be given ? - No.
24. What is your opinion with regard to insisting upon wages being paid? - This question has always been before my mind. At first sight one says, “What is the use of wages in a country where nothing can be bought with them, or to a class of people who to a man can hardly know the full value of coin?” Again, you may say, “Let it be paid to some agent and utilised for the benefit of the blacks of that locality.”

This no doubt is a very dear way to look at it, but on further consideration I have been led up to the present time to demur making such a recommendation. There is a growing inclination on the part of squatters to dispense with native labour. On many runs large improvements have been made in the collection and conservation of water, erection of wind-mill pumps, etc. : fencing is being erected and the proprietors are gradually becoming independent of the black labour. Many of the squatters

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Prinsep;

merely go on employing the natives simply to keep them from disturbing their stock, and generally declare that, as a source of labour, black labour is the most expensive they could have. In many cases I feel sure that humane consideration drives the squatter just to find work for the resident tribes to keep them from being a pest to his runs.

If a new system were launched insisting upon each native receiving a salary, whether directly or through a Government agent, I am perfectly certain many station-owners would immediately commence to get rid of their black employees not only from about their stations but from their runs, and would replace them with a few white hands. This is even now being done without any proposal as to payment of wages being made.

I know of one large station in the Gascoyne District as large as an English county which refuses to employ blacks and does not encourage their presence even. What would be the result if many followed this course? Not only would those aged and destitute ones, who now get relief at my expense, be packed off and exiled, as it were, from their ancestral homes, but a much larger number of strong and therefore troublesome and discontented men and women would be cast on the Departmental bosom to be nursed and fed and kept quiet.

I have even contemplated this and tried to meet it by certain mental proposals, but they are such as would require a large initial outlay, with a remote probability indeed of it being repaid. I would favour the establishment of farms or stations on the islands or other isolated portions of the country where these unemployed could be put to constant work and thus produce their own sustenance. The wool, hides, and tallow and surplus meat would in a measure recoup the cost of management and perhaps the cost of the food for the blacks. It would be a big undertaking, but I see no other way so far for meeting such a big difficulty. I feel sure there would also be many objections to such proposals, and until it is necessary of course I would not recommend any action, nor do I feel inclined to recommend a system which would cause such a crisis.

25. Are the blacks hunted off the station you mention ? - No work is given to the blacks on that station. They are not allowed about the central paddocks, and the very fact of the stock being depastured on all the watered portions of the runs quite deprives them of the chance of finding any of their natural animal food, I cannot say that any hostile action to their presence has been taken by the station-owners. No such case of hostile action has been brought to my notice.

26. Have you any means of satisfying yourself whether wages have been paid as stipulated ? - No.

27. Only the Minister, a J.P., or yourself may cancel a contract ? - That is so.
28. Might a contract be cancelled without your knowledge? - Yes.
29. When you wish to cancel a contract, what is your procedure as a Protector of Aborigines? - I ask the Resident Magistrate, who has the power, to cancel it.
30. What is the penalty for breach of contract by an employer ? - A fine.
31. Do you know of any cases ? - No.
32. What is the penalty for breach of contract by a native ? - Imprisonment with or without hard labour.

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Prinsep;

33. How many convictions have you had for breaches by natives during the past three years ? - Twenty.
34. The system of service by indenture is also known as apprenticeship, is it not ? - Yes.
35. Native children can be indentured by a Resident Magistrate under instructions from your Department ? - Yes.
36. What do you consider the most suitable age at which a child can be indentured as laid down by law? - About six years.
37. By law the manager of a charitable institution may indenture without instructions from you. Do you know whether any children have been so indentured? - I think some have been indentured from the Swan River Anglican Mission.
38. What is the form of indenture ? - As in schedule of Act (form of indenture handed in; *see* Appendix A); but I believe the institutions use other forms.
39. What are the regulations with regard to indentures ? - There are none under the Act.
40. Is it compulsory for the Resident Magistrate or the manager of a charitable institution to forward you a copy of the indenture ? - No.
41. What attempts have you made to discover how many children have been so indentured ? - I issued a circular letter to all the Resident Magistrates in August, 1902, asking them to furnish me with a list of all such in each of their districts.
42. Was this circular also sent to the managers of charitable institutions ? - No.
43. Can you supply me with detailed particulars of all children so indentured ? -- Yes.
44. In this list do you know of any employers who are since deceased ? - Yes.
45. Do you know of any children mentioned on list who are since deceased ? - No.
46. No one is actually bound to forward such particulars? - No.

47. Where details are not furnished in this list, it means that you have not been supplied with same? -- Yes.

48. There are about fifty on this list? - Yes.

49. Is it possible that there were any other natives put under indenture, before you or the present Resident Magistrates were appointed, who are still under indenture and of whom you are in ignorance? - Yes. I do not think there are many missing from the list; but no return has been received from the Roebourne District.

50. Is it permissive or imperative for a J.P. or Protector to visit indentured children ? – Only permissive.

- **37a.** -

Mr. H. C. **Prinsep**, *continued.*

51. Has such a visit ever been made to your knowledge? - No.

52. Are any of these children now with people other than those to whom they were indentured? - To my knowledge only those whose original masters or mistresses have died. I know of the deaths of two of the original masters.

53. Who are they ? - James Aitken and William Patmore.

54. Is there any stipulation on the indenture as to wages ? - No.

55. That is to say a child of tender years may be indentured to a mistress as a domestic servant up till 21 years of age, and receive no education and no payment whatever. Do you consider this is right ? - It is not right.

56. Have you represented this state of affairs to your chief ? - Not directly; only for purposes of legislation.

57. For what employment on sea are aboriginals engaged ? -- In pearl-fishing and other fisheries such as the *beche-de-mer*.

58. Are they engaged under special agreement ? - Yes.

59. Are particulars of all such cases known to you ? - No.

60. Are the employers of these natives or the attesting witnesses to their agreements bound to furnish particulars to you ? - No.

61. Are females allowed to be carried on the boats ? - No.

62. Have you power to prevent any aboriginal being carried on the boats ? - No; and I cannot prevent male children being employed on boats.

63. Have you control of the labour conditions on the boats ? - No.

64. An aboriginal may be signed on independently of you ? - Yes.
65. Are there any abuses in connection with the boats ? - Yes.
66. Kindly detail some of the more important of these? - Principally drunkenness and immorality, the former being the prelude to the latter.
67. Do you consider there is more immorality and drunkenness on boats than on the mainland? - No, but it is more uncontrollable.
68. In what way is it uncontrollable ? - I have no means of reaching the boats.

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Prinsep;

69. Do these abuses actually take place on the boats, or on shore ? - I believe they to a greater extent on shore, as well as on the boats.
70. Kindly explain this statement? – The boats call in at certain creeks ostensibly for wood and water, and the natives flock to these creeks, the men being perfectly willing to barter their women for rum, food, etc. Malays and others frequently come on shore and have natives with them. They frequently take the women off to the luggers and, considering the number of luggers that infest the coast from the pearling banks, an immense amount of immorality must exist.
71. In what district do these abuses particularly take place ? - Commencing from about a few miles this side of La Grange Bay and extending all along the coast to the other side of King Sound.
72. What action do you take to cope with these abuses? - On my representations one policeman is stationed at La Grange Bay with two or three horses and a tracker. The expense of this station was put on to my vote, although much of the policeman's time has been occupied in his ordinary duties of quelling disturbances among the whites, making reports, etc., and even occasionally on electioneering matters. Another policeman was also sent to patrol the coast eastwards from Beagle Bay, but not at my Department's expense.
73. Does the Police Department defray your Department for the cost of time taken up by this constable in duties other than strictly aboriginal ones? - No, but we are not charged with the cost of the horses.
74. Do you consider that this is a legal charge on your Department ? - No; not in comparison with the duties that the police undertake in other parts of the country. If it is a question of law and order the police ought to be there and not be paid for by my Department.
75. If you had a reserve proclaimed, where no one would be allowed to land from the boats, would that have any beneficial effect ? - Not unless I had power to superintend the reserve properly.
76. Your Department supplies blankets and clothing to the natives, does it not ? - Yes.

77. What has been the cost of blankets and clothing for the last three years respectively? - 1902, £698 2s.; 1903, £984 3s. 8d.; 1904, £1,157 13s. 8d.

78. To what aboriginals are these blankets supplied ? - To the aged, crippled, and blind, and to destitute women and children.

79. Are blacks under contract supplied ? - No.

80. Are mission stations supplied ? - Mission stations are only supplied for the natives above stated.

81. Are there any restrictions on the supply of blankets dependent on climate ? - At first I made a difference in the supplies sent to the far North, but I afterwards received so many appeals from people who stated that there was really cold weather there that I have thus gradually increased the supply, and now make very little distinction.

82. On whose recommendation is an aboriginal supplied with a blanket ? - That of the magistrate or the officer of police.

- **38a.** -
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- Mr. H. C. Prinsep, *continued.*

83. Are there any checks on the proper distribution of these blankets? - - I ask for lists of distribution which show the claim of each native to one.

84. Do you supply clothing and blankets to discharged native prisoners ? - Clothing is supplied to them, and recently I have sent up blankets for their use during travel only.

85. Is an aboriginal prisoner discharged from gaol without clothes? - Generally, I believe.

86. Do the police bring him into court without clothes ? - Yes, as far as I know.

87. Does your Department furnish rations and provisions? - Yes.

88. What was the cost for the last three years respectively? - 1902, £6,621 14s.; 1903, £7,238 4s. 10d.; 1904, £8,289 16s. 4d.

89. To what aboriginals are rations and provisions supplied ? - To the aged, crippled, blind, and to destitute women and children. .

90. What is the nature of the rations ? - Flour, tea, and sugar. Sometimes meat and tobacco.

91. What is the cost of these rations for a black ? - In settled districts 6d. per head per day. In outlying districts as much as 1s., and here and there 1d. or 2d. more.

92. Is any reduction possible in these amounts ? - I have on many occasions tried to make a reduction, but of late years the rise in food-stuffs has been a terrible block. This year there seems a chance of making a reduction, flour being much cheaper. .

93. What is the idea of giving tea and sugar to half-civilised blacks ? - I found the system ruling when I took over the work, and would not recommend any alteration.

94. Who fixed the original scale ? - The Aborigines Board, very many years ago. Certain reductions have been made. The present ration seems liberal enough.

95. What is the scale per native per week? - Each adult gets 10lbs. flour, 1½ lb. sugar, ½lb. tea, and 5¼ lbs. meat per week in the settled districts. No particular scale for unsettled districts, but a bargain with the distributor is made as to food given for the amount allowed.

96. Are these rations paid for locally ? - Yes.

97. How many aboriginals were supplied with rations during the last three years respectively ? - 1902, 816; 1903, 833; 1904, 984.

98. Do you expect the numbers to increase or decrease in the future ? - Probably increase. They are increasing each year.

99. Have these aborigines any relatives who could support them in food ? - No doubt many of them have.

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Prinsep;

100. Is not this a premium on pauperisation ? - It looks like it.

101. Are there cases where blacks who have been working on stations for years are now being supplied with rations by your Department ? - I am not well able to find that out, but I am sure there must be many cases.

102. Are there any cases where employers recognise their moral obligations in pensioning off aborigines who have worked for them for years ? - I know of some.

103. Are there any employers who do not ? - The larger number of them do not.

104. Who are the people who actually distribute the relief ? - Where there is a police station the constable does. In most towns it is done by an order on a storekeeper; in the country by some employee of the station-owner.

105. What check have you that an aboriginal actually gets the relief authorised ? - The certificate of each monthly voucher stating that the service has been performed, and occasional police patrols of inspection.

106. Are there any stations where there are blacks employed on contract as well as blacks rationed by you ? - A good many.

107. That is to say, there are stations where aboriginals could supply their destitute relatives with native food were it not that their time is occupied in lawful service? - Yes.

108. In such cases might it not be justifiable to make each contract conditional on one destitute aboriginal being rationed for every native lawfully employed? - It would be a reasonable stipulation.

109. **I understand that the Government reserves to aboriginals the right to hunt over the**

land for native food when taken up by Europeans ? - Yes.

110. Is this a dead letter ? - Not in the South, but in the North the stock is gradually obliterating the natural native game.

111. Do you know of any holders of runs who have prevented natives from hunting for their natural food? - No.

112. Are rations supplied by your Department to discharged aboriginal prisoners? - Yes. Enough to enable them to reach their homes.

113. Who supplies such prisoners with rations?--The police, on the magistrate's order.

114. Are you charged at the same rate as you supply rations for destitute blacks ? - I have not been hitherto, but I am now making that stipulation. I have been paying at higher rates.

115. Does your Department also pay for medical fees and advice? - Yes.

116. What has been the cost of this for the last three years ? - 1902, £93 4s. 6d.; 1903, £94 1s. 2d.; 1904, £92 6s. 7d.

- 39a. -

Mr. H. C. Prinsep, *continued.*

117. Under what circumstances are these fees provided or paid for ? -- Confinements, maternity cases, epidemics, injuries, and long-standing ailments.

118. Is a Government medical officer bound to attend a pauper aboriginal if asked to do so by the police ? - Yes.

119. Is a Government-subsidised hospital bound to afford medical relief to a pauper aboriginal ? -- Yes.

120. You sometimes pay for the legal defence of natives? - Yes.

121. What has been the cost for the last three years?--1902, £56 10s. 6d. ; 1903, £23 4s. 6d.; 1904, £39 12s. 6d.

122. Under what circumstances is such an expenditure incurred? -- In the case of capital crimes principally.

123. Do you consider this a legitimate charge on your Department ? - I do, because I consider myself the best friend of the native.

124. What has been the cost of burial of aborigines paid for by your Department during the last three years ? - 1902, £74 8s. 5d.; 1903, £100 9s. 6d.; 1904, £94 12s.

125. What is the average cost of an ordinary pauper aboriginal's burial ? - It ranges from £2 2s. in the civilised parts to even £9 in the far Eastern goldfields.

126. Is such pauper aboriginal supplied with a coffin ? - Yes.
127. Is there any necessity for this ? - No; except in cases where the population is thick
128. Are prayers paid for at a burial ? - No; unless the deceased was a recognised Christian.
129. Have you ever paid for prayers at the grave ? - I believe I have in some instances, although under protest.
130. Do you consider that there is any necessity for prayers ? - No.
131. Do you consider the charge of £9 [*\$5,000-\$8,000 in today's money*] for a burial exorbitant ? - Yes; in some cases I have succeeded in inducing the police to bury the party in a simple manner for 10s, but in most cases I have been compelled to have the services of the contracting undertaker and to bury in cemeteries under the provisions of the Cemeteries Act.
132. Are you compelled to bury aboriginals in cemeteries where there is one? - Yes; where death occurs in places within the jurisdiction of the Cemeteries Act.

- 39b -

Prinsep;

133. What is a native shelter, as mentioned in your annual report ? - Generally a house of iron, with wooden frame. Such structures have been erected in certain localities where I have tried to gather natives together for the sake of more economical care and protection. Occasionally shelters have had to be put up for diseased natives in the vicinity of towns. Tents are included in this item.
134. What is the average cost of these shelters ? - About £6 or £7 per room. They contain sometimes more than one room.
135. Do you find that the aborigines remain in them ? - I have been pretty successful in overcoming their unwillingness to remain in the shelters.
136. Would you build an iron shelter for a sick person ? - I generally do, but I find a tent more serviceable. This can be destroyed in the case of infectious disease.
137. Does an aboriginal prefer this shelter to one of his own made of bark or bough? - A semi-civilised native does.
138. What was the cost of these shelters during the past three years ? - 1902, £49 0s. 3d.; 1903, £74 0s. 3d.; 1904, £171 5s. 5d.
139. Does your department make grants to aboriginal missions and other charitable institutions? - Yes.
140. What is the amount each mission or institution received from you during the last three years?
141. Which are strictly mission stations ? - The New Norcia, Beagle Bay, and Sunday Island ones.

142. Is there any basis upon which these varying grants to the missions or homes are made, such as the amount and nature of work done, the number of permanent inmates, etc. ? - Only in the case of the Swan Native Mission and Ellensbrook Home, in which cases grants are made on a capitation basis. I have recently been instructed to pay the Beagle Bay grant on the same basis.

143. At what age does the capitation grant commence and end at the Swan Native Mission? – It commences from infancy to the age of 14 for boys and 16 for girls.

- 40a. -

Mr. H. C. Prinsep, *continued.*

144. What is the amount of capitation grant ?- At the Swan Native Mission, 1s. per head; at Beagle Bay Mission, now 1s. per head; at Ellensbrook, from 7d. to 1s., according to arrangement.

145. A larger grant is actually given for an infant two years old than for a destitute aged aboriginal on our ordinary relief lists ? - Yes.

146. Have you been consulted as to the grants allowed for the missions ?- No.

147. What is the object of these missions ?- To train up children who would otherwise become vagrants, and make them useful as domestic and farm servants.

148. Have you had any experience as to whether these results have been obtained?- Yes; I know of a good many.

149. Does your department presume that these mission stations are run in the interests of the natives and not of the managers, trustees, or people in charge?- Yes; I presume so.

150. Have you reason to doubt such a presumption ?- I have.

151. Are there any matrons or European women in charge of the native children and girls at these missions ?- Only at the Swan Orphanage and at New Norcia. There are none at Beagle Bay.

152. What is your opinion on such a state of affairs ?- I certainly think that there should be matrons for the female portions. Reformation is impossible without them. '

153. Have you drawn attention to this state of affairs ?- Only when the question of further help to the Beagle Bay Mission was under discussion.

154. What is the tenure of the land occupied by these missions ?-

The Swan Anglican Mission occupies fee-simple land belonging to the Anglican Church, some of which I believe was granted in the early days.

The New Norcia Mission occupies one or two large reserves in trust for benefit of natives, and in addition has the run of some exceedingly rich pasture lands as pastoral tenants and a good deal of fee-simple land which they have bought.

The Beagle Bay Mission has been granted a block of 10,000 acres in trust for the benefit of aborigines, in consequence of having expended £5,000 thereon in substantial improvements, as per agreement with the Government when it was first established at Beagle Bay under the

Trappist Fathers: it also has the run over a large reserve, free of rent.
The Sunday Island Mission occupies a small group of islands as tenant at will so long as the quarterly reports show good progress.

155. Are all these missions and aboriginal institutions regularly inspected ?- No; not regularly.

156. Is it compulsory on you or anybody else to inspect them ?- No; it is not. I have no powers to satisfy myself as to how the amounts of subsidy are expended by the missions.

157. Do these missions forward you full reports as to the number of inmates ?- Yes; as far as I know.

158. Are they annual or monthly ?-- New Norcia and Swan monthly, Beagle Bay quarterly, but I have no report of school returns.

- 40b -

Prinsep;

159. What is your opinion as to the present state of education of half-caste and native children? - It would be far better if the schools for native and half-caste children were immediately under the management of the Government. The instruction should be of such a nature as to bring them up as useful workers with merely such an amount of reading, writing, and numbers as would be of service to them in their positions as humble labourers, the position which they cannot hope to rise from for at least two or three generations. Nor should any aboriginal institution be recognised unless there is a matron of approved ability.

160. Have you any power to prevent an employer removing an aboriginal from one district to another, or from out of this State to another ?- No.

161. Do you know of any cases where such an aboriginal, on being stranded, has been sent back at Government expense ?- I cannot recollect one.

162. Are there any such aboriginals stranded, do you think ?- There may be a few in this State. I think there are several in the other States.

163. Have you any power to prevent Europeans or Asiatics allowing an aboriginal to enter, remain in, or reside upon their premises ?- No; except in the case of Europeans who are publicans.

164. How many convictions for drunkenness were reported to you last year ?- Twenty-three.

165. During that period what was the number of convictions for supplying liquor to natives reported to you? -- Only two, but cases where white people are convicted of supplying liquor to blacks are not reported to me.

166. Are there any difficulties in the way of securing a conviction for supplying liquor?- Yes; every difficulty.

167. What is the penalty for supplying liquor ?- £20 fine or three months' imprisonment.

168. Is it a punishable offence for an employer to supply liquor to an aboriginal in his service?- No.

169. Is it a punishable offence to supply opium to an aboriginal? - No.

170. Have you any powers to enforce the protection, care, safety, and education of unprotected aboriginal women, and children? - No.

171. Have you any power to send aboriginal children to a mission station, or to an orphanage, or reformatory? - I have none.

172. What was the number of half-caste children in the State, according to last year's census? - 276 boys, 239 girls; total 515.

- 41a. -

Mr. H. C. Prinsep, *continued.*

173. In your opinion what is the future of such half-caste children if left to their own devices under the present state of the law? - Vagabondism and harlotry.

174. Have you power to prevent a female aboriginal being married to a person other than an aboriginal? - No.

175. Are Asiatics being legally married to aboriginal females? - I believe some are in the Broome district.

176. What was the number of convictions of aborigines during the past three years? - 1902, 194; 1903, 128; 1904, 99.

177. What was the number of convictions reported to you for killing cattle during the same three periods? - 111, 61, 34.

178. Is it not a large proportion for this particular class of crime? - Yes.

179. Can you account for it in any way? - Yes. Frequently whole batches of from 6 to 15 natives are brought up for the crime of killing one cow, and this of course swells the proportion of offenders.

180. Would evidence similar to that considered sufficient to convict an aboriginal convict a white man? - I think not.

181. Are copies of depositions in all cases of conviction of aborigines forwarded to you? - Yes.

182. Do you peruse them? - I do, and frequently make objections to the length of sentence and occasionally to the style of hearing.

183. Have your advice and objections ever been acted upon? - Yes; in a few instances.

184. From your perusal of the depositions, is a plea of guilty accepted in cases of killing cattle? - Yes.

185. Are there any punishments in the Criminal Code which differ according as the offender is white or black ? - Section 655 says that an aboriginal native of any age may be whipped, but not so a white. Section 5 of the Criminal Code Amendment says that a sentence of three years can be imposed summarily upon an aboriginal before a mere justice.

186. Are any cases of such a punishment as three years' imprisonment on an aboriginal known to you? - Yes.

187. For what ? - One case of unlawfully wounding and several others of killing one head of cattle.

188. Can you suggest any justification for a three years' sentence on a black for killing cattle? - Yes. Unless severe sentences were given for the suppression of this crime, other and more unlawful means might be taken against the native.

189. What do you mean by "other and more unlawful means"? - Private suppression or by force of arms.

- 41b -

Prinsep;

190. In your opinion is not a three years' sentence a terrible power to put in the hands of a justice? - Certainly.

191. Has your attention been drawn to statements in the local and foreign Press relative to the alleged wholesale ill-treatment of blacks in this State ?- Yes; frequently.

192. Are such statements borne out by any facts that have been brought before you since your appointment as Chief Protector ? - No; certainly not.

193. Do you make inquiries when specific allegations of cruelty are brought under your notice by the Press ?- Yes; invariably.

194. Do you keep a record of these allegations? - I do.

195. Have you found any of these specific allegations justified? -- No; I have not.

196. All cases of any ill-treatment coming under the notice of the justices or police would be directly or indirectly reported to you, would they not ? - Yes; certainly.

197. In view of the police making frequent patrols, can there be many cases of ill-treatment that do not come to light ? - I think very few.

198. But those that do come to light are brought under your notice and always dealt with ? - Yes.

199. How frequently do the police make their patrols ? - Generally, monthly. In some outlying parts, less frequently.

200. Have they instructions to patrol on your behalf in the interests of the natives ? - Yes; they have to make every inquiry as to the treatment of natives.

201. Besides the police, have you ever held any other person in your employ making such inquiries as to cruelty or ill-treatment ? - Yes. Mr. George Ogilvey, who was employed as travelling inspector for more than two years and made a most exhaustive inspection. His report is to be found in my annual report for 1902-8.

202. When did he cease to be in your employ? - August, 1903.

203. Was he a trustworthy man ? - Yes; and in every sense he had the welfare of the aborigines at heart. We have also had a travelling reporter for the last 12 months.

204. Did any cases of cruelty and ill-treatment come to light ? - In one or two cases only; they were rather sins of omission than commission.

205. What was the nature of the cases? - Stinginess in food and clothes supplied to employees.

206. At present your authority as Chief Protector of Aborigines, controlling the welfare and protection of the blacks is a divided one ?- Yes.

- 42a. -

Mr. H. C. Prinsep, *continued.*

207. Is there any provision made in your Acts for the appointment of a Chief Protector ? - No.

208. Do you consider it advisable that the work of your department should be more decentralised in the sense of having local protectors acting for you and under your instructions and being alone responsible to you for their respective districts? - I certainly do.

209. Do you consider that you alone, under the direction of the Minister, should be responsible for the effective execution and administration of the Aborigines Protection Acts ? - Yes; certainly.

210. Do any other Government officers assist you in your duties? - Yes; many others, but only by courtesy, through the medium of circulars.

211. Have the circulars issued by you the force of law? - They have not, except in one case, which very nearly had.

212. What do you mean by that? -- I mean in that it was signed by Sir John Forrest.

213. Can you tell me, shortly, the subjects dealt with or referred to in these circulars? -

(a) Monthly or quarterly reports *re* natives in district;

(b) reminding resident magistrates that reports are not being sent in regularly;

(c) requesting resident magistrates to furnish list of half-caste children in their respective districts, and if they could be induced to enter the institutions existing in the State ;

(d) request for names of children indentured as apprentices under Section 36, Aborigines Protection Act, 1886;

(e) *re* aboriginal contract labour, illegal to let the services of the native to another employer;

(f) *re* clothing or anything else supplied by Government to natives - illegal for natives to purchase these articles from natives (liable to fine of £20);

(g) *re* water supply to aboriginal natives on goldfields;

(h) *re* class of natives to be placed on ration list (monthly accounts to be sent in duly certified,

etc.) ; (i) form of ration voucher used by department;
(j) drawing Public Creditors' notice to vouchers incompletely filled in.

214. Do you make any annual or bi-annual tours of inspection throughout the State? - No. I just now and again steal a little time from my duties for a district which I think has not been looked into for some time.

215. Who acts for you during your absence? - My one clerk and accountant, Mr. Pechell.

216. Do you labour under any difficulties in regard to not possessing the necessary powers for enforcing the provisions for which your Aborigines Protection Acts were originally framed?- Yes; I meet with difficulties every day.

217. Have you taken any steps to meet these difficulties ? - I have continually been agitating for an enlargement of the law as well as in individual cases appealing to the Law Department for enlightenment as to how I can stretch the present vague and imperfect law.

218. What redress have you got to the representations so made by you ? - Until quite recently I have not been encouraged. From the first taking over the duties of the department I saw that the laws in existence were exceedingly imperfect and rendered the department unable to cope with the irregularities and improprieties in the intercourse between natives and whites.

- 42b -

Prinsep;

In 1899 I represented the necessity of enlarging the law and with the assistance of the then Crown Solicitor and Parliamentary Draftsman spent much time and thought in framing a Bill wherewith to deal with these matters.

Sections were carefully framed by which action could be taken to check, if, not to entirely prevent,

- the universal prostitution of the black women,
- to check the universal tendency to drunkenness,
- to intervene between the blacks and their unreliable employers,
- to prevent abduction and desertion, and
- to more closely supervise those employed on the water.

I had sought the advice of all the leading public people as well as Government officials - whose experience justified their speaking as to the framing of the sections, and when the Bill was framed I submitted it to most of those who had taken interest in my requests.

In most cases I received high encomiums upon the measures that I advocated. With the most one-minded zeal and great hope I laid my Bill before the authorities – but with what result? I was met by indifference first, and then, almost adverse criticism, as the documents in my possession will show. Although I was told I had no precedents, I could show that nearly all my proposals were based on the tried legislation of the other States, and that others were based on grounds that I had seriously thought over and was somewhat proud of.

I was charged with delay, although I had pressed these matters early in the session. At last I resorted to pleading the dire necessity of a suffering race, but even then I met a deaf ear, and so another session was lost and the evils increased in mathematical progression. Again I made the

attack and backed it up by strong language in my report. As may be seen, I certainly met with more encouragement, but nothing was really done. One Premier retired; another died.

The fates seemed against me. Again I spoke in another annual report and again put forward my Bill. This time I got specific promises of action. The following year, and to the credit of the last Government, the promises were kept and my Bill, somewhat enlarged and improved upon its first shape, but not materially altered, has been given a chance of becoming law. It has been more than a four years' fight. During these years, seeing that no great powers lay in me to check or interfere with the many existing abuses, I resorted to the issue of circulars, a list of which was laid before you. Much of this action was in anticipation of the proposed legislation. As to Relief many instructions were sent out which of course I could only expect in courtesy to be complied with.

219. Have you any other matters to bring before the Commission bearing upon the matter of the aborigines? - I have nothing more.

- 43a. -

Pechell; Burt;

3rd September, 1904.

Edmund Donald Pechell, Clerk, Accountant, etc., Aborigines Department.

220. Kindly tell me, briefly, what your duties are ? -- I attend to correspondence, all the accounts of the office, distribution of blankets, and all other work, with the exception of the administration when Mr. Prinsep is in Perth. When he is absent I have to attend to everything.

221. What books do you keep ? - Receiver's cash book, register of accounts passed by authority officer, registers of salaries, appropriation ledger, authority ledgers, paying officers' cash book, double check ledger, details of expenditure, expenditure classified, outstanding accounts forwarded to Treasury for payment, stamp account book, petty cash book, letter book, press letter book, delivery book, index to files, natives receiving relief throughout State, circulars, natives under contract, distribution of blankets throughout State.

222. Is your time fully occupied with departmental work? -Yes; it necessitates my being fully occupied both inside and outside office hours.

6th September, 1904.

Octavius Burt, Sheriff and Comptroller-General of Prisons.

223. How many native prisoners have you at present in your gaols ? -- Approximately, about 300.

224. In the Northern parts of the State what has been the chief offence for which natives are sentenced? - Cattle killing.

225. Can you tell me what proportion this bears to other crimes committed by natives ? – Ninety

per cent., I should think.

226. Can you account in any way for so large a proportion? - I attribute it to settlement in a new part of the country where the aboriginal race is rather numerous; in the Kimberley district, for instance, where we have the greatest number of black prisoners.

227. Do you notice, from a perusal of your warrants, whether offences of this sort are reported from some pastoral stations more than others? - I have noticed that at times. The chief number of prosecutions comes from one or two stations.

228. Can you recall the names of one or two such stations? - I can only recall the names of stations which have lately been furnishing most of the prisoners. "Sturt's Creek and Margaret River Pastoral Company" and the "Plympton St. May's Station" have furnished a greater number of the prisoners in the Wyndham Gaol during the last twelve months than any others.

229. Are there any prisons at present for the confinement of natives solely? - No, none, although our Northern prisons seldom contain any other than aboriginal prisoners; Wyndham for instance. We have only the same institutions for both blacks and whites.

- 43b -

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Burt;

230. If a white man is convicted is he confined in the same gaol as the blacks? - Yes, if his is a short sentence, but if his sentence is a long one he is sent down to Fremantle gaol.

231. In the Northern parts you keep the natives and Europeans in the prisons together? - Yes, in the same buildings but in different cells or wards. If one gaol gets full some of the prisoners are transferred to another. I have power to transfer from one gaol to another when I think fit.

232. In the Northern parts of the State, is there any difference in the accommodation for the female native prisoners? - No. None has been specially provided.

233. Is there a paucity of female native prisoners? - Yes. In Wyndham, Derby, and Roebourne, I have not heard of a native woman being convicted since I have had charge of the department.

234. Can you suggest any reason for this? - I suppose they commit no offences.

235. Are native prisoners treated in any different way, that is to say, in regard to the quantity and quality of rations issued, justices' and medical inspection, or employment outside gaol walls? - There is no difference in the scale of rations supplied to the natives. The dietary scale is, however, occasionally raised by increasing the rice and vegetables, when they are procurable, and giving less meat, and in giving porridge. From the reported appearance of the natives after they are discharged the diet is quite sufficient. They thrive well on it.

236. Are they subjected to more judicial and medical inspection? - There are visitors appointed to the gaols, but I cannot say how often they visit. A justice of the peace has power to visit any gaol when he thinks fit. The district medical officer is required to visit the prisoners when called upon, in fact, he is responsible for the health of the prisoners.

237. When discharged from gaol, is a native suitably clothed from neck to knee? - I have never seen a native discharged from gaol, but I should be very much astonished if a native has been discharged without proper clothing. If they had no clothing on coming into prison they would be

discharged in their prison clothing. There is an arrangement that discharged aboriginal natives are handed over to the police for the purpose of being returned to the district they come from.

238. Are neck-chains used in prisons ? - Yes.

239. Are these used for female prisoners at all ? - No. I know of no cases of the kind. I think I am correct in saying that it is not done.

210. Are these chains used continuously during the whole length of the sentence? - Yes.

- 44a. -

Mr. Octavius Burt, *continued.*

241. Kindly let me know what is your authority for the use of them? - There is no legal authority. I can only say it is one of those things so universally adopted that it is never questioned. The practice has been in vogue for about thirty years or more I believe.

242. Are neck-chains ever used for Europeans ? - Not that I know of.

243. You have no regulations as to the use of neck-chains? - None.

244. Have you any regulations as to the weight and size ? - There is nothing laid down.

245. From a humanitarian as well as from an official point of view, have you made any inquiry in regard to the use and abuse of these articles of restraint ? - I have.

246. Kindly let me know what they are ? - Soon after assuming my present position I sent out a circular to the gaolers of the prisons in the North and asked what the practice was in regard to chaining natives with a view to protecting their necks from being chafed by wrapping leather or other material around the iron, and the weight of chain used. I also asked them to let me know the weight of the chains which were in use.

I wrote also to the district medical officers for their opinion as to the necessity for covering that part of the chain which touched the neck with some soft material, and asked whether chaining was injurious.

I got the weights of the different chains in use, but neither the medical men nor the gaolers agreed as to the necessity of having the portion of the chain round the neck covered. Some said they should be and others said they should not. Most of the natives it was stated preferred that the chains should not be covered as they could be more easily kept clean.

I left the matter to the discretion of the different gaolers. If the prisoners wished the chains covered it should be done. I am not aware that the chain causes any chafing. The medical officers were requested to draw my attention to any case of injury caused by the chain.

The weights of the chains in use are :-Roebourne, from 2lbs. 12ozs to 5lbs. 14ozs.; Broome, 2lbs. 2ozs.; Wyndham, 5¼ lbs. with Yale lock and everything complete.

247. Has the chain a collar and padlock ? - The chain encircles the neck and is fastened with a small Yale lock.

248. You say that neck-chains are not used on European prisoners. Why? - I can only say that there is no legal authority to do so and that it would not be tolerated. A white man can be kept under restraint without a chain, but it is impossible to keep a native in custody without chaining, unless inside of walls.

249. The same restraint as used in the case of an European would not have the effect desired in the case of a black ? - I have known of eight out of a gang of blacks run away when chained to wheel-barrows and to one another when the warder's back was turned, and though immediately pursued by a mounted man they found some way of liberating themselves before they could be overtaken. A white man could not well do this.

250. In your opinion, would natives be under sufficient restraint if secured by the wrists? - I think not with the same safety as when chained by the neck. They could be secured but could not work as freely. Their limbs would be fettered and their movements consequently hampered.

- 44b -

Burt;

251. Do you work your European prisoners ? -- Yes.

252. How do you prevent their escape? - We have armed guards with parties working outside Fremantle prison, but nowhere else are firearms carried.

253. Do you have armed warders in the case of aborigines ? - Yes.

254. Have you sufficient reason in your mind as to why you require a chain in one case and not in the other? - The difference in the natures of the two classes of prisoners. The native is very active in his movements and it is it much more difficult thing to catch a native than a white man, and to hold him when you have got him. He is ever on the watch to get away.

255 Have you formed any opinion of your own in regard to the neck-chain ? - I have. In correspondence with the Aborigines Protection Board I expressed the wish to see my way to abolish chains, but stated I knew of no method of retaining the aboriginal except within walls. At one time the island of Rottnest was especially set apart for native prisoners, but only came under my control within the last few months, and since its conversion into a common gaol.

256. You say that the warders are armed ? - Yes; with rifles.

257. What class? - Winchester rifles.

258. Have you any evidence with regard to the effect of long terms of imprisonment upon the health of natives? Sentences of two or three years, say? - The sentences imposed do not seem to have any injurious effect.

259. In the case of a native prisoner's death, is an inquest held ? - Yes.

260. I see by Section 32 of 50 Victoria, No. 25, that prisoners may be employed outside of gaols. Is this so? - Yes.

261. Are they employed on public or private works? - On public and municipal works.

262. In gangs? - Yes.

263. With the neck-chain ? - Yes.

264. I also see by Section 33 of the same Act that the Governor may place such prisoner under the custody of any servant or officer of the Government. Is this still being done? - It has been done within the last twelve months.

265. Under what servants or officers of the Government are these prisoners placed? - The police. Also men employed by the Postal Department, such as telegraph linemen. The natives are of great service to linemen and in the past have shown the way to water-holes in times of distress.

- 45a. -

Mr. Octavius Burt, *continued.*

266. In this State are such posted officials servants of the Government? - They are now officers the Commonwealth. No native prisoners that I know of have been handed over to these officers since inauguration of the Commonwealth.

267. What is the procedure in case of placing such an aboriginal under the custody of a Government officer? - Application is made to the Minister, and if he approves, the approval is notified to gaoler. He selects a native and hands him over.

268. Have you, as Sheriff, any say in the matter ? - As Comptroller General, yes. I would be consulted.

269. Is any particular form of indenture or agreement used ? - No, none at all. The papers are registered and are always available. Applications would be referred to the gaoler asking if he had a suitable prisoner available.

270. Would you be advised when the term of sentence had expired ? - In the past there has been no necessity to make such reports to me, but I have no reason to suppose that such reports are not made, though not to me. There may have been an isolated case in the past where the fact that the prisoner's term had expired had been lost sight of, but I do not know of one in recent years.

271. Do you think this is a good system ? - No.

272. Have you any reasons ? - I do not think any prisoner should be placed in the custody of any one man. He should be under the control of an officer who recognises his responsibility to a superior officer under whose supervision he is never away from. I have never encouraged such a system. I do not think for a moment that they are ill-treated, but a prisoner, in my opinion, should not be handed over to any one man.

273. Your objection rests nominally on the want of proper supervision ? - Not entirely. I think that a prisoner should not be allowed to roam about without proper restraint.

274. Are you aware that Section 34. of 50 Vict., No. 25 gives the Governor power to make rules and regulations for the employment and safe custody of such prisoners under Government

officials ? - Yes.

275. Do you know of any such rules and regulations ? - No. Rules which might apply to settled districts would not apply to unsettled parts. It is in the outlying places where the police and sometimes telegraph lineman are located that the natives are employed in this way. Sometimes a lineman's life may depend upon his having a native assistant. An ordinary black--one not under restraint--often clears out at a moment's notice, and is not always procurable.

276. In your opinion, are any of these aboriginal prisoners at present in the service of these telegraph linemen under legal custody ? - That is a question which should be put to a member of the legal profession.

277. You do not recognise these aboriginal prisoners so employed as being under your custody? - No. They are certainly not in my custody.

- 45b -

Burt; Hare;

278. According to the Act, these prisoners so employed may be visited by a justice? - Yes.

279. Do you know of any cases where they have been visited ? - I have no information one way or the other.

280. Is there any other information on the question of the treatment of aboriginal prisoners – any matters which should be brought before me, and which have not been touched upon ? - I know of none.

7th September, 1904.

Frederick Arthur Hare, Commissioner of Police.

281. With regard to the use of natives as trackers, from what part of the country do you get them? -- Up to very lately we got them from Rottnest, but now we get them the best way we can, generally from stations in the neighbourhood.

282. Are these blacks recruited by any officer of police ? - Only subject to my approval.

283. Have you any men in the native police who have been handed over to you as prisoners? - Yes. We have one in Perth, for instance.

284. Are any of these native trackers who are really prisoners, ever visited by justices, as is provided for by law ? - Not that I am aware of.

285. Do such native trackers continue in the service of the police until after the expiration of their sentences? - We have information as to when the sentence expires, and when the time is up they have the option of being sent back to their native country. Prisoners from the North are generally used in the Southern districts - it is not then so easy for them to escape.

286. Your department always advises them when the time is up ? - Yes.

287. Is any special agreement or contract made with them ? - Not with prisoners. With other

natives the agreement is similar to the one prescribed by the Aborigines Protection Act.

288. Do you pay them ? - Yes. Two shillings a day, and in some places three shillings. This is paid to the officer or constable in charge of the station, who provides the necessaries of life. The balance, if any, is handed over to the native.

- 46a. -

Mr. F. A. Hare, *continued.*

289. Are they not engaged for any definite length of time? - Yes, they are, but the contract is to the ordinary native agreement according as the native chooses.

290. Is a native tracker who is a prisoner treated any differently to a free tracker ? - He is treated the same, except that one is under contract and the other a prisoner.

291. Are these trackers supplied with firearms ? - No. Sometimes it is necessary up North, but the Southern districts firearms are not supplied.

292. What firearms would be supplied ? - The Winchester rifle.

293. Has any officer of police power to discharge a tracker ? - Not without approval. When the tracker's time is up and he wishes to leave, the officer obtains approval for same.

294. Are trackers returned to their native country when discharged ? - Prisoners are. The free are generally engaged in their native country and seldom leave it.

295. Do you pay for a discharged prisoner's return home ? - I do not.

296. Are these native trackers allowed to have their wives with them ? - Yes, if they choose.

297. Are the latter paid? - No. Their camp is generally close to the police camp. If a tracker's wife is not with him he is supplied with accommodation.

298. You have no native trackers' camp at the police stations ? - No. They are supplied with accommodation in the stable or on the premises.

299. Then he really gets fairly good accommodation ? - Yes. We could not get them if they were not well treated.

300. Are aboriginal witnesses ever bound over to give evidence for the Crown ? - The system that we follow in Kimberley, where the principal offence is cattle-killing, is that we go to a camp and arrest the offenders and ascertain who the witnesses are. The witnesses and prisoners are taken into the police station together. The prisoners are tried, and the witnesses are then taken back to their country.

301. Do you know of any cases where they have been bound over ? - A native would not be bound over. He would be kept at the police station until the next sitting of the court and well

treated. When the case is over they are escorted back to where they come from.

302. In the Northern areas of the State, when a native is brought into court, is he or she suitably clothed from neck to knee ? - Yes.

303. Does your department pay for this? - No, the Gaols Department does.

304. In cases of cattle killing, do the police arrest an aboriginal without warrant? - Yes, they do. A warrant is taken out in the first place if information is laid against certain aborigines, but when the police go out on patrol and an offence is reported, the offenders are tracked and arrested without a warrant.

- 46b -

Hare;

305. What method is adopted to prevent their escape from custody ? - Chains are used.

306. Do you use chains for female native prisoners as well as males ? -- No.

307. Are neck-chains used on Europeans under similar circumstances ? - I have never heard of it.

308. Have you any legal authority for using' neck-chains on natives ? - Authority is given the Police Regulations.

Regulation 647.- In escorting native prisoners, the practice of chaining them by the neck must not be resorted to except in case where the prisoners are of a desperate character, or have been arrested at a considerable distance in the bush; or, when travelling by sea, they are near the land to which they belong, and it is necessary to adopt specific measures to secure them. Even then the practice must not be adopted if it can be avoided.

309. Have you any regulations as to the size or weight of these neck-chains ? - No.

310. To what is the neck-chain attached when the prisoner is escorted by a police officer who is mounted ? -- He would be fastened by the neck and arm and chained to the man next to him, and attached to the saddle only when absolutely necessary. If there happened to be a number of prisoners it would not be necessary for them to be fastened to the saddle at all.

311. Has such an accident as a native neck-chained to a bolting horse happened ? – No. Never to my knowledge.

312. Are these chains made for your department ? - No. Purchased locally. A certain number is supplied to each station. The only places where these chains are used are in the Northern districts. They are not used in the Southern districts, If a native is arrested here they would not think of chaining him. In the North they are a very wild and treacherous lot, and it is very necessary to chain them. If two constables, say, with two trackers arrested two dozen natives in one camp and arrested another lot in another place, it would be impossible to detain them without chains.

313. From a humanitarian as well as an official point of view are you satisfied that under the circumstances you cannot make any improvement on the present system of chaining native prisoners? – I do not think any improvement can be made. I have not heard of any complaint having been made as to cruelty being exercised by the police.

314. If any such complaint had been made would you have heard of it ? - Yes; and I would have brought the matter before the Government and had it remedied. The chains are not too heavy, and

the natives are treated as well as they could be under the circumstances, In many instances I have known, when a native prisoner has become ill, the escorting constable has halted for days and then placed the sick native on horseback until he was strong enough to walk.

- 47a. -

Hare; Foss;

315. Are there any regulations dealing with the treatment of the police towards the aborigines? - Yes. Regulations 646, 649, 650, and 651, which read as follows :-

Regulation 646 .- In the general treatment of aborigines members of the force must exercise the utmost patience and humanity, combined with firmness and decision. Any violent or improper treatment of an aborigine on the part of any constable will be visited with dismissal from the service or heavy punishment.

Regulation 649 .- The police are to carry as much water as the means at their disposal will allow for the use of the native prisoners. The prisoners are to be halted *en route* as frequently as circumstances will allow. They are to be given water as often as they want it and it can be obtained.

Regulation 650 .- The prisoners are to be allowed, when practicable, to rest during the heat of the day.

Regulation 651 .- Whenever a native prisoner shows signs of fatigue, arising from excessive heat or want of water, or exhibits symptoms of sunstroke, an immediate halt is to be made, and every available means of relief must be afforded to the sufferer.

18th September, 1904.

Charles D. V. Foss, Resident Magistrate, Carnarvon.

XXXX

316. What is your opinion as to the question of aboriginal relief in your district ? - I consider a lot of money has been wasted in the way of distributing relief to natives. Natives have been on relief who did not require relief. In some cases I am of opinion that they do not get the relief authorised. A constable may come round on patrol and see certain decrepit blacks and in perfect good faith certify accordingly; as soon as his back is turned, however, what is there to prevent the person issuing the relief to hunt the natives into the bush and use the rations to his own advantage?

317. Who certifies to the vouchers for relief? - At the present time I am certifying to certain vouchers for payment of rations to old aboriginals, and I have no means of judging whether they are correct or not, except from my knowledge of the parties who send them in. Mr. Prinsep, to whom I pointed this out, asked me to do so as a matter of form.

318. Can you suggest any better system for the distribution of relief and certification of vouchers ? - The officer in charge of police for the district should be alone responsible for the distribution of rations and certify to the vouchers. He would take care that his subordinate officers' items of expenditure were correct, as it would be through these subordinate officers (*i.e.*, constables, etc.) that the rations would be distributed. Only where no such police were available should the relief be issued by others.

319. Do you really consider that money is still being wasted in the way of relief ? - Not much at present. I am willing to admit that more money has been wasted on this matter of rations in the past than in the present.

320. Do you consider that aborigines should be paid wages ? - Payment of wages to aborigines

would not answer in this district. Employers would let their native servants go, and they would become a burden to the State in more ways than one.

321. Do you know of cases of cruelty or ill-treatment of natives ? - I consider the natives in this district are well treated, and I speak from a 22 years' experience. There have been no charges of employers ill-treating natives in this court for the last two years, and very few before that [384-5]. I am confident that had there been any cases they would have been reported.

- 47b -

Foss; Houlahan;

322. Is much liquor being supplied to natives ? - The drink question is a very serious matter here, though the law appears stringent enough. On the other hand, the blacks will see a man drunk with a bottle in his pocket, or a team with liquor on it, and will follow the track, take the grog, drink it, and say the man gave it to them. I would suggest that the possession of liquor by an aboriginal be a punishable offence. This, I think, would stop the drunkenness to a great measure. The question of drunkenness is, however, serious only amongst the township natives.

323. Have you any suggestions to make with regard to the native waifs and strays ? - There are a lot of aboriginal and half-caste children about Carnarvon who will spend most of their lives in gaol or as prostitutes if something is not done with them. I would suggest that they be sent to some reformatory or mission whether their parents wish it or not. At present I have no power to deal with such cases.

324. Do you believe in the decentralisation of the work carried on by the Aborigines Department? - I am of opinion that all aboriginal matters should be dealt with by one responsible officer (*i.e.*, the Inspector of Police). He alone should be responsible for his district.

18th September, 1904.

Thomas Houlahan, Sergeant of Police, Carnarvon.

325. How long have you been in charge of the Carnarvon Police Station ? -- For five years and four months.

326. Are you responsible for the Gascoyne district? - Yes.

327. I suppose you are aware that contracts have been entered into for the employment of aborigines? - Yes.

328. If you had been asked, would you have objected to any of the employers ? - No.

329. Are there many aborigines working for people without contracts? - Yes; there are. I think there are more working without contract than under contract.

- 48a. -

330. Would you, if you were asked, object to any of these people who are employing natives? – There are many people that I would object to.

331. Give me an example of such ? - There is a Malay in this town who has a native woman with him -- practically living with him. He is not married to her. I object to this, not because of his nationality, but because he is a *very* dirty and disreputable man.

332. Is there any other class of people to which you would object? - Yes; for instance, men travelling will pick up natives at stations who are not under contract, and induce them, by promises of clothes, etc., to accompany them. The natives often do so, and there is nothing to prevent it. If the master has the native under contract he can prevent it. I have known a native to be induced to leave his woman and all and been left stranded hundreds of miles away.

333. Have you no power to act in these cases ? - No. Another instance I know of is that of a man taking a native woman away by force. About twelve months ago a woman was taken away and on her man following and demanding her; the white man produced a revolver and threatened to shoot the native. Information was laid and the white man was arrested and charged with pointing fire-arms. If the white man had not pointed the fire-arms we could not have arrested him or prevented his action in any way. Cases have come to my knowledge for years and years past where men have taken women around the country with them and I have had no power to prevent it, even when I have been complained to on the subject.

334. Are you ever referred to when contracts are made ? - No. Sometimes in the town I am asked, but the matter has to be dealt with by the resident magistrate or justice of the peace. Several constables have been appointed in the district to witness contracts at out-stations.

335. Do you mean to tell me that you do not know what contracts are actually being made ? – I do not know of contracts being made.

336. Do you not think that you should be informed? -- Yes. I am only informed of contracts that have been witnessed by the police, but not by the resident magistrates or justices.

337. Have you any idea whether there are many or few contracts that have been signed in your district by justices ? - Yes. Mostly all those on the Minglya and Gascoyne are signed by the Justices. The police know nothing of them. We do not know whether it is a just contract or not.

338. Do you know whether any wages are paid ? -No. Wages are not generally paid. The labour is paid for by clothing and food, and sometimes tobacco.

339. What is your opinion as to whether wages should be paid or not? - I certainly think that natives employed should be paid wages.

340. Why ? - Because they honestly earn a fair wage.

341. Do you know of any case of a breach of contract by an employer being brought before the court ? - No.

Houlahan;

342. I suppose, then, that the police labour under great difficulties in all these cases of employment of aborigines, for the simple reason that they do not know whether the contract has been entered into or not ? - Quite so. For instance, if a native deserts, a warrant is issued, and then only for the first time do we know perhaps that a contract has been entered into. Until such a warrant is issued we do not know whether any native we come across is absconding from his lawful employment or not.

343. Do you know of any children having been placed under indenture in this district ? – Only one in my time; a half-caste girl named **Maggie**, and employed by a person named Inkpen. There are others, but they were indentured before my time. Some of these have been cancelled since by the children reaching the age of 21, and some because their employers have left the district.

344. With regard to the list of people with indentured children in your district as handed to me by the Chief Protector of Aborigines; do you know Mathison ? - Yes; but I think his boys' time is up. He and two boys, but I not know whether they have been indentured or not.

345. Do you know Powell? - These boys have since gone.

346. Do you know McNish ? - Yes. He has a half-caste girl. She is still with him.

347. Do you know J. & C. Butcher? - Yes. Their boys' time was up have they have gone.

348. Do you know Campbell ? - Yes. The boy is there, but he is over 21 and is not now bound.

349. Do you know Mrs. McNish ? - Evidently this is the same girl as mentioned previously.

350. Do you know Inkpen ? -Yes. He has a half-caste girl under indenture [343].

351. In the cases of Inkpen, McNish, and Campbell, do the justices visit these children, as they are supposed to do ? – I do not know whether they do or not. It certainly is not the business of the police to visit them at all.

352. Are these children being paid any wages ? -- I do not know.

353. As far as you know, are there no other cases of children under indenture ? - There are no other cases that I know of.

354. Do you know what the system of indenture means? -- Yes. The children are bound down until they are a specified age.

355. What is your opinion about the system of indenture ? - I think it is a bad thing, for the reason that the child is taken away and kept at a place year after year. When they come to the age of reason and are let go they know nothing, and are practically let loose into the bush. On Powell's station two boys were indentured, but before their time was up they ran away repeatedly. Warrants were issued for their arrest, and they were brought back by the police and taken before the court. Ultimately the magistrate refused to issue any more warrants for them. During the time that they were away no one

Mr. T. Houlahan, *continued.*

dared employ them, and the consequence was that they roamed about from place to place begging for food. As soon as the magistrate refused to issue any more warrants, and people got to know of it, both lads have got permanent employment. There is another case: Butcher's boy had a similar end.

356. Are any of the blacks working for employers supplied with Government blankets ? - No. I issue the blankets myself, and all the natives come in except those unable to walk. The constables see that the natives employed on the stations are not supplied with blankets by the Aborigines Department. It may happen, of course, that in a camp they may become mixed, but this does not often happen.

357. Who supplies the Government rations to the blacks in your district ? - Storekeepers, police, and settlers. In one instance the settler is a publican.

358. Who authorises storekeepers to supply rations to the blacks ? -The Chief Protector of Aborigines.

359. Does the storekeeper always supply the rations to the blacks for whom it is intended ? - He does. I am satisfied that the right blacks get it. He might not actually supply the rations to the natives authorised direct, as the latter might be sick and unable to come for it.

360. Does anyone supervise them ? - Yes; the police.

361. Would it be better if the police had the distribution of food, blankets, and everything else to the blacks ? - Yes.

362. Give your reasons? - There are so many different people supplying relief to the natives that no one knows how they are really being supplied. I think the thing should be done through one fountain head, and the police are the only ones who are continually in touch with the natives.

362a. Have you ever caught the police charging for rations which they have not supplied ? - I have. About three years ago (I cannot remember the exact date) a constable named Mercer, stationed at the Junction, sent in an account for rations supplied to natives, which I knew from my own personal knowledge to be incorrect. I had seen the natives employed and knew that they were being fed by their employer. They were employed washing wool and picking locks at a shearing shed. After seeing that the natives were employed I waited to see what the constable would do. An account came in for rations supplied, and I fully reported on the matter through my department, but heard no more about it.

362b. Is it possible for such a thing to happen now ? - Yes. It is possible for it to happen now because I am not permitted to visit the upper station (Junction) when I choose. It could happen at time.

362c. At present, then, you are not in a position to check this relief, although you are the head of the police in this district ? - Yes. That is so.

362d. For the same reason you cannot check the rations issued to indigent blacks on any of the

stations ? - Quite so.

362e. If you were made responsible for the relief in your district you of course could check it? - Yes. I would use my best endeavours to do so.

- 49b -

Houlahan;

363. Do native employees on the stations get rations from the Government ? - I do not know.

364. Have you any reason to think that native employees on the stations get Government rations ? - I have not.

365. Do you know of any places where natives receiving rations have relatives working on the stations? - Yes. I believe this is so on nearly all the stations. There are very few natives receiving relief who have not sons, daughters, grandchildren, etc., working on stations.

366. Some of these old people have been working on stations for years ? - Yes; for years and years.

367. In other words, if these natives were not working on the stations they could support their aged relatives ? - Yes.

368. Furthermore, if those natives in employment received wages the monies could go to the support of those blacks who are now receiving rations at Government expense? - Yes.

369. Do you know of any old and decrepit aboriginal who has died since he has got this Government relief? - Yes. A good number have died.

370. Do you know whether the number of blacks receiving rations is increasing or decreasing? -- They are decreasing in the towns, but in the country they have increased by leaps and bounds, especially at the Junction police station, owing to fewer natives being employed in that district.

371. Do you know any cases where aboriginal or half-caste adults or children have been taken away from their own district and not returned ? - Yes. I know of a case where a woman was taken away by a white man to the Bunbury district. The man is now back again in this district 18 miles from here, but the woman is still away. She is said to be living with a family near Bunbury. I have referred to another case previously.

372. Have you any power to deal with these cases ? - No.

373. In your district itself are there many such cases going on ? - No.

374. Is there much liquor supplied to natives here ? - The supply of liquor to natives is our greatest trouble here. We are kept going day and night with complaints and cases of the kind. The fines and penalties imposed are numerous.

375. What would you suggest to remedy it ? - I should say a heavier fine and a longer term of imprisonment would meet the case to a certain extent. The fine is at present £20 or three months in gaol, but the white man does not care a straw for the penalty. He again goes and commits the offence with impunity. Men are brought before the court for supplying the natives with liquor, but in nearly every

Mr. T. Houlahan, *continued.*

case it is done with the object of having immoral intercourse with the women. A white man goes to the blacks' camp with some beer. After giving the man a drink he asks him if he can let him have a woman. The woman is given a drink and the man effects his purpose. Of course we do not see these cases with our own eyes, but cases are heard of on good authority. The native does not come to work the following day and an investigation has shown what happened. These offences are committed by white men, Malays, and others. It is not so bad this month as it has been in previous months.

376. You recommend heavier penalties ? - Yes. The magistrate here gives a fair hearing and inflicts the full penalty if the accused man is found guilty, but I think the penalty should certainly be heavier.

377. Do the publicans supply liquor to natives ? - No. One of the publicans is allowed to have a native on his premises. Mr. Prinsep has given this permission.

378. Are you consulted about allowing a native on the premises of a publican ? - No. I do not like the idea of a native being allowed on the premises of a publican. He only acts as a decoy for others.

379. Is opium supplied to the natives by Malays? - No. The natives here will not touch opium.

380. Are any aliens or Malays married to aboriginal women? - They are not married. I know of one case of an aboriginal woman living with a Malay.

381. Is there much prostitution ? - Yes. Some of it is done with the aid of drink, as I mentioned before, and some of it done by means of money.

382. Are there any men travelling with gins over the country? - There was one man who travelled with a gin to the goldfields from Mr. Bushe's station during last year.

383. As far as you are aware the station managers discourage this sort of thing ? - Yes.

384. Do you know of any cases of cruelty or ill-treatment of natives in your district - on the stations or elsewhere ? - I only know of the cases that have been brought to justice. There have been one or two cases in Carnarvon.

385. Was punishment meted out to the offenders ? - Yes. In one case a settler had a native woman in his employ about twelve months ago. He was to be married. The woman ran away to a station about 50 miles away with a native whom she wanted and the native claimed her by tribal right. The manager of the station from whence the woman came rode after the woman and in the night time, revolver in hand, roused up the man and woman and made the woman go off with him across a running river to where the horses were, and rode back to his station. The native told his master what had happened and the master directed him to follow: he met the woman returning.

The matter was reported to me and I laid information against the man, and obtained a summons against him. He was brought before the court and fined £5 and costs. It got me rather a bad name in the district and the settler himself has not spoken to me since. The other was the case of a station manager who assaulted a native with a stick about two years ago. The matter was reported to the police, proceedings were taken, and the man fined £5 and costs.

386. Have you frequent patrols through your district ? - Yes.

- 50b -

Houlahan;

387. Do the blacks look upon the police as their friends? Would they complain if there was anything wrong going on? - Yes.

388. Do you think any cases of cruelty would occur without your knowing of it, directly or indirectly? - No. I am certain of it.

389. What is your candid opinion of the treatment of the natives by the managers of stations? - I think they are well treated.

390. Are there many half-caste children in your district ? - There are now about four, two boys and two girls, aged from about four and a-half to seven years.

391. Are these half-caste children running about the camps ? - Yes. Several have been sent away to mission schools down South. In one case a Chinaman, who said he was the father of a half-caste boy, had him sent down to a mission station to be educated: he afterwards sent for him back and he is now attending the local Government school.

392. You say that half-caste children have been sent to mission schools. Under whose authority was this done ? - Mr. Prinsep's.

393. Can you charge these half-caste waifs and strays as neglected children ? - No. When necessary, I should like to see half-caste and full-blooded children sent to reformatories.

394. When your constables escort a native prisoner, do they use neck-chains ? - Only in the case of a refractory prisoner.

395. If the neck-chain is used, is it attached to the saddle or held in the constable's hand ? - It is neither attached to the saddle nor held in the constable's hand. When passing a fence that the native could bolt through, the constable may then hold the chain in his hand, but not otherwise.

396. You are sure that the neck-chain is not attached to the saddle ? - It is never done. I have heard of such being done, but I have never seen it in all my experience of 26 years.

397. Have you given instructions to your constables with regard to attaching neck-chains to the saddle? -- I have instructed them never to attach the chain to the saddle or the horse. The native always goes in front of the horse. If the neck chain is held at all, it must be held in the constable's hand, and this is only necessary when passing fences and rough country.

398. Have you got any native trackers here ? - Yes; one. He is a local man.

399. Is he armed ? - No.

- 51a. -

Houlahan; Townsend;

400. Is there anything else you wish to bring before my notice ?-

(a.) With regard to the native children around the town: They do no harm, but no provision is made for them, and we have no power to interfere with them. They are not educated in any way. When they are able to work someone gets them under the indenture system, and when they are of age they are let go and they are useless. There should be some provision whereby they could be sent to school and cared for.

(b.) With regard to men taking native women around the country, there is nothing to allow the police to interfere with them. All we can do is to arrest the white man for loitering in a natives' camp. This can be done under Section 65 of "The Police Act," 55 Vict., No. 27.

(c.) I should also like to see some responsible Government official or the police made alone responsible for the distribution of blankets, food, etc., to old and infirm aborigines.

(d.) With reference to natives' drinking, I should like to see a heavy penalty imposed upon the native male or female for receiving liquor from any person except, of course, on medical certificate. This, I believe, would have a good effect. At present the native can only be punished if found drunk.

xxxx

William Edward Townsend, Gaoler, Carnarvon.

401. How many aboriginal prisoners have you at present in gaol ? - Twenty.

402. Have I seen them all ? -Yes. All except one, who is working for the resident magistrate.

403. What is this native's name ? - **Jungerer alias New Chum.**

404. Is he supposed to be under your custody while at the Residency ? - Yes.

405. On whose authority is he over there? - That of the late Inspector of prisons, under date of 21st of April, 1900.

406. Do you supply him with food ? - Yes.

407. Have you any other prisoners similarly lent out to other Government officials ? -- No. My instructions from the late Inspector of prisons, however, are that this practice is to be discontinued when the next new appointment is made to the resident magistracy.

408. What rations do aboriginal prisoners get ? - 1 lb. bread, 1 lb. potatoes, 1 lb. meat, 1 oz. rice, 1/3 oz. tea, 1 1/2 oz. sugar, 1/4 oz. salt, constitute each native prisoner's daily rations. 1oz. pepper is supplied among 100 men.

409. Is this different to the ration supplied to white prisoners ? - No; it is not.

410. Are the prisoners put out to work? - Yes. The white and black prisoners work on the streets for the local council. The whites are not chained, but the blacks are.

411. Have you any authority for chaining prisoners ? - I have instructions to that effect from the late Inspector of prisons.

- 51b -

Townsend;

412. What is the reason for chaining black prisoners and not white ones ? -The black prisoners would abscond at the first opportunity. It would be impossible to detain them without a chain of some kind.

413. Are you ever afraid of the white prisoners breaking 'away? - No. There is of course a chance of their breaking out of gaol, but no such escape ever occurred from this gaol, and if they run away while working on the roads, which - is only done in the daylight, they would be seen and re-arrested almost immediately.

414. When a prisoner leaves gaol, who supplies him with clothing ? - The clothes are paid for by the Aborigines Department.

415. In your opinion, could any cheaper method of buying these clothes be adopted ? -- Yes. A stock of clothes could be supplied to me in the same manner as the gaol clothes are. When issued they could be credited to my department. At present they are bought as required from the local storekeeper.

416. Would the clothes which you supply to the white prisoner on the expiry of his sentence be sufficient for the aboriginal? - We supply none to the whites who are discharged. If the clothes they used on coming into gaol were full of vermin, etc. they would be destroyed, but this has not happened in my time. The clothes I showed you are those used in the gaol.

417. I saw some blacks with blankets wound round their loins. What was the reason for this ? -- At one time the natives worked in this costume, the wilder natives liked it better.

418. Do you only put the neck-chains on the aborigines so long as you think there is the slightest chance of their escaping? - Yes. I take the chain off as soon as I think they can be trusted. I soon get to know those that will or will not run away.

419. The long-sentence prisoners do not necessarily, then, all wear chains ? - If they are good conduct men they do not, as you see some now without chains: two of these are ten-years' men.

420. Have you any cases where you have had to keep the chains on the whole time ? - No. Not during the last six years.

421. Are all neck-chains leather-covered? - Yes; and they have been for some time.

422. Are they cleaned or inspected regularly? --- Yes. The natives are bathed once a week in large tubs, with a liberal use of soap and disinfectant. Any leather broken or cracked is immediately changed and attended to. Of course, the neck-chains and handcuffs are seen to every day.

423. I notice that in some cases the neck-chains are made in such a manner as to be liable to slip, and so tighten the grip on the prisoner's neck. Does this ever happen ? - I have found them do so more than once, but they are immediately taken off and one is put on that will not slip.

- 52a. -

Mr. W. E. Townsend, *continued.*

424. Have you drawn the attention of your chief to this ? - Yes; and I have sent him one of the connecting links, so that any future ones can be manufactured on a different pattern.

425. Can you suggest any modification in the way of diminishing the weight of the chain, etc. ? - Yes. I think a good steel neck-chain of a much lighter pattern could be made and the up-and-down coupling chain could be made of the size of the present neck-chain. The weight of both could be reduced by one-half. The connecting chain connects one prisoner with another, and serves at night to fix them around the central post supporting the roof.

426. Do you have much sickness in the gaol among the aboriginal prisoners? - I have had none until the last few days. It has been caused by influenza, which is prevalent in the town. The gaol has been free of sickness until the men who came from the North arrived. They were afflicted with a kind of ring-worm, but this was cured by the use of iodine. Some men have come in suffering from mild venereal diseases.

427. Does the medical officer visit the gaol regularly? - Yes. I send for him when sickness occurs, and he calls in when passing. I sent a native prisoner over to him yesterday, and he came back with him and prescribed for him.

428. In your experience have these long sentences on prisoners any effect on their health or social condition ? - They seem to take no notice of prison at all, nor does it seem to affect them in any way.

They sing at night. So long as they are together they are contented, but if one were confined by himself he would pine. If the present man who is sick was separated from the others he would most probably die. Furthermore, when a black is sent to prison for a long period and returns to his own country he most probably, finds his woman taken by another black, and this means a quarrel.

429. Are any luxuries allowed for work done by the prisoners for the council ? - They get a little tobacco, which is provided by the council ; I think the mayor pays for it out of his own pocket. This is very much appreciated, and is the greatest boon you can grant them in gaol.

430. Is there anything else you wish to bring before me ? - I certainly think some of the sentences are very long. They seem to be out of all proportion to the enormity of the crime.

431. Do you think these blacks realise the length of their sentences ? - I think they do. When anybody is going out they all ask when their own time will come. They generally, however, do not look forward to anything, but appear to take it as a matter of course.

432. Does a native prisoner with a long sentence know what it means ? - He generally does, but I have one man who seems to have no idea at all.

433. I saw a numbered metal tag fixed by wire round the necks of certain prisoners. What does this mean ? - That is for my own information for identification purposes. It would not do to get one native prisoner confused with another, especially when they come in batches and are so much

alike.

484. How long do you keep it on ? - Until I am satisfied that I would know him again and then it is fixed to his shirt.

435. Does it take you long to know your man ? - No. I can always tell him in a very short time.

436. Is it your own idea ? - No. It originated from Rottneest. Lately the metal tags are supplied by the Prisons Department.

- 52b -

Townsend;

437. Is there anything else you would like to mention? - Yes. I think some way should be provided whereby, when a native is sent to gaol, anything known to his advantage in his own district should be recorded for the information of the gaoler, who would then know better how to treat him.

438. Are your native prisoners graded in any way? - No. They are treated all alike. If there were classes, say - (a) this would mean tobacco; (b) would mean ordinary duty and on the chain; and natives sentenced accordingly by the magistrates. It would be much fairer than the present system.

439. Have you any power to treat them differently ? -- I have no authority to treat one man any differently to another unless he is sick or is recommended for lenient treatment by the magistrate to the Inspector of Prisons.

440. Do all the prisoners realise why they are undergoing sentence ? - Yes, with few exceptions.

441. About how many do you think do not know what they are serving sentence for ? - Only one in this gaol.

442. How many hours a day are the prisoners on outside work, e.g. on the roads ? - Seven and a-half hours.

443. Do the number of hours vary in summer and winter ? - The Medical Officer's standing order is that all prisoners are to be brought into the gaol when the thermometer stands at 98° F in the shade or over.

444. Who fixes the number of hours that aboriginal prisoners work outside the gaol ? - Gaol Regulation No. 263. But at this gaol the Medical Officer slightly altered the hours, viz., from 8 a.m. to 11:45 a.m., and from 2:15 p.m. to 5:15 p.m., thus giving two hours for dinner.

445. Instead of a neck-chain, could not the prisoners be prevented making their escape by fixing a single cuff to the right wrist of one prisoner and attaching it by a chain to a cuff on the left wrist of his neighbour ? - The handcuff on wrist was in use in this gaol for nine years, but it is not as safe as the neck-chain, although I now use it for all natives when I first take off the neck-chain, before I am quite sure of the native.

445A. Have you anything further to suggest? - Would suggest some fixed rule be adopted to ration discharged native prisoners while waiting steamer to return to their own country; also fixed price per day, or by contract rates.

- - 53a. -

- Radley;

- 20th September, 1904.

Thomas Radley, Sergeant of Police, Onslow.

446. Are there any blacks here under contract ? – There is one boy working at Hope's Ashburton Hotel, under contract for twelve months.

447. Are there several people employing natives not under contract ? - Yes.

448. Would you, if you had the power, object to any of these people employing natives ? – No. The natives at present employed seem to be well treated.

449. Do you allow any blacks to be employed at the hotels ? - Some boys are working at the hotels. I have made no objection to one or two boys, but object to females being employed.

450. Are any wages being paid to these natives ? – Not to my knowledge.

451. Do you know of any children placed under indenture here ? – No.

452. Are any native boys employed on boats from here ? – No.

453. Are any rations being supplied to indigent blacks in your district ? – Yes. I supply some.

454. Who certifies your vouchers ? – The Resident Magistrate, Dr. Frost.

455. Are the blacks on any of the stations in this district receiving Government relief ? – Not to my knowledge.

456. Do you know of any cases of aboriginal or half-caste adults or children having been taken from the district and not returned ? - No.

457. Are there natives supplied with much liquor here ? - No. Not even the boy working at the hotel.

458. Do you mean to tell me that there have been no cases of drinking ? - There has not been a case a native drinking here for the last 18 months. There were a few cases before that time and the offenders were prosecuted, but it seems to be a thing of the past.

459. Is any opium being supplied to the natives ? - Not to my knowledge.

460. Are there any Malays or Chinamen living with native women ? - Yes. There are two Malays living with native women.

461. Have they any children ? - Yes. One aboriginal and one half-caste, but not by these men.

462. Are these men married to the women ? - No.

463. Do you approve of this ? - No. The late Resident Magistrate was asked by one Malay if he had any objection to his living with a native woman, and asked to be married to her. The Magistrate told him that he would not marry them but that he had no objection to their living together, provided that the woman was agreeable.

- 53b -

Radley;

464. Was that Dr Langdon ? - Yes.

465. What is your opinion of this ? - I think it should be stopped.

466. Have you any power to stop it? - No. As soon as the Magistrate gave his approval in the case mentioned I took no further notice of it.

467. Is there much prostitution going on ? -- No. There are only two native women in the town.

468. Who were the natives singing just outside the police station as I came along ? - They are only men who are working about the place.

469. Do you know of any cases of men travelling with gins across the country? - No.

470. Do you know of any cases of cruelty or ill-treatment of natives in your district? - No. None whatever.

471. If there were any cases would you hear of them ? -- Yes, I would.

472. Do the blacks recognise the police as their friends here ? – Yes. Any complaint that they have would be made to me.

473. Do you have frequent patrols of the district ? - Yes. The patrols have not been so frequent the last year, but a constable has just returned from a month's patrol and his report is very favourable.

474. Have you any half-caste children in the district ? - Yes, there is one in the town.

475. Do you approve of them roaming about the country ? - No, I think it would be far better if they were sent to some school.

476. Is this half-caste just mentioned a boy or a girl ? – A boy.

477. Are there any half-castes outside the town boundary ? - Yes, five or six.

478. Has the other constable ever had to arrest natives in the district ? - I do not think he has arrested a native since he has been here. If they are arrested, they are only fastened by the wrist.

479. Do you ever use the neck-chain ? - No; the handcuff and chain would only be used. There has not been a native arrested here for the last eighteen months or two years. The natives here are very good and very sensible. They give little or no trouble at all. They are nearly all employed and are well-treated. There are as many as 30 or 35 on one station, and the constable had no complaints from them on his last patrol. Most of the stations are worked almost entirely by natives, and very few whites are employed.

480. Have you a native tracker here ? - Yes.

481. Is he ever armed? - No.

482. Does he belong to the district ? - Yes.

54a.

Paterson;

**26th September, 1904.
William Paterson, Gaoler, Broome.**

483. Do you know of any native prisoners who have been given into the custody of any officer or servant of the Government ? - No.

484. Under whose instructions are the prisoners working for the local Roads Board ? - That of the Resident Magistrate.

485. Do they get any pay for this ? - No. Nothing beyond the ordinary prison rations.

486. While the natives are working for the Roads Board, are their rations paid for by the Roads Board ? - No.

487. Are the rations of the native prisoners identical with those of the white prisoners ? - Yes.

488. Is the scale according to the Regulations ? - Yes. The scale is the same as that at Carnarvon.

489. I notice that you have some chains covered with leather and some without. What is your opinion as to whether they should be covered or not ? - My opinion is that the neck-chains should be without any covering. It makes the chain much cooler and the bare chain has not the same tendency to chafe the neck as the covered one when working where there is a lot of sand. When the leather is old and perhaps cracked it creates friction, but the bare one doesn't.

490. Do you think the weight of the chain could be modified with safety ? - I do. If we had a properly tempered steel chain of smaller links, the weight of the chain could, in my opinion, be reduced by about one-half. Also the handcuffs might be of similar material.

491. Who supplies you with these chains ? - The Comptroller General of Prisons.

492. Do you use any "up" and "down" coupling chains ? - No.

498. If you did use such a chain the weight would be much less would it not ? -Yes. It would take a great deal of the strain off.

494. Have you any authority for using neck-chains at all ? - Yes.

495. What is the nature of this authority ? - The nature of the authority is that I must place all native prisoners consigned to my keeping in chains.

496. From whom did you receive this order ? - The Comptroller General of Prisons, Mr. Burt.

497. When did you receive this order ? - About the middle of last year, as near as I can tell at the present time.

498. Do you mean to tell me that every aboriginal prisoner who comes here, say for a minor offence, *e.g.*, absconding under the "Merchant Shipping Act", has to be chained? - Yes, according to the order mentioned.

- 54b -

Paterson;

499. Even although the boy is fairly civilised, and perhaps educated and working for Europeans for years ? - Yes.

500. Is it ever mentioned in the warrant that aboriginal prisoners are to be chained ? - No.

501. Is it just custom and usage then? - Yes.

502. Do you place neck-chains on any other than aboriginal prisoners ?-No.

503. Why not ? - So far as I can understand the custom of chaining blacks has been practised from time immemorial, and with the present gaol it is the only safe way. The Malays and other prisoners can be kept in safety without chains; we have more confidence in them. If the natives had any more liberty than they have at present they would run away.

504. If you had a gaol built sufficiently strong would it be necessary to so chain aboriginals ? - No.

The chains would only be necessary when they were out working.

505. Give me your personal opinion about these chains being used at all ? - I do not see that we can do without them. The chains could be abolished in the case of aborigines working inside the prison, and at night, if we had properly built gaols.

506. In your opinion, could all the unskilled labour of building a new and suitable gaol be carried out by prison labour ? - Yes.

507. Do the Malays and Japanese work on outside employment the same as the aborigines? - Yes. They work in the same parties, but they are not chained. Europeans are employed only inside the gaol walls; these can certainly be employed to better advantage inside than out.

508. At the present time can you suggest any improvement in these chains ? - As I have said before, they could be made lighter.

509. Do you think it essential for the health of the aboriginal prisoners that they should work, even in chains ? - Yes.

510. Does the Medical Officer visit the gaol regularly ? - Yes. At the present time the Acting Resident Magistrate is the Medical Officer. He comes regularly and all the prisoners get the best of medical attendance.

511. I notice that you have a large number of aborigines here for cattle-killing. Do these come from your district or another ? - From another district, the Fitzroy: they are all committed at Derby.

512. Why are they not kept at Derby ? - Because there is no gaol there.

513. Amongst the aborigines sentenced for cattle-killing whom you have shown me and to whom you have spoken in my presence, how many do you think really understand what they are here for? - Not one of them, in my opinion.

- 55a. -

Mr. V. Paterson, *continued.*

514. You showed me one old man who was a cripple and practically blind. Is this man here for cattle-killing ? - Yes. I have his warrant, which states that he with others pleaded guilty, that he did kill one cow, the property of Rose Brothers, at Isdell River, on or about the 12th day of April, 1904, with intent to steal the carcass. He received six months imprisonment.

515. Have you reported the fact that this man is a cripple and almost blind to your chief ? - I have.

516. What made you report it ? - The man's condition. I thought it behove me to recommend that the Government remit the remainder of his sentence.

517. Do you believe in long sentences on aboriginal prisoners? - No. I am opposed to long sentences for offences such as cattle-killing. On the other hand I have noticed of late that the sentences for this offence are not quite so long as they have been in former years.

518. You think then that at the present time there is a tendency to lessen the sentences ? - Yes. In my opinion I think that from three to six months, according to first or second alleged offence, is amply sufficient.

519. In cases of manslaughter or murder, what is your opinion of long sentences ? - I do not think that a long sentence is beneficial at all to the aborigines. I do not think they understand the position they are in, judging from what I see.

520. How often do you inspect the chains ? - Every morning.

521. Why do you use covered chains if you approve of the uncovered ones ? - I have been supplied with covered ones, and I have received no authority to remove the leather ones.

522. What is your opinion as to grading prisoners ? - There is no provision for classification in this gaol.

523. I presume you mean that the actual treatment an aboriginal prisoner receives while in gaol should be left a good deal to the discretion of the gaoler ? - Yes; for instance, as to which aborigines should be chained.

524. What is the daily routine of work for the native prisoners ? - (*a.*) When the natives first come into gaol we generally have to teach them to dress, and owing to the change of diet they are sometimes sick and need special attention. When any of the prisoners, either black or white, are

sick, my wife cooks them some little dainties, such as sago, etc. (b.) The prisoners rise at 5:30. From 6 to 7:30 they are chained up, and at 7:30 they are taken out to work in gangs of three. They return at 12 and have a spell for two hours. They start work again at 2 and come in again at 5:30. After tea they are chained up until the following morning. They have a swim in the creek.

525. Can you suggest any means which would allow of the chains being temporarily removed ? - I think it would be an advantage if we had a strong shed built in the form of an iron cage, in which the native prisoners could be locked with safety. I recommended such a shed about 18 months ago. The chains could then be taken off for a few hours, when they could have full freedom. Under the present system the man is in chains from the time he comes into gaol until the time he leaves it, sometimes from two to three years.

- 55b -

Paterson;

526. How long are these aboriginal prisoners actually at hard labour in the open during the day ? - About eight hours.

527. Is this the same summer and winter? -- Yes.

528. Is not this too long in the summer months ? - In my opinion it is too long: it is impossible for them to work that length of time. In some cases it has actually affected their health in the way of sunstroke.

529. Have you ever consulted with the Medical Officer on this matter ? - I have.

530. What were his views ? - He approved of my recommendation forwarded to the Comptroller General of Prisons.

531. Do you find that native prisoners are properly clothed when they come to you ? - Now I do.

532. Are they properly clothed when they are discharged? - Yes.

533. Are you in favour of any aboriginal being flogged ? - No; I do not think it has any good effect. Furthermore, I do not consider that the native as it rule considers he is committing an offence when he tries to break gaol.

534. When did the last flogging take place in this gaol ? - Two years ago.

6th November, 1904.

535. Have you had any deaths of aborigines in gaol ? - None during the last four years.

534. Provided you had a suitably constructed galvanised iron fence encircling the gaol yard, could aborigines with safety be relieved of their chains when locked up at night ? - In my opinion, yes.

537. Can you give me any suggestion for such a fence ? - Yes. A fence between 12 and 14 feet high of corrugated iron, with supporting battens outside, *i.e.*, a smooth face inside. I would suggest that there be no barbed wire or anything else on top.

538. With a view to ameliorating the condition, and promoting the comfort of your prisoners, have you ever recommended the construction of such a fence? - Yes, about two years ago.

539. With what results? - It was promised, but the promise has not been fulfilled.

540. If you had this fence as suggested, what further supervision, if any, would be? - One extra officer.

- 56a. -

Mr. W. Paterson, *continued*,

541. On the transfer of your aboriginal prisoners elsewhere, who forms the escort? - The police.

542. Why do not the officers of the Gaol Department do this work? - All transfers and escorts are authorised by the sheriff.

543. But you are the sheriff's officer, and the constable is not? - That is so.

544. Would not the warders understand the ways and temperaments of the prisoners better than the constables? - Yes.

545. If the system of neck-chains were abolished could they not be suitably replaced by a wrist-cuff attached by a chain to the wrist-cuff of his neighbour, one prisoner's right hand being attached to the next one's left? - Yes.

546. This would also allow more freedom of movement and a shorter chain could be used? - Yes. I consider such a system more humane, and would serve the same purpose with regard to safety, but the chain would have to be made suitable for that purpose.

547. How do you mean? - A strong steel highly-tempered chain would be necessary, because often the prisoners are employed on stone-work and have the use of hammers and other tools; with such tools they might possibly, wilfully or accidentally, break an ordinary chain.

548. Would such a steel chain be heavier or lighter? - For the same length of chain as at present used, the weight would be less than one-half. Again, if such a system were adopted, a shorter chain, as I said just now, could be employed, and a still further decrease in weight would follow.

549. In your opinion, with such wrist-cuffs and chains, could your aboriginal prisoners follow their present outside employment and be transported in safety? - From my experience of native prisoners, I feel confident that the above system, if carried out, with proper supervision, would not interfere with the present employment of aboriginal prisoners, and would certainly not risk their safety.

550. Have you any aborigines committed to penal servitude? - Yes. "Jarrumbar," *alias* "Chi", aged about 58, was sentenced by Mr. Warton, "Commissioner of Supreme Court", to five year's penal servitude on 8th July, 1902.

551. About when will he get his ticket-of-leave? - Towards the end of 1905.

552. Will you have any difficulty in explaining to him what a ticket-of-leave means on his release, and that he will have to report himself regularly to the police ? - As he cannot understand English, there certainly will be a difficulty.

553. Before this aboriginal was committed by Mr. Warton as Commissioner of Supreme Court, was he brought before Mr. Warton as Resident Magistrate ? - Yes.

- 56b -

Walter;

29th September, 1904

George Walter, in charge of Mission, Beagle Bay.

554. Are you the official head of the Mission ? – Yes.

555. How long have you been here ? – Since April, 1901.

556. Have you any experience of aboriginal mission work before this ? – Yes, for seven years in the Cameroons, in Africa.

557. How many lay brothers have you helping you ? – I have 11 and one schoolmaster. Their various professions are carpenter, blacksmith, bricklayer, settler, shoemaker, three farmers, and other tradesmen.

558. Is Mr. Randle your school teacher ? – Yes. He has been here since May last. He came shortly after the previous teacher (Father Reusmann) was drowned.

559. Is Mr. Randle a lay brother ? – No, he is a probationer at present with a small salary.

560. Does the Government pay his salary ? – No.

561. Is your school ever inspected ? – It has been inspected three times – by Messrs. Olivey, Surveyor Wells, and Kingsmill (late Colonial Secretary).

562. Has it ever been inspected by the Education Department ? – No, never.

563. Is it in any way a Government school ? – No.

564. Tell me, briefly, what subjects are taught in the school ? – Reading, writing, arithmetic, music, object-lessons, religious and Bible history.

565. How many hours' schooling a day do the children receive ? – Three and a-half hours daily. In the morning from 8 to 10 ; in the evening from 2:30 to 4.

566. How many children have you attending the school ? – 31; 21 boys and 10 girls.

567. Do you keep a register ? – At present I do not, but we have written to the Education Department for the proper forms to be used.

568. Do you keep the children occupied outside school hours ? – They help in the garden and field, and in the different trade shops.

569. In other words, you keep them occupied outside school hours in order to give them technical education ? – Yes.

570. Do you find that the best way to keep them occupied ? – Yes.

571. You believe, then, in teaching them the nobility of work ? – Yes. That is my principal aim.

- **57a.** -

Mr. G. Walter, *continued.*

572. What food do these children get ? -- They get three meals a day; in the morning at seven, at noon, and in the evening at six. Meals consist of rice, garden produce, pumpkin, sweet potatoes, fish or turtle-meat, and beef. They generally get meat once a day. Meat means fish, turtle-meat, or beef.

573. Are they always clothed as I saw them to-day ? - Not so well; but all except the very small ones are always clothed.

574. Are all the children you have at present in school obtained from this particular district ? - Yes;
from Broome, Disaster Bay, and Beagle Bay.

575. Do you employ any blacks on the station ? - Yes; three stockmen, about three men in the fields, four men on the mission lugger, five men on the pearling lugger, four swineherds. About 10 women are also employed in the garden. Any native who wants work can get it at once and women are often replaced by others.

576. Are these blacks regularly employed by you under contract ? -- None of them are under contract except those on the pearling lugger. These men are under contract and articles.

577. What do the others get ? - I give those who have proved themselves to be regular workers at the Mission 20s. per month, others 10s. per month, as well as clothes and food. Those on the pearling lugger get 10s. per month in addition to clothes and food.

578. What food do you give those employed ? - They get three meals a day of vegetables and sometimes fish.

579. What fish is this ? - I have a fisherman for the Mission. The surplus fish are salted and dried. We also get turtles from the islands. Those who get five meals a day (the hard-working boys) get meat once a day, and at 10 and 4 they also get bread. This is in addition to the other three meals.

580. What quantity of meat does the hard-working boy get ? - About half-a-pound.

581. Do the swineherds get meat ? - They get no meat, but they get extra rice and tea in the morning besides the other two meals.

582. Do they get any sugar ? - Yes. Those who work hard, like the stockmen and the men in the field, get tea and sugar three times a day.

583. What meals do the women get who work in the garden ? - They get rice, vegetables, fish or turtle-meat, just as it comes in; sometimes every day; sometimes about three times a week.

584. Do these women who work in the garden get garden produce ? - Yes. Mainly rice, pumpkin, and sweet potatoes.

585. Do they get any fruit ? - No. There is none here at present.

586. About how many camp blacks are there at this mission: I mean the blacks who are around the station ? - I f there are no luggers in we have from 60 to 80; never less than 20. On Sundays we have about 100 blacks attending their religious duties and receiving food. We make it a point not to feed a black who does not work, except he be crippled or infirm.

- 57b -

Walter;

587. Have you any crippled or infirm blacks at the present time at the Mission ? - Yes; 13. Their names are: **Desirée, Placidus, Kondy, Dominic, Kumbeline, Abraham, Sarah, Andy, Felicité, Cecelia, Martha, Timothy, Jerome.**

588. The 13 blacks who receive relief one week may not be the 13 relieved next week. Is this so ? - Yes. This is the list for which I sent in my account for the quarter, March to June. Now there are more. The numbers increase and decrease.

589. What relief do these 13 get ? - They get three meals a day, consisting of meat, a cup of tea, rice, vegetables, a little flour and three sticks of tobacco weekly.

590. Have these indigent blacks younger relatives working for you on the station? - I do not know. They are all more or less related, but it is not likely that their relatives would feed them. They would not starve at once, but they would have a very bad time of it.

591. What animals have you on the station ? - 150 pigs; about 10 horses; 24 cart bullocks; about 1,800 head of cattle.

592. Do you sell any of this animal produce ? - I do. This year I sold 50 head of cattle.

593. Do you make any profit out of your pearling lugger ? - This is the first year I have had it. I am afraid I shall lose at least £50, as the price of pearlshell is so low. If the price had been up I should have made about £100 or more.

594. I see by certain documents received from the Lands Department that these lands were originally given to the Trappists. Are you a Trappist ? - No.

595. Kindly tell me how the property has passed from the Trappists to your Order ? - It seems to me that the Trappists lost heart in the work, and as Bishops Gibney and Kelly were very anxious to continue the work, Bishop Kelly applied to my Superior in Rome to send out some missionaries.

596. Is your Order (the Pallottine) a missionary one ? - Yes.

597. Was any consideration given for the change ? - The Trappists got £2,640 for the property.

598. At this time was the Mission held in trust for the aborigines? - Yes.

599. Has any part of the money been banked or put aside in trust for the aborigines ? - No. It was for private property, namely cattle. When the Trappists came here they started with about 150 head of cattle: these increased, and they have been considered as private property.

600. Do you admit that this Mission is in trust for the aborigines ? - Yes, but the natural increase of the cattle is not included in the trust. I cannot admit that it is.

- 58a. -

Mr. G. Walter, *continued.*

601. Are there any matters connected with the Mission you wish to bring before my notice ? - Yes. (a.) Firstly, I should like to be appointed a local Protector here for this peninsula. Perhaps I am, but I have received no official notice of such appointment. (b.) Secondly, I should like to point out how important for the future of the State of Western Australia and for the future of the black race, that the children, both half-caste and black, should be removed from those centres of vice, such as Broome and other plates, and brought to this or any other institution which is working in the interests of the blacks. Father Nicholas, of Broome, states that he can find to-day about 35 half-caste children in Broome alone who really can be looked upon as neglected children, growing up in the vices of asiatics, whites, and blacks. (c.) Thirdly, provision should be made so that any man who has not got the permission of the Mission should not be allowed to enter the boundary of the Mission under any pretence whatever. Asiatics, especially, should be kept away as far as possible. (d.) Fourthly, I would suggest that a policeman should be stationed at Beagle Bay from the beginning of September to the end of May, instead of, as at present, from Christmas to the end of May.

602. I understand that only the other day some children ran away. Have you any power to stop them ? - None whatever.

603. Do you find that any of the older blacks run away from the Mission ? - Some have left. I do not call it running away. The blacks can come and go as often as they please. We do not want to interfere with their liberty.

604. What do you think is the reason, for this so-called "running away" ? - Their natural inclination to roam about. They always have that craving in them to have a spell in the bush.

605. Have you ever asked them for a reason for leaving the Mission ? - Yes.

606. What reason did they give ? - "Walk about", they generally say.

607. Have they ever made any complaints to you ? - Never. I think it is a more reasonable thing to let them have as much liberty as possible, though it would further our work if we had certain power to keep them in our Reserve.

608. Have you let any children out on the indenture system ? - No; never.

609. Have you let any boys out under contract ? - No. I have given one boy away to Father Verlin, of Roebourne, but he is not under contract. He is only a kind of servant.

610. Do you care to give me any idea of the finances of your institution ? - I have an overdraft at the Bank in Broome of £1,600, besides being in debt to two firms in Broome for more than £1,000; there are also a few smaller obligations.

611. Have you anything else to say ? - Nothing, except to say that, so far, under the present state of the law, it is practically impossible to carry on earnest mission work.

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Byrne;

5th October, 1904.

John Byrne, Sergeant of Police, Broome.

612. How long have you been in charge ? - Since 6th September, 1903.

613. Do you know of any aborigines being placed under contract in your district ? - Yes.

614. Are you consulted, or your opinion asked, when these contracts are entered into ? - No. My opinion is never asked. The matter is referred to the Resident Magistrate, and the native is signed on without reference to me at all.

615. Do you know of any contracts where you would object to the present employers ? - No.

616. Do you know of any blacks working without contact where you would object to the employers ? - Yes. Cases where the employers are Asiatics, for instance. I would like to have power to object. At present I have no such power.

617. As far as you are aware, are any wages being paid under the contract system ? - Not that I know of. I have never heard of anything more than clothes, food, and tobacco being supplied.

618. Have you any opinion of your own as to whether wages should be paid ? - I do not see any reason why wages should not be paid. For instance, a settler has a station, and in the dry season all the surface water dries up. The cattle have to be watered from the wells, and he employs natives. If he could not get natives he would have to employ white men. I think it is a big advantage to the settler to have the natives, and they should have some wage.

619. Do you know of any breach of contract where an employer has been brought to court ? - No.

620. Do you know of any cases where the employee has been brought into court ? -- Yes.

621. Until the employees run away and the warrant is issued, you do not know that they are under contract ? - As a rule I do not.

622. Do you know whether there are any children under indenture in this district ? - I believe there are, but I cannot say how many.

623. Are you referred to in these cases ? - No.

624. Do you consider that you should be consulted as head of the local police ? - Yes. I think the police should be consulted in all these matters.

625. Who distributes blankets to the natives in this district ? - I distributed one bale of 25 blankets. Some are distributed at La, Grange Bay by Mr. Tuckett. I do not know whether they get any at Beagle Bay or not.

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Mr. John Byrne, *continued*.

626. Who is Mr. Tuckett of La Grange Bay ? - He is a Commonwealth officer in the service of the Postal Department, and has lately been made a Justice of the Peace.

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627. Are any rations supplied by the Government to aborigines in this district ? - Yes. (a.) Mr. Hadley of the Sunday Island Mission supplied rations to the amount of £124 10s. 6d. in the last 12 months. He is a missionary at Sunday Island. He is a very honourable man, and I am sure that the blacks receive these rations.

628. What other people supply natives with Government relief ? - Mr. Roe, of Thangoo Station, received £44 16s. 11d. for rations supplied to natives during the last 12 months. His station is about 30 miles from Broome. I do not think that a man like Mr. Roe should be the medium of supplying relief to the natives at all. The natives have worked for him for the best part of their lives. He has derived a certain amount of benefit from the natives, and any old and decrepit blacks should be brought away from the place.

I believe that the old people on the station have worked for the owner in their younger days. The younger natives would be able to supply the older ones with food if it were not for Mr. Roe employing them. The younger natives can kill plenty of kangaroo and other game, and it costs Mr. Roe little or nothing to feed them.

629. What character does this gentleman bear in the district ? - He bears a character for cohabiting with native women.

630. Is he the reputed father of any half-caste children ? - Yes, of more than one.

631. Are there any other people distributing Government relief ? - Mr. Parkes, the butcher for Messrs. Streeter and Co., received £67 12s. 6d. for rations supplied during the last 12 months to some old natives that live around his camp. I do not know whether the natives received this food or not. I do not know what Mr. Tuckett, of La Grange Bay, receives; it is not paid through the local Treasury cashier. Mr. Edgar Biddles, of Yardagurra Station, received £87 17s. for rations supplied during the last 12 months. He is a married man, and receives the money for relief supplied to some old natives.

632. Does he employ some of the other natives ? - Yes.

633. Are they relatives of the older people ? - Yes.

634. How much do the Beagle Bay Mission people get for relief to indigent blacks ? - Rev. Father Walter, of Beagle Bay, received during the last 12 months £321 2s. 6d. Portion of that is a grant of £250; the balance is for the upkeep of old natives. I do not know what the £250 goes towards.

635. You mean to say that if this is a Mission Station you look upon it as the duty of the missionaries to keep the old natives ? - I think that the grant of £250 should include the upkeep of old natives also. Nothing extra should be paid. The Mission is more of a squatting business than a Mission Station.

636. Why do you not think it is purely a Mission ? – The natives are working for them on the station, in the gardens, looking after the herds, and on the two boats, one of which is a pearling lugger. The natives work for what they eat.

637. Do you know of any old or decrepit aboriginals in receipt of relief who have died since relief was given them ? - No.

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Byrne;

638. In your opinion, if the Government sees fit to grant relief, do you think the money should be paid to the person who actually distributes the relief or to the storekeeper who supplies the food ? – To the storekeeper by all means, and not a penny more than the amount stated by the storekeeper. There should also be some means of seeing that the natives get the relief.

639. Can you give me any suggestions whereby such a recommendation could be acted upon ? – It could be done by some responsible person visiting the different relieving stations and picking out the natives that are entitled to relief and bringing them together into one camp where they would be under proper supervision.

640. Do the police ever make a point of visiting the blacks who receive this relief ? - No.

641. In whose hands in each district do you think the distribution of this relief should be placed ? - In the hands of the Inspector of Police. I think the whole matter should be placed in the hands of the Commissioner of Police. When necessary, reports should be made by the officer in charge of the sub-districts for the information of the district officer, who would forward them on to the Commissioner and the Chief Protector of Aborigines.

642. If this relief is paid for as at present by the Aborigines Department, do you not consider that perhaps a better method would be to appoint the Police Inspectors local Protectors for their own particular districts and then to receive instructions from the Chief Protector of Aborigines ? - Yes.

643. In the matter of the aborigines, do you think the Inspector of Police should be interfered with by any Justice or Magistrate ? - I think he should be left entirely alone in the matter.

644. Are not there several decrepit, sick, and infirm aboriginals in Broome ? - Yes. They are principally in the hands of Father Nicholas.

645. Who gives them relief ? - Father Nicholas has always provided relief, and he has not received any remuneration that I am aware of. They always come to him when there is anything the matter.

646. Do you know of any aboriginal or half-caste adults or children who have been taken away from the Broome district and not returned ? - No.

647. Do you know of any Europeans or Asiatics carrying native women about the country ? - No.

648. Is there any aboriginal prostitution in your district ? - There is a good deal of it between the Asiatics and aboriginal women. They come ashore from the boats at different points, and at Broome, and go to native camps. There does not seem to be any law in force to prevent them landing.

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Mr. John Byrne, *continued.*

xxxx

649. Is not a large proportion of these Asiatics forbidden to land ? - According to the law they are not. They are imported as seamen only.

650. In your opinion a large proportion of this prostitution is due to men who should not be allowed to land ? - Yes.

651. The obtaining of wood and water is a great excuse for prostitution ? - Yes. The natives cut wood, and the pearlers have thus only to be in a creek for 24 hours instead of, perhaps, three days. At La Grange Bay (where I have a constable, tracker, and three horses) the pearlers give the natives a bag of flour or rice in return for the wood.

652. Do you consider that this evil could be minimised by insisting that the pearling boats obtain their wood and water at certain specified places only ? - Yes; of course it would.

653. Is there any liquor supplied to the natives in this district? - Yes. A great deal of liquor is supplied to natives in and around Broome during the laying-up season. The boats also lay up at Cygnet Bay, and there is a lot of trouble there. Some coloured men who supplied drink to the natives at that place were taken to Derby and sentenced to three months' imprisonment in the Broome Gaol.

During the last 12 months fines amounting to about £200 have been levied (mostly on Asiatics) for this offence. There have been a few cases of drink having been supplied by white men. I am of the opinion that in these cases, where drink has been supplied by anyone to natives, the full penalty of the law should be imposed. For some time past the fine has been reduced, and latterly it has been only £1 and costs and £1 including costs, but very seldom over £5.

654. Have you much difficulty in securing a conviction ? - No. We generally have very clear cases. As a rule we have three or four native witnesses to identify the man who supplied the drink. When a native is found drunk the case is brought before the court the following morning and no time is lost.

655. About how many Asiatics are there residing permanently in Broome ? - About 600.

656. Have all these the right to stay on land ? - Most of them have. Of course there are always a few in the town who have been sent ashore from the luggers sick, and they have to wait until the lugger returns before they can leave. There are always some of the Asiatics from the boats about.

657. Have these Asiatics you mentioned as permanently residing here any aboriginal women on their premises ?-Yes. Some of them have native women living with them. Some are lawfully married to the aboriginal women and have children by them. They are mostly Manillamen and Malays.

658. Are there many, who are not thus lawfully married, living with aboriginal women ? - Yes. There are about six not married at all.

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Byrne;

659. Do you object to these women living like this ? - Yes.

660. Have you any power to stop it ? - No.

661. What makes these aboriginal women camp with these men ? - I think the liquor has something to do with it. The women are treated very well by the Asiatics. There is one Malay here who is lawfully married to an aboriginal woman, but she kept on going with other men, and I advised him to let her go altogether. As a rule I do not think there is any inducement held out to them.

662. Do you consider that when one of these aliens wishes to marry a female aboriginal he should obtain permission from some responsible officer ? - I am of the opinion that no such authority should be given at all. I do not think there should be any intermarriage between Asiatics and natives at all. They should be kept entirely apart.

663. Is any opium being supplied to natives in this district? - No. I have seen no signs of any having been supplied here.

664. Do you know of any cases of cruelty or ill-treatment of natives in your district ? - No. I have never heard of a case.

665. If any such cases were going on would you hear of them? - Yes.

666. Do the blacks look upon the police as their friends? - Yes. I have always found that if there is anything wrong the blacks come and speak to the police in a friendly way.

667. If any individual cases of cruelty arose you feel confident that the natives would complain to the police? -Yes. I am quite satisfied that in Broome and district there have been no cases of cruelty during my time here. I think the natives are very well treated about this district.

668. Is there any starvation amongst the aborigines in this district ? - The country is very well provided with native game. There is also plenty of fish to be caught along the coast. The natives need never go hungry.

669. How many constables have you in this district ? - Five.

670. Do they ever communicate with you or the Chief Protector of Aborigines on aboriginal matters ? - No.

671. How many half-caste children are there in this district ? - There are about 25 or 30 in and around Broome. I do not know how many there are at La Grange Bay and other places.

672. In your opinion, what is the end of these little half-caste girls ? - Prostitution, as a rule. They are very hard to manage.

673. Do you think the Government should take action with regard to the half-castes ? - I think they should be taken right away from the district. As long as they are left in their own district it is impossible for anything to be done for them.

674. Have you or any of the police in your district ever had occasion to use neck-chains for the aborigines ? - We have never done so since I came here.

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Mr. John Byrne, *continued*

675. Are there any other matters you would like to bring before my notice with regard to the aborigines in your district ? - With regard to the Asiatics mixing so much with the native women, I think a law should be brought into force whereby the police could order the Asiatics to be aboard their boats at a certain time and not be wandering around the town. In the laying--up season they roam about the town, and it would take 20 policemen to supervise them.

They do the same at La Grange Bay, Beagle Bay, and Cygnet Bay. They are always in these places for two or three months of the year. I think some power should be given to the police to order them to go back to the boats, no matter what their masters think of the matter. It should be made an offence for these men to be found ashore at any time. They go ashore at La Grange Bay and wander away until they find a batch of natives and cohabit with the women. They take with them gin, tobacco, flour, or rice - all for prostitution.

676. Do you allow aborigines to have dogs with them ? - By the Dog Act of 1903, every male aboriginal is allowed to have one dog. The police are empowered to destroy any surplus. As far as possible, we only destroy the mongrels, and leave the half-bred kangaroo dogs for hunting purposes.

6th October, 1904.

Nicholas Maria Emo ("Father Nicholas"), Parish Priest, Broome.

(Conversation held in French: the Rev. Father is a Spaniard, and does not speak English fluently.)

677. How long have you been working as a missionary amongst the aborigines ? - Since the beginning of 1895, when I came out with a party of other Trappist fathers on their way to found

the Aboriginal Mission at Beagle Bay. My General Superior gave me a formal promise to let me live and die in Australia on behalf of the natives. From the date of landing I commenced work all alone at Broome without a penny in my pocket; a tent was my church; a bough-shed my room.

678. What was the nature of your work at this period ? - Being dependent upon public charity, I was able after a little time to open an orphan school (*Orfelin Ecole*) in order to gather in the native full-blooded children of both sexes, as well as some half-caste girls, whom, to my sorrow, I found amongst the Asiatics. The Abbot of my congregation at Beagle Bay then commenced to give assistance in the way of provisions; with this help I succeeded in supporting during these three years 37 children and adults, and in paying a small salary for a school mistress.

679. Who was the schoolmistress ? - She was a half-caste woman married to a Manillaman. She had apparently spent some of her earlier years at Broome, and had considerable influence and sympathy with the natives, especially amongst the children. I gave her and her husband, who was my sacristan, the title of half of one of my allotments, and paid her £3 per month. I saw a great deal of her and was able to judge for myself that she was a good, pure, and trustworthy woman.

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Father Emo;

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680. Why did not the school continue longer ? - A certain Government official who came to inspect my school gave it an excellent report. He, however, added a postscript implying certain alleged aspersions on the schoolmistress's character, which he certainly admitted in the same postscript he did not personally believe. The very fact, however, of his having made such a slanderous statement did a great deal of harm, with the final result that, disgusted and disheartened, I gave up this particular school and distributed the elder girls into service amongst the European ladies in Broome. Some of the elder boys - six of them - I lately sent to the Beagle Bay Mission. These boys had been with me continually for a long time previously. All the younger children (boys and girls) who at the time of the closing of the school were too young to go into service I have supported until the present time.

681. Why did you not send the girls as well to Beagle Bay ? - There were no Sisters there, and I do not believe that any mission for natives can be successful unless there are women to look after the aboriginal girls.

682. Did you take any further steps yourself to look after the education of the children ? - With the help of subscriptions from the inhabitants of Broome, I built a church here, and a residence for myself; the latter served as a school for the remaining children of my blacks.

683. Did you do anything for the welfare of the adult black population ? - Yes. About the same time I bought seven or eight town allotments in close proximity to the church. Each allotment cost over £20. I also erected certain huts on these allotments for the Christian married couples.

684. Were these allotments and improvements paid for out of your own private pocket ? - Yes.

685. Are they still your property ? - No. I made them over to various of these native couples, and impressed upon the wives the necessity for always retaining them, so they might always have a permanent home here. They have now and again paid me back a little towards the cost of purchase. I am quite satisfied with what they have given me.

686. But when the time comes for you to be called to rest, and these blacks are no longer under your influence, is it not likely that some speculator or unprincipled person will contrive to get these allotments out of the hands of their present owners, especially as these lands are increasing in value ? – I have thought of this matter since, and propose trying to make some arrangement by which these allotments may be held in trust for them.

687. Were you not at one time Superior of the Beagle Bay Mission ? - Yes. I was nominated to that position in 1898, and remained there until 1901. I was thus removed to other spheres of duty, and though being obliged to absent myself from Broome, although I frequently visited it from time to time, I occupied myself in the interests of other aborigines. For instance, while at Beagle Bay I made a point of visiting, travelling with, and living amongst, the tribes of natives at King Sound and Disaster Bay, and got into touch with practically all the tribes occupying the tract of country bounded by the peninsula terminating at Swan Point.

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N.M.Emo, continued.

688. About how many camp-blacks were there at the mission when you were in charge ? – In general, never less than 150; sometimes more than 200.

689. About how many children attended school when you were there ? - About 50 boys and girls.

690. Why did you leave the Beagle Bay Mission ? - I received instructions from the head of my Order that the Mission would in future be carried on by the Pallottines, and when all the brothers of my Order (the Trappists) left Western Australia, I alone received permission and orders to remain, and ever since I have continued carrying on mission work at Broome.

691. Were you empowered to carry on the negotiations for the transfer of the Beagle Bay Mission from the Trappists to the Pallottines ? - Yes.

692. Was there any money consideration ? - Yes; we were to receive £2,640 for the cattle.

693. Has your Order received the whole of this purchase money ?-Not yet.

694. You only sold the cattle then ? - Yes. There were over 800 head. The Trappists had brought a little money out with them when they first arrived in the State, and with this money they purchased about 150 head of cattle originally. As to the buildings, fences, improvements, etc., I did not feel justified in selling them.

695. Why not ? - Because I considered them to be part and parcel of the trust, that they had been built with the labour and assistance of the blacks, and that they had been erected for the use and benefit of the natives.

696. Since the time you finally severed your connection with the Beagle Bay Mission you have devoted all your time and energies to working amongst the Broome natives ? - Yes.

697. At the present time, how many have you under your especial care ? - Nine old and infirm women, two old men (one of whom is beginning to be mentally incapable), five little girls (one of whom is blind), two small boys, two sick women, one man whose leg the doctor has lately

amputated, two others very sick with incurable disease, one young man sick with consumption, one with pleurisy, one with disease of the leg. This total of 26 people I feed three times daily, and supply with medicine. The food consists of rice, meat, bread, and tea, with vegetables such as pumpkins, tomatoes, and water-melons very frequently. Often some goat's milk is given to those who require it.

698. Who pays for all this ? - I do. I have given all I have. I have no more. And now, for the first time after 10 years' work amongst these people, I am in debt to the amount of about £100.

699. Do you mean to tell me that the Government has given you no pecuniary assistance ? - Not a penny, so far. But the time has now arrived at last when, unless the Government come soon to my assistance, I can no longer continue this expenditure which, though I have to admit it with a wounded heart (*le coeur navré*), will mean that I shall have to abandon all such sick natives to their fate. When Mr. Olivey travelled round here on behalf of the Aborigines Department, the Resident Magistrate spoke to him very forcibly on the necessity for giving some assistance to these blacks. Mr. Olivey promised to make the necessary recommendation to the proper quarters: I received only one box of medicines.

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Father Emo;

700. Does any religious body give you pecuniary assistance in this good and noble work ? - No.

701. You are then dependent only upon the charity of the Broome public ? - Yes.

702. Where do you keep all these sick people that you have just mentioned ? - With the exception of three of the worst cases (the amputated leg, the pleurisy, and the syphilitic) which I have here at the back of my premises in a tent and a hut, they are all at the Point.

703. Where is this Point ? - A headland, within the town boundary, where I have ten acres, a very healthy locality and exposed to the sea breeze.

704. Is there anything paid for this ? - Yes. It is rented at £3 per year.

705. Who pays this £3 ? - I do. It is my blacks' camp.

706. Are there many old and infirm blacks in the neighbourhood of Broome ? - Yes; I have often found them dying of hunger, in the absence of a little care and kindness. Considering the many instances I have come across in Broome, how many must there be in other centres occupied by aborigines! I would suggest that all such cases, instead of being abandoned to their fate like dogs, should be collected into certain areas and looked after by some one friendly to the natives. But, for this, the assistance of the Government is essential.

707. Have you any suggestions to make with regard to the young and healthy adults ? -- Let them work for their food, or hunt for it: there is plenty of game and fish about. If they were not lazy, the Government could grant them a piece of land which they might cultivate.

708. And what about the children ? - These ought to be sent to mission schools (where there are Sisters or Matrons) while the half-castes should be sent to reformatories. The half-caste girls, in my opinion, are in general of a very vicious temperament.

709. How many half-caste children are there at present in Broome ? -- About 30 of both sexes.

710. How many blacks are there at present in the neighbourhood of Broome ? - More than 300, of whom about 120 are in employment, but there are probably not more than 70 under contract.

711. What influence has your work had on these natives ? - They have become, comparatively speaking, law-abiding and good Christians. One of my great difficulties is the temptation offered to them in the way of drink, both by Europeans and Asiatics: drink is offered them with a view to inducing them to prostitute their women.

I have baptised altogether 131 natives (45 men, 16 boys, 45 women, and 25 girls). Of the 33 Christians who have died, all the expenses in connection with the sickness, death, and interment have been borne by me. My work has borne good fruit in that the non-Christian natives in

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N.M. Emo; McKenna;

the bush invariably come to me for help and assistance in the way of medical and other comforts, and I frequently visit their camps for this purpose. I regret to state that I know of 44 non-Christian infants who have been killed by their mothers at birth, and one child even of four years of age who was killed and eaten by its mother: now the latter is a Christian. I always let the blacks know when I visit their camps that I am fond of their children, and offer them so much rice and flour for any infant they do not want.

712. Do the police give you help ? - Yes; the police have always placed themselves at my disposal to give me any and every assistance.

7th October, 1904.

Walter John McKenna, Acting Sub-Collector of Customs, Broome.

713. Are you responsible for the administration of the Pearl Fisheries Act ? - Yes; as far as prohibited immigrants are concerned, and the shipping of men signing the ship's articles.

714. Can you stop any unseaworthy vessel from going to sea, whether registered under the Merchant Shipping Act or not ? - I can only stop a vessel when she is registered.

715. How many of the 400 pearling luggers are thus registered ? - I do not know.

716. Do you make a periodical inspection of these boats ? - No. I have only been acting here since 9th September. The officer who was in charge took ill and has left the district.

717. As far as you know, did he ever examine any of these boats ? - No. I can speak as far back as

2nd April.

718. Are you aware that there are unseaworthy boats engaged in the trade ? - No.

719. Is it your duty to see that the boys are all put on articles ? - Any man who is imported for the work must be on the articles of the vessel. All other seamen must be on articles, provided the vessel is registered and over 25 tons.

720. Does that include the aborigines ? - No. I believe a State order came out saying that no aboriginal should sign articles. I think the practice is not to allow an aboriginal to sign the ship's articles. They have a separate agreement, the forms for which are to be obtained from the Resident Magistrate. That is the only chance an aboriginal has of signing on. There are some Port Darwin aborigines here who sign the articles.

721. Do you know anything about the Merchant Shipping Act ? - No.

722. Why not ? -- Because we haven't got a copy of the Act in the shipping office, though we have made repeated applications to the Shipping Master, Fremantle. We have made four applications since last April.

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McKenna;

723. Do you actually receive any instructions not to put Western Australian aborigines on articles ? -- No. I believe there has been some word about it, and Mr. Moore, who was acting for years here, said it was not allowed but had to be referred to the Resident Magistrate. A clause has to be inserted —not for diving. I have never had aborigines before me to sign articles. If such a case had come under my notice I would have wired for definite instructions.

724. Is it your business to board the boats and see the articles ? - Yes. I am responsible that things are done properly.

725. Have you boarded any boats for this purpose ? - No.

726. Can you allow the master of a vessel to put on board his boat as large a crew as he likes? – I would not be sure without reference to the Merchant Shipping Act.

727. Are you guided by the Merchant Shipping Act then? - Yes.

728. Does this Act apply to aborigines ? - I have been waiting for a case to arise to find out whether it does or not. I think the Act applies to all men on board a boat. I have not got a copy of the Act and have to go to the Court House to see one.

729. Are the crews paid off before you at the shipping office? - Yes.

730. Have you ever seen any aborigines come into the shipping office to receive their pay? - No. I have seen no Western Australian aborigines.

731. Do you know how many aborigines are employed in the pearling industry ? -- No; I do not know whether there are any on the articles. None have been signed on at the shipping office. There have been none since April last.

732. Are you aware that several complaints have come to hand with regard to these prohibited immigrants (Malays and Manillamen) coming on shore for other purposes than working the boats ? – I am aware of only one complaint, and the man complained of was in the doctor's hands.

733. Have you heard any complaints of aliens interfering with the gins when they come on shore for wood and water ? - Officially, no report has been made to me.

734. As Officer of Customs, are you responsible for prohibited immigrants landing for purposes of prostitution ? - No. Their masters are responsible. If they are working ashore I am responsible.

735. If you knew they came ashore for purposes of prostitution would you take action ? - Yes; because they would not be ashore for any work in connection with the boat.

736. Have you ever taken action? - I have never seen a prohibited immigrant ashore for anything of the sort. I have myself heard disturbances in the night time caused by Malays and Manillamen visiting the blacks' camps and interfering with the women.

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Mr. W. J. McKenna, *continued.*

737. If the police were to report cases to you of prohibited immigrants interfering with women at the camps would you take action ? - I would refer the matter to the Secretary for External Affairs.

738. How do these prohibited immigrants engaged in the pearling trade come into the State at all ? - They are allowed to land by special permission of the Minister of External Affairs. They are also allowed to land from their boats under conditions expressed in Subsection (K) of Section 3 of the Immigration Restriction Act of 1901.

7th October, 1904.

Graham Blick, District Medical Officer and Acting Resident Magistrate, Broome.

739. How many contracts or agreements for employment on land are there in force in this district that you know of ? - There are 32 men and five women properly signed on working on land. There are also 14 men and one woman under agreement, but the agreements have not been completed.

740. The agreements that have not been properly filled in were entered into before you took office ? - Yes.

741. Can these agreements be witnessed without your being consulted ? - Yes.

742. Can they be cancelled without your knowledge ? - Yes. A Justice of the Peace can witness or cancel an agreement.

743. Is there any compulsion on anyone to keep records of these contracts ? - No; except duplicate agreements. When I took charge there were no other records handed over to me. The only records I have at present are the duplicates of the agreements. The employer holds one and the Resident Magistrate keeps the other.

744. Are wages generally paid under these contracts ? - No. Clothing, food, medical attendance, and tobacco is about all that is paid. The majority get a shilling now and again, but there are no specific wages.

745. How many children have you under indenture in your district ? - 15. I do not know whether the agreements are still all in force. My records date back to 1897. In one case I have nothing to show whether the child is still employed or not. All the records that I have consist simply of the copies of the indentures left in the office by Mr. Warton.

746. Do you know whether any of these children under indenture are ever visited by a Justice ? - I have never heard of it being done.

747. What is the usual trade, business, or employment to which children are indentured ? - I should think quite one-half of them are indentured to the pearling industry. The remainder are mostly girls indentured as domestic servants.

748. Are these children thus indentured to the pearling industry taken out on to the pearling boats ? - Yes.

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Blick;

749. Do the boys who are indentured to the pearling trade receive any wages ? - There is no mention of it. I should not think they would. It is almost certain that they do not.

750. At what age are these children signed on ? - I think the age ranges from 10 years upwards. The oldest I know of was 17 years of age. He was indentured to a squatter. Little boys have been indentured on the boats at 10 or 12 years of age.

751. Are children of these early years allowed to go on the pearling boats ? - They have apparently been allowed to for many years. The cases I have mentioned hold good from 1897 and 1898 to the present time.

752. Are they bound down to the age of 21 years ? - All the boys indentured to the pearling trade were bound down to the age of 21 years, but they are generally bound down to the age of 18 years. Lately Mr. Warton did not bind them all to the age of 21 years.

753. As far as you know, are such apprenticed children signed on with the consent of their parents ? - I do not know. In one case the mother brought the girl in to complete the indenture; this was in the case of a resident of Broome.

754. Did you indenture a girl on from La Grange Bay ? -- Yes.

755. Can you indenture a child without instructions from the Aborigines Department ? - I was under the impression that I could. I did not get permission in any case. I did not know that it was the rule to get permission from the Aborigines Department. The other girl at La Grange Bay I did not know anything about. She expressed her willingness to be indentured to the wife of the local Justice of the Peace at La Grange Bay (Mr. Tuckett). The girl was about 16 years of age.

756. Do you personally approve of the indenture system ? - With reservations, I do. I think that the age limit should be reduced from 21 to 17 or 18 and, provided that the Justice or responsible person knows the people to whom the natives are indentured, it is generally a good thing. I do not think they should be indentured up to the age of 21 years, as at that age a boy is getting on in years and is able to shift for himself.

757. How many aborigines are there employed on the boats here ? - There, are about 25 properly signed on, and about 20 whose agreements are not witnessed by a Justice of the Peace or Resident Magistrate. I have no doubt that these 45 are working on the boats, although the forms have not been properly filled in. I do not know whose fault this is

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Mr. G. Blick, *continued.*

758. Are these blacks put on the ships' articles in addition to the agreement ? -- I do not know. You could get that information from the Shipping Master at the Customs Office. The Resident Magistrate has nothing to do with it.

759. What is the usual length of service of aborigines on boats ? - They are all on one-year agreements.

760. Does the amount of wages vary for boys employed on the boats ? - The amount of wages does not vary. I do not remember a case in which any wages are mentioned at all. I think they are only found in clothes, food, and tobacco. It is not usual to give any wages. They never expect them and do not ask for them. It is the custom to give them a few shillings at times, but they generally spend it in drink.

761. Who is responsible for the administration of the Pearl Fisheries Act here ? - The Resident Magistrate used to be. I issue the licenses for the boats, but all matters in connection with the shelling are done at the Customs office. I have to see that licenses are not issued to unauthorised persons, aliens and others. Things in connection with the administration of the Act are very mixed here.

762. When you license a boat do you satisfy yourself as to whether the boat is seaworthy or not ? - No. The instructions I have are to see that no Asiatic or alien gets hold of a license. Apart from that I have nothing to do with the boats.

763. Is anything done to stop an unseaworthy boat from going to sea ? - I have no power to prevent any old cranky boat from going to sea. As a matter of fact, everything in connection with the harbour is referred to the Chief Harbour Master at Fremantle.

764. Do you know of anyone here who has power to stop any such boat going to sea ? - No. If such a case did occur the matter would have to be dealt with by a special board.

765. Have you ever exercised your power as Resident Magistrate or justice for boarding a vessel to examine the stores in accordance with the Act ? - No.

766. Do you know whether any of the other justices have exercised this power ? -- No. Two of the other justices are pearlers, but I do not think they have visited any but their own boats.

767. You have never satisfied yourself as to the quantity or quality of the stores carried on the boats ? - No.

768. Is there any limit to the quantity of liquor that may be carried on these boats ? - Not to my knowledge. It is a question for the shipping master.

769. I understand that there is a good deal of prostitution going on where the boats land for getting wood and water. Is this so ? - Yes. It has been reported to me. I should think that there would be a great deal of it.

770. The guilty parties are generally aliens who have been specially exempted by the Commonwealth Minister for External Affairs ? - Yes, but I think many of the whites are just as much to blame in that matter as the coloured crews.

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Blick;

771. Are the otherwise prohibited immigrants (Malays, Manillamen, etc.), allowed to come on shore above high-water mark ? - They must come on shore sometimes to do the work of their boats. You cannot have a vessel come into port to discharge cargo and take stores, etc., and keep the crew on board. The crews are signed on and dealt with under the Merchant Shipping Act.

772. Is it a fact then that these Malays and Manillamen, otherwise prohibited from coming into the State, are coming in under the Merchant Shipping Act ? - Yes. They can come ashore for the purpose of getting stores, wood, and water, and in cases of sickness.

778. Do they land for any other purposes ? - I do not know. It is possible that they may do so. They are supposed to do nothing but the boat work. They could never stay ashore long because their masters are responsible for all of them.

774. Do they land in the laying-up season for other than boat purposes ? - They may camp on shore while the boats are being overhauled. Also during sickness.

775. Is any action being taken against any such men who land for any other purposes than required for boat work ? - I do not think any action has been taken hitherto. We recognise that it is necessary at certain times for the men to come ashore, but only when they are obliged to. They can be put on board the vessel if they are found on shore without leave or not doing their proper work. The police can put them on board. If they refuse to go they can be brought before the court. In the laying-up season a lot of them have to camp on shore. The boats are beached and the men camp right on the foreshore. There are also boarding-houses in one portion of the town where

they can get accommodation. The majority of the men never go off their boats unless they are sent on an errand. The place is too strictly watched.

776. Do you know whether the police have been instructed not to take action against any of these men unlawfully landing, *i.e.*, not on the business of the boat ? - Not to my knowledge.

777. Do you know of any cases where boys are employed in the pearl fisheries without agreement, or without being signed on ? -- I only know of cases where the agreements have not been properly signed and witnessed by the Resident Magistrate or a justice. Father Walter, of Beagle Bay, is one of them: some of his crew are not properly signed on.

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Baker; Rodriguez;

7th October, 1904.

Offord Ernest Baker, Light-keeper, Broome.

778. Are you the Acting Harbour Master? - I am the Light-keeper.

779. Do you act on behalf of the Harbour Master? - Yes.

780. Are you gazetted as such? - Not that I am aware of.

781. What instructions have you that you are acting for the Harbour Master ? - By the way that I have been called on by the Magistrate and the Chief Harbour Master to carry out the duties. I have only verbal authority.

782. Have you any power as the representative of the Harbour Master to stop any unseaworthy pearling lugger or other fishing vessel going to sea ? - No.

783. Do you personally know of any such unseaworthy vessels in Broome that go to sea? - I know there are a lot of vessels in Broome that should not be allowed outside the harbour.

784. Why do you think they should not be allowed outside the harbour? - Because of the danger to life and their unseaworthy condition. A lot of them have their timbers broken, and in other cases their gear is not fit.

785. Have you ever seen an aboriginal employed on any such unseaworthy vessel? - Yes, on vessels that I would not care to go to sea in.

786. Do you know whether it is anyone's business here to stop an unseaworthy vessel going to sea ? - I think it is the business of the shipping master to see to these matters.

787. By an unseaworthy boat you mean one which is a danger to human life ? - Yes.

788. Can you mention the names of a few firms whose boats you consider seaworthy? - Yes. Rodriguez, Chamberlain, Hawkes, and Percy. These firms nearly all have new sets of boats.

7th October, 1904.

Filomeno Rodriguez, Pearler, Broome.

789. You are one of the oldest pearlery in this district, are you not ? - Yes.

790. How many years have you been here ? - A little over 18 years.

791. Do you still own a fleet ? - Yes.

792. You have great opportunities of seeing what kinds of boat are engaged in the pearling industry ? - Yes.

- **66b** -

Rodriguez;

793. Do you know whether any unseaworthy boats are in use ? - I think some of them are unseaworthy.

794. You mean that they are a danger to human life ? - Yes.

795. Have you ever drawn the attention of the owners to such boats ? - Yes.

796. To your knowledge has any action been taken on that information ? - No.

797. As far as you are aware does any Government official ever inspect these boats to see whether they are seaworthy or not ? - No.

798. If there were such a Government official would there be many boats that he would condemn ? - Yes.

799. What is the condition of all the boats at present belonging to your fleet ? -- It is a brand-new fleet.

800. Is it to the interests of the pearlery that they should keep these unseaworthy boats in use ? - Yes. I think it is to their interest.

801. In your experience have you ever known of a justice or a magistrate boarding your vessels and examining your stores, etc. ? - Once, in 1886; not since.

802. Is it usual for the pearlery to carry grog on their vessels ? - Yes.

803. As far as you know, is this liquor ever sold to the crew ? - Sometimes. Two pearlery have been fined for selling grog to the crews.

804. Is this practice still carried on ? - I do not know. A lot of the pearlery do not carry grog now at all.

805. Is there any limit defined by law to the number of crew carried by a pearling lugger ? - No.

806. Have you ever seen aborigines employed on the boats ? - Yes.

807. What are they employed as ? - Some for cleaning shell, and others for boatmen. A black is sometimes employed to keep a watch on the rest of the crew, so as to prevent pearls being stolen.

808. Are any blacks employed in —swimming - diving - now ? - No.

809. Are you aware that many abuses in the way of prostitution take place in connection with the boats' crews landing along the coastline for wood and water ? -- Yes.

810. For the most part, to what nationality do the coloured crews belong ? - They are mostly Malays, Manillamen, and Japanese.

811. Are these Malays, Manillamen, and Japanese the persons who are really forbidden by the Commonwealth law to land ? - Yes; some of them are.

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Rodriguez; Ostlund;

812. Do these men suffer a good deal from venereal diseases as a result of their intercourse with the aboriginal women ? - Yes.

813. Is the loss of their labour severely felt by the pearlers ? - Yes.

814. Do you consider it a difficult matter to prevent these Malays, Manillamen, and Japanese coming into touch with the aborigines ? - It is a very difficult matter to stop this intercourse.

815. Do you think this prostitution would be minimised if the Government were to allow these Malays, Manillamen, and Japanese to land only at certain specified places on the coast for wood and water? - Yes.

816. And you think the Government should prevent them landing anywhere else ? - Yes.

817. Mention any suitable landing places between Broome and Port Hedland ? - One at Ballangarra Creek, and one at La Grange Bay. The former is in close proximity to Mt. Blaze and is only about 12 miles from Condon, where a constable patrols. At La Grange Bay the stretch of country along which the boats might be allowed to land should extend from Cape Bossut on the North to a spot South about 20 miles, marked on the map as —mangroves and rocks. This large extent of coast on which the boats should be allowed to land is absolutely necessary because of the numbers of vessels comprised in the fleets.

There is already a constable stationed at La Grange Bay who could prevent the blacks traversing this portion of coastline. I feel confident that if necessary the pearling boats could obtain wood and water by means of their own crews without the assistance of the blacks. The only difficulty we might have would be at Whistler's Creek, just south of Admiral Bay, where the water has to be carried about one and a-half miles. I think it only a fair thing, however, that if the Government

see fit to prevent us having the assistance of the blacks they should supply us with a tank and water pipe at Whistler's Creek.

818. What suitable places for landing for wood and water would you recommend north of Broome ? - One at Beagle Bay, with the coastline south of it as far as Baldwin Creek, and another at Cygnet Bay in King Sound.

18th October, 1904.

Axel Ostlund, Resident Magistrate and Warden, Marble Bar.

819. How long have you been in charge of this district ? -- Since March, 1896.

820. About how many contracts with aborigines do you know to be in force in this district ? - I could not say from memory. I have a report of the police that was sent to the Chief Protector in June last.

821. Are you a party to any of these contracts ? - To very few indeed. I might have witnessed three or four at the most.

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Ostlund;

822. Do employers apply to other justices to witness these contracts ? - Yes. I know there are a number of contracts in force that have not been referred to me. There are two persons in this district specially appointed to witness contracts between employers and aborigines, besides honorary justices.

823. Were these two people appointed on your recommendation ? -- No. They were appointed on Mr. Prinsep's recommendation. They were appointed under Section 19.

824. It is apparent then that more people have been to the justices of the peace to have contracts witnessed than to you ? - Yes. That is quite apparent.

825. Can you suggest any reason for this ? - They may have been more conveniently situated. The other justices may have been closer to their stations than I am.

826. Have you ever refused to witness a contract ? - Yes, often.

827. Has a justice ever witnessed such a contract that you have refused ? - I could not say for certain. It is beyond my knowledge.

828. It is quite possible that other justices have witnessed where you have refused ? - Yes.

829. Can you recall the circumstances of any cases where you have refused to witness a contract ? - Yes, several.

830. Can you mention, shortly, the nature of these ? - I have refused to witness contracts between any male employer and a native woman. I have always refused this. On stations where the employer is married, I have not refused to sign on a native woman to the wife of an employer.

831. You do not think it is advisable to sign on native women in the former case ? - I do not.

832. Are any wages ever specified in the contracts ? - No wages are specified in any contract that I have witnessed. In fact I have refused to witness contracts where wages are specified; one case was at Nullagine - between a blacksmith and a native man.

833. Can you give me any reason for such action ? - I do not think money is any good to a native. I made the condition under which this native was employed that everything (food, clothing, tobacco, etc.) should be supplied. I think a knowledge of the value of money to a native is not for his good.

834. Would you approve of a system where wages were insisted upon and paid to the Government with a view to curtailing the expense of relieving indigent blacks ? - Yes; I certainly would.

835. Do you know of any cases of breach of contract by an employer being brought before the court ? - Not many. I believe there have been such cases, although I cannot recall them at present; cases where I have cancelled the agreement on account of complaint from the natives.

836. Has the employer in such cases been punished ? - I know of cases where they have.

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Mr. Axel **Ostlund**, *continued*.

837. With regard to indentures and apprenticeships, are there many in this district ? - I can trace 32 cases that should be in force in this district.

838. The Act gives power to a justice to visit these indentured children. Do you know whether any such visits have been made ? - Yes. I have often done so myself but do not know whether other justices have. I always consider myself a party to any indenture signed by myself.

839. At what age do you consider native or half-caste children should be indentured ? - At the age of 8 or 10 years.

840. In all such cases have you consulted the wishes of the parent of such child ? - Always. The mother, in most cases, has been present.

841. To what age do you think an apprenticeship should last ? - Until maturity : the age of 14 in case of girls and 16 or 17 in the case of boys.

842. If there was proper supervision, you think, on the whole, the apprenticeship system is a good one ? - Yes, - but I think that Section No. 38 of the Act, referring to the assignment of apprentices on the death of the master, should be repealed.

843. Have you ever issued any certificates of indenture without instructions from the Aborigines Department ? - I have done so. Generally I have acted under instruction received by circular from the Premier when the new Act came into force. It was issued in May of 1898 by Sir John Forrest,

as follows:-

The care and protection of the aborigines having now devolved upon the Government, it is to be considered part of the public duty of Resident Magistrates, Resident Medical Officers, and Police Officers to assist in every way in promoting the welfare of the natives and in providing relief to the aged, infirm, and sick, due regard being given to the practice of strict economy.

In order to carry out these measures it is desirable that monthly lists should be furnished to the Aborigines Department, giving information as to the name, sex, age, and condition of the native to whom relief has been given, care being taken that, as a general rule, no able-bodied natives who can provide for their own maintenance should receive rations. The accounts should be rendered monthly, certified by a Resident, Magistrate, a Government Medical Officer, or a Police Officer.

I do not consider that instructions under that particular section (50 Vic., 25, Part IV., Sec. 36) meant instructions under any particular case of apprenticeship. I read the instructions to mean as to the *mode* of indenturing natives. I amplify that by saying that I have, periodically, from the time I arrived here been supplied, first by the Aborigines Board, and later on by the Aborigines Department, with the form of indenture which was sent to me for the purpose of indenturing natives, and no instructions of any kind beyond that have been given me - the forms only being sent. I take it that if it had not been the intention of the Aborigines Department that I should apprentice natives, in sending me the forms they would have instructed me as to the procedure to be adopted.

844. Are there any natives working for employers and receiving Government blankets ? - Not to my knowledge. Blankets have been supplied to indigent blacks only.

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Ostlund;

845. Do you consider this necessary relief ? - At certain times of the year it is; it is very cold here in the winter.

846. With regard to Government indigent relief, who, as a rule, supplies it ? - In most cases either the police, or station-owners, or managers of stations where indigent blacks live. There is only one exception that I know of. Mr. Isdell, of Nullagine, supplied indigent blacks for some time, and now Mr. Walsh, at Mosquito Creek, does it.

847. Who is Mr. Isdell ? - He is at present a member of the Legislative Assembly.

848. Has he any interest, in Mosquito Creek ? - I do not know. He was a mining man. I do not think he has held any pastoral leases. He is a justice of the peace and has been for many years.

849. Did you receive any application from him concerning this relief ? - Yes.

850. When Mr. Isdell was supplying this relief was he a member of Parliament ? -- No; he was a justice of the peace only.

851. Did you recommend that this relief should be granted ? - No.

852. Do you know whether this relief was paid to him, or to the storekeeper from whom the goods were obtained ? - I think the relief was paid to him.

853. Do you know whether there was any supervision as to whether the blacks received the provisions paid for ? -- I do not know. I think Mr. Isdell communicated direct with the Aborigines Department.

854. Can relief be granted in this district without your approval or knowledge ? - Yes.

855. I notice from the correspondence which you have just shown me an expression of opinion from Mr. Isdell with regard to relief. I would be glad if you would kindly read it out.

The Government or Aborigines Board allows relief and blankets to old natives on all the Nor'-West stations, a practice which is really wrong, as the stations in most instances have had the past services of these old natives and still have the present services of their offspring. Consequently the station owners can well afford to supply the necessities of their old servants and parents of their present ones. (Letter dated May 26th, 1900.)

856. Which do you think preferable - that the person who actually distributes the relief should have the money paid to him, or that the storekeeper should be paid direct for the goods supplied ? -- I certainly think it would be a better system if tenders were called from storekeepers in different centres of relief. A tender could be accepted and the relief distributed by the storekeeper under the supervision of the police and the money paid to the storekeeper direct.

857. You believe, then, in having centres for distribution of relief in each district ? - Yes.

858. Do you believe in granting relief to indigent blacks on a station where there are younger and able-bodied relatives working for the owners ? - No, I do not.

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Mr. Axel **Ostlund**, *continued*.

859. In cases of this nature would you approve of a system where wages were insisted upon, to be paid to the Government to go towards the expense of relieving indigent blacks ? -- I think it would be a fair system.

860. Do you know of any stations where old and indigent blacks who have been working for years are now getting Government relief ? - I could not say from personal knowledge.

861. I presume that in each district there must be natives who have no relatives to support them and who really require relief ? -- Yes. There are, no doubt, any number of natives working for other employers than station-owners.

862. If these natives were not employed they could get native game to support themselves, could they not ? - That raises another question. There might not be game enough now.

863. Do you consider there is sufficient native sustenance available in the district? - Yes, if it were only for the indigent natives. As a rule the indigent and infirm natives are unable to provide their own. The able-bodied natives are mostly working for employers and the indigent natives are unable to obtain native food. The natural herbage is eaten by stock put on the country for pastoral purposes and the game is not so plentiful. The kangaroo hunters also destroy the natives' principal food.

864. It is really the pastoralists and kangaroo hunters then who are responsible for the present comparative scarcity of native foods? - Yes. It would be scarce if all the natives were turned out to earn their own living.

865. Are you aware that certain pastoralists are threatening that, if any restrictions are made on their aboriginal labour, they will turn the blacks out? - I have not heard it from any pastoralist, but I have heard it rumoured that such will be the case.

866. What is your opinion of the question of relief generally in your district? - As regards the cost of relief that comes under my notice by paying the accounts, it appears that relief has not been paid for to any excessive extent in this district, but it is quite possible that relief has been granted and paid for to station-owners and persons direct from the Aborigines Department of which I would have had no knowledge.

867. In your opinion do those distributing relief to natives benefit by so doing? - I certainly think so, and I will read a communication I sent to the Aborigines Department on 18th June, 1900 :-

From my own observation I find that the old and infirm natives come for relief twice a week, on Mondays and Thursdays. On Thursday, the 14th instant, I weighed two lots of rations in the presence of Mr. C. H. Wilson, a Justice of the Peace, and found each to contain about 21bs. of rice, 21bs. of flour, and ¼ lb. of brown sugar. The natives inform me that they always receive the same ration. From a calculation of the local retail prices the cost of the ration is about half the allowance. I hardly think the rations supplied alone would be sufficient for their sustenance, but these are supplemented by the employed natives, who are very kind to the aged and crippled ones. The natives receiving relief appear to be fairly well nourished.

As far as I remember, I had a reply from Mr. Prinsep, in which he said that he did not object to distributors pecuniarily benefiting by the relief as long as it was within reason. I quote this instance to show that I have drawn the attention of the Chief Protector to the matter.

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Ostlund;

868. Do you know of any cases where aborigines or half-castes have been removed from, or removed into, the district and not returned? - I cannot say that I have. I only know of one case where a man was taken away south, and the employer, seeing that he could not stand the cold, returned him to this district.

869. Do any drovers take boys away from the district ? - Yes. Drovers have taken natives away from the district to Kimberley, but they have been brought back again. These drovers have gone to Kimberley to bring stock down to this district. In the case of stock being taken south they do not pass through here, but it is quite possible that it has happened.

870. Do you consider it right that a provision should be made that, when a boy is taken away, he should be returned ? - Yes.

871. Do you know of any opium being supplied to aborigines in your district ? - I do not, and I have never heard of a case.

872. Do you know of any liquor being supplied to aborigines in your district ? - I have never seen it supplied. I know of employers supplying liquor when necessary for medicinal purposes, and I have heard it rumoured that liquor has been brought to natives' camps.

873. For what purpose ? - I cannot suggest any other reason except for immoral purposes. The police have instructions to supervise these cases. It is very hard to obtain evidence in such cases.

874. In your opinion, is this due to the fact that inexperienced policemen are sent here, or to the difficulty in obtaining evidence ? - It really is due to the difficulty in obtaining evidence. A constable in a district of this kind is always known to everybody and his approach to a native camp is known long before he arrives, either by night or day. The only way to obtain evidence or the conviction of offenders would be for the Police Department to employ good bushmen in Perth and send them up for a certain period for that class of work.

875. Why do you say —good bushmen ? Are not the police who are patrolling this district good bushmen ? - Not always. In most cases they are only recruits.

876. As far as you are aware, are these constables sent here for long periods, so that they may become acquainted with the ins and outs of the people of the district ? - I do not think so. I think there is a limit of three years. An experienced police officer would soon acquaint himself with the ins and outs of the district; but it is more difficult for a recruit, who is an inexperienced man, to do so.

877. In coming through your district I have been struck by the fact that there are natives at almost all the hotels ? - Yes.

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Mr. Axel Ostlund, *continued*,

878. What is the law as to blacks being employed or being on the premises of a publican ? -- I do not know of any Act preventing the employment of natives by licensees. There is a section in the Police Act (Section 57) which prohibits any person holding a publican's general license, in fact any licensee under the Act, from allowing aboriginal natives to remain on or loiter about the licensed premises.

That section has been amended by Section 6 of No.2 Edward VII., 44, which prescribes that

Section 57 of the Principal Act shall not extend to prevent the lawful employment, by any person holding a publican's general license, of a native on the licensed premises of such person, with the consent in writing of the Chief Protector of Aborigines first obtained.

From the wording of Section 57 of the Principal Act, I do not take it that there is a prohibition to employ natives. It is simply a prohibition to loiter on the premises. The section with regard to the consent of the Chief Protector has only been added since. It is worded in such a way that it carries out my views. The principal section does not say anything to make one think it is to prevent the employment of natives, it only says —remaining on or loitering. I do not think the main section prevents the employment of natives on licensed premises.

As the section and amendment stand at present they are awkward, because most people who travel in this country have a native boy to look after the horses, etc. If they stay at an hotel this boy must attend to his work and thus be about the premises. If the Act were read strictly these travellers would not be allowed to have the services of the native boys.

879. What is your opinion as to aborigines being employed at hotels and wayside houses ? - - Under proper supervision I do not think there is any harm in it. It is not there that they learn their drinking habits. They learn these in the camps mostly.

880. Where the liquor is brought for immoral purposes ? - Yes. Of course there are cases where licensees let the natives have the dregs and leavings that would otherwise be thrown away. From my own observance I have never seen a native working on licensed premises the worse for liquor. They are always the best behaved.

881. Would you approve of a system that would separate these native camps from settlements ? - Yes. I think natives should not be allowed in the vicinity of a township unless under lawful employment.

882. I notice under Section 56 of the principal Licensing Act that the prohibition of supplying liquor does not apply to aborigines under service. Do you approve of this ? - That all depends how the system is carried out. If people were not allowed to employ natives without a permit, the Government, or the department controlling the natives, would be able, through their officers, to see that the permits were not given to people who would make bad use of that particular section. I take it that would sufficient. If the right people employed natives they would not supply any liquor.

883. What is the present fine for supplying natives with liquor ? -- £20.

884. Can this be reduced ? - It can be reduced under the Justices Act, but I have never reduced it. I take it that the right of reducing the fine is only given to the Bench under Section 166 of the Justices Act, in respect of a first offence.

885. Is there much cohabitation between whites and blacks in this district ? – From my personal observation I have seen none, but from hearsay and inference I should say that it might be going on.

886. Do teamsters on the road carry black women with them? - Not to my knowledge (except in one instance where it is openly done). There is no doubt that some men make use of the women, though I have never seen any of it.

887. Is it true that the blacks are working on the tinfields here ? - Yes.

888. Have they licenses to work ? - No. I have always considered that natives of the country have a right to what there is in the country, whether it is game, minerals, etc.

889. Do the blacks on the tinfields peg out their claims ? - I do not think they do.

890. Do they make much by working at the tin ? - Judging from a police report which I furnished to the Chief Protector of Aborigines, it is very evident that the natives receive fair treatment and are able in most cases to discriminate in matters of value received and given. I have known of one or two cases where natives have saved money. Things would not go on so agreeably if the white man did not get some benefit of the blacks' labour.

891. Is it true to a certain extent that the blacks on the tinfields obtain firearms ? - Cases have been reported to me by the police of natives obtaining firearms from the stores, and that a number of natives possess firearms.

892. What is your opinion about natives being in possession of firearms ? - I reported on that matter to the Chief Protector of Aborigines, on the 16th of April, 1903, as follows:-

The tin is bartered to the storekeepers and others for rations, clothing, firearms, and ammunition. In connection with this matter several questions arise for consideration. The one of most importance is, naturally, Should natives be allowed to carry firearms? I am certainly of the opinion that they should not, except when working for a master to obtain game. The police inform me that the natives at Cooglegong possess eight guns between them, one valued at about £3 being paid for with three bags of tin, equal to about £18. The only way to prevent natives having guns would be to legislate against anyone giving or selling firearms or ammunition to them under a heavy penalty.

Mr. Prinsep replied to this communication as follows, dated 16th May, 1903:-

With regard to your remarks about the natives carrying firearms, I can only say that at present I am advised that there is no law against it so long as they pay the usual license fee when necessary. I will have the question considered, but fear that the great use the natives are to many people in the destruction of game, etc., will prevent any interference with them. The traders apparently cheat them when selling the guns to them. It may, perhaps be possible to make them get their guns from the police and have each one marked. I will well consider this.

893. Do you know of any cases of cruelty or ill-treatment of the natives in your district ? -- I do not know of any such cases.

Mr. Axel **Ostlund**, *continued*,

894. Have you good means and opportunities of judging ? - Yes : as far as I know and can ascertain, the natives are treated fairly by all their employers.

895. I believe you are sympathetic in your views with regard to the amelioration of the condition of the natives, are you not ? - Yes, certainly.

896. In putting your ideas into practical effect, have you received encouragement from the Aborigines Department ? - My previous evidence will give you a fair idea of the department's treatment of my suggestions.

897. Do you consider that the benefits of the Act could be carried on better than they are at present in these north-western districts if there was better organisation ? - Yes; certainly so.

898. In other words, making one person responsible in each district for the welfare of the natives ? - Yes; the district being the magisterial district. This particular district is very large, and I think it would be advisable in such a large district that more than one person should be made responsible, because it would be almost impossible for one man to personally supervise the whole of it.

899. You believe in decentralisation ? - Yes.

900. Do you think that anything could be done for the benefit of the aboriginal and half-caste waifs and strays ? - Yes; I do.

901. What would you suggest ? - The same means should be adopted as with white children. If they are bright and intelligent they should be sent at a suitable age to reformatories or schools, and in other cases be apprenticed to suitable employers to learn: girls, domestic duties; boys, in this part of the country, stockmen's work.

902. Do you approve of any system of reserves for each district ? - Yes; but in making or proclaiming reserves for natives I think due regard and consideration should be given to the position, so that coastal natives should not be sent to reserves inland, and tableland natives not sent to reserves on the coast.

903. In other words, you would approve of the establishment of reserves where the majority of blacks already are ? - Yes; and at present I think the only place in this district would be at Nullagine. If the Act causes the station-owners to throw the natives off, there should be reserves in the parts of the country to which they belong.

904. Do you think that the squatters can afford to do without their black labour in this district ? - In some instances I think they could. In fact on nearly every station, as far as I can judge, the policy is to fence and erect windmills to enable them to be independent of the black labour. My opinion, however, is that people who always have had natives for servants would not part with them.

905. Is there anything else that you would like to bring before my notice in connection with the Commission ? - I might say that, taking it altogether, during my time as Resident Magistrate, as far as

I have seen and been able to judge, the natives have been well treated and looked after, except in one or two exceptional cases where employers have received punishment in years past.

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Ostlund; Anderson;

906. As far as aboriginal prisoners are concerned, what is your opinion about giving an honorary Justice power to inflict a whipping or imprisonment up to three years ? - I think it is rather a large power to give an honorary Justice. As far as whipping is concerned, I do not think it is as cruel as imprisonment. It certainly does them more good. People who know nothing about the natives have the idea that it is cruel, but it has a more deterrent effect than imprisonment. In prison the natives are treated and well fed. The only thing that palls upon them is the confinement. I would have used the whipping oftener than imprisonment, only for public opinion being so much against whipping.

19th October, 1904.

Robert Anderson, Corporal of Police, Marble Bar.

907. I understand that you were at one time stationed at Nullagine. Is that so ? - Yes.

908. How long were you there ? - I was there for ten months, from 27th April, 1903, to 10th February, 1904, when I was transferred to Marble Bar.

909. Do you know how many contracts with aborigines have been issued in this district? - No.

910. Are you consulted at all with reference to them ? - No.

911. Do you know of any relief being given in the Nullagine District ? - No.

912. Is Mosquito Creek under the Nullagine District ? - Yes; it is under the police control.

913. Are you aware that since June of the present year sums of £12 11s. 4d., £3 2s., and £11 18s. 8d. have been paid to R. J. Walsh for relief ? - No. I did hear that that person was recommended to issue rations to the natives by a member of Parliament. [*£ 1 in 1904 = about \$1,000 in today's dollars*].

914. What is the name of that member of Parliament ? - Mr. Isdell. This was communicated to me in a confidential way and I do not wish to disclose his name.

915. Who is Mr. Walsh ? - He is a miner. There was a firm of Walsh, Nichols and Isdell interested in a mine there, and I was informed that Mr. Isdell made a recommendation, when he was in Perth, to the Chief Protector of Aborigines, and the Resident Magistrate, that Mr. Walsh should be paid for giving relief.

916. How far is Mosquito Creek from Nullagine ? - It is from 31 to 32 miles distant.

Mr. R. **Anderson**, *continued.*

917. Is there any reason why this relief should not be distributed by the police ? - There are no police stationed at Mosquito Creek, and they only visit there occasionally, or when any special matters crop up.

918. Could not the blacks come in for their relief to Nullagine ? - It is rather a long way, and they would be hanging about the town; but it would be more satisfactory if the relief were issued by the police.

919. Were you consulted in the matter at all ? - No.

920. Is there any profit made by the people who distribute relief ? - I do not know.

921. Do you know of anyone deriving profit ? - It may be done by purchasing flour in large quantities and making a small profit by issuing it at the local retail price. There is only an allowance of 8d. a day at Marble Bar, making 4s. 8d. a week. Sugar is 4¼d. per lb., flour 4d. per lb., and tea can be bought from 1s. 8d. to 2s. per lb.

922. Is Walsh simply a working miner ? - Yes. The claim has been lately sold to the Bell Exploration Co.

923. Who distributes the relief there now ? - I do not know that any is issued there now. I have never heard of any relief being issued at Mosquito Creek since I have left the district; and it was only about May or June that Mr. Isdell asked for relief to be granted.

924. Do you mean to tell me that the distribution of relief there is not under the supervision of the police ? - No instructions have been issued that I know of, except by a circular from the Premier (Sir John Forrest) dated 1st May, 1898. I do not know if the vouchers have been certified to by any police officer, as required by that circular.

925. Do you know whether any medicines or clothing were sent up to Mr. Isdell for his blacks ? - I believe some were sent up, but the medicine chest was lost and did not reach the journey's end. The constable stationed at Nullagine before me told me of this.

926. Do you know of clothes being distributed ? - Yes; the clothes were being distributed.

927. Did the blacks get the clothes ? - By clothes I meant blankets. The blacks did get these.

928. Is there any liquor supplied to natives in the Nullagine District ? - There is at times, but it is not continuous. There are occasions when men have come in and started drinking and given it to the natives.

929. Can you suggest any reason for it being given to the natives ? - I think it is given by the white men to have intercourse with the gins. This is the principal reason. I know of no other.

930. Can you suggest any practical method for minimising this prostitution ? - By making it unlawful by statute for white men to have intercourse with the black women.

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Anderson;

931. Would you suggest any proclamation of reserves to keep the blacks separate from the whites ? - Yes; for instance, on the tinfields. Here I have a letter from a station-owner of high standing who looks well after his blacks, to some of whom he has lately given a holiday and supplied with rations to enjoy it with.

932. Will you please read this letter?

Corunna Downs, 15th October, 1904.

To the Sergeant of Police, Marble Bar. Dear Sir, - We have given several of our natives their usual few months' spell (or pinki) and they are making to the Western Shaw Tinfields among the whites, and I would be glad if you could as far as possible keep them away from those surroundings. Last year they got a great deal of liquor, and did a good bit of trading their women for money and food. I am only too glad to give them sufficient flour, tea, sugar, tobacco, etc., while they are spelling in the bush if they require it, but they prefer being among the lower whites and degrading themselves, and there seems at present no law to stop them.

Yours truly (Signed), G. D. BROCKMAN.

933. What is your opinion with regards to the blacks on the tinfields having firearms ? - No danger has resulted from it yet. I do not think it is right at all.

934. You think, then, that it is a possible grave danger ? - It is a grave danger. There is terrible drunkenness on the Cooglegong Tinfields. I do not think there is a worse place for drink in Australia. It is very difficult to get convictions and evidence of liquor being supplied to the natives. The police would have to be in hiding to watch the natives. The drunkenness only occurs at times when the men have made some money by the sale of tin.

935. If a private detective were sent out do you think he could secure any convictions ? - He might get one or two cases at occasional times. When the police patrol the blacks always seem to know beforehand of their advent, this being communicated, I believe, by certain kinds of signal fires.

936. You say that the drunkenness on these fields is terrible ? - Yes; I am sure of it. I heard this morning that four white men have been laid out by drink, and there is no doubt that they supply it to the natives.

937. Do you know of any cases of cruelty or ill-treatment of natives in your district ? - I have not had one complaint of cruelty towards natives since I have been in the Nullagine or Marble Bar

districts.

938. Are there many little children, full-blooded natives or half-castes, in the camps ? - There are three half-caste children at Marble Bar that I know of. I do not think there is that number at Nullagine.

There is a fair number of full-blooded blacks at Nullagine. There are only two or three at Marble Bar.

939. In escorting native prisoners do you use neck-chains ? - Yes.

940. What authority have you for using them ? - I know no legal authority, but the chains are supplied by the Department for that purpose.

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Mr. R. Anderson, continued.

941. Is the end of the chain held by the constable or fastened to the saddle ? - It depends upon the number of prisoners. Very few have had to be chained in my time, but when a man is chained he carries the chain himself. It is attached to his neck and hands and wound round his body.

942. What is the idea of putting it round his body ? - The weight prevents the natives running away so easily, although the constable is generally on horseback.

943. When escorting prisoners how is the chain attached to the saddle, or is it held in the hand ? - I could not say. I have been used to town duty, and since I have been here I have done no patrol work. I suffer from sciatica, and it gives me great pain to ride.

944. You are, then, physically unfit for mounted work ? - Not physically incapable. I could ride but would have a great deal of pain. If anything important should require it of course I would go at once, on horseback if necessary.

945. Do you not go on horseback to visit the native camps in your district ? - No. I visit the camps around the town, but I go on foot.

946. Have you any native prisoners ? - Yes, one.

947. Have you any native trackers ? - One.

948. Has he his gin with him ? - Yes. He has been —married, as he calls it, since he came here.

949. Do you support the gin as well as the man ? - Yes. If I did not support the gin the man would leave me.

950. Does not your Department provide for the gin when the tracker is married ? - No. We have sometimes to clothe the gin ourselves if she is not employed by some other person while her husband is tracker.

951. Is he under contract ? - No.

952. What is your reason for not putting him under contract ? - No special reason. Sometimes we could get a good native but he would not come under contract. They prefer to be free.

953. Are you aware that the Commissioner is under the impression that your tracker is under contract ? - No. I am not. The native at Nullagine is under contract, I believe. He was when I left, and I think he has been signed on for another six months. He is a very good police native.

954. If your tracker liked to clear out at any time no one could prevent it. Is that so ? - Yes. If he cleared out he would probably take with him the clothes with which he is supplied by me.

955. Have you any reason for not putting him under contract ? - I have explained my reason. It is not always convenient to do so, and the native may not prefer to sign on. If we could get a good native who would sign on we would do it.

956. Has your tracker ever refused to sign on ? - I have never asked him to sign a contract.

- 73b -

Anderson; Martin;

957. Is a native tracker ever armed ? - No.

958. Can you give me any information as to prostitution of aboriginal females otherwise than on tinfields ? - Prostitution exists both at Marble Bar and Nullagine townships, where some men make no secret of their intercourse with black women, stating that, under existing conditions of the North-West, where they cannot get white women, this is their only avenue of relief. There are cases of white men living with gins openly. In some cases the black women are dressed in men's clothes. Prostitution is common where miners and teamsters are, and I have reason to believe that promiscuous intercourse goes on at one or two stations.

959. How is it you believe that promiscuous intercourse is rife on one or two stations ? - From reports of people coming in suffering with venereal.

960. Do you know of any cases of defilement of young native girls by Europeans or Asiatics ? - Yes; but the police could not get corroborative evidence sufficient to take the case to court.

25th October, 1904.

John Martin, Sub-Collector of Customs and Shipping Master, Port Hedland.

961. Are any of the pearling luggers which come into this port not registered under the Merchant Shipping Act ? - I do not know.

962. If a lugger is not registered could you stop her going to sea if she is unseaworthy ? - No.

963. If she carries more men than her articles show could you stop her going to sea ? - I do not

think I could.

964. What means have you of knowing whether boats that come in here are registered or not ? – The only means I have is to board them and see their articles.

965. When boats come in here do you call upon them to show their articles ? - Not unless they have any business with me.

966. Do you not board them on your own initiative ? - No.

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Edwardes;

25th October, 1904.

Edwin Edwardes, Constable of Police, Port Hedland.

967. Are you consulted at all when contracts are entered into between employers and aboriginals ? - No; I am not.

968. You know nothing about them until such time as the employer may take out a warrant against such aboriginal for absconding from service ? - That is so, unless the police make inquiries, which is sometimes done.

969. Is an employer bound to tell you whether he has a black under contract or not ? - No.

970. If you had a voice in the matter, would you prevent any of these people employing aborigines ? - Yes; I would.

971. Would you have good reasons for doing so ? - Yes; I consider that I would.

972. Is there much liquor supplied to aborigines in Port Hedland ? - There is not a lot of liquor supplied to aborigines here, but they manage to get a fair amount.

973. Do you find that you can cope with the evil with the present powers given you as a police officer ? - Yes; but it is almost impossible to stop the supply altogether.

974. Do you think that the present legal punishment for supplying liquor is sufficient ? - I do not.

975. Can you suggest an improvement ? - I would suggest imprisonment, with a larger fine.

976. Do you mean to make imprisonment an alternative ? - I think there should be a fine for the first offence, and imprisonment without the option of a fine for the second offence.

977. Do you ever send a gin or a boy to obtain liquor in order to secure a conviction ? - Never.

978. Have you received any instructions not to ? - I have not.

979. Do you think such a system would do good in preventing this supply of liquor or keeping it

in check ? - I should say that it would have a tendency to obtain convictions, and would put a check on its supply.

980. Do you know of any little half-caste or full-blooded boys or girls roaming about the district ?
- Yes; there are some.

981. Can you do anything with them under the —Orphanages or —Reformatory Acts ? - No.

982. Do you think good would come of it if the Government were to take action to take these children away and do something with them ? - Yes. I certainly do.

983. What do you think of the present system of indenturing little children up to the age of 21 years? - I do not think it is a good system.

- 74b -

Edwardes;

984. Do you mean on account of the want of supervision ? - No. I think it is too long a period to indenture children for.

985. Do you think wages should be paid to aborigines for their labour ? - I do, provided the wages were not given to the men themselves. I would strongly object to that.

986. To what purpose do you think their wages should be put ? -- I think possibly the Government might charge the persons who employ them and make some provision for those natives who are unable to work.

987. Do you ever use neck-chains on black prisoners ? - Yes. They are sometimes used whilst in the bush.

988. Have you any authority for using neck-chains ? - It is the usual way of securing them. I have no official authority for doing so.

989. When an aboriginal prisoner travelling through the bush is accompanied by a mounted officer, is the end of the chain attached to the saddle or is it held in the hand ? - I have never known a constable attach it to anything. There is generally a number of prisoners and they are chained together.

990. Are neck-chains put on women as well as men ? - I have never known of it.

991. Do you know of any chains being put on white prisoners ? - Not since a lock-up has been provided at Port Hedland. I used to put a chain on them before that.

992. Do you know of any reason why neck-chains should be used on blacks and not on whites ? - It is the safest way to secure a native. Generally their wrists and hands are so small that they can slip the handcuff off.

993. Then the fact of the wrist and hand being so small is the reason why blacks are chained by the neck ? - Yes. That is the chief reason.

994. In other words, if the handcuffs were smaller it would not be necessary to chain them by the neck? - I cannot say that. A native's hands are almost as small as the wrists. A handcuff that will go on his wrist will often be slipped over the hands.

995. Have you a tracker here ? - Yes.

996. Is he under contract ? - No.

997. Do you know that the Commissioner of Police is under the impression that trackers are all under contract ? - No; I do not.

998. How much a day do you get for him ? - Two shillings. I have to feed and clothe him out of this.

- 75a -

Edwardes: Pond;

999. Do you find that you can keep trackers without putting them on contract ? - Yes: it is my experience that if a boy does not wish to stop it is better to let him go.

1000. Has your tracker got a gin ? - No.

1001. Is he ever armed ? - No.

27th October, 1904.

John James Pond, Gaoler, Roebourne.

1002. How long have you been gaoler at Roebourne ? - Since 14th January, 1901.

1003. Have you any native prisoners that have been given into the custody of any officer or servant of the Government ? - No.

1004. Under whose instructions are the prisoners working for the local Municipal Council ? - Under the instructions of the Comptroller General of Prisons.

1005. Do they get any extra rations or pay for this work ? - No.

1006. Is the scale of rations for aboriginal prisoners according to the Regulations ? - Yes.

1007. I noticed that the neck-chains of several of the prisoners working this morning were covered. Have you any opinion as to whether they should be covered or not ? - I think they should be covered at all times.

1008. Why ? - Because the chains get very hot and have a tendency to irritate if they are uncovered. When the leather becomes cracked I have the chains covered with old moleskin from

disused trousers.

1009. Do you use what is called an —up and down chain here ? - No.

1010. Do you think the weight of the chain could be modified with safety ? - I do not think so.

1011. Have you any authority for using neck-chains at all ? - No. It is only custom.

1012. Have you received any authority from the Comptroller General of Prisons that all native prisoners consigned to your care should be kept in chains ? - I have not.

1013. Do you use neck-chains on every aboriginal prisoner ? - Not on everyone.

1014. How do you draw a distinction ? - Those who come in from the bush and are practically wild are always but those who are civilised, speak good English, and are of good conduct are given liberty.

1015. Is it ever mentioned in the warrants that the aboriginal prisoners should be kept in chains ? - I have never seen it.

1016. Do you place neck-chains on any other than aboriginal prisoners ? - No.

- 75b -

Pond;

1017. Why not ? - It is not necessary.

1018. The cells in which your aboriginal prisoners are confined are all stone, with iron bars to the windows and iron gates ? - Yes. They are very substantial.

1019. Are these cells sufficiently strong to prevent escape ? - I should say so.

1020. Are the neck-chains kept on the prisoners at night ? - Yes.

1021. Are they fixed to the walls ? - Yes. They are fastened to rings in the wall.

1022. If these cells are sufficiently strong, why are the chains not removed at night ? - That I could not give you any reason for. If the chains were taken off, the prisoners might rush the gates. Two officers are always on duty, and we would have to arm them. There are twenty prisoners in each cell. It would be possible to leave the prisoners chained together, but not cuffed to the wall.

1023. What do you mean by being cuffed ? - Attaching the end of the chain by a small handcuff to the ring in the wall.

1024. Why are the neck-chains used at night ? - Only for so-called safety. If a prisoner were to fall ill at night, when the officer went to attend to him, and the other prisoners were all free, they might rush past him and perhaps get away.

1025. I notice that in your prison you have a central court where the prisoners are allowed to

sleep during the summer months. Is that so ? - Yes.

1026. Could any alterations be made to this court so that the chains could be removed at night ? - Yes. I suggested some time ago to my department that the yard should be grilled. The chains could then be removed from the gates, but not off the necks. Inspector Robertson informed me that the plans were ready in Perth, and that tenders had been called for the grill. He also informed me that he considered the walls were too weak to bear the grill.

1027. Do you think a *chevaux-de-frise** would answer the purpose ? - Yes; if constructed properly on rollers. It would be one-third of the expense of the grill.

1028. The aborigines could then be freed from the chains at night ? - Yes; from the gates; not from their necks.

1029. Does the medical officer visit the gaol regularly ? - Yes; he visits often. His visits are entered in the occurrence book and sent to the Comptroller General of Prisons.

1080. How many aborigines have you in the gaol at present ? - 72.

1081. What offences are they mostly charged with ? - Nearly all cases are cattle-killing or stealing.

* *Chevaux de frise* – 'Friesian horse', a defensive fence of stakes and barbed wire, usually very temporary.

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Mr. J. J. Pond, *continued.*

1032. From what districts do they come, as a rule ? - Wyndham, Fitzroy, and the Leopold Ranges. I have none from this district. One prisoner was sent here all the way from Wyndham to complete the unexpired portion of his sentence, amounting to six weeks and a few days.

1033. Are the apparent ages of these natives put on the warrants that come to you ? - Not always. If a batch of prisoners is sent from one prison to another we have the ages. The ages are generally judged by the officials of the prisons. Our officers have been amongst aboriginal prisoners all their lives. I have not much knowledge of the natives.

1034. What do you consider the youngest ages of the prisoners you have here ? - 16, 15, and 14 years. These boys have been sentenced to two years' imprisonment for cattle-killing.

1035. Does the warrant show whether these prisoners were sentenced by one or more justices ? - Yes; the warrants always have the justice's name attached; in some instances one and in other cases two.

1036. If the prisoner is sentenced by two Justices will the names of those two Justices be shown on the warrant ? - It should be, according to the Act. I have had some trouble with these warrants, and have drawn the attention of the authorities in Perth to them more than once. Only last mail I wrote about a case where eight names appeared on one warrant. These aborigines came from Hall's Creek. One man has died, and it makes it very awkward in cases of transfer, etc. It is only laziness on the part of the clerk to the magistrate.

1037. Does the law demand one warrant for each man ? - I believe so.

1038. I presume that, as gaoler, it is not part of your duty to report that children of 14, 15, and 16 years of age have received sentences of two years each for alleged cattle-killing ? - It is not my business to point this out. They are simply sent to me to undergo their sentences and I only have to see that the sentence is carried into effect.

1039. What proportion of these aboriginal prisoners do you honestly believe know what they are in prison for ? - I think about one-third of them know.

1040. Do you believe in long sentences on aboriginal prisoners ? - I do not.

1041. Can you give me any reasons for thinking so ? - I think that when they have been away from their homes so long they seem forgotten when they return. Their tribes will have very little to do with them. They often commit further crimes because their women have been taken.

1042. Have you any female aboriginal prisoners ? - No.

1043. I suppose they do not kill cattle ? - No; but I suppose they help to eat them. They generally put the men away.

1044. When aboriginal prisoners first come into prison do you find that they suffer at all from the change of diet ? - No. They improve on it very much indeed.

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Pond;

1045. Tell me shortly what is the daily routine of work for aboriginal prisoners ? - They rise at 6:15, wash, and carry away the latrine buckets. When everything is cleaned up they have breakfast. At 7:30 they go out to work. Two officers keep charge while the other two have breakfast. They start at 9 for their work outside the gaol. They return at 20 minutes to 12, wash, and have dinner. They are kept in the yard till about 2:15, and return from work at about 20 minutes to 5. They have tea and at 6 o'clock are locked up for the night.

1046. Do you have a warder on duty at night ? - Yes. From 7:30 p.m. to 6:30 a.m.

1047. The black prisoners are really only working in outside employment for under six hours a day ? - Yes.

1048. Have you any instructions as to the number of hours these blacks have to work at outside employment ? - No. Except that my routine board is approved by the Comptroller General of Prisons.

1049. Do aboriginal prisoners work at outside employment the same number of hours in summer as in winter ? - No.

1050. What is the difference ? - In summer time it is too hot in the middle of the day. All through

the summer we have two hours for dinner. If it is too hot the warders have instructions to bring the men back to the prison. The Resident Magistrate approved of this arrangement.

1051. Do you find that the native prisoners are properly clothed when they come to you ? – They are not always properly clothed. When transferred from one prison to another they are clothed in pants, shirt, and hat, but when they are handed over by the police they generally only have a piece of cloth round their loins, They get blankets now, but they did not always get this. The last lot from Derby were in old gaol clothes.

1052. Are they properly clothed when they are discharged ? - Yes.

1053. Who pays for the clothes when they are discharged ? - The Aborigines Department.

1054. Are the clothes for discharged prisoners obtained from the Government Storekeeper or from the local storekeeper ? - They are obtained from a local storekeeper. An order is issued by the Resident Magistrate, who certifies to the voucher.

1055. Are they paid for at retail prices or at contract rates ? - They are paid for at retail prices. There is no contract. They are the cheapest we can get.

1056. As these native prisoners are working all their time for the local Municipal Council, do you not think it would be a fair thing if the council paid for their clothes on their discharge ? - Most certainly it, is a fair thing. The council at present has their services for nothing.

1057. Are you in favour of any aboriginal prisoner being flogged ? – I am not.

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Mr. J.J. Pond, *continued.*

1058. When did the last flogging take place in this gaol ? - There has been no flogging since I took charge.

1059. Have you had any trouble with your native prisoners ? - I have had no refractory prisoners.

1060. In your monthly Prisoners' Register - prisoners confined in gaol - what do you mean by stating that these aboriginal prisoners are mostly not married ? - They are not legally married according to British law, but all the men have women and most have children.

1061. If the system of neck-chains were abolished, could they not be suitably replaced by a wristcuff attached by chain to the wrist-cuff of his neighbour, one prisoner's right hand being attached to the next one's left ? - Yes; most certainly.

1062. This would allow more freedom of movement, and a shorter chain could be used ? - Yes.

1063. In your opinion with such wrist-chains, could your aboriginal prisoners follow their present outside employment, and be transported in safety ? - Most certainly.

1064. Who escorts the prisoners when first brought to you, police officers or warders ? – Police officers.

1065. Why don't warders do it ? Don't you think it would be better if they did ? - Yes; because they know their men better than a policeman and know how to treat them better, knowing their temperaments. I think it would also be cheaper to the Department, because a warder could be sent without extra expense. The warders know which boys are weaker than others, and such boys would run less chance of being over-exerted.

1066. When you first receive aboriginal prisoners at this gaol, are the neck-chains fixed by single cuffs or by Yale locks ? –Some have Yale locks and some have single cuffs.

1067. Are the neck-chains ever fixed by any other method ? - Yes; by iron split-links. Two batches of prisoners from Wyndham, twenty in each batch, were fixed by this method.

1068. What was your method of opening these split-links ? - By hammer and chisel, with the prisoner's neck placed on the blacksmith's anvil.

1069. Is not this a dangerous method ? - Yes. In case of accident in transport, especially on board ship; if there was a wreck, every life of the twenty might have been lost. Even on shore if one prisoner had a fit it might prove too late to open a link.

1070. Does the escorting constable carry appliances to open such split-links, in case accident suddenly befall to anyone of the batch ? - I have never seen any.

1071. About how long did it take your warder to unloose each split-link ? - Between five and ten minutes.

1072. That is to say, even with all appliances ready to hand, it would take a warder anywhere between one and a-half and three hours ? - Yes.

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Pond; Lappin;

1073. Did the warder find it a difficult job when he unloosened the split-links on the prisoners that came here ? - Yes. I had to superintend and hold the chain while the officer opened the link with hammer and chisel. I was afraid it might injure the prisoners' necks; these prisoners had no proper necklets - all raw chains.

1074. Can you let me take possession of one of these split-links ? - Yes.

1075. Did you draw the escorting constable's attention to such split-links being used ? - Yes. I asked him why they were used. He did not know. Two of my warders were present.

29th October, 1904.

William Lappin, Sub-Inspector of Police, Roebourne.

1076. How long have you been in charge of this district ? - About two years and five months.

1077. How many contracts with aborigines do you know of as being in force in this district ? - According to the information at my disposal there are 234.

1078. How many blacks are in employment and not under contract ? - Roughly, about 1,076.

1079. When contracts are entered into are you consulted at all ? - No.

1080. Do you consider that you should be consulted ? - I consider that in some cases it would be a very good thing if I were. In some cases a contract is made by a teamster or kangaroo-shooter, who gets drunk sometimes, and gets quarrelsome when in liquor, and who might ill-treat the natives or supply them with liquor.

1081. Are there any aborigines under contract to employers to whom you would object if you had the power ? - I am satisfied that there are some to whom I would object.

1082. Do you know of any cases where native women are signed on to single men ? - I do not personally know of cases, but I have been told of some. I think there are single squatters to whom native women have been indentured, but I could not mention a case in point.

1083. The reason, then, that you are unable to give this information is because it is no one's duty to inform you what contracts are signed ? - It is nobody's duty to inform me as far as I know.

1084. As far as you know are wages specified in the contracts ? - No; there are no wages mentioned.

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Mr. W. Lappin, continued.

1085. What is your opinion as to wages being paid for aboriginal labour ? - For the natives themselves to get the cash it would be worse than useless. If the wages could be used for their benefit in some way it would be a useful thing. If they got the money themselves it would only be wasted, as at present they get all the food, clothing, and tobacco they require.

1086. How do you think the money should be utilised ? - The Government should get and retain the money, and it could be used to keep the natives when they were too old to work.

1087. Do you know of any cases of breach of contract by an employer being brought before the court ? - No.

1088. Do you know of any cases where the employee under a contract has been brought before the court for breach of contract ? - Yes. Some have been charged with absconding.

1089. When native women abscond are warrants issued for their arrest ? - Yes; in some cases. It is not a very common thing, but there are cases.

1090. What is the usual punishment inflicted when an aboriginal has absconded from hired service ? - There is usually no punishment. They are ordered back to work. There are cases where they are sent to gaol for a short period, but in most cases there is no punishment at all.

1091. Do you know of any cases where a Justice, on hearing of a complaint against a native, has cancelled the contract ? - No. The only complaint I have come across has been against the native for absconding.

1092. Are you aware that, according to the Act, the magistrate has no power to order an absconding aboriginal back to his employment ? - I must confess ignorance on that point. I would take it that it is meant that the native is willing to go back. It is used in the same manner as a drunk being ordered to leave the town within 24 hours. There is no law for that.

1093. Do you consider that some person should have the power to cancel contracts when an aboriginal persists in absconding ? - I do. I consider that it is cruelty to keep a native against his or her wish for 12 months. At the same time it would not do to cancel contracts indiscriminately.

1094. With regard to indentures and apprenticeships, how many do you know of, independently of those at Marble Bar ? - Thirty-eight, according to the information we received in May last.

1095. The Act gives power to a Justice to visit indentured children. Do you know whether such visits have been made ? - I am not aware of any visits being made. There are plenty of the squatters who are justices of the peace and who visit other squatters who have indentured children. I do not know whether this could be called a visit or not.

1096. Are you consulted in these cases of indenture ? - No.

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Lappin;

1097. Do you know the procedure as to whether all parents of the children are consulted or not ? - I have not been present, but I understand that the parents are willing that the children should be indentured.

1098. What is your opinion about all this indenture and apprenticeship business ? - I think that under proper restrictions, it is fairly useful. We have cases of half-castes indentured until they are 21 years of age. I think that 18 years is quite old enough. Statements have been made in the Press that the indentured employee is led to believe that he or she is not 21 long after they have passed that age so as to keep them at work, but I have not come across or heard of such cases in this district.

The police should have a list of these indentured children so that they would know when they are free to go. At present we have no power to see the indentures. I think there should be some provision made whereby the person to whom they are indentured might be obliged to teach indentured half-caste children to read and write. The girls should also be taught housework and the boys some useful occupation.

1099. Are there any natives working for employers and receiving Government blankets ? - Not

that I know of. We only issue blankets to natives who are really indigent. We generally know they are not working and have to take the squatter's word in very few cases.

1100. Do you consider the blankets a necessary relief ? - I consider it is necessary for the females and children. But the blankets are not always used. The blackfellow here is quite careless of clothing.

1101. Do you think that the Government blankets could be made to last two years instead of one ? - I do not think so. The natives are always travelling and the blankets get torn. With fair wear and tear they would last two years but they do not get fair wear and tear.

1102. With regard to native relief, who supplies this as a rule ? - The squatters, and in some cases the police stations. In this district the police generally supply it. The police do it at Marble Bar and Nullagine stations. There is none supplied at Roebourne and Cossack police stations. The squatters supply at about 10 or 12 places and the police at five police stations.

1103. With regard to the relief supplied at police stations, do you make surprise visits ? - Yes. We count the number of natives and find out the really legitimate cases. Before being put on the relief list the circumstances of the case have to be reported to the Chief Protector of Aborigines for approval.

1104. Can relief be granted without your approval or knowledge ? - I am not aware of any case of the kind. If reports have been made to the Aborigines Department without being referred to the police they are generally referred back.

1105. Are you of the opinion that the relief should be wholly and solely in the hands of the police ? - I would not say that. I do not think that the police could really manage it in this district. The natives would all have to be brought to one spot.

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Mr. W. Lappin, *continued.*

1106. Could this be done if you had centres for the distribution of relief in each district ? - The stations are very far apart and it would be very hard to do this. Some of the squatters' stations are 60, 70, and 80 miles apart.

1107. Do you believe in granting relief to indigent blacks on stations where there are younger and able-bodied relatives working for the owners ? - I really think that the younger blacks in that case should be paid for their work and the money go towards keeping the aged ones.

1108. Do you know of any station where old and indigent blacks who have been working for years are now getting Government relief ? - I know of stations where they are and have been getting Government relief, but on the other hand there are stations where no paupers are charged for.

1109. If the natives were not employed is there sufficient native game in the district to enable them to support themselves ? - Only for the whites there certainly would be. The kangaroos are being wiped out. Considering the quantity of game killed it is questionable whether there would be enough to support the natives if they were turned out. Kangaroos have been shot by thousands

for years past.

1110. I have been told that lately; on two stations near here, over 13,000 kangaroos have been shot. Is this true ? - I do not know for certain. A large number have been shot in the district, but I think the figures have been somewhat exaggerated.

1111. Has a kangaroo shooter to provide himself with a licenser ? - He has to have a gun license if he shoots within six miles of the town.

1112. Can anyone go out hunting kangaroos ? - Yes.

1113. Can a kangaroo shooter go on to leased land to shoot kangaroos ? - Yes. The leasehold lands are considered as Crown lands. It does not require the permission of the pastoralist. This is laid down in the land laws. The station owners are very glad to get rid of the kangaroos.

1114. In your opinion, do these people who distribute relief to the natives benefit by their so doing ? - They benefit to a slight extent. They supply so much flour, tea, and sugar every week. They might buy their supplies at wholesale prices, but then there is the cost of having it carted to the place of distribution. There is no other way they can gain than by buying the food in large quantities, and distributing at retail current prices.

1115. Are you satisfied in your own mind that the blacks actually get the relief that is intended for them ? - Yes.

1116. Do you know any cases of aborigines or half-castes being removed into or being removed from the district and not returned ? - I only know of cases where blacks have been taken away from the district as servants. These were females. It was done with Mr. Prinsep's permission. The drovers who travel on the stock routes sometimes take native boys with them, and I cannot say whether they have been returned or not.

1117. Do you consider it wise that provision should be made that, when a black is taken away he should be returned ? - Most undoubtedly.

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Lappin;

1118. At present have your any power to insist upon his being returned ? - No. They can go where they like as far as I know.

1119. Do you know of any cases of opium being supplied to aborigines in your district ? - I have not heard of an aboriginal taking opium since I have been here. I do not think they touch it.

1120. Do you know of any liquor being supplied to aborigines in your district ? - Yes. It is a great nuisance. There have been two convictions during this last week in Roebourne and Cossack.

1121. For what reason is liquor generally supplied to the blacks ? - In the majority of cases it is supplied for immoral purposes. The coloured men do it to get the gins.

1122. Do not the whites go after the gins ? - Yes; but not to any great extent. The coloured men are the worst offenders.

1123. Have you any difficulty in coping with the evil ? - Yes; I have great difficulty. The police have to be continually on the watch to keep it down. It will always cause trouble as long as the natives are allowed close to the town.

1124. When you suspect people of supplying liquor to natives, do you send boys or women with money to try and get a conviction ? - No. The police generally catch the natives with the liquor. We do not send them with money to buy the liquor. The evil is not the selling it - it is the giving of it, generally for immoral purposes. Sometimes a teamster will get drunk and pass the bottle round amongst the natives.

1125. Is it an offence to give liquor to natives and not sell it ? - Yes; except in the case of an employer giving it to a servant.

1126. Do you believe in an employer giving liquor to a native servant ? - I believe in it being given as a medicine.

1127. Does the Act say whether the servant should be under contract or not in this case ? - There is a section allowing an employer to give liquor to a servant as long as he is working for him (Sec. 56 of 44 Vic., No.9).

1128. In other words, any man, European or Asiatic, can employ a black without contract and supply him with liquor, and you cannot touch him ? - I would certainly bring the case before the court if I found the native under the influence of liquor. I certainly think it means supply in moderation.

1129. In passing through your district I have been struck by the fact that there are aborigines working at almost all the hotels. Is this allowed ? - Yes. The recent amendment to the Licensing Act allows it (Section 6 of 44 Edward VII., No.2).

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Mr. W. Lappin, *continued.*

1130. Do you approve of it ? - No; I do not. In some cases it is the means of blacks getting liquor that they otherwise would not be able obtain.

1131. I have also noticed on the roads in your district cases where teamsters are carting gins about with them, one or two of them in men's clothes. Can you do anything to stop this ? - No.

1132. Do you approve of it ? - Certainly not. The men might be living with the gins and I cannot stop it.

1133. Would you approve of a system whereby natives, except under lawful employment, were prevented from coming into townships ? - Yes. I strongly approve of them being kept out of the townships unless legally employed.

1134. At present have you any right to order them out of the town ? - No. A Justice can order them out if they are not properly clothed, but there is no general power to do so.

1135. I understand that in certain parts of your district firearms are being supplied to aboriginals. Is this so ? - Yes. It happens on the tinfields in the Marble Bar district.

1136. What is your opinion about it ? - I think it is very wrong, and likely to lead to trouble. The matter has been reported to Mr. Prinsep.

1137. Have you any ideas as to how the present laws relating to aborigines can be improved upon ? Would you approve of a system where each district was put under a Protector to whom all matters relating to the aborigines in that district should be referred ? - It is a question that I have not studied. I think it would be better to have one head for the whole State, with Protectors for each district. To be of any use, that Protector should be continually travelling. At the present time most of the reports with regard to the natives are obtained by the police on their patrols.

1138. You believe, then, in making one person in each district responsible for the well-being of the natives ? - Yes, if it is possible to work it.

1139. In passing through your district I have noticed little half-caste and aboriginal waifs and strays roaming about. Do you think anything could be done with these children ? - These are the kind of children I allude to, and who should be indentured to the age of 18 years, and taught to read and write. They should be removed from the blacks' camps altogether. It is a shame that they should be allowed to run wild.

1140. As far as aboriginal prisoners are concerned, what is your opinion about giving an honorary Justice power to inflict a whipping or imprisonment up to three years ? - I think it is too big a power to give one justice. It should be a case for the Quarter Sessions.

1141. Are there any other matters that you wish to bring before my notice with regard to ameliorating the condition of the blacks in this district ? - No.

1142. Is this the district Mr. Malcolmson refers to in *The Times*, in which he makes certain charges of cruelty ? - Yes.

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Lappin; Langtree;

1143. As far as you can learn, how many years is it since he was in this district ? - As far as I can find out, it is five years since he left here.

1144. Do you think there is any actual cruelty on any of the stations ? - I do not. If anything the natives of this district are well treated.

1145. Are your constables continually patrolling ? - Yes, continually.

1146. Do you allow your constables to accept hospitality from the squatters ? - It is not approved

of, but sometimes it is unavoidable. Sometimes when they have a prisoner with them they use a room at one of the stations. They also have to buy food. It is next door to impossible to stop it. The constable may ask to buy food, but the squatter will treat him the same as he does any other person passing that way; he will accept nothing for it.

1147. I have heard that when a constable visits a station he is sometimes made a great deal of. May this not have a tendency to bias his opinion if it were required on any matter in connection with that station? Do you approve of his accepting such hospitality ? - I do not approve of it. I do not think such a thing exists. Some of the squatters here have rather too high an opinion of themselves to make much of the constables and associate with them in that way.

In such cases they tell the constable when he has business at the station that he can have a meal in the kitchen ; and many constables will accept no hospitality from the squatter if they can possibly help it. The constables are provided with pack-horses to convey their provisions on patrol, but it is unavoidable their camping at squatters' stations sometimes in the discharge of their duty.

I know of the constables paying for provisions received at stations. The police are under no obligations to the squatters, nor the squatters to the police.

31st October, 1904.

Matthew John Langtree, Stockman, etc.

1148. Have you come here purely of your own free-will ? - Yes,

1149. What is your occupation ? - I am a stockman.

1150. How long have you been in the Hall's Creek and Wyndham districts ? - Two years last March.

1151. On what stations have you been working ? - I was working on the Ord River, belonging to Copley. I was also droving for Mr. Dillon through the various stations for Forrest, Emanuel, & Co., and also working on the Negri station belonging to the Ord River. I came down with teams, from Hall's Creek, belonging to Ben Cranwell.

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Mr. M.J. Langtree, continued.

1152. When did you leave the district ? - In November last, or the end of October.

1153. Where does most of the alleged cattle-killing take place in that district ? - On the outskirts of the Sturt's Creek and on the head of the Negri. It is mostly on the outskirts of the desert country.

1154. Is the desert side of the Sturt's Creek country in the Northern Territory ? - Yes.

1155. Is the head of the Negri in Western Australia ? - No. It is in the Northern Territory. A great number of the natives brought into Wyndham really belong to South Australia.

1156. The stations mentioned, then, are really in South Australia ? - The outskirts of them are. The places where most of the depredations take place are in South Australia.

1157. Have you seen natives being brought under escort by the police ? - Yes.

1158. Have you noticed whether the chains are attached to the constable's saddle, or held in his hand ? - No. The chains were fastened round the blacks' necks, and they marched along in front of the policeman's horse.

1159. Are the women put in chains ? - Yes. This is done as a safeguard because they are witnesses against the male prisoners.

1160. Are children chained ? - No.

1161. Are the women witnesses ? - Yes, in the majority of cases. They are young women.

1162. Do these blacks speak English ? - In the majority of cases they do, but in a great many cases they have to speak through an interpreter. The Sturt's Creek blacks can make themselves understood.

1163. Who interprets at Wyndham ? - Generally a black tracker does.

1164. Is one tracker told off for this ? - Yes.

1165. What is his name ? - Barney.

1166. Who is the interpreter at Hall's Creek ? - I do not know his name. He is the police tracker.

1167. Do you yourself believe that all these natives who are charged with cattle-killing are really the guilty ones ? - No.

1168. Have you any reason for thinking that they are not guilty ? - Certainly I have. My reasons are that in the majority of cases the best number of these natives have never seen a bullock. I think it is mostly done by blacks who are old hands at the game and who have been in gaol before for the same thing. They mix up with those who have done nothing, and the police arrest the whole camp. I am saying this from my own knowledge.

1169. Do you believe that the cattle are killed at all ? - No doubt cattle are killed, but they are killed by men who have been in gaol before. The men in the desert have to suffer for those who have been in gaol before.

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Langtree;

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1170. When the witnesses from the desert side of Sturt's Creek are brought into the Hall's Creek station are they sent back to their own country when the case is over ? - No. They are cast adrift to get back as best they can.

1171. About how many miles is it from Hall's Creek to the desert side of Sturt's Creek ? - It is 25 miles from Hall's Creek to Flora Valley, and 60 miles from there to Sturt Creek station. Where the majority of the natives are brought from is 25 miles to the edge of the desert. Roughly it is about 100 miles for them to get home again.

1172. Have they to pass any other desert tribes ? - Yes ; two.

1173. Do they experience any difficulty in getting back again ? - They are that frightened of the other tribes that they generally wait at Flora Valley until they can get an escort from a team.

1174. Do you know what length of time they stop at Flora Valley ? - I know at one time they camped for two months until Jim Dillon came through. They then followed his track through. The whole time they camp at Flora Valley they have to get food as best they can; cadging from miners going to Kimberley or Mount Buchanan. They live a great deal on prostitution. They get a lot of food from the Flora Valley station.

1175. The manager of the Flora Valley station shows kindness to them, then ? - Yes; every kindness.

1176. What is his name ? - Mr. Gordon. He belongs to the firm of Gordon Bros. and Buchanan.

1177. Do you believe that the blacks really get the blankets that the police and telegraph masters are supposed to give them ? - No, I do not. I am sure of it.

1178. Can you give me any reasons why you should think that the telegraph masters have not given the blankets to the blacks ? - For one instance, the telegraph station at Turkey Creek.

1179. What proof have you that at Turkey Creek the blacks do not get the blankets ? - Because I have seen them without any, and I have seen Government blankets used at the telegraph station to keep the sun off the verandah. The majority of the carriers coming along that road can prove it. They themselves have given the blacks old clothes. Mr. Green is there. He was formerly Warden at Hall's Creek.

1180. Have you passed Turkey Creek station many times ? - Yes, several times, with teams and with cattle.

1181. What is the usual number of blacks you have seen there ?- At times I have seen from 20 to 30 gins, and four or five native boys.

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Mr. M. J. Langtree, *continued.*

1182. What is the smallest number of gins you have seen there ? - About 12.

1183. What is the smallest number of men you have seen there ? - Two.
1184. Were these gins as a rule young or old women ? - The majority were young women. I could name half of them if necessary.
1185. Do any of the drovers and carriers take women away with them from this place ? – Yes ; they do.
1186. With the knowledge of the master ? - Yes.
1187. What is the reason for taking these gins ? - To help get wood and water, and other reasons best guessed.
1188. Are they taken to Wyndham by these drovers ? - In the majority of cases they are taken to Hall's Creek. Sometimes they are taken to Wyndham. In one case that I know of a man named McKenzie tied a gin up with chains. It was mentioned in the *Sunday Times*, and the police interfered.
1189. Do these drovers and others bring the young gins back again ? - In the majority of cases they do. If the gins want to leave them at Turkey Creek they let them go, and pick up some more. To tell the truth, they cannot do without them.
1190. Do you know whether Government relief is given at Turkey Creek ? - There is supposed to be.
1191. Are the rations bought locally ? - No. They are supplied by the telegraph line-repairer.
1192. What is his name ? - Rhatigan.
1193. Do you believe that the blacks receive the rations which the Government authorise for them ? - I am certain they do not.
1194. Can you tell me your reasons for thinking so ? - Simply this. Every teamster and drover that comes that way sees the natives half-starved. I have been there and never seen any rations going to the camp from the station. At one time I was camped there for a week. They might have fed seven and been paid for 17 or 27.
1195. Do Rhatigan and Green employ any blacks or gins ? – Yes ; both blacks and gins.
1196. Do these blacks appear in good condition ? - Yes; they are hale and hearty.
1197. Have you ever seen the blacks at Turkey Creek given any meat ? - Never, except from drovers.
1198. Have you ever known them get a dead beast from the drovers ? - Yes.
1199. Under what circumstances ? - Dillon came through once, and at the 6-Mile a bullock died. Rhatigan sent the blacks back to get the meat.

Langtree;

1200. Have you yourself fed any of the old blacks ? - Yes, I have. On one occasion I went to Mrs. Rhatigan because one black was dying, and paid her 1s. 6d. for a plate of food for him, and went on.

When I came back he had died. He was supposed to have had food and blanket but he got neither and

died. I believe Rhatigan said, —Let the b--- die ; and he did die.

1201. Have you any quarrel or grudge against these people at the telegraph station ? - I have only been travelling, and have had no quarrel with them.

1202. Can you mention any police station where you are certain that the blacks do not receive the blankets which they are supposed to receive ? - Yes. I can mention the station at Wild Dog (Argyle)

1203. How many miles is this from Wyndham ? - About 110 miles.

1204. What officers are at the Wild Dog (Argyle) police station ? - McKellar and Thompson.

1205. Why do you think the blacks do not get the blankets ? - I have seen it. All the young gins and those who are able to work get them, and the old men and women are out at the creek without any blankets. They have absolutely nothing of the kind.

1206. Have you ever seen the Government blankets used by the police ? - Yes ; I have seen them in front of the police station to keep off the sun, and have seen the old men and women starving for one.

1207. How many times have you passed through the Wild Dog (Argyle) police station ? - Five times.

1208. How many gins have you seen there ? - On an average I have seen 12 to 15, and a half-caste working in the kitchen cooking.

1209. Are these young gins about the place ? - They are in a bough-shed near the police station. They live there with about two trackers.

1210. How far away is the main blacks' camp ? - About a mile away, on the creek. The carter's men go across to this camp when they want a woman.

1211. Are the blacks in this camp in a bad state ? - In the majority of cases they are as regards food and blankets. There is syphilis in the camp, too. On two occasions I came across men who got it there. They have no food to speak of and no Government blankets. They get something by prostitution.

1212. Have you any idea where these young gins come from ? - Yes. In a great number of cases they come from 28 miles away, most of them from Flying Fox Creek.

1213. Who brings them in ? - McKellar or his black boy. In other cases they come from round about Waterloo, which belongs to Tom Deakin.

1214. Have these gins their husbands with them ? - No.

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Mr. M.J. Langtree, *continued.*

1215. Have you any idea why they are brought into the police station like this ? - McKellar told me he brought them in for their own protection.

1216. Have you ever got into trouble with the police ? - Never in my life.

1217. Have you any enmity or grudge against the police ? - No; not at all. I am thinking of joining them now.

1218. Having knocked about the country as you have, what is your opinion as to alleged cruelty of station managers to blacks ? - As regards the Fitzroy district I consider that it is a disgrace. From what I have seen there, in the majority of cases women are employed. The —boss has his own fancy woman, and the overseer has from eight to ten to choose from. I have seen not one but several whipped at night for allowing sheep to wander or because they did not muster the sheep in the paddocks. I saw this at the Quanbung Station.

1219. What is the name of the manager there ? - Rose.

1220. Has he got a fancy woman ? - Yes.

1221. What is her name ? - I think it is Judy.

1222. Where are the husbands of these women ? - In the majority of cases there are no native men there.

1223. What has become of them ? - They may have been shot down years ago.

1224. Are there many half-castes in this Fitzroy River country ? - Yes. There are a lot at Myroodan Station. The Chinaman who cooks there has married a half-caste, and he has a fine boy.

1225. Do these stations employ Chinese cooks ? - Yes. They have their own women.

1226. Do you know of any cruelty going on at Hall's Creek ? - To the best of my belief I do not think there is any cruelty going on. There are a number of diggers there. They camp in the dry season and stack the earth, and in the wet season they employ blacks to speck the gold for them.

1227. Do these miners treat the blacks well ? - They treat them very well indeed; far better than the squatters.

1228. How are the natives treated by the Kimberley pastoralists ? - They have to work night and

day, and all they get is a bit of clothing and a little food. They are only half-fed and half-clothed. It only costs about a shilling a week to keep them. When they get old and infirm they are allowed to lie down and die.

1229. Have you been on the stations ? - Yes. I have seen old men and women blind and helpless. There is no home for them. They die like dogs.

1230. Where are you at present working ? - I am going to work for Mr. Church, at Mount Florence.

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Langtree; Woodroffe;

1231. Do you think we could benefit the blacks in this district if we placed them in reserves where no white people were allowed to go? - It is rather a knotty question, because up in Kimberley there are so many different tribes of natives, and they would not get on well together. I think there should be a reserve at Broome, where the blacks are and they could be put to some use and make the place self-supporting.

I do not think a reserve at Wyndham would be any good. There the blacks are at work cutting down a hill for Connor and Durack. There are too many walk-about blacks in the Hall's Creek district for one there. If one were started there or at the head of the Negri the outside blacks would come in and spoil all the good that had been done.

4th November, 1904.

Alfred Ernest Victor Woodroffe, Branch Manager, Adelaide Steamship Co., late of Wyndham.

(Evidence taken at Port Hedland.)

1232. For how long were you in Wyndham ? - I was in Wyndham from the 21st of February, 1901, to 2nd December, 1903, with the exception of a few months' leave of absence.

1233. Have you ever been in the Wyndham Police Court when aboriginal prisoners were being tried for certain offences ? - I have.

1234. For what offences have you heard them tried ? - I have heard cases of murder, cattle-killing, and stealing tried.

1235. Were you present as an unprejudiced observer ? - Yes.

1236. Have you ever been on a jury at Wyndham ? - Yes; on two or three occasions.

1237. Who prosecutes when aborigines are tried for these offences ? - The police.

1238. Who defends ?-There is really no defence. The prisoners have to defend themselves.

1239. Is there no defence in a murder case ? - No.

1240. Is the defence in these cases taken direct, or through an interpreter ?- There is an interpreter, who is generally the police tracker.

1241. Does this tracker speak good English ? - In many instances he does not. He can hardly understand the English language himself at all. In nine cases out of ten he can only speak a few words of pidgin English.

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Mr. A. E. V. Woodroffe, *continued.*

1242. Does the prosecuting police officer cross-examine the accused ? - Yes.

1243. In —pidgin English ? - In cases where the natives understand English he does it directly in English. In cases where the prisoner does not understand English it is done through the interpreter.

1244. Are you satisfied that the evidence of the aboriginal accused and witnesses is correctly obtained ? - That is a hard thing to say. I do not understand the native language. There is no doubt in my mind that the native witnesses in many cases are not properly cross-examined. As a proof of that I can refer you to the depositions in the courthouse at Wyndham, which will show that the questions put to all the natives are answered alike in every detail, They all have the same story.

1245. Give me an example of this ? - For instance, in connection with the Teroney murder case, the man named was tried for the murder of blacks. Native evidence was brought in this instance, and in every case the cross-examination was like this :-

Do you know the accused? Yes.

Which way he sit down? Along Carlton.

How many men —one, two, three? (Holding up fingers.) The native answers yes.

Every witness is put through the same rigmarole. Each question is put alike, and each witness is questioned from the same notes on the prosecuting officer's paper.

1246. When blacks are accused of a crime you do not think they have a fair trial ? - I am satisfied in my own mind that they never have a fair trial. If a native is tried for murder he is tried before the Resident Magistrate and committed for trial, and then the same Resident Magistrate is given a commission to again try the same case. It is natural that he will not direct the jury against his previous verdict.

I can cite one case (the Teroney case) in which I was not a juryman, but I was interested because I offered bail, but it was not accepted because the Resident Magistrate had a personal animus against me. I attended the court in this case, and the Resident Magistrate told the jury that if they did not bring in a verdict as directed by him it would not be just and right.

1247. In most of these cases, then, do you think the blacks merely get the drift of the evidence, or do they really understand the evidence given against them ? - I firmly believe that the blacks do not understand the charges that are brought against them. I have seen the native asked, —How many cattle you kill? and the number indicated on the fingers. The native answers Yes to this, and it is taken as evidence. The natives generally laugh at it and think it a great joke. They do not

understand the seriousness of the charges, It is a perfect farce.

1248. Is it true that young women are generally brought in as witnesses in cattle-killing cases ? - Yes. In some instances little boys have been brought in to give evidence, who are not of mature age.

1249. Is all this cross-examination done through the interpreter ? - Yes. In three years I have seen many cases in Wyndham, and can honestly say that I consider numbers of these natives have been brought in by the police to gain their own ends.

1250. What do you mean by saying, to gain their own ends ? - By bringing in these natives they derive a revenue of a certain sum per head, and in 99 cases out of 100 the natives are not fed at all. The police obtain this money from the Government as a fee for the upkeep of the native prisoners. I have seen the gin witnesses hunted out to catch lizards. This happened within 25 miles of Wyndham.

1251. Are you satisfied in your own mind that the police do not give the natives the rations that they are supposed to give them ? - Yes.

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Woodroffe;

1252. Have you been an eye-witness to this ? - I was an eye-witness to one case where a mob of blacks were camped at the 12-Mile and the gins were sent to catch lizards. I am not sure now that it was the 12-Mile. It may have been Goose Hill.

1253. Have you ever seen these accused prisoners with the young female witnesses on the road to the court ? - Yes.

1254. Is it to the advantage of the constable to bring them in slowly or quickly ? - It is to their advantage to bring them in slowly, but in many instances, near the town of Wyndham, I have seen them driven before the horses at a pace which no human being could keep up with any distance. I have seen them detained at the 6-Mile and then driven in the heat of the day in front of the horses into Wyndham.

1255. Are the prisoners always chained ? - Yes.

1256. Are the female witnesses also chained ? - No. I have never seen them chained. I may state that I have seen old and feeble men brought in by the police driven in front of the horses. They could hardly walk, and have been kept in the gaol out of charity. The doctor has treated them there until such time as they could be sent back to their own country and even then they have again been brought in by the police.

1257. Is it to the advantage of the police, then, to bring in as many blacks as they can from as great a distance as they can, keeping them as long on the road as possible ? - Yes. Quite so. I may tell you that six or seven witnesses were brought in in connection with a murder case about three hundred miles. There were three charges of murder against the accused.

1258. Were you present when this case came on ? - Yes. I was one of the jury.

1259. Was any proof given of the aboriginal actually having been killed ? Was the corpse identified ? - The only proof was the statements of the witnesses.

1260. What was the verdict ? - In the first case I do not think I was on the jury. I was one of the jury when the second case was tried. One of the jury disagreed and we were kept in a backroom of the courthouse until 8:30 at night. It was 104 in the shade that afternoon. As we could not agree we

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Mr. A.E.V. Woodroffe, *continued.*

were allowed to go away home. The case was over so far as we were concerned. Next morning we were brought before the magistrate and discharged. They formed a scratch jury from the *S.S. Moonta* and I believe the prisoner was discharged. In one case against him I think he was charged with manslaughter and sentenced to imprisonment.

1261. When did this case take place ? - About March, 1903.

1262. Do you mean to say that in this case of manslaughter, where a man's life was at stake, there was no one acting in his defence - a case where the Resident Magistrate was commissioned by the Supreme Court to try the case on a capital charge ? - There was no one defending him whatever. It was purely a case of one native's word against another's, interpreted through a native tracker. That native tracker was in the employ of the police.

1263. In the cases that you saw in Wyndham, did the blacks ever get any justice ? - During the years that I was in Wyndham I did not see one case of justice. I will say that Dr. Belgrave treated the blacks with great leniency and always gave them the benefit of a doubt, no matter how the police pressed the charge.

1264. Do the people in the North take this aboriginal court procedure as a matter of course ? - It is looked upon as a perfect farce by the public generally. The trial of natives in the courts of justice in the Kimberley district that I have seen is a perfect farce. During the time that I was in Wyndham there were four Resident Magistrates there. I am not sure of one of them, but three of them who received commissions to try natives on serious charges had tried them previously in the lower court. In one case the magistrate was absolutely deaf, and I do not think he could try a case justly.

1265. Do you mean to tell me that Resident Magistrates have received commissions to try natives on capital offences ? - Yes. They have been commissioned to try blacks as well as whites.

1266. Knowing that such things were going on at Wyndham, did you ever consider the propriety of reporting matters to the proper authorities ? - They may have been reported. Some of the charges certainly appeared in a section of the press (the *Sunday Times*), though to my knowledge no special inquiry was ever made.

1267. How do you think such abuse of justice can be remedied ? - There is only one way in my mind, and that is to prevent the greater number of these natives being brought in for trial in

certain cases.

1268. Do you mean by preventing the police benefiting by bringing the native prisoners in ? - Yes. In the case of the native against whom three charges were preferred I might say that it was the custom for the best spearsman in the tribe to kill certain members of another tribe. As this man happened to be the best spearsman he was, by the native law, only doing his duty. This man was brought in 300 miles with witnesses. The police are supposed to have got a nice little remuneration for this case.

1269. Do you think so many cases would be brought before the court if the police did not receive any allowance for rations ? - I do not. I heard one constable in Wyndham say (I could mention his name), —I have brought the black brutes in simply because I can make a few shillings out of them. That same constable was threatened in connection with one case that if he gave evidence of a certain nature his gross ill-treatment of the natives would be reported to his department. To my knowledge it had the desired effect. and he did not give the evidence.

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Woodroffe;

1270. Were any witnesses present when you heard this remark ? - There were witnesses present, but I do not know whether I could mention any to prove it. It was said just outside of the courthouse.

1271. In these cases of alleged cattle killing, do you yourself believe that the cattle are really killed by the blacks who are brought into court ? - I have seen cases tried before the magistrate in Wyndham for cattle killing where the arresting constable gave evidence to the effect that he had found beef in the possession of the natives. It was two or three days old and had been cooked. The prisoners were convicted on this evidence.

1272. Would the evidence against the accused which is brought forward in these alleged cattle-killing cases be sufficient to convict a white man in similar circumstances ? - No. It is done through the police tracker as interpreter. This boy is in their employ and helps to bring the prisoners in. He camps with the prisoners and witnesses before the case is brought before the court.

1273. Is there anything further you would like to tell me ? - In connection with the magistrates who have been at Wyndham, I think that cases that are heard before them in the first place should not be again heard before them. I do not cite any particular case. I could mention magistrates who have been stationed at Wyndham who have been biased against the natives ; no man could help seeing it.

1274. Are you prepared to give their names ? - Mr. Skinner, who was Acting Resident Magistrate. Also Mr. P. J. Gibbons, Resident Magistrate. I am not going on mere hearsay. I guarantee that if the depositions were gone carefully into, no man could be convicted on them. I have walked out of the court disgusted at what is called British justice.

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Fletcher/Kuhlmann;

6th November, 1904.

Bertram Henry Fletcher, *late* Kuhlmann, Constable of Police, La Grange Bay.

1275. How long have you been at La Grange Bay ? - Two years and four months.

1276. What are your duties there ? - Protecting the natives and keeping immorality down. Those are my instructions.

1277. What is the nature of the immorality ? - Connection between aboriginal women and Asiatics employed on the pearling boats.

1278. Is there much of this going on ? - Yes. There is a great deal of it, but it would be terrible if no one was there to stop some of it.

1279. Is there much disease amongst the aborigines at La Grange Bay ? - There is some, but I am pleased to say that there is not so much as when I first went there.

1280. How many blacks are there in the neighbourhood of La Grange Bay ? - Within my patrol there are about 400 natives.

1281. What proportion of these do you consider are diseased ? - Not quite one-quarter of them, as the men are in the majority. The worst cases are generally among the women. To give an instance, a short time ago 30 of the blacks were very bad with venereal disease and about 17 or 18 of these died.

1282. Were these mostly women ? - Yes. All but one or two.

1283. Were there any young girls amongst those diseased ? - There were none of tender years, but some were as young as 16.

1284. What success has attended your efforts in coping with this evil ? - I have had great success. I suppose there is not one-tenth of the disease that there was when I went there first. This can be proved by the decrease in the supply of medicines.

1285. What steps have you taken to stop immorality? -I kept the natives together as much as possible, and when I saw any Asiatics from the boats come ashore about night-time I put them in chains for the night. Of course many of them have got ashore when I have been unable to see them. I have given the natives work to do to keep them out of mischief.

1286. Surely you could not watch every creek in the neighbourhood ? - Certainly, I could not. I have mustered the natives in one or two places and seen that no men from the boats came near them. Very few natives get away from the camps. One disadvantage is that I have never had full powers to do this. When I have had to come to Broome all the good that has been done has been undone.

1287. Is there nothing to prevent these boats' crews getting wood and water themselves ? – There is nothing to prevent it that I can see.

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Fletcher/Kuhlmann;

1288. Do the blacks you mention come to the creeks because of the Malays and other Asiatics ? - Yes. Some of them come from the coast and others from inland. The coastal natives tell them what they can get from the crews and they are attracted. Some natives come from 100 miles inland to trade with the crews about twice a year.

1289. Do you mean to tell me that they come from 100 miles inland for the purposes of prostitution ? - Yes.

1290. What reward do they get for that prostitution ? – That rests with the Malays. They generally get rice, flour, clothes, food, tobacco, and pipes.

1291. If none of these Asiatics were there do you think they could get sufficient food to live on ? - That is a question now.

1292. Why is it a question now ? - The natives have been so used for many years past to this method of getting food that it would be hard work to break them of it. They have got rid of most of their native weapons and tools, and it would take some time to get them back to their old habits; but I think that if they were forced they could do it.

1293. Is there sufficient native food there for these blacks to live on if they were forced to do it ? - I daresay there would be enough.

1294. Are there any relief centres in the district you patrol ? - Yes.

1295. Are you satisfied yourself that the blacks do get this relief ? - I am perfectly satisfied that they get some, but I would not say that they get it all. If the food was given to them raw, I should not think the quantity would be sufficient for them to live on.

1296. Is the food cooked for them, then, before they get it ? - Yes. Mr. Tuckett, of La Grange Bay, cooks the food that he supplies them with.

1297. Why do they not cook it themselves ? - I do not know the reason of it at all.

1298. Is it to the advantage of the distributor to cook the food first ? - Yes; considerable advantage.

1299. Kindly explain where the advantage comes in ? - A bag of flour will boil up to three times its weight. If the distributor get 9d. per head for 40 natives, one bag will feed these when it is boiled ; but if it is given out raw it would take a greater quantity. I would much rather see the food cooked first, because if it is given out to the old natives and they are allowed to take it away to the camp, they generally have to share it with loafers and hangers-on. When it is cooked first they can

eat it on the spot.

1300. Do you think that this promiscuous feeding of the blacks finds a living for a lot of blacks who would otherwise be able to get their own food ? - I certainly think it, except in the case of cripples, who could be kept by the younger ones. They did it before the whites came.

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Mr. B.H. Fletcher/Kuhlmann, *continued.*

1301. I suppose most of the people who are getting relief have younger relatives working on the stations ? - Yes. In most cases they have.

1302. Do these young people who are working on the station get any wages ? - They certainly do not. The payment of wages to aborigines is a thing totally unheard of here.

1303. Do you not think it a farce that the Government should be supplying relief to the old natives when the younger ones are working on the stations ? - It is a farce. My reports will show that I have brought the matter up before.

1304. Would you approve of a system whereby these pearling luggers would only be allowed to obtain wood and water at certain fixed points on the coast ? - Yes ; I would, most emphatically.

1305. And whereby no blacks would be allowed to go near these places ? - I would be very much in favour of such a system. But I would like to make a suggestion by which the creeks could be patrolled and the male blacks could earn their own living by cutting wood and getting water for the boats.

1306. Why should the blacks get wood and water for the boats at all ? - I only make this suggestion as some of the blacks would then earn their keep. There are so many creeks that it would take a regiment of soldiers to patrol them properly. Why not make some provision whereby the natives could earn their own food ? Last year I managed so that the natives got some return for their work. I did it entirely on my own initiative. I had no power to do so.

1307. If the blacks were not allowed to get wood and water for the luggers, do you think there would be sufficient native food if they were forced to get their own food ? - Not if they were concentrated.

1308. Would you approve of a boat patrolling the coast to see that the pearling boats did get wood and water at the specified places and taking action if the crews landed in any other places ? - I would certainly approve of it. I think La Grange Bay should be made a centre for this part of the coast south of Broome. It would be idiotic to run a boat from Broome down to La Grange Bay.

1309. At present have you any power to prevent these Asiatics coming on shore and mixing with the aborigines ? - There is no law to prevent it at all.

1310. Besides Malays and other Asiatics, do white men from the boats interfere with the native women ? - Yes; men who should know better.

1311. Do you approve of a system of having large reserves along the coast where no one should be allowed to land ? - Yes; there should be reserves on which the Asiatics should not be allowed to go, and also reserves on which the aborigines should not be allowed to go. When the pearling boats come along, the natives could be allowed on to the reserves with the permission of the man in charge of the reservation.

1312. Are any of the aboriginal women taken on board the boats ? - Yes; I am certain that women are taken on the boats, but I have only seen it from a distance, and have been unable to prevent it, as I have no boat. I have reported the matter, and got a rap over the knuckles for doing so without clear proof.

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Fletcher/Kuhlmann;

1313. From whom did you get the rap over the knuckles ? - From the officer in charge at Broome

1314. Do you know that it is a punishable offence to take aboriginal women on board the boats ? - Yes; but I have never been able to get clear proof of it. I have seen it at a distance, but did not know the names of those concerned. The boats go to sea with the women on board, and all I can do is to report what is going on.

1315. Are there any water police at La Grange Bay ? - No. I have applied for a boat, but I was told that it was not necessary.

1316. When did you apply for a boat ? - I have done so several times. I applied within the last four months.

1317. Do you know whether these women are taken against their will ? - They are forced to go by their husbands and the men. I would not say that they go willingly. There are exceptions, but in the majority of cases the prostitution is caused by the black men.

1318. Is there anything else you would wish to bring before my notice ? - No. I would refer you to the constable who took my place while I was away on leave to bear out my statements.

1319. Is your salary paid by the Police Department or the Aborigines Department ? - It is paid by the Aborigines Department.

1320. Do you receive your instruction from the Aborigines Department ? - I do not think I have had direct instructions from either department. I certainly have none in writing.

1321. You have simply to do the best you can under the circumstances ? - Exactly so. That is how I have been placed.

1322. From the evidence you have given me I gather that, unless you have larger powers than you have at present, this immorality will go on just the same. Is that so ? - I am sure of it. I may just as well sit down in the tent and enter in the journal Gone to Broome, or patrolled somewhere else, and not go out at all as things are at present.

8th November, 1904.

John Wilson, Constable of Police, Isdell River.

(Evidence taken at Derby.)

1323. How long have you been stationed in the Isdell River district ? - I have been about 16 years in the East Kimberley district, but only 12 months in this part it.

1324. Have you had any experience in arresting blacks cattle-killing ? - Yes.

1325. How often ? - I have been at it a good deal during the last 10 years. I could not say exactly the number of times I have been engaged on the work.

1326. When on such an expedition do you always take a warrant ? - No.

1327. Do you go armed with an information ? - Yes. We always get the information from the settlers. We never go in pursuit of natives unless we get a complaint from the settlers to the effect that the natives have been killing their stock.

1328. Is the information with which you are armed always in the proper form ? - We do not always get it written. It is very often verbal.

1329. Then your information is not always in the proper form ? - It is not always written.

1330. Is a verbal information a proper form in which to have it ? - No.

1331. Do you know beforehand how many blacks you are going to arrest ? - No.

1332. Are you armed ? - Yes.

1333. Is your tracker armed ? - Yes.

1334. What is he armed with ? - A rifle, a Winchester carbine.

1335. How many horses do you generally take with you on such an expedition ? - About ten.

1336. How many neck-chains do you take ? - I usually take sufficient for about 15 natives.

1337. You said just now that you did not know how many natives you were going to arrest. Is the precaution of taking 15 neck-chains sufficient ? - It is very seldom that we arrest more than that number. Very often they do not exceed that number.

1338. Are your neck-chains fitted with cuffs or split-links ? - Cuffs.

1339. How much do you take in the way of provisions when you start ? - I take sufficient rations according to the length of time I expect to be patrolling.

1340. Do you mean to say that you take sufficient rations for 15 natives ? - Yes.

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Wilson;

1341. What is the nature of these rations ? - Flour, tea, sugar, and jams.

1342. About how much flour do you take ? - I take about four or five cwts. of flour.

1343. How much tea ? - About 10 lbs. for a trip.

1344. How much sugar ? - About 40 lbs.

1345. How many jams ? - Just two or three tins.

1346. Do you supply your aboriginal prisoners with tea, sugar, and jams ? - Tea and sugar; not jams.

1347. How long do you generally expect to be away on these trips ? - I generally take provisions enough for two or three weeks, but I never know when we start out the time that we will be away.

1348. What is the longest time you have been away on one of these trips ? - I have been out nearly three months.

1349. Do you or your trackers shoot any game on the road ? - Occasionally.

1350. Do you buy any beef from the stations on the road ? - Yes; beef or any other provisions that we may be short of.

1351. What do you pay for your beef on the stations ? - Fourpence per lb. On the stations that I am on at the present time we buy a carcase for £5. In the East Kimberley district we paid fivepence a pound.

1352. How many prisoners have you secured on one occasion for cattle-stealing ? - The most I have ever secured was 33 on one patrol.

1353. I want to know exactly the manner of arrest in such a case: when you arrest the natives do you actually go into the camp yourself or send in your trooper first ? - I go myself, in company with the tracker.

1354. Have you ever sent your tracker in by himself ? - I have on one or two occasions.

1355. Do any Europeans assist you in the arrest ? - Occasionally.

1356. Are these people interested in the station; are they stockmen, or managers, etc. ? - They are

stockmen.

1357. Do you demand the assistance of these Europeans in the King's name ? - No.

1358. Under what authority, then, do they assist you in arresting the alleged cattle-stealers ? - No authority. These men volunteer to come if I am short-handed.

1359. That is to say, the people who assist you are interested in the station ? - Only that they are stockmen.

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Mr. John **Wilson**, *continued*.

1360. Do they go on the orders of the manager ? - Yes. I have had stockmen from the stations, and do not know whether the manager knew of it or not. Managers from the stations have accompanied me several times.

1361. Are these European temporary assistants armed or not ? - They are armed.

1362. What has constituted the largest number of armed European assistants who have been with you in arresting aborigines ? - About two men are as many as I remember having with me as European assistants.

1363. What is the largest number of guns you have had in your party ? - About six or seven rifles, as near as I can recollect.

1364. What time of the day or night do you generally make these large arrests ? - Daylight in the morning.

1365. Who tells you in which camp the supposed cattle-killers are ? - We usually find tracks where they have killed the beast, and follow the tracks from there, or we get information from other natives.

1366. Do you accept the information of other natives in these matters ? - Not altogether.

1367. Only when it suits you, or when ? - We often find the remains of a beast in the camp - the bones or portions of the hide.

1368. I presume you then surround the camp with your guns? - Yes. We go to darkness of night and wait for daylight.

1369. Do you arrest every black you find in the camp ? - Not on all occasions. Sometimes we do when we have sufficient evidence against them.

1370. You mean aboriginal evidence ? - Yes; and with what evidence we have seen ourselves.

1371. By looking at the carcase of a beast that has been killed, do you mean to tell this Commission that you can tell whether one black or one gin or twenty blacks or twenty gins have

killed the beast ? - The tracks are there to go by. We see the tracks of a large number of natives where the beast has been killed.

1372. Does it follow that because you see a large number of tracks in the neighbourhood of a carcass that all these blacks have had a hand in it ? - They usually do. There is usually a large party of blacks assembled at the time one of these beasts has been killed.

1373. How do you know this - by aboriginal evidence or no ? - We have the tracks to go by and we have the evidence of the gins who accompany the blacks.

1374. Is this evidence of the gins obtained before or after you arrest the men ? - Before we arrest them. On some occasions we secure the men first and get the information from the gins afterwards.

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Wilson;

1375. You may really be arresting men who are not guilty ? - There is no other way of arresting them. These natives will not stand until we get the information from the gins unless we detain them. Civilised natives would certainly.

1376. Are some of these women whom you detain the relatives and wives of these natives ? - Yes.

1377. Do you warn them about giving evidence against their husbands ? - No.

1378. Do you ask each prisoner whether he has killed a beast ? - Yes.

1379. Do you inform each prisoner, individually, what he is charged with ? - No. Not at the time of the arrest.

1380. Can you speak their language or do you manage it through an interpreter ? - Through an interpreter.

1381. Who is generally the interpreter ? - One of the trackers.

1382. Is the tracker in the pay of your department ? - Yes.

1383. Does each constable up here have his own tracker ? I mean to say, does the tracker now working for you always accompany you while in the district ? - Each man on my station has not got his own tracker. I am in charge of the lot of the trackers. There is no rule to the effect that one tracker should always remain with me. There may be a different man out on each patrol and the blacks have to go with whoever is going out.

1384. What is the farthest distance you have gone out from the station with one of these trackers and arrested alleged cattle-stealers ? - About 150 miles is the farthest point from the station to which I have gone.

1385. Can you give me any particulars of the tracker who went with you on that occasion, as to whether he was born in the district or what language he spoke ? - He belonged to the district of Derby.

1386. Do you mean to tell me that such a tracker, born in Derby, can thoroughly understand the language spoken by blacks 150 miles away ? - I had two trackers with me on this occasion, and one of them thoroughly understood the language spoken by blacks of the district where I was patrolling.

1387. Are you prepared to swear that on all occasions the trackers you have with you can thoroughly understand the language of the blacks whom you arrest ? - Yes. On the station where I am now there are two separate tribes, and the trackers can only speak one of their languages. I usually get one of the natives that belong to this district to interpret for the prisoners. Any other part I have been in I could always get natives who could speak the language of that part of the district.

1388. On some occasions, then, your own tracker has to get another interpreter before your tracker can understand the natives ? - Yes. This is on the particular station where I am at present. I have never had to do it before.

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Mr. John **Wilson**, *continued*.

1389. Have you had to arrest any blacks in the particular district where you are now under these circumstances ? - Yes. I have arrested a few, only two or three.

1390. Will you swear that each prisoner thoroughly understands what he is charged with when you arrest him ? - Not at the time. I might do it a few hours later.

1391. Do you arrest only those that admit their guilt ? - I arrest only those natives against whom I consider I have sufficient evidence.

1392. What is the nature of the evidence, aboriginal ? - Yes.

1393. Do you also arrest those in whose actual possession you find beef ? - Yes.

1394. Do you ever arrest the gins ? - Yes.

1395. Do you accuse them of cattle-killing ? - No.

1396. Do you arrest them as witnesses ? - Yes.

1397. Have you any legal authority to arrest these women as unwilling witnesses ? - No. Not that I am aware of.

1398. How do you detain them, with neck-chains ? - They are chained by the ankles.

1399. Do you mean that their two legs are chained together ? - No. I fasten the gin to a tree with a handcuff and then fix the chain to one ankle with another handcuff - one handcuff for each

prisoner.

1400. Is it only at night that they are chained like this ? - It is necessary to detain them sometimes in the day when going through scrub or rocky country where they might get away. It is very rare that they have to be secured in the day time.

1401. The commission has received evidence that these witnesses are generally young gins or young children. Is that so ? - I have never brought in female children as witnesses, that is, what I have considered children.

1402. Have you brought in young women ? - Yes.

1403. Have you brought in old women ? - Yes.

1404. Is it true that more young women are brought in as witnesses than very old ones ? - I think there would be an equal portion of each.

1405. Do you allow your trackers or the assisting stockmen to have sexual intercourse with the gins whose relatives or friends you have arrested ? - They may do it without my knowing it.

1406. Do you take any precautions at night that these assisting stockmen or trackers do not have connection with the women when chained to the trees ? - No.

- 90b -

Wilson;

1407. Does such intercourse go on ? - I suppose it does. It could go on in the camp at night and I would know nothing about it.

1408. So far as you know, then, this sexual intercourse may go on with these female aboriginal witnesses ? - Yes.

1409. Are these female aboriginal witnesses ever chained on the road ? - In the day time, if it was necessary to secure them with chains, the chain would be put around the neck.

1410. Is the end of the chain ever attached to the horse's saddle ? - No.

1411. Is the end of the chain ever held in the hand of the arresting constable ? - If there was only the one prisoner it would be necessary to do so. I have done it.

1412. Have you ever attached the chain to the horse's saddle ? - No.

1413. Is it ever done to your knowledge ? - Not that I have heard of.

1414. How many miles a day do you travel your prisoners ? - According to the Regulations, we must not travel more than 15 miles a day. The natives could not average 15 miles a day in the bush. Even with a good road it would be severe on them then. Sometimes we have to travel 250 miles. You cannot always find water in the 15 miles and would have to travel 20 miles. On these

occasions water is carried for them in water bags.

1415. What was the longest patrol on which you have been and brought in the largest number of prisoners ? - I have been away about three months and brought in 33 prisoners, with about six or seven witnesses.

1416. On such an occasion would you have enough food on your pack horses to supply them with ? - I would not start away with sufficient provisions. Where I was patrolling at that time I was in a settled district and could get provisions anywhere I needed them.

1417. Did you get your trackers or other assistants to shoot kangaroo on the journey ? - Sometimes.

1418. Did you get gins to collect lizards or roots on the journey ? - I have never sent them out for the purpose of collecting lizards or roots. They would pick them up on the road if they came across what they wanted.

1419. In these cases of cattle-killing, who was the prosecutor when you brought these blacks into court ? - I was the prosecutor.

1420. Who were the chief witnesses for the prosecution ? - Natives.

1421. What natives ? - The natives whom I found in company with the prisoners.

1422. Do you mean the native women ? - Yes; native women.

1423. Native women are generally the chief witnesses in these cases, are they not ? - Yes.

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Mr. John **Wilson**, *continued*.

1424. Do you bring in any witnesses for the defence ? - No.

1425. Why not ? - It is not a customary thing in the district. I have never seen it done.

1426. This is rather a one-sided kind of justice for the black, is it not ? - Yes. I have never known it to be done since I have been in the district.

1427. You have admitted that some of these witnesses are relatives of the prisoners, have you not ? - Yes. They are all related in one way or another to the prisoners.

1428. And in court they are not warned about giving evidence inimical to their husbands' interests like a white woman would be ? - No ; they are never cautioned.

1429. Are not these aboriginal female witnesses equally guilty of the alleged stealing of the carcass ? - Yes.

1430. What makes you pick these women to give evidence against the men ? - I can get no other

native evidence. We have either got to take the women or some of the men.

1431. Do the instructions demand that you should always get evidence to convict a prisoner ? - It is an understood thing that when a man arrests another he should have sufficient evidence to convict him.

1432. And you have admitted that these women are equally guilty with the men ? - Yes ; they are equally as guilty of stealing the carcass.

1433. These women are practically asked to turn informers ? - Yes.

1434. Who asks the accused in court whether he pleads guilty or not ? - The magistrate.

1435. Through an interpreter ? - Yes.

1436. Is the interpreter the police tracker ? - Not always; but he generally is the police tracker.

1437. Do you mean to tell me that the ordinary police tracker can thoroughly understand and explain to the accused prisoner the meaning of the word 'guilty' or 'intent' ? - No.

1438. Is there anyone in court to look after the defence and interests of the prisoners ? - No.

1439. When the charge is made against these accused, is each one charged separately as a rule ? - No. The charge is made conjointly. As a rule, any that are arrested on warrant are charged separately, but those who are not arrested on warrant are charged conjointly.

1440. How many have you seen charged conjointly on anyone occasion ? - I could not say for certain. About eight is as many as I can recollect.

1441. Would the same evidence which you bring forward for cattle-killing by these blacks convict Europeans under the same circumstances ? - I do not think so.

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Wilson;

1442. How much do you receive per day for escorting each aboriginal prisoner or witness ? - 2s. 5d. each per day.

1443. Do you get the same amount for returning the witnesses to their native homes after the trial is over ? - Yes.

1444. Are they always taken back again, without exception, to their native homes ? - I have sent them out on one or two occasions when they have not had far to go.

1445. Do you receive payment for this ? - Yes. I have given them the amount in supplies to carry with them sufficient to take them to their own country.

1446. Have any of the accused prisoners whom you have brought into court been found not

guilty ? - I do not remember any.

1447. How many have you secured a conviction against during the same period ? – There may be about 100, or perhaps over. I am not certain.

1448. Is there any name given by your department to this special allowance for aboriginal prisoners and witnesses ? - Yes. It is called prisoners' rations.

1449. Are these rations paid for by the Police Department or the Aborigines Department ? – By the Police Department, until the prisoners are disposed of to the Gaols Department.

1450. Do you actually spend 2s. 5d. per day on each prisoner or witness ? - No; but each native has sufficient food.

1451. How could you make up 2s. 5d. per day for rations for a young female aboriginal witness, for instance ? - They have the same rations as the men.

1452. You say that they only receive flour, tea, and sugar, and that you kill kangaroo sometimes, and that they sometimes collect lizards and roots. I want to know how you can spend 2s. and 5d. per head on each one ? - (No answer.)

1453. I will ask you in another way - Do you expend the whole of this 2s. 5d., per day on each prisoner or witness ? - I think that the 2s. 5d. is spent on each native prisoner, considering that I have to find my own horses and saddles to take the provisions out.

1454. Does the Commissioner know of this arrangement, that you have horses and saddles to take the provisions out ? - I think he does. I may explain that as far as I am personally concerned the Commissioner does not, but my intentions are to let him know about it because I could not carry on the work and find my own horses too. The horses I speak of are for carrying out private stores.

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Wilson; Inglis;

1455. About what was the total amount you received under the 'prisoners' rations' account last year ? - I could give the information if I saw the books kept at the station to which I was attached last year.

1456. About how much do you make a year on this account ? - I could not say. I keep no account of it.

1457. Surely you must know what amounts are paid to your credit on this account ? - No. I do not keep any separate account of it.

1458. Do you mean to tell me that you are not in a position to state whether you make a profit on this 2s. 5d. which you are allowed for daily rations for these blacks ? - I make a profit. I do not lose anything by it.

1459. Do you in any way share your profit [?] with any other police officer ? - In an indirect way. The moneys are all paid into the mess fund at the station. If there is any surplus it is divided

between the men if they are working together. Any profit is very small.

1460. How many cases or instances can you give me where there has been no surplus ? – I could not say.

1461. Does the tracker get any share out of the profit ? - No.

1462. Not in the way of new clothes ? - He gets all the clothes that he needs.

1463. Who pays for these clothes ? - The constables.

1464. How much a day do you get for the tracker ? - Two shillings.

1465. With that you are supposed to clothe the tracker ? - Yes.

11th November, 1904.

John Inglis, Constable of Police, Hall's Creek.

(Evidence taken at Wyndham.)

1466. How long have you been stationed at Hall's Creek ? - Two years.

1467. Have you had any experience in arresting blacks for cattle-killing ? - Yes. A good lot of experience.

1468. When on such an expedition do you always take a warrant ? - No.

1469. Do you go armed with an information ? - Yes; we have an information.

1470. Is it always a written information in the proper form ? - Yes. The manager generally writes it on foolscap and sends it to the officer in charge of the police station.

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Inglis;

1471. Do you ever go without an information ? - Only when out on patrol. Sometimes we find these things out ourselves without information, but very seldom.

1472. When you patrol through the various stations do you go to the homestead and ask whether there are any complaints against blacks for cattle-killing ? - Yes; we always ask.

1473. Do you know beforehand how many blacks you are going to arrest ? - Never. We have not the slightest idea.

1474. Are you armed ? - Yes; for our own protection.
1475. Is your tracker armed ? - Yes.
1476. What is he armed with ? - A rifle of the old Winchester pattern.
1477. How many horses do you generally take on such an expedition ? - Fourteen.
1478. Do you have to pay for any of these horses out of your own pocket ? - We pay for private horses. The number I mentioned are Government horses.
1479. How many trackers go with you ? - Five is the most. Three or four is general.
1480. Are these trackers under contract to you ? - No. They can come and go as they please.
1481. Are they permanently employed by you ? - They are if they like to stay.
1482. Do any Europeans go with you ? - No; never.
1483. How many neck-chains do you take ? - It all depends on the report issued. If they report a large number of blacks, I take chains accordingly.
1484. Does the manager know beforehand how many blacks have been killing his cattle ? - Yes; he does.
1485. What is the largest number of neck-chains you have taken ? - Chains to hold from about 25 to 30.
1486. Are your neck-chains fitted with cuffs or split-links ? - Handcuffs and split-links.
1487. Where do you get these split-links from ? - We get them for ourselves from Sandover & Co., in Perth.
1488. Do you pay for these split links yourselves ? - Yes; for our own safety.
1489. Does the Commissioner of Police know that you purchase these links on your own private account ? - I think he does now. We have applied for them three or four months ago. He must know now.

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Mr. John **Inglis**, *continued*.

1490. How much do you take in the way of provisions when you start ? - It all depends on the report that is sent in. If I think I can arrest the natives reported I take very little. It depends on the seasons also.
1491. How long do you generally expect to be away on these trips ? - The most is two and a-half months.

1492. Do you or your trackers shoot any game on the road ? - Never.
1493. Do you buy any food from the stations on the road ? - Yes.
1494. Any other provisions ? - Yes; flour, and we buy beef by the bullock, for which we pay £6 per head.
1495. Have you ever received beef from the stations without having to pay for it ? – Never. [1983-6]
1496. What is the largest number of prisoners you have secured on anyone occasion for cattle-killing ? - Thirty-three in the last cattle season.
1497. Who was with you on that occasion ? - Constables Wilson and Caldow.
1498. I want to know exactly the manner of arrest in such a case. When you arrest the natives do you only go into the camp yourself or send in your tracker first ? - My tracker goes in first to talk to them.
1499. Have you ever sent your tracker in by himself ? - Never.
1500. You have never sent the tracker in by himself ? - Never.
1501. Do any Europeans assist you in the arrest ? - Never. Only police constables.
1502. Do the aboriginal employees on the stations ever assist ? - Never.
1503. Do they assist the other constables with you ? - At times I have heard of it.
1504. Do Europeans assist the other police who are with you ?- Sometimes they have only heard of it.
1505. At what time of the day or night do you generally make these large arrests ? - The morning.
1506. Who tells you in which camp the supposed cattle-killers are ? - We track them as a rule and get close on them and wait until the morning.
1507. How do you know that the people whose tracks you follow are the same people who killed the cattle? - We only know by the tracks and when we catch them they have the beef in their possession.
1508. How can you tell that these people are the ones that killed the beast ? – We never leave the track.
1509. Who shows you where the dead beast is ? - We follow all the tracks.

1510. Do you always find the hide ? - No, I do not.
1511. How can you identify the beast ? - By the fact that there are no other cattle in the district.
1512. Do you arrest every black you find in the camp ? - Certainly not. We question them.
1513. What do you question them about ? - We ask who killed the bullock and carried the beef away, and arrest the aborigines concerned.
1514. Do you caution these before giving you any evidence ? - Yes.
1515. How do you caution them ? - Through an interpreter.
1516. Can you tell me exactly what you have told the tracker when cautioning them ? - I simply tell them to answer me truthfully.
1517. Is that what you call cautioning them ? - Yes.
1518. Do you arrest the gins ? - Never.
1519. You never arrest the gins ? - Never. At the same time they are often guilty. We are not allowed to arrest gins.
1520. Why are you not allowed to arrest gins ? - On my first experience I was ordered not to arrest gins again.
1521. Who ordered you so ? - Inspector Orme.
1522. Do you put these gins on chains when you bring them in as witnesses ? - Never. [1767.]
1523. You have never chained a woman by the ankle and fixed her to a tree ? - Never.
1524. Have the other constables with you done so ? - They have never done so in my experience. I am in charge of a party if there are others with me.
1525. How do you get these women to come in as witnesses ? - They will travel anywhere after their own tribe.
1526. They only come because you are bringing the men in ? - Yes, they follow their own men.
1527. Do they always follow their own men like this ? - Yes.
1528. Are some of these women who are brought in as witnesses the relatives and wives of these natives ? - Yes. Some of them are wives and relatives.
1529. Do you warn them about giving evidence against their husbands ? - In the majority of cases they are not warned.

Mr. John **Inglis**, *continued*.

1530. Do you ask each prisoner whether he has killed a beast ? - I do it at times for my own information.

1531. You do so at times. Do you not always do so ? - (No answer.)

1532. Do you inform each prisoner what he is charged with ? - Yes.

1533. Do you do this through an interpreter ? - Yes, always.

1534. Do you find that one of your trackers can always, without exception, speak the language of the blacks whom you arrest ? - I can always find one of the trackers in every district I come to.

1535. That is to say, one or other of the trackers you have can speak every language around the district of Hall's Creek ? - Yes.

1536. Does your tracker never talk pidgin English to them ? - No.

1537. What is the farthest distance eastwards that you have gone to arrest cattle-killers ? - About twenty miles south-east of the Sturt -- about ten miles due east - opposite the Wolf Junction is the farthest I have ever been.

1538. Have you ever been on the desert side of Sturt's Creek ? - Yes.

1539. Have you ever been on the head of the Negri ? - No.

1540. Have you ever been on the other side of the Northern Territory border ? - Not to my knowledge.

1541. On whose station were you when you were on the east of Sturt's Creek ? - The station of the Sturt's Creek Pastoral Company.

1542. Does not their land go into the Northern Territory ? - It is all in Western Australia.

1543. Will you swear that each prisoner thoroughly understands what he is charged with when you arrest him ? - I am certain of that.

1544. Under what section of the Act do you arrest them ? - I generally arrest them for cattle-killing,

1545. By itself, is cattle-killing an offence ? - No; except when it is done without authority.

1546. Are the gins equally guilty of killing the cattle and stealing the beef ? - They help to carry it away, and I consider that they are just as guilty as the men. I know of two gins that have speared bullocks.

1547. Do your trackers have sexual intercourse with these female aboriginal witnesses ? - I have never watched them. They might do so. I sleep at ease myself and never take any notice of these

things. It would have caused trouble if I did.

1548. Have you ever attached to the horse's saddle the neck chain of one of the aboriginal prisoners for cattle-killing ? - Never.

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Inglis;

1549. Do you know of this having been done ? - I have heard so, but I know nothing about it.

1550. How many miles a day do you travel your prisoners ? - I average, 15 miles a day, according to the water. I would not average 12 miles a day in the heat.

1551. In the case where you brought in the 33 prisoners with Constable Wilson, you had six or seven witnesses, had you not ? - I am not sure; it was five or six.

1552. Were these witnesses young women ? - Three were elderly women and two were young ones.

1553. Do the other police assisting you ever shoot kangaroo on the journey when you bring the prisoners in ? - Yes; on the journey between Hall's Creek and Wyndham only.

1554. Do you get the gins to collect lizards and roots on the journey ? - Never; we would lose them if we did.

1555. You say you do not ask the gins to go with you ? - We have to watch them all the same.

1556. If they were not willing to come why were you so anxious in case they should get away ? - I could not work the case without witnesses.

1557. Then the gins are not always willing to come ? - They always follow their blacks.

1558. Are these female witnesses always willing to come with their husbands all the way in ? - They are not reliable, and we cannot depend upon them, and therefore I take precautions that they do not get away.

1559. Do you say that you have never chained these witnesses ? - I have never chained a gin since I have been a constable.

1560. Where are these alleged cattle-killers tried as a rule ? - Hall's Creek.

1561. Are they ever tried on a station before a justice ? - Not in my district.

1562. Who is the prosecutor in these cases ? - The officer in charge of the police station.

1563. Why does not the owner of the beast or the manager of the station prosecute ? - It is not often that they can get away. He may be mustering, or may have cattle on the road. He is generally very busy.

1564. Do you ever bring in any witnesses for the defence ? - No.

1565. Is not this a rather one-sided kind of justice for the black ? - It is in a sense. It is a queer country where I am. Every mother's son is guilty. It is only right that they should have a defence.

1566. What makes you pick the women to give evidence against the men ? - The grown-up men are those who kill the bullock. There are no young boys in the tribes. The squatters have them all.

- 95a -

Mr. John Inglis, *continued.*

1567. But you have admitted that these women are equally guilty as far as killing is concerned ? - Yes.

1568. Then these women are practically asked to turn informers ? - Yes.

1569. Who asks them to turn informers, the trackers ? - They volunteer themselves.

1570. Do they realise the harm that they are doing to their husbands ? - Not in the slightest. They do a lot of harm against their husbands, and do not know it.

1571. When the charge is made against the accused is each one charged separately ? - They are all charged conjointly.

1572. What is the largest number you have seen charged conjointly on any occasion ? - Thirty- three is the largest number I have known.

1573. Did all these plead guilty ? - Yes.

1574. How often have you known the accused blacks not to plead guilty ? - Twice within the last two years.

1575. Would the same evidence which you bring forward for cattle-killing by these blacks convict Europeans under the same circumstances ? - I should think so.

1576. How much do you receive per day for each aboriginal prisoner or witness ? - 2s. 5d.

1577. Do you get the same amount for returning the witnesses to their native homes after the trial is over ? - I have never had any witnesses to take back.

1578. How much have you made this year on this Prisoners' Rations Account ? - I could not tell.

1579. About how much ? - I have not the slightest idea.

1580. Do you actually spend 2s. 5d. per day on each prisoner ? - More at times. At other times under. It averages just about the 2s. 5d.

1581. Do you make a profit on it ? - No.

1582. How much is allowed by the Police Department for your tracker ? - 2s. per day.

1583. Out of this you have to clothe your tracker ? - Yes. If he is at freedom he can keep himself. If you give him a shot-gun, he can find his own food.

1584. You were saying that the squatters have taken most of the native boys from the tribes, were you not ? - Yes. Squatters and drovers have taken them for horse-boys.

1585. I suppose then that they have a grudge against the squatters and drovers for taking their boys away ? - No. They seem to gain by it. The blacks come in from the bush and get tobacco and food from the boys working on the stations. This leads to a lot of immorality with the women.

- 95b -

Inglis;

1586. Can you stop these squatters and drovers taking women and boys away from the tribes ? - I have no power to do so. I wish I had.

1587. You said just now that about 250 head of cattle at least were killed upon the Sturt's Creek station by the blacks on an average last year, did you not ? - Yes. About two or three years ago this was the average on the Sturt's Creek station alone.

1588. Is it a good hunting ground for blacks where the cattle were speared ? - No. They can only get water where the cattle are watered. Once they are driven from these places they have nothing to live on, only the desert of sand. There is nothing else to live on. They could get food if they were allowed to stop where the cattle are, but blacks and cattle will not agree, and the blacks are driven away. They must live somehow, so they spear cattle.

1589. Do you believe in making large reserves for these blacks, where they could do what they pleased without interference ? - Yes. I believe in reserves where the whites should not be allowed to go. The police should also have some way of supervising the way the women are treated. The women are taken away and we are powerless. It is no wonder that the white man is killed. It is just the white man's own fault as he takes the black man's lubra away. You will find isolated cases where the black who wants tea and sugar and food will 'go through' a camp, but in nine cases out of ten it is because his woman has been taken by the white man.

1590. Is there a great deal of —komboism — going on ? - Yes. A great deal of it goes on.

1591. Have you power to stop it ? - No. If I even give them [Europeans] advice they only laugh at me. There are many syphilitic cases here, and they have been brought by the white man, I know the first white man who brought it to Wyndham.

1592. Is there much raping of young children going on ? - There is very little of it now. A few years ago they used to go into the bush and bring young girls in. The gins should belong to the blacks but they are on the stations. The county is all settled now. Every black woman belongs to a black man, and the white man wonders why he gets a spear in his camp at night.

1593. Have any of the Europeans in your district got blacks under contract ? – No. Even my own police boy can go away as he pleases. Those who are employed are not signed on in any way.

96a

Skinner;

11th November, 1904.

Henry McKenzie Skinner, J.P., Clerk of Courts, Wyndham.

1594. According to the vouchers passing through your office, how much have the local police received on the Prisoners' Rations Account during the past three years ? - The total amount to the police on that account is £838 11s. 3d.

[From the account handed in, the following particulars, supplemented by other information, have been detailed :- .

1595. Does this amount include rations for all aboriginal prisoners up to date ? - No, it does not.

1596. Why have you not been able to include the whole ? - Because the vouchers have not been presented to me for payment. I only know that there are other vouchers by common sense and observation - not officially.

1597. For how long past have you not seen the vouchers you speak of ? - The last voucher for prisoners under escort was No. 173 of the present year, and it was paid on the 2nd of May last. Since then I have had no vouchers presented for payment for prisoners under escort, though vouchers have been presented for witnesses, which must entail prisoners being brought in.

1598. Do you know where these amounts are paid ? - I have no idea.

1599. Are you aware that an attack has been made upon you in the *Sunday Times* for 16th October, 1904 ? - Yes. [The following excerpt was then read:

. . . . Two instances occurred lately at Wyndham which give an idea of things. A white man brutally assaulted a blackfellow in the township named. The assault was of a diabolical nature ; in fact it was not the assailant's fault that the native wasn't deprived of his manhood by it. Several people having witnessed the affair the white was arrested and, in due course, brought before a jay pea named Skinner, whereupon ensued a glaring travesty of justice. The charge was proved up to the hilt. Several people testified to the assault, and the accused himself confessed that he had committed it without reasonable provocation or cause.

Notwithstanding this the magistrate arbitrarily dismissed the case. He delivered a confused harangue from the Bench, the purport of which was that he was not going to punish a white man for assaulting a black, that it was primarily the black's fault for getting in the other's way, and that if the blacks kept to themselves these things wouldn't happen. In effect he tried to show that the blackfellow was not entitled to justice. In other words the native is on the same plane as the

kangaroo or the dingo, to be shot, or scourged or enslaved at the white man's pleasure. We believe this doctrine actually prevails among a certain class of the Black North and Nor'-West squatters, but we never before heard of its being enunciated from the Bench. However so much for Mr. Skinner . . .]

1600. Is it a true or an untrue statement ? - There are fragments of truth in it, but the main facts are absolute lies.

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Skinner;

1601. Did the accused himself in the case under consideration confess that he had committed the offence without reasonable provocation ? - No. There were no white witnesses. The only witnesses were the black and his gin, and the black himself admitted that he had arranged to lend his gin to this man. In my opinion the matter was pressed in vindictiveness. There was not a white witness nor did anyone see the assault. If ever a case called for dismissal that did. Further, I may state that the gin is one who does not belong to the black who is keeping her. She came in with a paper —yabba [letter] some time ago. At the trial I said the blame lay with those who tampered with gins around the town, and the two men who harboured gins in the town were in the court.

[Mr. Skinner then read the depositions.]

1602. Have you any views of your own about this matter of cattle-killing by natives? Your northern gaols are full of prisoners alleged to be guilty of this offence ? - I think, from a very long experience of the north (I have been eighteen years here at one stretch), that the word 'alleged' is not applicable to a blackfellow. He is bound to kill cattle and if he has not killed the one he is charged with killing, he has killed one a day or two previously.

While there are great stretches of country in East Kimberley on which stock never go, the blacks are not willing to live there and obtain their living as their forefathers did. They go on to the other country and kill a bullock, which is equal to many dozen kangaroos. There is no doubt that the squatters have a grievance. When they [the black] catch up to the cattle, the first ones they get are the springing heifers. They kill these and go on after a bullock, leaving the heifers.

1603. From a humanitarian point of view can you suggest any practical way of dealing with the question ? - I cannot. The idea that some people have of making reserves is impracticable from my knowledge of the blacks. Perhaps in generations to come they might be brought up to live there like cattle.

1604. Do you consider that imprisonment does them any good ? - Not the least bit in the world. It does not stop them from killing cattle. The same blacks are brought before the court again and again.

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1605. Would flogging do as a punishment in preference to imprisonment ? - If you do not want a native to do a thing, the best way is to frighten him from it. They are not frightened to going to gaol. They come in here lean and shrivelled up, and after a few months of gaol the fat is sticking out all over them. They do not like imprisonment, but they are not frightened of it. I would not like to say that flogging is any good, as I have had no experience of it.

1606. Are you perfectly satisfied that everything is above-board here in connection with these blacks returning again and again to gaol ? - I should say it is. If you were on the outside of a cattle station you would not have to go far to see where the natives have killed cattle. They are always doing it. The cry of the squatters about blacks killing cattle is not exaggerated.

1607. Has it struck you as at all strange that in most of these cases the prosecutors are not the managers or pastoralists, but the police ? - It is not strange. It is a matter of domestic economy. They would have to come hundreds of miles to do it. They would be only too pleased to prosecute if they could do so with a minimum of personal inconvenience.

1608. As Clerk of Courts, do you consider that the same evidence which at the present day convicts a black of cattle-killing would convict a European under the same circumstances ? - I do, provided the Court would accept black evidence. I am very shy of it myself. Most of the evidence is sent to the Attorney General after a black is convicted. With the ordinary black witness it is merely a matter for the magistrate to decide whether the evidence is reliable or not. The black will often give totally different answers to the same question.

1609. Have they any witnesses for the defence ? - No; never.

1610. What are the rations allowed per head per day to the police for prisoners and aboriginal witnesses' rations ? - 2s. 5d. at out-stations and 1s. 6½d. in Wyndham.

1611. Having been here so long you must have a fair idea of the ordinary cost of living, have you not ? - Yes.

1612. Do you consider that the police make any profit out of this allowance ? - I do, of course.

1613. Why do you say 'of course' ? - It has always been a well-known thing. Everybody knows that they have made a profit out of it for a long time past.

1614. Have you ever kept a black here ? - Yes.

1615. What does it cost you on the average to keep him ? - I am feeding the one I have at the present time for one shilling per day, which pays for what he eats. He gets practically the same as I do myself. He is a cripple and the Government pays me one shilling per day for his support.

11th November, 1904.

Dodwell Browne, Resident Magistrate and District Medical Officer, Wyndham.

1616. How long have you been in charge of this district ? - A little over a year.

1617. Do you know whether there are any contracts with aborigines in force in this district ? - I know of none.

1618. Are people employing blacks without contracts then ? - Yes, I should say everywhere. My knowledge is limited to Wyndham and the immediate neighbourhood. Outside of that I know nothing. I should say there were many employed on the stations without contracts.

1619. Have you witnessed any indentures or apprenticeships with aboriginal children ? - No.

1620. Do you know whether any Government relief is issued to blacks here ? - Mr. Skinner gets one shilling per day for keeping a native. Constable Thomson, at Wild Dog (Argyle), gets maintenance for keeping natives; how many natives or what maintenance I do not know. I believe that the postmaster at Turkey Creek also keeps natives. Only Mr. Skinner's accounts come through this office.

1621. Do you know of any liquor being supplied to blacks in this district? - Not to my knowledge.

1622. Do any cases come before the court ? - No; not one.

1623. Are any blacks employed at the hotels here ? - They have been employed without permission. I might say that by Section 6 of 2 Edward VII., No. 44, no provision is made for any license holder, other than a publican's general-license holder, employing an aboriginal. This means that no provision is made to allow for the holder of a wayside-house license to employ an aboriginal even if I consider him worthy of it.

1624. Do you approve of blacks being employed at hotels ? - I do, if I am satisfied with the character of the man who holds the license. If he is willing (as I have made the Wyndham Hotel do) to state in his application the reason for which he wants the black (for the stable or outside-work) and is willing to give the boy something for his services.

1625. Do you believe, then, in paying blacks wages for their services ? - I do not believe in giving them money, but I do believe in giving them some return in the shape of clothes, food, and tobacco.

1626. Would you approve of a system whereby the payment of wages to blacks were insisted upon, but paid to the Government to recoup it for the expense incurred in granting aboriginal relief ? - I would not be in favour of it. The present system of giving them something for their services makes them better servants.

1627. I believe you are sympathetic in your views with regard to the amelioration of the condition of the natives, are you not ? - Yes, I am.

Mr. D. Browne, *continued.*

1628. Have you always received encouragement from the Aborigines Department ? - I have.

1629. Do you consider that the benefits of the Act could be carried on better than they are at present if there was better organisation in the sense of making one man responsible for each district ? - I think that there should be one man responsible for each district, and that man responsible to head office. One man cannot thoroughly understand the whole State. I think the work is too much for one man.

1630. Do you think that anything could be done for the benefit of the aboriginal and half-caste waifs and strays ? - I am afraid not, in East Kimberley.

1631. Would you approve of a system of sending them to properly-organised and properly supervised missions and reformatories to teach them something ? - I would not.

1632. Why would you not ? - I do not think that the aborigines can be taught such as these missions want to teach them. My opinion is that such treatment only ruins them.

1633. As far as aboriginal prisoners are concerned, what is your opinion about giving a Justice of the Peace power to inflict a whipping or imprisonment up to three years ? - I do not think that one Justice of the Peace alone should have power to inflict a sentence of whipping upon a prisoner, nor do I think that one Justice should have power to impose a term of imprisonment of three years. My reason for that answer is that any squatter up the country could dispose of cases brought before him and could punish the natives by this means.

1634. Do you know that Justices in this district have, by themselves, exercised the power of giving three years' imprisonment ? - Not to my knowledge.

1635. Have you had any experience in dealing with cases of cattle-killing, on the bench ? - Yes; several. It is the crime generally for which natives are brought in here.

1636. Is it a fact that in almost all cases the accused pleads guilty ? - It is.

1637. Are these prisoners charged conjointly or separately ? - They are charged conjointly. For instance, on 3rd December, 1903, 14 were charged conjointly, and on the same day another four. On 4th August, 1904, seven were charged conjointly, and on the same day another four were charged conjointly.

1638. Has this not struck you as somewhat strange ? - No; I cannot say it has.

1639. Do you know that the arresting police benefit pecuniarily in proportion as the number of prisoners is increased ? - Of course I do.

1640. Has it not struck you that this may be the reason for bringing in so many blacks at one time ? - It has always struck me so.

1641. Who usually prosecutes in these cases ? - The police corporal in charge, Wyndham.

1642. Why does not the manager or owner of the station whence the beast is alleged to have been killed prosecute ? - I could not answer that. I suppose it is too far for them to come. I do not know why. No manager or owner has ever prosecuted in such a case while I have been here.

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Browne;

1643. Have you ever asked why the manager is not there to prosecute ? - No.

1644. Under which section of the Criminal Code is the charge made ? - Section 423, Subsection (b).

1645. Do you ask the accused how he pleads ? - Yes.

1646. Through an interpreter ? - The interpreter generally asks how the man pleads, and the man answers to the Bench with gestures or in the usual pidgin and broken English.

1647. Who is this interpreter, as a rule ? - He is generally the police boy.

1648. How can you guard against this interpreter telling you a lie ? - In no way whatever.

1649. Does he always understand the language of the accused, or does he speak through another interpreter ? - They are of different tribes, but from what I see I think they can understand pretty well the drift of what is said generally.

1650. In talking to the interpreter, kindly tell me what is the form in which you put your question ? - I say to the interpreter, 'You ask that fellow so and so,' and put it in the best pidgin English I can, so that he can understand it.

1651. Because the accused happens to admit or is made to admit that he has killed a beast, do you take such a reply to mean that he proposes to plead guilty ? - The charge is explained as carefully as I can do it. They kill a beast on such and such a day at such and such a creek. If the man says that he kills such and such a beast I take it that he pleads guilty. I think, and have seen it, that a man will plead guilty now for killing a beast some time ago. The native cannot separate two charges on two beasts, and will still have the one offence in his mind. If he kills a bullock once he will plead guilty to every subsequent charge of killing a bullock no matter how often he will be charged with it.

1652. Do you believe that these wild blacks can be made to understand the scope of the meaning of the terms 'pleading guilty' or 'intent' ? - I think very few of them do.

1653. This Commission has been informed that in the majority of cases the witnesses for the prosecution are young women. Is that so ? - In every case on the charge of cattle-killing the police have always brought female aboriginal witnesses.

1654. Young ones ? - Yes.

1655. Have you ever drawn attention to the fact that these aboriginal witnesses are always young females ? - No. I have always drawn attention to the fact that the witnesses are females.

1656. Have you noticed that the women are never charged with killing cattle or stealing beef ? – Yes.

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Mr. D. **Browne**, *continued*.

1657. Do you know that boys aged from 14 to 16 have been charged with cattle-killing ? - - Yes. They have been brought before me, and I expressed surprise that prisoners so young should be charged. The reply given was, 'They are able to chuck a spear as well as any older man.'

1658. What action have you generally taken when such little children have been brought before you ? - I have cautioned them, convicted them, and released them without imprisonment.

1659. Do you know whether any such young children have been charged on a second occasion ? - I know of two. Their names are **Palparagee** and **Thenarry**. One of them has come back again.

1660. Where did they get convicted after you had released them ? - I believe at Hall's Creek. They hardly had time to get there before they were rushed in with another mob.

1661. Are you aware that these female witnesses when arrested are really unwilling witnesses, and that they are chained to prevent them getting away ? - I did not know that.

1662. Do you inquire whether these female witnesses are the wives of the accused, so as to caution them about giving evidence against their husbands' interests, as in the case of white women ? – I don't make any such inquiry.

1663. This Commission has been informed that these females are fully as guilty as the men, so far as the stealing of the meat is concerned, and that they are told or asked to turn informers. Did you know this ? - No.

1664. Did you know that some of these female witnesses have had sexual intercourse with the trackers or European stockmen and others who have helped the police to hunt them down ? – I have heard vague rumours of it.

1665. Would the same evidence which is brought forward in the case of aborigines accused of cattle-killing convict a white man under similar circumstances ? - Certainly. The evidence is given in court. It is given by the witnesses through the interpreter, and whether it is right or wrong, it has to be discredited or credited by the bench as such.

1666. Do you know that in May, 1898, a circular was issued by the then Premier, Sir John Forrest, instructing that Resident Magistrates and District Medical Officers were to be specially charged with the care and protection of the blacks ? - No; I know of no such circular.

1667. Have you not felt often in dealing with these cases that there is something of an undercurrent of injustice meted out towards the natives in the way that they have been brought in without defence and with no opportunity of calling witnesses ? –

(a.) I have. I have felt all along that they first of all do not thoroughly understand the charge against them. They do not understand the nature of the crime of killing a beast. I have done my

best to give them justice in this court and to give them the lightest sentence possible. I have had my judgments criticised in consequence. All these cases, in my opinion, are a huge source of revenue to the police. It is to their advantage to arrest as many prisoners as they can, whether they have killed or alleged to have killed the beast, because they get their maintenance per day for each man. This is too high and, as common report has it, the cost of one Winchester bullet for killing a kangaroo is about their true feed. The police also get maintenance for rations supplied to witnesses and their children, and they are supposed to escort discharged native prisoners after their time is up back to their homes, and the witnesses too.

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Browne;

(b.) In Wyndham the corporal in charge (Corporal Goodridge) takes charge of unsentenced prisoners and witnesses and receives maintenance for them. The prisoners after trial are handed over to the gaol. It has been the habit of the corporal to keep the witnesses after the trial and prisoners discharged from the gaol, receiving of course the maintenance rate until such time as a police escort is ready to take them back to their country. That, I believe, is a police order.

Now, I kicked against this not once but in several letters both to the Chief Protector of Aborigines and to the Under Secretary for Law, because the witnesses' vouchers are charged against his Department. I maintained with the latter that the rate of pay was too high and that they were kept too long here before being sent back. Some time ago a large batch of prisoners was released from the gaol and were being fed by the Corporal when, getting tired of waiting for an escort, they bolted. I suppose they went home. Not only that but they are not afraid to escape from gaol and go home in ones and twos. Yet the Commissioner [of Police] evidently thinks it is not safe to allow these natives to go home without an escort.

There were some two or three cases of natives serving time in the gaol whose immediate release I thought fit to recommend to the Comptroller General of Prisons by reason of diseases they were suffering from. This I did with the object of getting them out of town as quickly as possible to their country, as the diseases they were suffering from were only a source of infection to the other prisoners. You can imagine my surprise when some three or four weeks afterwards I saw these men in Wyndham. They were being kept by the Corporal all this time, men whose release I had specially asked for by wire. In a strong letter addressed to the Chief Protector of Aborigines I made up my mind for the last time that prisoners released from the gaol should be sent right-away out of Wyndham with an escort; if one was ready to take them; without one if there was not.

I asked the Chief Protector's permission for this and he granted it, and he also granted my request to let me issue rations to these natives to start them on their journey home. I have done so lately. Each man gets two pounds of bread, and he can readily get food when once he gets into the country. It has been reported to me that these men will start killing cattle on the way back to their homes. That is nothing new, as they were supposed to have killed cattle before they came here.

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Browne; Goodridge;

(c.) My object in stating all this is to point out the needless expenditure of State money grabbed by the police for the maintenance of prisoners, witnesses, and discharged prisoners. One glaring case I would like specially to mention. Constable Thomson of Wild Dog (Argyle) arrested six natives for cattle-killing on 6th September and had with them about four witnesses. He maintained these men at the usual rate of pay up to the date of their arrival in Wyndham, on Saturday, 22nd October, when I part heard the case to take them off the police hands.

The case was finished the following Monday, which was a State holiday, and they were sent to prison. That is to say, they were from 6th September and nearly all October being maintained by Constable Thomson. His bill for September was £12 13s. 9d. I have received vouchers for the maintenance of the witnesses for part of September only. October's voucher has still to come, also one for November for taking them back to their country.

1668. Do you believe in trying aborigines for tribal murder ? - No; certainly not. I believe them managing their own tribal affairs.

1669. Are you the medical officer of the gaol ? - I am District Medical Officer, and one of my duties is the care of the prisoners. Every man in the gaol is examined by me. I wish to see if he is fit to do hard labour, and he is treated accordingly. My opinion is that the treatment meted out to the prisoner here is very humane. The term 'hard labour', as applied to their sentence, is certainly a misnomer. They do work, but they are not driven to it.

11th November, 1904.

William Goodridge, Corporal of Police, Wyndham.

1670. What is the total amount paid through you to members of the police force from the 2nd May, 1904, for rations supplied to aboriginal prisoners under escort ? - The amount of £71 8s. 4d. has gone through my hands to be paid into the banks to the credit of the constables concerned. It was made up as follows :- Constable Watt, No. 774, £33 19s. 6½ d.; Constable Clements, No. 771, £3 19s. 4½ d.; Constable Thomson, No. 587, £33 9s. 5d.

1671. Have you any remarks to make to this Commission as regards these payments ? - I think the payments are more than what the constables are entitled to, especially those at Hall's Creek and Argyle (Wild Dog).

1672. Do the constables at Argyle act under your instructions ? - Yes.

1673. Do the constables at Hall's Creek act under your instructions ? - No. I have nothing to do with Hall's Creek.

1674. What is the amount allowed to the police for these rations ? - For Wyndham, 1s. 6½ d. per head for each prisoner or witness.

1675. Outside Wyndham ? - Argyle and Hall's Creek, 2s. 5d. per head per day for prisoners and witnesses.

Goodridge;

1676. Do you consider that the police make a profit out of the 2s. 5d. per head per day ? - Yes; a considerable profit.

1677. Do you consider that this acts as a temptation for them to bring in a larger number of prisoners and witnesses than otherwise ? - I do.

1678. Have you ever mentioned this matter to your Chief ? - I have not; for the reason that I thought if the thing leaked out I might be looked upon as a black sheep if the other police found out that I had tried to cut down the rate for rations. I spoke about it to one or two.

1679. How much are you allowed for your tracker in Wyndham ? - Two shillings per day. The same amount is allowed all through Kimberley for trackers.

1680. For that amount you have to clothe him as well ? - Yes; and find tobacco, etc.

1681. Are these trackers put under contract to the police, do you know ? - There is no contract signed. When the police want a tracker they pick out what they consider is a good boy and put him on the list as tracker. There is no signing on.

1682. Do you know that the Commissioner of Police believes that all trackers are under contract ? - I do not.

1683. Do the employers of black labour here as a rule put their boys under contract ? - I do not think there is one in East Kimberley under contract to my knowledge.

1684. How do people manage to keep these blacks on stations if they wish to run away ? - As far as I know they do not keep them. We have had several cases lately where blacks have run away from stations and taken provisions with them. As a rule they have not much trouble in keeping blacks. I know several that have been on stations for years.

1685. Is it a code of honour amongst these station managers not to employ blacks from their neighbours' stations ? - Yes; I believe it is.

1686. Are there any people at present employing blacks to whom you would raise objections if they had to ask permission from you ? - I do not think there are any I would object to having boys.

1687. Are there any to whom you object to having gins ? - Yes; several.

1688. Why? Because they are single men, or of bad character ? - Bad characters. For instance, a lot of them bring gins into town and cart them about, which is not the thing, in my opinion.

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Mr. Goodridge, *continued.*

1689. Can you stop teamsters or drover or other people carting gins about the country ? - No. That is a thing I spoke to our Sub-inspector about last July, and asked if something could be done.

1690. Do you notice whether liquor is being supplied to these blacks ? - No. That is one thing we are fairly free from in this district.

1691. Are there many little aboriginal waifs and strays (full-blooded or half-caste) loafing about the township ? - I do not think there is one about the township, except one child belonging to a woman who has come as a witness from Hall's Creek. There is a Chinaman married to an aboriginal woman here. She has one child.

1692. Were they legally married ? - Yes; by the Registrar at Wyndham.

1693. Do you know what a 'Kombo means' ? - No.

1694. It is a term used in Queensland, and applied to any man who is always living with gins or carts his fancy gin about with him. Is there much of this on the stations ? - I don't think that much of it goes on on the stations. Some men come into Wyndham with gins attired as boys. They watch them closely. There is one man who scarcely has time to put the cattle in the yard for fear someone will run away with this gin of his.

1695. Are you issuing any relief to aged, infirm, or crippled aboriginals ? - No.

1695A. Do you know of any cases in your district ? - I think there are 14 at the Argyle police station.

1696. For about how long has this relief at Argyle been going on ? - For four or five years, as near as I can see.

1697. Do the communications concerning this relief from the Chief Protector of Aborigines to the constable pass through your hands ? - Nothing has ever passed through my hands since I have been in charge at Wyndham. The station is under my control, and all police matters do pass through my hands.

1698. Do you know how much they are allowed per day for each ? - One shilling per day. I cannot say for certain, as the vouchers do not come through me. There are something like 14 or 15 on the relief board at Turkey Creek telegraph station.

1699. Have you yourself ever received any information as to what is going on at Turkey Creek at the present time ? - I have not. Mr. Prinsep wrote to me about 12 months ago and asked me if I would get one of my constables to inspect when passing through, as he thought that the number of blacks getting relief was increasing. I instructed Constable Watt to make inquiries there as he was going to meet an escort from Hall's Creek. He inspected them, and said that all on the board were old and infirm and unable to get food for themselves, and that there were also one or two that he recommended should be put on the board.

1700. Did Constable Watt make any report to you as to whether these old people had any younger relatives who could support them ? - No; he did not.

1701. Do you know whether any inquiries to that effect have been made at Argyle ? - Not to my

knowledge.

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Goodridge; Scott;

1702. Do you believe in giving such relief to these old people without inquiry as to whether they have relatives able to support them ? - No; I do not.

1703. Are you, as officer-in-charge, ever consulted about this question of relief to aboriginals in your district ? - No; I am not.

1704. Do you know on whose recommendation, then, these grants for relief are given to these people ? - I think mostly from the people that supply them with rations. I don't know who else it can be.

1705. Is it, then, to the interests of these people to make such recommendations ? - Certainly.

11th November, 1904.

George Jeffery Scott, Gaoler, Wyndham.

1706. How long have you been gaoler here ? - Slightly over three and a-half years.

1707. Have you any native prisoners that have been given into the custody of any officer or servant of the Government ? - Shortly after I came here I handed over one named **Charlie Payne** (who was in custody) to Mr. Brockman, who was exploring the new country.

1708. Has he been returned ? - He was given his liberty. He really ran away from them just as they completed their work, but he was given his freedom for the good work he had done.

1709. Under whose instructions are the aboriginal prisoners working for the local Roads Board ? - My instructions were received from the Resident Magistrate, Dr. Browne.

1710. Has he the power to give you these instructions ? - Yes. I think he has the power of authorising the work, and gets permission from the Comptroller General of Prisons, who in turn would get it from the Minister.

1711. Do these prisoners get any extra rations or pay for this work ? - No.

1712. I noticed that the neck-chains of the prisoners were not covered. Have you any opinion as to whether these neck-chains should be covered or not ? - I have many times asked the natives' opinions on the matter, and they prefer them uncovered.

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1713. Do you ever find that these uncovered neck-chains give rise to boils ? - Recently that has been the opinion of the present medical officer.

1714. Have you any authority for using neck-chains ? - I understood when I took charge that the native prisoners were to be kept in chains.

1715. Have you received any authority from the Comptroller' General of Prisons that all native prisoners consigned to your care should be kept in chains ? - No. It has been the usual custom to use chains in every case where possible.

1716. Do you use neck-chains on every aboriginal prisoner ? - No. All natives detained in the yard, if sick, and cooks and cleaners do not wear chains.

1717. What is the structure of the cells in which your aboriginal prisoners are confined ? - In the main building three sides are stone and one side galvanised iron. Two of the smaller cells are of iron, and one building known as the shelter-shed is erected with 'cyclone' fencing. The windows and doors are iron-barred.

1718. Are these cells sufficiently strong to prevent escape ? - The main building at present is strong enough to prevent escape. The two cells known as the white prisoners' cells are not strong enough in their present condition. In the case of the shelter-shed it is a matter of chance. With a file they could soon get out of it.

1719. Are the neck-chains kept on the prisoners at night ? - Yes. The prisoners are never without the neck-chains except when sick. They are always coupled in threes. At night one out of every group of three is chained by the ankle to a ring-bolt in the floor.

1720. If the main building is sufficiently strong, why cannot the neck-chains be removed at night ? - There is no reason why the neck-chains could not be removed at night, except that it would allow the prisoners to travel about the whole building and, probably engage in fighting, which they otherwise could not do.

1721. How many aborigines have you in the gaol at present ? - 103.

1722. What offence are they mostly charged with ? - Practically the whole are charged with cattle killing.

1723. What do you consider the youngest ages of the prisoners you have at present ? - Judging by appearances, between 11 and 13 years of age.

1724. What punishment have these children received ? - Sentences from six months to two years, with hard labour.

1725. Did you report that these children received such sentences ? - No special report. Copies of all warrants are sent to the head office, also the monthly reports, giving their ages.

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Scott;

1726. What proportion of these aboriginal prisoners do you honestly believe know what they are in prison for ? - When I came here a great number of them were 'Myalls', and their idea was that they were here for road-making. As they become educated the majority of them know that they are here for cattle-killing, as they come to gaol so often.

1727. Do you notice that many of these blacks get back to gaol after having once or twice been here before ? - Natives are being returned very often. I only discovered one the other day: every second year he is finding his way back to gaol. Many of them return in as many months. In one case a black said that he had only been back one night when the constable (Inglis) came along and arrested him again, and he was sentenced to three years' hard labour. There are other cases with other police.

1728. Do you believe that they wish to get to gaol again ? - I do not think the native ever tries to get back to gaol again. I am sure of it.

1729. Do you consider, then, that a false charge has been made against him in the second instance ? - Indeed in many cases a false charge has been made against them.

1730. For how many hours a day are the blacks working on outside employment ? - During the summer they work from 6:30 to 11:15 a.m. and from 3:15 to 6 in the evening. This is from the time they leave the gaol until they return and are locked up. In winter the hours are from 7 a.m. to 12 noon and from 2 to 5:15 p.m.

1731. Do you not consider that these hours are rather long ? - In the summer time some days are too long on account of the excessive heat. If it is too warm I detain them in the buildings until the weather becomes cooler. Sometimes the breeze springs up in an hour or an hour and a-half. I also instruct the warders during the summer months to give the prisoners a rest during the worst part of the day if it is too warm.

1732. Who fixes these hours ? - The hours were fixed by the Comptroller General. They were made out by myself, passed through the magistrate, and sent to the Comptroller General for approval.

1733. Are you in favour of any aboriginal prisoner being flogged ? - In certain cases I would - say, for assault upon an officer.

1734. Has that ever occurred ? - Not since I have been in charge of this gaol.

1735. Have you had any trouble with your native prisoners ? - No. I must say that they are exceedingly well behaved, taking into consideration that they are untamed. I don't think I have had more than three fights since I have been here.

1736. If the system of neck-chains was abolished could they not be suitably replaced by a wrist-cuff attached by a chain to the wrist-cuff of his neighbour, one prisoner's right hand being

attached to the next one's left ? - That could be done.

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Mr. G.J. Scott, *continued.*

1737. This would also allow more freedom of movement and a shorter chain could be used, could it not ? - A shorter chain could be used, but there would not be more freedom of movement with the length of chain I give my prisoners.

1738. Chained like this, can the blacks be transported in safety ? - Yes.

1739. Would it make much difference in following their outside employment ? - The usual work the natives do would not make much difference.

1740. Have you ever used split-links on the neck-chains ? - Yes.

1741. Because you had run short of handcuffs ? - Yes. It was only in transporting. I would not have used such a method ordinarily.

1742. Provided you had a suitably-constructed galvanised iron fence surrounding the gaol yard, could aboriginals with safety be relieved of their chains when locked up at night ? - Yes.

1743. Would such a fence as this do - one between 12 and 14 feet high, of corrugated iron, with supporting battens outside - that is, a smooth face inside, without barbed wire or anything else on top ? - If properly supported, it would do.

1744. When native prisoners are transferred from this gaol to another, who escorts them, warders or police ? - Police.

1745. Why do not the warders do it ? - I am unable to answer that question.

1746. Do you think it would be better if they did ? - I would certainly prefer warders, who understand the prisoners better than the police; but my difficulty is that if a warder takes blacks from here it is at least two months before he can get back by the steamer. At present, a constable has only to come from Derby and return with the prisoners by the same boat and so does not lose any time.

1747. When you first receive aboriginal prisoners at this gaol from the police, are the neck-chains fixed by single cuffs, Yale locks, or split-links ? - Some are fixed with patent split-links, some with both cuff and ordinary split-links, occasionally with cuff only. I think the cuff is only re-adjusted in the police yard to save time. It is mostly done with split-links.

1748. In case of a fall or a fit, is not the use of a split-link dangerous ? - Very often. The use of the split-link is dangerous. Also the fact of the chain being too short is dangerous. If a prisoner fell he would be bound to drag down the prisoner on either side of him.

1749. How short have you noticed the chain joining two prisoners' necks ? - Twenty-four inches. I

have remarked to the police that I have thought it much too short and was cruel.

1750. Will you let me take possession of some of these split-links ? - Yes. [Samples of split-links handed in].

1751. Have you noticed leg-chains on these aboriginal prisoners when they are first brought to you by the police ? – I have seen marks only of chains and handcuffs having been used on the ankles.

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Scott;

1752. You mentioned that the youngest child you have here is a prisoner about eleven years of age. Can you show me the warrant ? - Yes. [Warrant produced.]

Extract from warrant.

'Name of native, **Lungurin**. Date of warrant, 10th October, 1904. —That he did, on or about 10th September, 1904, near Cartridge Springs, unlawfully kill and carry away one head of cattle, the property of S. Muggleton, contrary to statute then and there provided.'

(Signed) C. J. McManus,
Acting Resident Magistrate, Hall's Creek.

Sentenced to six months' hard labour.
[The D.M.O. considers him to be ten years of age.-W.E.R.]

1753. Have you any other young prisoners ? - Yes. I have four others, from 14 to 16 years of age, undergoing up to two years' hard labour for similar offences. There is another, 15 years old, serving nine months for killing a goat and three jerbils. All these children have been sentenced at Hall's Creek by McManus.

1754. Do you receive any old and possibly feeble natives accused of cattle-killing ? - Yes. I had one named **Umberudgy**. I received him on the 4th of January. It was impossible for him to do any work. He was almost in a state of collapse when received. In that condition it was impossible for him to be guilty of killing cattle. He died on the 22nd of the same month - about 18 days after being admitted.

1755. Can you account for the police bringing such very old natives or very young children in ? - Yes. By their own assertions every native caught means more money in their pockets. It is no secret that the police say if the ration allowance was cut down or taken away they would not catch so many natives.

1756. Have you ever heard a policeman say such a thing ? - Yes.

1757. Have you any reason to believe that the squatters or police shoot natives ? -I believe that the squatters or their employees do, from evidence obtained from my prisoners.

1758. Are you satisfied that in all cases discharged prisoners and witnesses are returned to their native country ? - No. I am not satisfied. There was the case of the boy **Palparagee**. If he had been returned to his native country he would not have got into trouble the way he did. (He stole a handcuff key to give to a native prisoner.)

1759. When blacks are brought in in chains from Hall's Creek are they ever made to swim the rivers in their chains ? - As far as I can find out from police and natives, the chains are never taken off them when crossing rivers and creeks.

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Scott; Boodungarry;

1760. Is not this a great risk to life ?-It is a wonder to me that they are, what I hear of the state of the rivers in the rainy season.

1761. Do you know of any cases of blacks having been drowned in this manner ? – Natives in past years have told me that several have lost their lives in crossing the rivers.

1763. When the police bring in prisoners to your gaol are they always properly clothed ? – They are always naked, with the exception of the usual loin cloth. In the wet season it is very severe on natives travelling without clothing or blankets.

1764. Do you know whether the police have instructions to clothe these blacks when they bring them to you ? - I believe they have no instructions as to clothing the natives.

1765. When these prisoners are brought in are mistakes ever made as to their identity ? – Sometimes there is great difficulty in finding out one prisoner from another. The police themselves on one occasion believed that a mistake was made in the sentence, and the same policeman stated to me that he thought the wrong prisoners had been sentenced to certain terms. The boys received a two years' sentence, while older ones for the same offence received a lighter one.

I have known where one prisoner having two native names has really received two sentences for the same charge, while another prisoner's name has not been on any warrant at all. The reason is that the names have been confused and the wrong names given and the identity of the blacks confused. If several blacks are all sentenced to the same term of imprisonment on the same day it would make no difference, but if they are sentenced on the same day to unequal periods of imprisonment, a mistake of this nature is a grave blunder.

In my opinion, due care is not taken to ascertain their identity and to spell their names correctly. The pronunciation is very different to what the prisoners give. In my opinion, what is known by the natives as the 'white man's name', in addition to their native name, should be given at Hall's Creek particularly it is not.

11th November, 1904.

Boodungarry, Aboriginal Prisoner, the Gaol, Wyndham.

[This child is about 14 years of age, and is undergoing a sentence of two years' hard labour for alleged cattle killing. In reply to our inquiries, his English was very pidgin. Mr. Hartrick,

secretary to the Commission, took shorthand notes, and, omitting my questions, has compiled the following evidence in the form of a readable statement.-W.E.R.]

1766. I was caught by Jack Inglis and Wilson [policemen]. Some others, named **Manulla** and **Goominyah**, were with me and other men. We were caught at the camp at Mt. Barrett. I had been working for a white man, but left and went into the bush. Wilson asked me if I killed cattle. I said —No. Wilson and Inglis then talked together, and they said they would shoot me. Inglis put a cartridge in his rifle, pointed it at me, and said he would burn me at a rock. It frightened me, and I then said I did kill a bullock. The first time I said I did not kill any cattle, but this time I was frightened when he said he would shoot, and I said I did kill cattle. He took me and some other blackfellows, who were also frightened. They all said they had killed a bullock because they were frightened. The policemen put handcuffs on our legs and hands. Two of us were chained by the legs. They then caught some more blackfellows - a big mob - and some gins, and took us away. Wilson got a gin and took her into a gully.

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Boodungarry; Garngulling;

I have seen Policeman Wilson 'marry' plenty of gins. We were taken to Hall's Creek. At the Court House I said nothing, because Inglis told me not to talk. Wilson hammered plenty of blackfellows with nulla-nulla. I do not know why he 'wommered' [beat] them, but he frightened me and I did not talk in the Court House. The gins did all the talking. The magistrate only spoke to them. He did not ask me whether I killed a bullock.

11th November, 1904.

Garngulling, Aboriginal Prisoner, the Gaol, Wyndham.

[This native is about 30 years of age, and is undergoing a sentence for alleged breaking into a house. The same remarks apply to this boy's evidence as in the case of the previous witness. He was examined apart from **Boodungarry**. -W.E.R.]

1767. Jack Inglis [policeman] caught me at the station when I was watering cattle for Ben Cranwell. Inglis made me get off my horse and go with him. We left my horse at the house. The waterhole was close to Ben. Cranwell's house. I went away with Inglis. One day we came into a camp and all the blackfellows ran away into the bush. Inglis asked where the blackfellows were, and the police boy asked an old man, who said they had run away. Inglis did not chain me up, but gave me a ride on a horse. We met a wagon. Jack Inglis went into the camp, but there were no blackfellows. We met two gins, who said they wanted to go back to Hall's Creek.

We saw tracks of two blackfellows and two gins and followed the tracks. They caught blackfellow **Larry**. Inglis asked me if I could find some blackfellows. I said there might be some in the creek, as I had seen tracks. We had dinner, and saw two police boys bring up one blackfellow who was **Larry**. There were two gins in Inglis's camp. Inglis asked **Larry** if he killed a bullock belonging to Ben Cranwell. **Larry** said he did not, and that he came from Hall's Creek with a letter for Ben Cranwell. Inglis said to **Larry**, —Now, you tell truth. If you don't I

will burn you in the fire. I heard it with my own ear. Inglis said, —I will shoot you.

Two gins sat down and said he killed cattle. They told a lie. Inglis said, —If you don't tell me the truth I will shoot you. He picked up the rifle. I saw him holding it in his hand. **Larry** said he only had kangaroo beef. We then packed up and looked for some more blacks, and got some, including little **Tommy**, and went into Hall's Creek. I have seen policemen Wilson and Caldow and Jim O'Brien

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Garngulling; Butler;

'marry gins.' [O'Brien was a constable, but has since left the service.] I have seen policemen sleeping with gins at night time. I have seen Caldow sleeping with gin **Nelly**, who is now working for the corporal at Wyndham. Blackfellows do not like the police. Sometimes on the road we had plenty of tucker, and sometimes nothing. Sometimes we have beef. Sometimes we have nothing for breakfast, nothing for dinner, and for tea we had some Johnny-cake.

We were often hungry, and had only a little bit of tucker. Policeman would not let gins or trackers get any food. This policeman was named Wilson. We were chained to a tree and had no tucker. Policeman chained the gins by the leg at night time, so that they would not run away. I have seen Inglis put a chain on a gin at the 40-mile, Ben Cranwell's station [1522] Sometimes policeman and sometimes police-boy shoot kangaroo for tucker. Sometimes police-boy gets a kangaroo, and takes a prisoner with him to help him. Gins get tucker from the policeman, but they don't give it to the black man.

12th November, 1904.

John James Butler, Drover, Wyndham.

xxx

1768. How many years have you been in this district ? - Since 1886.

1769. Have you lately been anywhere near the Wild Dog (Argyle) police station ? - Not since 5th April, 1903.

1770. What officer was in charge when you passed through ? - McKellar.

1771. Did you notice about how many blacks there were altogether in the neighbouring camp ? - I think there were anything up to thirty.

1772. Do these blacks camp near the station ? - They were camped round the place, some on the creek and others in a shed close to the station.

1773. Did you notice several young gins there ? - Yes. There were several of all ages.

1774. Are these young gins made use of for immoral purposes ? - Yes.

1775. In what way ? - Anybody who comes there and wants a gin can take her away. I know several men that have taken gins away from there.

1776. Is this known to the police in charge ? - Yes.

1777. Do you know whether they receive anything for supplying these women to the drovers ? - I do not know.

1778. Have you seen any relief being issued there ? - I saw the bones and offal of a beast given to the blacks by the police, but not the meat. This bullock belonged to Copley and Patterson, which I supplied, under instructions from Copley and Patterson.

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Butler;

1779. Have you ever got into trouble with, or have you any grudge against the police ? - No.

1780. As you travel through the country, have you reason to believe that there is much raping of little native girls or women going on ? - I have seen occasional cases of it, but not very many. I have seen it. I saw one gin chained to a tent at one time. The man is in Wyndham now. I wrote to the Attorney General and the *Sunday Times* about him. The Attorney General referred it to the then Resident Magistrate, and as the latter was a friend of that man's the matter lapsed.- The *Sunday Times* published my letter.

1781. Who is the man you refer to ? - H. M. Skinner.

1782. What is he ? - He is Clerk of Courts at Wyndham, and was a Justice of the Peace at the time.

1783. How long ago was this ? - It was about the last week of January, or the first week of February, 1898.

1784. When drovers and other people cart these black women along the roads, do not the relatives of the women raise any objection ? - Yes. If you take them out of the camp they do.

1785. That is to say, when you see a black woman with a white man, it does not follow that she has originally gone to him of her own accord ? - No; but they are pretty well civilised now, and will come. The gin I spoke of did not come of her own free will. She was taken. I saw her coming on the same horse as the man.

1786. Have you reason to believe that blacks are being shot down at the present day ? - I cannot say.

1787. On the stations, do you think that, as a rule, the employers are treating their blacks with kindness ? - The blacks are fairly well treated on the stations.

1788. You are honestly convinced that there is no absolute cruelty going on on any of these

outside stations ? - There is no absolute cruelty.

1789. Are there many half-caste children that you have come across in this district ? - I have not been on the goldfields lately. On the stations there are not more than six or eight altogether. There are a good many on the fields.

1790. When you speak of the fields, do you mean the Kimberley Goldfields district ? - Yes.

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Hadley;

17th November, 1905

Montague Sydney Hadley, in charge, Sunday Island Mission

1791. How long have you been in charge of the Sunday Island Mission ? - Since June, 1899.

1792. Have you had any experience of aboriginal mission work before you came here ? - Yes ; six months with Bishop Hale, on the Forrest River, Cambridge Gulf [*i.e. well before 1893: Hale died an old man in England in 1893*].

1793. Have you any other Europeans assisting you in your work ? - I have one (Mr. Bird) helping in mission work, and one (a Swede) who does the cooking and looks after the stores. The latter is not doing actual mission work.

1794. Who is the school teacher ? - We have no special teacher. Mr. Bird does the majority of the teaching.

1795. Does the Government pay a salary for the school teacher ? - No. They only make a grant-in-aid for general mission work.

1796. Is your school ever inspected ? - Not officially, but Dr. Wace visited on behalf of the Chief Protector of Aborigines.

1797. Please tell me briefly what subjects are taught in the school ? - Reading (including spelling), writing, general arithmetic (including mental arithmetic), the general outlines of Biblical history, drawing, singing, and general instruction - particularly outlines of geography as regards continents and their products and races.

1798. How many hours schooling a day do the children receive ? - From two and a-half to three hours. Two and a-half hours' general education, and half-an-hour at scripture.

1799. How many children have you attending school ? - Twenty-three attending regularly. Ten boys and thirteen girls.

1800. Do you keep a school register ? - We keep a register of attendances and marks.

1801. Does the Education Department supply you with school requisites ? No.

1802. Have you ever applied to that department for them ? - No.

1803. Do you keep the children occupied outside school hours ? - Yes; for a few hours daily.

1804. What at ? - Some at getting firewood. The larger girls are employed filling a tank with water for the house, working in the garden, and milking goats. The boys milk a cow and do the harder work that has to be done about the place.

1805. What food do these children get ? - The boys get bread and porridge, sago, tea, plenty of fruit, treacle in their porridge, and bread; soup once a day for dinner. They get sago and soup alternate days for dinner.

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Hadley;

1806. Are these children properly clothed ? - The boys are clothed in dungaree suits at present. The girls get a skirt about every two and a-half months. At the commencement of every South-East season the girls and the boys get a shirt and a blanket. Girls get about five skirts a year.

1807. Does the Government supply you with blankets for the blacks ? - Not for the children.

1808. Do you supply blankets to any of these children out of your own pocket ? - Yes.

1809. About how many do you yourself supply annually ? - About a bale - 50 in a bale.

1810. Do you employ any of the blacks at the station ? - Yes; the crew for the boat. Two or three work about the house and on other jobs, and others go beach-combing to the mainland.

1811. What do you mean by beach-combing ? - Gathering pearlshell and *bêche-de-mer* on our reefs.

1812. Are these blacks employed under contract? - No; voluntarily. There is no contract.

1813. What do they get in return for their labour ? - All adults get two suits of clothes a year, a tomahawk, a chisel, rug, tobacco twice a week, a free gift of flour every Sunday. Those that work are fed regularly. These get three meals a day.

1814. What do the others get ? - Clothes twice a year, a rug, tobacco twice a week, flour on Sundays. Everybody gets a free breakfast before service on Sundays. The adult men that are not working get a free bag of flour.

1815. How do you keep the adult women occupied ? - In keeping the house supplied with firewood and collecting shell for making lime. They also hunt for *bêche-de-mer* about three times a year.

1816. What food do these adult women get.? - When gathering *Bêche-de-mer* they are paid by results. They get boiled rice and tea for breakfast with tobacco twice a week. When they come for breakfast they have to bring firewood, so that they earn their breakfast. They do not get their food

for nothing.

1817. Have you any crippled or infirm blacks at the present time at the mission ? - Yes; nine or 10.

1818. Do you get anything special from the Government for these 10 ? - Yes; I get ninepence a day for each.

1819. Have these indigent blacks got any younger relatives ? - They have children at school.

1820. Have they no relatives old enough to obtain food for them ? - I suppose they have. They have daughters married to other men, but the husbands require their services. Three of them have grown-up sons.

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Mr. M.S. **Hadley**, *continued*.

1821. If the Government did not grant this relief, would not some of the younger men obtain food for their infirm relatives ? - Some would, but some of the infirm relatives would be left to pine away.

1822. What animals have you on the station ? - Eight head of cattle and about 20 head of goats.

1823. Have you a boat ? - Yes; a five-ton cutter.

1824. What buildings have you on the island ? - A stone dwelling-house, a stone store, a stone cottage for single girls, a 30' x 20' large iron building for single men, three or four frame houses for the natives, but which are not appreciated. I am also erecting a large building for a school and place of worship.

1825. Do you allow the little children who are at school in the daytime to camp with their relatives in the native camp at night ? - Yes; they camp with their parents. The whole population of the island is living in families.

1826. Have you built any dormitories for the little children to separate them from the other natives ? - There is a stone cottage for single girls. Some of them do not sleep there, but it is there if they wish to. They keep their clothes and blankets there.

1827. Have you a dormitory for little boys ? - No. There is a general dormitory for the men, but they will not use buildings except in the rainy weather.

1828. Do you find that any of the blacks run away from the mission ? - One boy has run away. He belonged to the mainland. I have washed my hands of him.

1829. About how many blacks have you altogether on the island ? - About 90 permanent residents.

1830. Have you let any children out on indenture or contract ? - No.

1831. Do you care to give me any idea of the finances of the mission ? - Yes. I should say my expenses are between £400 and £500 a year. We get about £220 per annum (*i.e.* £100 as grant-in-aid and about £120 as rations for the indigent) from the Government, and have to find the balance ourselves.

1832. How do you obtain this £250 that you have to make up ? - Partly by the labour of the blacks, partly from my own private money.

1833. Have you had any trouble during the last three years with the pearling boats ? - Two years ago, two girls were taken away to the mainland by their husbands and were taken to the luggers by the divers, and the husbands were supplied with drink and the women submitted to fornication on board the boats by the divers and crews.

1834. What action did you take to punish the offenders ? - I laid the matter before the police with the names of the boats and crews. The husbands were put in chains in front of their relatives as an example for taking the women away. No further action was taken by the police. I laid the matter in the hands of the police for them to prosecute, but they did not.

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Hadley;

1835. Do you occupy the whole of Sunday Island ? - Originally the whole of the island was under a pastoral lease, but fifty acres were resumed for the purposes of the mission. I understand that the land was given over to the Aborigines Department for the aborigines.

1836. Have the blacks at present occupying Sunday Island any tribal rights to any neighbouring islands or portions of the mainland ? - I do not think they claim any part of the mainland. They claim some of the adjoining islands.

1837. Do you recommend that the sphere of your mission influence should be increased ? - Yes; on the Western mainland side. On the Eastern mainland side there are hostile tribes, and it would take time to get into touch with them.

1838. If your sphere of mission influence were extended to Swan Point would not you have trouble with the fleets which are there at Cygnet Bay during the laying-up season ? - The alien labour of the pearling fleets would hinder our work.

1839. Is there any necessity, in your opinion, for the fleets to lay up at Cygnet Bay ? - If the pearlery are fishing in King's Sound, Cygnet Bay is required; otherwise it would not be required.

1840. Is there much fishing done in King's Sound ? - Nothing to speak of. N It is worthless.

1841. Would it be any hardship on the pearlery if King's Sound were closed to the pearlery ? - I do not think it would be any loss to them.

1842. I understand that you have been a pearler yourself. Is that so ? - Yes.

1843. What do the fleets that lay up at Cygnet Bay usually do ? - They spend their time repairing their boats and getting a few shell in the Sound, which is practically exhausted. There is good shelter and good water there. It is a good place for repairing boats.

1844. Could the boats, when working the Lacepede Islands and others adjoining, get equally good water and wood and places for repairing their boats at Beagle Bay and Baldwin's Creek ? - Yes.

1845. It would, then, be no hardship to make the boats which at present lay up at Cygnet Bay lay up at Beagle Bay and Baldwin's Creek ? - It would be no hardship, as there would be plenty of wood and water and plenty of facilities for repairing the boats.

1846. Are you experiencing any absolute necessity for getting further assistance in your work ? - Yes. The work is far too heavy at present. With the present funds it is impossible to pay a salary to another man. I feel that we have a right and deserve a salary for a schoolmaster. It would lighten my labours and leave me free to utilise the blacks more for their own support. There would be a larger staff on the island to carry on the work while I am away.

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Hadley; Rose;

1847. Why have you to be absent from the island ? - The only way that I can make the labour self-supporting is to utilise it for gathering *bêche-de-mer* and shell on the reefs. I have to take it to market, and be absent very much in Derby for my stores. I cannot afford to buy large wholesale quantities.

1848. Is your mission in debt ? - No; we pay our way and take care not to get into debt.

1849. What do you think would be a fair thing to ask the Government as salary for a schoolmaster ? - From £100 to £120 per annum. We have several children on the island not included in the number attending school. They are between the ages of eight and ten. They will go after the Christmas holidays. A schoolmaster could make the school-work very attractive for them.

1850. Are you aware that the Government is paying one shilling per head for every child attending school at another mission station ? - Yes; I have seen it lately in the newspapers.

1851. Do you not think that a shilling per day or £18 5s. a year for each child at school an exorbitant charge to make on the Government ? - I should not feel justified in asking for that myself or receiving it. I don't think I could give the Government a *quid pro quo*.

1852. Could you give me any estimate as to how much each child does really cost ? - I could not.

1853. Are there any other matters which you wish to bring under my notice ? - Yes. I am very anxious to have fuller powers than I have at present. At the present time I have no legal right to keep off the island any Asiatic or other undesirable person who chooses to land there. Although I am nominally in charge of the Sunday Island Mission I have no legal status to that position.

24th November, 1904.

Augustus Frederick Rose, Station-owner, Leopold Downs.

1854. How long have you been at Leopold Downs station ? - Since 1898.

1855. Have you anything to do with Quanbung station ? - No. It is in charge of a brother of mine, Arnold Geoff Rose.

1856. I notice on the warrants that a number of blacks have come down from your station for alleged cattle-killing. I want to know whether all these blacks were arrested on your instructions ?
- Most decidedly not.

1857. Have you not laid the information against these blacks, then ? - Not in all cases.

1858. In the cases where you have laid the information have you yourself prosecuted ? - No.

1859. Can you give me any reason why you did not prosecute ? - I never thought there was any occasion to do so.

1860. Have the police arrested blacks on your station without your authority and without information from you? - Yes; they have done it.

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Rose

1861. Have you objected to the police doing this sort of thing ? - Yes; I did object to it.

1862. To whom ? - I did not make any complaint to the police. It was an opinion that I held.

1863. Can you give me any reasons why you objected ? - Because I consider that the uncivilised natives are far better in their uncivilised state than being brought into Derby and semi-civilised. They are a great deal of trouble after they come out of gaol.

1864. What opinion have you as to why the police take this action ? - partly because it is their duty, and because of what they can make out of it.

1865. Have you any reason to believe that they do make something out of it ? - Yes; from what they are paid to bring the natives down.

1866. Do you think they spend 2s. 5d. daily on each prisoner on the journey ? - I do not.

1867. Have you ever given the police anything in the way of beef ? - Yes; I have.

1868. Have you always charged for it ? - No; not always. In fact, I charge for it very seldom.

1869. Have you ever seen any of the police on the road escorting black prisoners ? - Yes.

1870. Have you ever seen women with the prisoners ? - Yes.

1871. Have you seen them chained at night ? - No; never.

1872. Have you known any of these escorting police or trackers to shoot kangaroo on the road ? - I cannot speak from personal knowledge of it.

1873. Do you employ aborigines on your station ? - Yes; a few.

1874. Do you pay them wages ? - No.

1875. Are they under contract ? - No.

1876. Have you any reason for not putting them under contract ? - Yes. If they will not work of their own free will I always consider they are not worth having.

1877. If they ever clear out do you go to the trouble of bringing them back again ? - On very rare occasions.

1878. On these rare occasions have you brought them back by force ? - Nothing further than the command that I have over them as being their master.

1879. You did not flog or whip them ? - Never.

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Rose; Thurkle;

1880. As far as your experience goes, does one pastoralist ever attempt to get the blacks away from another pastoralist ? - No.

1881. Is it a sort of code of honour amongst them not to interfere with each other's blacks ? - Yes.

1882. Are there any half-castes on the run ? - Yes; one.

1883. Have you any white employees on your station ? - Yes.

1884. Do you allow them to have their black women ? - No; I do not. I strongly object to it.

1885. Can you give me any idea as to the proportion of black men to black women on your station ? - They are about equal. I only have two men constantly on the station with their wives. Others come in from the bush at times.

1886. Is yours a cattle or sheep station ? - It is a cattle station.

1887. Do the black women do any mustering for you ? - Yes; in conjunction with their men.

1888. As far as you know is that a common thing on the Fitzroy River ? - It is not a common thing.

24th November, 1904.

Edward George Thurkle, Clerk of Courts, Derby.

1889. Will you kindly give me the amounts paid through you from the Treasury Paymaster's Advance Account on account of Aboriginal Prisoners' rations during the past three years, that is, since November, 1901 ?

Name of Officer.	Rank.	Stationed at.	Amount Received			Remrks.
Duncan, J.	Sub-Inspector	Derby	£	s	d	In February, 1903
Buckland, A. H.	Corporal		1	7	8	Since March, 1903
McGrath	Constable	"	215	12	6	In October, 1904
Jenkins, S.	"	"	4	1	7	Since February 1904
Napier, F. P.	"	"	34	19	3	1904
F e e l y , W . [deceased]	Corporal	"	42	0	4	Up to October, 1903
Mulkerin, M.	Constable	Fitzroy	59	6	10	Up to February 1903
Sullivan, J. P.	"	"	335	6	0	1903
Cunningham F. B.	"	"	230	11	0	Since Nov'r, 1901
Wilson J.*	"	Isdell	40	12	6	Up to Sept'r, 1904
O'Neil P.	"	Robinson River	192	14	7	Since October, 1904
Inglis J.	"	"	74	0	6	1904
			<u>29</u>	<u>17</u>	<u>1</u>	Since July, 1904
			1260	19	10	Since June, 1902
						In October, 1902

* Money still due this constable for November, 1904.

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Thurkle;

1890. Through what departments are these amounts paid ? - The Crown Law, Police, Gaols, and Aborigines Departments.

1891. Which amounts are paid for by the Crown Law Department ? - Rations for witnesses brought to and from the court.

1892. What items do the Gaols Department pay ? - Rations for sentenced prisoners.

1893. What items do the Police Department pay ? - Rations for prisoners from the time they are arrested until such time as they are convicted.

1894. What are charged to the Aborigines Department ? - Rations for prisoners returning to their own country after undergoing sentence.

1895. What were the amounts paid by each department?

Officer Receiving	Crown Law	Gaols	Police	Aborigines	Total
					£ s
			£ s		d 1 7
			d		8 215 12
				
			13 14	£ s	6 4 1
Duncan, J.			4	d 1 7	7 34 19
Buckland, A. H.	£ s d	£ s d	9	8 26 6	5 42 0
McGrath	30 11 3	145 0 10	4 14 6	1	4 29 15
Jenkins, S.	3 6 3	4 7	4	.....	4 59 10
Napier, T. P.	20 13 1	.....	9	.....	6 335 6
F e e l y , W . [deceased]	11 13 9	14 15 10	7 4	.....	0 230 11
Mulkerin, M.	36 2 8	38 8 1	8	1 7	0 40 12
Sullivan, J. P.	86 0 3	14 13 4	210 17 4	.....	6 192 14
Cunningham,	75 13 4	.....	8	.....	7 74 0
F. B.	67 8 6	.....	140 4	.....	6 29 17
Wilson, J.	17 10 5	4	1 1,260 19
O'Neil, P.	26 9 1	3 8 0	40 12	10
Inglis, J.			6 125 6	
			1 56 10		
			1	
					1 29 17
					1,260 19
					10

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Rose; Wace;

1896. What amounts have been paid through your office, on account of trackers, to police officers during the past three years at Derby, Fitzroy, Isdell, and Robinson River stations ?

To whom paid	Stationed at	Amount received	Remarks
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Buckland, A. H.	Derby	£	s	d	Since March, 1903
Crommelin, H. S.	do.	217	8	0	In October, 1904
Jenkins, S.	do.	6	2	0	Since February, 1904
Feely, W. [deceased]	do.	13	8	0	Up to February, 1904
Napier, J. P.	do.	134	18	0	
Mulkerin, M.	Fitzroy	194	10	0	
Cunningham, F. B.	do.	225	8	0	Since February, 1903
Wilson, J.	Isdell	32	4	0	Since July, 1904
O'Neil, P.	Robinson River	67	4	0	Since June, 1902
Inglis, J.	do.	205	8	0	Since October, 1902
		73	0	0	
		1,169	10	0	

1897. When the accused aboriginal prisoners are either discharged or found not guilty at the police court, do the constables still receive the ration allowance for bringing them in and taking them back ? - Yes.

1898. What is to prevent a arresting as many blacks as he chooses ? - I see no check whatsoever on it.

1899. I presume there is no limit to the number of witnesses the constable is allowed to bring with him ? - I believe not.

25th November, 1904.

Richard Henry Wace, Resident Magistrate and District Medical Officer, Derby.

1900. How long have you been in charge of this district ? - Since February, 1903.

1901. Are you Protector of Aborigines ? - I believe so. 1902. Has your appointment to that effect ever been gazetted ? - No. I have looked upon myself as Protector of Aborigines *ex officio*, and have given instructions to the police that I would sit on the bench on all cases of charges against aborigines myself.

1903. Do you know whether there are any contracts with aboriginals in force in this district? – There are plenty of contracts in force.

1904. Are you ever asked to witness these contracts ?-Yes. I would like to state that there is one boy in my employ at the hospital. He is under contract.

1905. Are there any justices who witness contracts unbeknown to you ? - I have reason to believe that there has been one case recently, but I would not say it was done deliberately behind my back.

1906. Have you ever refused to witness a contract ? – Yes. Though I have not refused one on that ground, I think that women should not be signed, as they have tribal customs that demand their periodical departure for the bush. There are other similar reasons.

1907. Do you know whether a justice has granted it after you have refused it ? - Not to my knowledge.

1908. Have you witnessed any indentures of apprenticeship with aborigines ? - I have always refused. I personally disapprove of them.

- **110b** -

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Wace;

1909. Will you kindly give me your reasons for disapproval ? - My main objection is that the child is bound and can be reached by law and punished, but the person to whom the child is bound is apparently responsible to nobody. Though I am aware that the child is sufficiently protected by the wording of the indenture, in the actual working the white master is seldom reached in the event of his not carrying out his obligations.

1910. Do you know of any liquor being supplied to blacks in this district ? - Yes; it is constantly being done. Liquor is the recognised wage of the black prostitute; it is never supplied for money.

1911. Do any cases come before the court ? - Yes.

1912. Is the full penalty always imposed ? - Yes.

1913. Are any blacks employed at the hotels here ? - Yes; but always under permission.

1914. From whom has this permission to be obtained ? - Permission is obtained from the Resident Magistrate under authority from the Chief Protector of Aborigines. The procedure I follow is that I will have nothing to do with any application that has not come to me through the police. If the police state that they raise no objection permission is granted, providing always, that I know of nothing contra-indicating it myself.

1915. Do you approve of blacks being employed at hotels ? - I cannot say that I do. I think it would be better if they were not. It is covered by an order from Perth.

1916. Have you any views as to whether blacks should be paid wages for their services in addition to clothes and food ? - Certainly. I always pay my own blacks, and insist on the black servant at the hospital receiving wages.

- **111a** -

Mr. R.H. Wace, continued.

1917. If wages were to be universally insisted upon, do you approve of the blacks having the money themselves to spend ? - Yes. I have found in my own experience that the blacks have never abused the money that they have been given. I speak of seven blacks I have paid, and find that they buy belts, hats, mouth-organs, and gaudy finery, and make presents amongst each other. One of my black servants has saved three-quarters of his wages, and when he was asked why he did it, he said, 'Bye and bye when Doctor goes away I will buy plenty of tucker and tobacco and will not have to work.'

1918. Are you aware that many people are employing blacks without paying wages, the reason being that if they did get wages they would get drunk ? - Yes. I always point out that it is against

the law for them to get drink : liquor is given for a specific reason.

1919. Even on the stations, do you think wages should be paid to blacks ? - That is a very difficult question to answer. The argument always raised is, 'How can they spend their money?' Under these circumstances I think it would be possible either to pay them in kind or to pay the wages into a fund so that in the event of their getting old or injured they would have money to draw on. Such money should be paid into the fund in their own names.

1920. Would you approve, under such circumstances, of a system whereby payment of wages to blacks was insisted upon, but paid to the Government to recoup it for the expense incurred in granting aboriginal relief ? - No. If anyone is to be taxed for that purpose I think the employer of black labour should be taxed exclusive of any wages. I think to absorb the wages of a black and pay it into a fund to support his relatives is a breach of the principles of the Truck Acts. He is entitled to the money he earns, and it should be paid into his own account.

1921. Do you consider that the provisions of the Aborigines Protection Act could be carried on better than they are at present if one officer was made responsible for each district ? - Yes, provided that that officer was responsible to somebody else. What the whole thing really requires is constant, active personal supervision. There are so many chances for abuses.

1922. Do you think that anything could be done for the benefit of the aboriginal and half-caste waifs and strays ? - Yes. These are the people that should be got at. There is a large number of absolutely worthless blacks and half-castes about who grow up to lives of prostitution and idleness. They are a perfect nuisance. If they were taken away young from their surroundings of temptation much might be done with them.

1923. Would you approve of a system of sending them to properly-organised and properly supervised schools, missions, or reformatories, to teach them something ? - Yes.

1924. Do you know whether any Government relief is being issued to blacks in this district ? - Yes.

1925. At how many stations ? - There are four relieving stations in the district now.

- 111b -

Wace;

1926. Have you any reason to think that the blacks do not get the relief that is intended for them ? - I have a suspicion that on one of these stations they do not get the relief as it is intended to be given. I believe that instead of the full quantity of flour they get vegetable produce that they help to grow, such as pumpkins, etc. I have not been able to find anyone who could tell me exactly how many people are there. They generally say that the blacks are 'out back.' Still, I am suspicious. I made inquiries from the Sub-Inspector of Police here, who told me he had made a

point of going there on two occasions. On neither occasion was he expected, but on both visits the blacks were away.

1927. Is there any real abuse at these relieving centres ? - While prosecuting inquiries received from headquarters I made a point of asking Sub-Inspector Duncan, who had been travelling down from Wyndham to Derby, to give me information, but he could give me no definite story to confirm my belief that these relieving stations were administered badly. I directed my inquiries at the time more especially to one of the stations in my district. What he said, however, tended to strengthen my opinion that the relief was not administered satisfactorily. Furthermore, he told me that on one station not in my district he was sure large profits were made, as he had been informed by the wife of the relieving officer that they had sub-let the business for £1 per week.

1928. What about sickness amongst the blacks ? - At present the blacks seem to get little sympathy or attendance when suffering from venereal disease. When on relief it is nobody's business to notify the District Medical Officer, and if on contract it is considered his own fault. This I strongly urge it seldom, if ever, is. The man contracts it 99 times out of 100 from his own gin. In one case in my own experience the gin had been given it by Malays in the employ of her master.

1929. Have deaths of aborigines to be reported to you ? - It appears to be no one's business to report them to me. I have given instructions that, in the event of a native dying without medical attendance within the limit of the town-site, a magisterial inquiry or inquest is to be held.

1930. Do you approve of a system of Reserves where no one, except with authority, should be allowed to enter ? - Yes. That is what is wanted. The reserves would have to be pretty extensive, for there is a large number of blacks in the country. Islands, large promontories, mountainous districts, and districts where the marches of several tribes meet and which, as a rule, are used as corroboree grounds should, I think, be reserved.

1931. In addition to the hardships of the aborigines owing to the presence of cattle, are they suffering much through the promiscuous killing of kangaroos by the kangaroo-shooters ? - They have not had time yet, because in the districts where the kangaroos are mostly killed there are very few blacks. For instance, on the Yeeda station and close along the river there are hardly any blacks except station blacks. On these stations the kangaroos have been most extensively wiped out. As you go further back the stations are fewer and the blacks more numerous. In these places the killing of the kangaroos has not caused the natives inconvenience as yet.

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Mr. R. H. Wace, *continued.*

1932. Do you believe in these kangaroo-shooters being allowed to go where they like and shoot thousands of kangaroos ? - No. It is the native food of the black and should not be wiped out. It is a singular state of things. The station owner gets a grant of the land to raise sheep and cattle and he must wipe out the kangaroo, as you cannot raise sheep and kangaroo at the same time. When the kangaroos get scarce the blacks must kill his cattle or sheep, or be kept at the station expense. This is an argument in favour of reserves; on the other hand, however, the black kills the cattle, I think, for the mere sport of it.

1933. As far as aboriginal prisoners are concerned, what is your opinion about giving a Justice of the Peace power to inflict a whipping or imprisonment up to three years ? – Personally I do not approve of it. I think there should be special courts to deal with aboriginals, with special procedure, in which someone is appointed to defend the black.

1934. Has your attention been drawn to the fact that when an aboriginal pleads guilty he can be sentenced summarily to three years' imprisonment ? - That is the usual procedure.

1935. Do you approve of it ? - No. My reason is that shortly before giving evidence to this commission - in order that I might more fully comprehend the position here - I went through all the correspondence for the past three years and any other documents that I could find.

I came across a letter from the late Resident Magistrate, which seemed to point to irritation at a question asked by a juror as to the probable ownership of a beast, pointing out that though a conviction had been obtained in the present case on circumstantial evidence 'that, unless some such alteration be made I fear it will be impossible to commit upon purely circumstantial or presumptive evidence.'

Such alteration was a suggestion that the fact of an animal being on a certain man's run should be presumptive evidence of that man's ownership for the purposes of the Act, and he refers in parenthesis to suggestions made by the Police Department here to modify the Criminal Code in accordance with what has since been passed as the Criminal Code Amendment Act. On seeing the reference to the sub-inspector's letter I asked for it.

1936. Will you kindly read the correspondence ? - Please note that the Sub-inspector's letter is written previously to the Quarter Sessions and could not have been prompted by the occurrence that evidently called forth that of the magistrate.

- 112b -

Wace;

[COPY.]

Sub-Inspector's Office,
THE COMMISSIONER OF POLICE. Derby, 5th July, 1902.

Since the repeal of the various Acts dealing with the punishment of aboriginal native offenders for criminal offences such as cattle killing, etc., etc., in which magistrates and local justices were given the power to deal summarily with such offenders, such power being now removed (*vide* Criminal Code), as the offence of cattle-killing is an offence punishable with hard labour for seven years, it is therefore not an offence which can be dealt with summarily.

As the principal offences in this district are cattle-killing by natives, and as it is necessary for the police (when arresting native offenders) to bring the witnesses along with them and detain such witnesses until the offenders have been finally dealt with - for such witnesses (being natives of a wild nature) if once lost sight of there would be no end of trouble in getting hold of them again, and in many cases might never be got, thus enabling offenders (who they were witnesses against) to escape punishment.

As these witnesses have to be brought a long distance, fed and clothed while waiting quarter sessions, and finally returned to their country under escort, this will mean an enormous expense to the State. A deal of extra work will also involve on the police at places where no quarter sessions are held.

Had Sections 4 and 7 of 47 Vict., No.8, been left unrepealed the matter of dealing with the punishment of natives for such offences would have been simplified.

Trusting you will be pleased to give this matter due consideration.

(Signed) J. DUNCAN,
Sub-Inspector.
THE SECRETARY, CROWN LAW DEPARTMENT.

Undoubtedly, under this new Act, the cost of keeping native witnesses will be very heavy. Could the suggestion of Sub-Inspector Duncan receive attention?

(Signed) FRED. HARE,
21st August, 1902. Commissioner.
THE COMMISSIONER OF POLICE.

The matter referred to has had the consideration of this department for some time. Nothing can be done just at present, but the Parliamentary Draftsman is now drafting amendments to the Criminal Code, and the is on the list for alterations and will be attended to in due course.

(Signed) H. G. HAMPTON,
21st August, 1902. Secretary Crown Law Department.

[COPY.]
THE SECRETARY, CROWN LAW DEPARTMENT, PERTH.
Derby, 5th August, 1902.

In reference to case of indictment and verdict for killing cattle by aboriginal natives, held at the Quarter Sessions here on 28th ult., the jury brought in guilty of killing the bullock in question. One juror was anxious to know who was the owner of the same. The police evidence assumed, as it was on Emanuel & Co.'s run, it was theirs, thus making it circumstantial evidence, there being nothing to show ownership with respect to Sections 380 and 368 sub-section 2 where the words (which is the property of any person). I am thoroughly in accord with Sub-Inspector Duncan (whom I consider one of the most worthy men in the force) stationed here [who] has wisely written his chief suggesting an amendment. I would suggest something like the following be added for the Kimberley district – that where an animal is found killed, maimed, etc., to be considered the property of the owner on whose station it may be. Unless some such alteration be made, I fear it will be impossible to commit upon purely circumstantial or presumptive evidence which has been done in the past.

. difficult to obtain convictions, native aboriginal,; destroying all traces of ownership. Trusting you will give this your consideration.

(Signed) WILLIAM HARVEY,
Resident Magistrate

My reason for objecting to the procedure mentioned in the Criminal Code Amendment Act is that I think it has resulted in depriving the black of one of his chances of assistance.

- **113a** -

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Mr. R. H. Wace, *continued.*

1937. Have you had any experience in dealing with cases of cattle-killing on the Bench ? - Yes.

1938. Is it a fact that in almost all cases the accused pleads guilty ? - In all cases but two since I have been here the accused have pleaded guilty. I am now altering the procedure and I do not hear these cases under the Criminal Code Amendment Act. In the last case that came before me I told the police that in future I would expect, in all cases where aboriginals were charged with offences against whites, the aggrieved party himself to prosecute in person, and that where such cases were of the nature that the Criminal Code was amended to cover, on the ground of expense, I would endeavour to hold special sessions for them. The two cases I mentioned previously, where the accused pleaded 'Not guilty', were remanded to Quarter Sessions on 13th August, 1904, and were withdrawn, on the application of the corporal of police, on account of the expense of keeping witnesses.

1939. As a rule, are these prisoners charged conjointly or separately ? - The charge is made conjointly and individually. The charge is 'that they did, each and all of them'.

1940. What is the largest number of blacks that have appeared before you on the one charge ? - I think ten is the largest number I have had together. I think they would average six or seven on a charge.

1941. Has it ever struck you as somewhat strange that so many blacks should be in one batch on the same charge ? - No. The charge has generally included that of eating the bullock, an offence analagous to stealing. They were practically accessories after the fact if they hadn't killed the beast.

1942. Who usually prosecutes in these cases ? - The police have hitherto.

1943. Why does not the manager or owner of the station whence the beast is alleged to have been killed prosecute ? - I do not know. I have asked that they be here in future.

1944. Have you ever asked why the manager or owner was not there to prosecute ? - I know the answer. The answer is that the custom of the court has been to take the police prosecution.

1945. Do you ask the accused how he pleads ? - Each person is individually asked whether he killed the animal or not.

1946. Through an interpreter ? - Yes.

1947. Who is the interpreter ? - The police boy, or anyone else that may be sworn or affirmed for that purpose.

1948. How do you guard against the police boy or other interpreter telling you a lie ? -The only guard is that the man is affirmed.

1949. Does this police boy speak the language of the accused, or does he speak through another interpreter ? - He speaks through another interpreter in this court.

- 113b -

Wace;

1950. With regard to asking the accused, how he pleads, please tell me what is the exact form in which you put your question when talking to the interpreter ? - The way I ask the question is, 'Ask that man (pointing to the accused and mentioning his name) if he killed the bullock.'

1951. Do you take any particular care to describe any particular bullock - whether the bullock was killed months ago or only recently ? - I do not think myself that there is any doubt in the minds of the blacks as to which bullock is killed and for which they are being tried. Of course, if the man plead not guilty, proof of the ownership of the bullock would not, in my opinion, be essential.

1952. Because the accused happens to admit that he has killed the beast, do you take such an answer to mean that he proposes to plead guilty ? - Yes; if the black has answered my question the way I put it to him. I tell him the police say he killed such and such a bullock at such and such a place. I put the question to the boy, 'Did you kill the beast ?' If he says he killed the beast which the police say he killed I take it as a plea of guilty.

As Protector of Aborigines, I consider that I am not supposed to accept a plea of guilty from a blackfellow. In fact, I have objected to the question being put to the black to show cause why he should not be committed for the particular offence, for by the time it is explained he usually regards it as an opportunity to admit the offence.

In this particular procedure before us there is an Act of Parliament to direct that the question be put whether he has killed or not killed. If a black commits the offence he will plead guilty, and I mean by pleading guilty admitting the offence. Personally, I do not think the question should be put. I am forced, however, to do this when dealing with the case under the Criminal Code Amendment Act.

1953. I have noticed on the warrants of aborigines who have been sentenced by you that they have all pleaded guilty to the one and same offence, but some have received longer sentences than others. Can you give me some explanation of this ? - I always warn a black, when passing sentence, that in the event of his again committing the same offence he will get a longer sentence. If the black comes before me again for the same offence he will get a larger sentence. When a young boy comes into court I prefer to give a small sentence and find him an employer. I only remember one case of a young boy. His name was **Mandamah**.

1954. Do you believe that these wild blacks can be made to understand the scope of the meaning of the terms 'pleading guilty' or 'intent' ? - I do not consider that either of those phrases is essential either to the procedure or to the crime. I do not, however; think that a blackfellow would understand that the essence of that crime was the intent to steal.

1955. This commission has been informed that in the majority of cases the witnesses for the prosecution are young women. Is that so ? - Yes.

1956. Have you noticed in these cases that the women are never charged with killing cattle or stealing beef ? - I have.

1957. Are you aware that these female witnesses are really unwilling witnesses ? - No. I should think it was hardly probable that they were. They give their evidence willingly, enough in court.

- **114a** -

Mr. R. H **Wace**, *continued*.

1958. Do you inquire whether these female witnesses are the wives of the accused, so as to caution them about giving evidence against their husbands' interests, as in the case of white women ? - I always understood that they were not the wives of the accused. I have never directly given the caution.

1959. This commission has been informed that these females are equally as guilty as far as stealing the meat is concerned, and that they are asked to turn informers. Did you know this ? -

They appear here always as King's evidence for the purpose of escaping punishment for their misdeeds.

1960. Would the same evidence which is brought forward in the case of an aboriginal accused of cattle-killing convict a white man under the same circumstances ? - Yes; if he pleaded guilty.

1961. Have you not felt often, in dealing with these cases, that there is something of an undercurrent of injustice meted out to the natives in the way that they have been brought in without defence and with no opportunity of calling witnesses ? - The whole thing is covered by the fact of their pleading guilty.

1962. Do you believe in trying aborigines for tribal murder ? - If the law of the country says that they must be punished for murder I can do nothing else. I think there should be special laws and procedure in the case of blacks. A justice cannot do more than administer the law as it is.

1963. Do the police bring the blacks into the court properly dressed ? - The gins are always decently dressed, and the men wear loin cloths only. I consider it perfectly reasonable clothing for this climate.

1964. Have you ever received a Supreme Court commission to try a case which you have dealt with previously in the Police Court ? - I have sat as Supreme Court Commissioner in a case which I had previously committed for trial.

1965. Does not this tend to put you in a very unenviable position ? - No. I commit on *prima facie* evidence which often would be insufficient to bring home a crime.

1966. How do you like the position as Supreme Court Commissioner in dealing with cases where the prisoner's life is concerned ? - I would dislike that very much indeed.

1967. Are blacks signed-on on the boats ? - There have been no pearling boats here.

1968. Have you any information to give this Commission on the effects of this pearling industry upon the coastal blacks ? - It is most thoroughly demoralising to the blacks. In the laying-up season of this year several pearling luggers laid up at Cygnet Bay. Several cases of supplying liquor to the blacks were brought down here. In every case I asked why the defendants had given the liquor, and in every case I was informed that the reason was that they wanted one of the women. I think that liquor is seldom given in these cases - in fact in any cases - to the aboriginals except for that specific purpose. It is the recognised payment.

I have treated several cases this year of specific diseases amongst the pearling boats, and I know from my own knowledge that it is extremely prevalent amongst these crews and cannot but have an extremely bad effect amongst the blacks. It is readily communicable, and at its worst it is hereditary. It has a morally and physically deteriorating effect both on the one who contracts and to the one to whom it is communicated by descent.

To my own knowledge, girls have been taken from a mission station in accordance with the tribal marriage customs - young girls of 14 or 15 years, who have only just arrived at maturity and in perfect health - taken away and prostituted amongst the crews of the luggers, returning after some time suffering from specific disease. One of the main reasons of the dying out of the black race is the fact that, through prostitution, the women become infertile.

This, by the way, applies throughout the district. I know also that members of lugger crews go ashore with guns, ostensibly for self-protection against the blacks. I refer to a case of a member of one Mr. Piggott's boats, Pedro Rodriguez, who was shot while stepping out of the boat. I elicited the evidence that he was taking a gun ashore for the purpose of 'self-protection'. While these boats were at Cygnet Bay a policeman was sent at the urgent request of the pearlers. The policeman got a very bad reception. The constable spent his time bringing Asiatics to trial, and during the intervals that he was away, bringing up persons charged with supplying liquor, the crews at Cygnet Bay were wholly without supervision.

1969. Considering that there are no contracts in force, how does a station manager set about getting his blacks back again when they run away from his service ? - I have been repeatedly told that there is an unwritten law in the district that one person must not employ a black that 'belongs' to some one else. On a recent occasion, when a black and his gin came to me complaining of ill-usage by a teamster and I gave them employment, I received from the station manager a demand for the blacks' return. The police were also communicated with by the manager.

1970. Do you know of any cases of shooting of aboriginal natives ? - There were three natives recently charged with shooting down black women. These were trackers in the employ of a constable.

They had arrested some natives for cattle-killing who escaped, and in their chagrin the trackers fired on the women, whom they evidently thought had released them. There is little doubt - though they were brought in not guilty - that at any rate one of the gins was killed. One of the natives accused, when asked why he should not be committed for trial, confessed to shooting a gin and wounding her.

1971. Is there much kombo-ism going on in this district ? - Yes. A tremendous lot of it is going on. I have already written to the department asking if something could not be done when the daughter of the gin employed by my wife was taken away by a white man, to the great indignation of my blacks, who informed me that a black would have been speared. I was informed that, though legislation was being drafted for the purpose of dealing with these cases, the aboriginal husband had at present no redress. It has been done so coolly that I have been driving with my wife, and have been stopped and asked by a man to attend his gin, suffering from venereal disease, who was riding by him dressed in trousers.

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Mr. R.H. Wace, *continued.*

1972. What is your opinion about aborigines being allowed to have firearms ? - There is no doubt that there should be legislation to prevent it. I have already brought the matter under the notice of the police. I received a complaint from the mailman that the blacks had firearms, and were shooting kangaroos. A regulation was brought in for the purpose of preventing payment being made for scalps where this was going on.

1973. Is it a fact that liquor can be supplied to an aboriginal native of South Australia ? – There is no doubt that there was a case of a South Australian native being employed by Banger, at Cossack. This native had the credit of supplying liquor to Western Australian blacks.

1974. In your opinion, ought honorary justices to have anything whatever to do with aboriginal matters in the district ? - No. It is one of the things I wish to bring under your notice. I am of opinion that there should be special courts or a special person appointed for the taking of cases against blacks. There should also be a person gazetted to defend the black. Those who are generally selected as Justices of the Peace are persons interested in these particular cases, and there is nothing to prevent a justice sitting on a neighbouring Justice's grievance. Although he may not be an interested person within the meaning of the Act, he is actually interested in the principle involved. There are two members of this Bench who, in my opinion, should be relieved of their duties.

1975. Why should these men be relieved ? - In one case, just after I had sworn the justice in, he, in spite of my instructions to the contrary, clearly expressed, took a half-caste child away against the wishes of his parents and compelled him to drive his stock to the Fitzroy Crossing. I was unwilling to take out a warrant, partly because I was not quite sure of my ground and also because he was a member of the Bench. I, however, telegraphed to Fitzroy Crossing to the police, asking that the child be sent back immediately, and I also telegraphed to the offender that if he did not send the child back I would take proceedings at once.

1976. What is the name of this Justice of the Peace ? - Mr. Calder.

1977. What is the other case ? - The case of a Mr. Gregory. He brought an action against two aborigines - one under contract and one under indenture - for absconding from service. They both admitted it and the reason was that they were insufficiently clothed and could not get enough blankets and food. The constable bore out their statements, and I cancelled the contract and indenture and told Gregory that I thought it a scandalous state of affairs. My opinion was not asked regarding these two appointments. This man celebrated his appointment in a manner scarcely calculated to reflect credit on the Bench.

1978. At Roebourne I saw a warrant for a boy named **Hadley**, sentenced by you to three years for having escaped from legal custody when undergoing a sentence of three months for stealing. Will you kindly tell me whether there were any circumstances which warranted such a sentence ? - The circumstances are such that there were absolutely no other means of dealing with an absolutely dangerous black. The evidence was to the effect that this boy was probably the most dangerous black on the Fitzroy River.

After escaping from prison he had threatened a man named Fenner that he would kill him. He had also threatened to burn the camps of the kangaroo-hunters, and at the time was endeavouring to become possessed of a rifle. There had been an epidemic of rifle stealing by blacks on this river at the time of his escape, and there had been one deliberate attempted murder.

1979. In the Broome gaol I saw an aboriginal named **Yarri** who, it was understood, had arrived a cripple and practically blind [514]. I find that he was sentenced by you for cattle-killing. Will you kindly tell me something about this case. ? - Yarri was perfectly well, had nothing the matter with his eyes, and was not a cripple when he left here. He is now in my hospital suffering from the result of an injury to the knee which I have shown you and which, in your presence, he stated he received from a falling stone when working outside Broome gaol.

26th November, 1904.

Donald McInnes, Stockman.

1980. On what station are you working ? - I am head stockman on Denison Downs, Sturt's Creek East Kimberley.

1981. When the manager is away you have full charge? - Yes.

1982. Have you or anyone else on this station within the last three years, sold beef to any police constables on patrol ? - No; they get their beef free of charge.

1983. Do you know Constable Inglis ? - Yes.

1984. Has he been on your station ? - Yes; he has often been there.

1985. Have you ever sold beef to him ? - No. [1495.]

1986. Have you ever given him some ? - Yes; at different times.

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McManus; Burton;

4th December, 1904.

I. J. McManus, Treasury Paymaster, Hall's Creek.

1987. Please forward by tomorrow's mail complete list of sums paid through your office during last three years to police on account rations aboriginal prisoners and witnesses, giving number of voucher, name of constable, and amount paid in each case [by telegram, 15th November, 1904].

[From the return forwarded, covering the period between 1st January, 1902, and 31st October, 1904, the following particulars have been detailed : -

Name	Rank	Stationed at	Amount received	Remarks
------	------	--------------	-----------------	---------

			d			
			£	s		
						Up to 3 rd march, 1902
						Up to 8 th October, 1902
O'Neil, P.	Constable	Robinson River	37	6	4	Up to 7 th October, 1902
Turner, W. H.	"	Hall's Creek	93	6	1	Between April 1903, & May 1904
Wilson, J.	"	Isdell River	462	2	7	Between Oc'ber & D'ber 1903
Inglis, J.	"	Hall's Creek	165	16	0	Between July 1902 & No'vr 1903
Richardson, F. W.	"	"	121	7	8	Since January, 1904
Caldow, W. T.	"	"		270	18	
Caldow, J. A.	"	"	11			
			<u>207</u>	<u>19</u>	<u>2</u>	
			<u>£1,358</u>	<u>16</u>	<u>9</u>	

23rd December, 1904.

Rev. Alfred Burton, Manager, Swan Native and Half-caste Mission.

1988. How long have you been Manager of the Swan Native and Half-caste Mission ? – Three years.

1989. Whom have you helping you in your work ? - The Misses McIntosh (two) are the only persons on the staff of the Mission. One of the ladies teaches and the other is the Matron. The clerical work is done in Perth.

1990. Is the Mission School ever inspected ? - Yes. The Government Inspector of Schools inspects it every year.

1991. Does Mr. Prinsep inspect the Mission ? - He has been here since I have been in charge and I believe one of his staff also came up.

1992. Do you receive any subsidy from the .Government for the school ? - No. We receive one shilling per head per day for the children.

1993. For that sum you have to educate, clothe, feed, and look after the welfare of the children ? - Yes, and all the labour of looking after their welfare after they leave the institution is done without any assistance from the Government - without even my railway fares being paid. I visit the girls when I have time to spare, but I have to pay all expenses. The Government have refused a railway pass after repeated application, but the Midland Railway Company have given me a free pass whenever I have asked for it.

Burton;

1994. What subjects are taught in the school ? - Reading, writing, arithmetic - in fact, all the elementary subjects.

1995. How many hours schooling a day do the children receive ? - Three hours.

1996. How many children have you attending school ? - From 30 to 33.

1997. Do you keep a school register ? - Yes. The one supplied by the Education Department.

1998. Have you an infants' school separate from that for the older children ? - There is only one schoolroom and only one teacher. We have it in our mind to alter the present arrangements.

1999. At this school then you keep all native and half-caste girls, but only boys up to about seven years of age? - Yes.

2000. What do you do with the boys over seven years of age? - They are drafted into the neighbouring institution known as the Swan Boys' Orphanage.

2001. Do you keep the children occupied outside school hours ? - Yes. In doing their own sewing and washing, in gardening, in looking after cows and poultry, in getting wood, etc.

2002. Up to what age do you keep girls at the Mission ? - Until 17 always. After 17 they are available to enter service, and special supervision is exercised until they are at least 21. The minimum wage obtained for them is £1 per month, and £2 per month is being received by several girls. Generally one half of that amount is saved on their behalf, and the other half goes to keep them in clothes and pocket money. If a girl remains at the Mission after she reaches 17 years of age, she is paid wages at the rate of five shillings per week. From the age of 16 to 17 they receive one shilling per week. When a girl goes out at 17 or later a complete outfit is supplied to her. We spend about £3 on it.

2003. How do you deal with these young women going out to service? Do you bind them under contract or indenture to their mistresses ? - No. I make an agreement by letter that the girl shall stay for at least one year, stipulating for an increase at the end of six months. The girls generally start at £1 10s. per month, and that is increased to £1 15s. or £2 when they have been out for six months. At the end of twelve months the arrangement is ratified or otherwise.

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Rev. A. **Burton**, *continued.*

2004. At the present time, as certified manager of this mission, are you the legal guardian of girls until they are 21 years of age ?- Yes.

2005. At the age of 21 they have full control of all the wages you have saved for them ? - Yes.

2006. Do you consider it wise that they should be allowed to control the money that has thus been

saved for them ? - No. In most instances it is very dangerous. I think the money should be spent, but that the guardian should have the power to supervise its expenditure. The girl should be advised how to spend it – say on a sewing machine, or property that would be of use to her. If she were being married it should be spent on furniture for her home.

2007. At present have you power to deal with the money after they are 21 years of age ? - No. I can only give mere moral advice.

2008. Have you followed the characters of some of these young women going into service after they are 21 years of age ? -- Yes. I have done so in every case.

2009. What has been your experience as to how the girls turn out ? - Some of them have turned out well. Others have not turned out as well as we wish.

2010. On the whole, do you think that a larger proportion of them have done well ? - Out of 28 girls of whom we have knowledge eight are known to have very good characters indeed, eight others have certainly good characters, and of the rest two are very bad, and five are doubtful.

2011. As soon as a boy reaches the age of seven years I understand that you send him to the Swan Boys' Orphanage. Kindly tell me, shortly, the career of such a boy ? - He enters the institution on exactly the same footing as any other boy there. We have eight here at present. He receives the same food, clothing, education, and training. He remains under instruction at the school until he is 14. At 14 he leaves the school, but continues working at the institution until he is 15, receiving a small sum for pocket money. A lot of them get pocket money before they are 14. At the age of 15 they are sent out, chiefly to farm work, with an outfit which costs from £4 to £5. This outfit consists of :-

2 pairs boots, 1 pair braces
2 hats 1 h,air brush
1 suit best clothes, 3 linen collars
2 suits working clothes, 1 small comb
2 cotton shirts, 1 large comb
2 flannels, 1 overcoat
2 pairs pyjamas, 1 Bible
3 pairs socks, 1 Prayer book.
3 handkerchiefs
(A box is also supplied.)

The usual wages to be paid to boys are :-

When 14 years old ... 2s. 6d. per week

15 || 5s.0d. ||
16 || 7s.6d. ||
17 || 10s.0d. ||
18 || 12s. 6d. ||
19 || 15s .0d. ||

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McInnes;

They are indentured for five years as a rule after they go out at 15. The employer finds them in food, clothing, lodging and medical attendance. Two-thirds of their money is saved and banked for them and they get interest on it. The money is available for them when they come of age.

2012. At 21 years of age you cease to be the guardian of these boys, do you not ? - Yes.

2013. Some of them at this age have a comparatively large sum of money to their credit ? - Yes.

2014. Do you think it advisable that they should have the absolute control of this money ? - No.

2015. While these boys are in service do you take any steps to communicate regularly with them or with their employers as to whether there is satisfaction on both side ? - Yes. I communicate with both. Every month for the first 12 months, regularly, a report is received from the master or mistress and from the apprentice (boy) or servant (girl). It should hardly need demonstrating that the care of those lads and girls who have been sent out to face the world, often with no friends outside the institution, is a work of paramount importance.

Unless we effectually cope with the task, we invite disaster. The years that follow their entrance upon the world are the most critical of their lives, and they need all the care and help that our institution can give them. Three years' experience as manager has only intensified my conviction that much more must be done in this direction. A system of regular reports and visits can only be carried out effectively at a much greater expenditure of time and money than has been the case up to the present. Not one tenth of what should be done has been accomplished. The Inspector testifies to its importance. Mr. Whiting, the Secretary of the State Children's Department in South Australia assured me that it was the chief work of the Department to keep in touch with those out at work, and the secret of any success achieved was to be found in that.

2016. I notice in their monthly reports that the girls are asked to give you information as to whether they have been to any entertainment during the month, and with whom they went. Have you any reason for asking this question ? - Yes. First of all it intimates to the mistress that Servants should have some recreation, and it reminds them that I want to know what kind of recreation they have. The most important point is that when girls go out for recreation or amusement they should be under due protection. It indicates very clearly that I expect girls to be under protection when they are having entertainment or amusement.

2017. At what age do the capitation grants from the Government for each boy or girl commence and end ? - It commences upon the day the children are received at the institution. The grant for boys ceases at 14, that for the girls when they reach 16. The amount of the grant is one shilling per head per day.

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Burton; McCormick;

2018. Does the Government make any difference between the grants made to you for boys sent to the Orphanage and those at the Mission, and who receive exactly the same treatment and education ? - Yes. We receive 1½ d. a day less for coloured children.

2019. From whom do you receive your subsidy of one shilling per head for aboriginal and half-caste children ? - From the Aborigines Department.

2020. Are not these children on exactly a similar footing to the white children sent to you from the Charities Department ? - Yes, on exactly the same footing.

28th December, 1904.

Edmund McCormick, Priest, Benedictine Order, New Norcia.

2021. With what objects was the New Norcia Mission founded ? - It was established expressly for the civilising and Christianising of the aborigines.

2022. Are those objects still kept in view ? - Yes.

2023. Besides the New Norcia Mission, are there any other missions connected with it ? - The New Norcia Mission includes also those at Marah and Wyening.

2024. What are you doing at Marah ? - The principal occupation of the brothers and natives is shepherding. The largest flock [sheep] of the mission is there.

2025. About how many blacks have you working there ? - There may be on the average throughout the year from six to nine.

2026. What are you doing at Wyening? - We are cultivating and growing the vine as well as raising cattle and sheep.

2027. About how many blacks have you there ? - Usually about the same number as at Marah.

2028. Are there any little homesteads for the blacks at these two out-stations ? - We have cottages for them, something on the same plan as at the central mission. The natives sometimes go from New Norcia to Marah and Wyening for a change.

2029. How many lay brothers are there helping you at New Norcia ? - There are 39 lay brothers altogether and of these there are three at Marah and three at Wyening. That would leave 33 at New Norcia.

2030. Are they engaged at various trades ? -- Yes. There are some carpenters, one is a shoemaker one a Chandler, and others are engaged in agriculture and gardening.

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McCormick;

2031. Who is your schoolmaster ? - Brother Louis.

2032. Is your school ever inspected officially? - No.

2033. Tell me briefly what subjects are taught in the school ? - Reading, writing, arithmetic, a little geography, and the Catechism.

2034. How many hours schooling a day do the children receive ? - The boys receive two hours a day.

2035. The girls are taught at the Convent and are under the sisters ? - Yes.

2036. Is a school register kept ? - There is not a school register the same as you have for attendance, etc., but we have a register here of all children received at the mission.

2037. With regard to the boys, how long are they kept at school as a rule ? - They are kept at school until they are 13 or 14 years of age. Those that are better able to work and stronger leave earlier. They render assistance about the place.

2038. Please tell me, shortly, the average history of such a boy when he leaves school ? - Although he ceases to attend and receive any lessons at the school he remains living there until the time that he is married. From the time that he is 13 or 14 years of age he is employed assisting the brothers at work. Some assist in the garden and others work in the field or where there is suitable work for them.

2039. From what time do they receive wages ? - They receive wages from 17 or 18 years of age until then they are simply provided with everything and get a little pocket money, but no wages.

2040. When they commence to get, wages, how much do they get ? - It depends upon what they are doing. Some get £1 a month, some £2, and some £3. The usual thing is that when they start upon wages they board here in the monastery. Besides their food they may get up to £3 a month, according to the work they are doing.

2041. Up to how high do the wages run as the boys get older ? - The wages run up to £1 8s. a week.

2042. I presume this is amply sufficient to provide a man and his wife and children with food ? - It is not only amply sufficient to provide a man and his wife and children with food, but they could save a considerable sum. Some of them do. We know exactly the expenses for food for the establishment. It ranges for the different establishments from 10s. to 14s. a week. If the parents liked, it would be a simple matter to save a great deal. His Lordship the Abbot is anxious that all the children should be supported by the monastery. The boys are living in the monastery and the girls in the convent, and are supported entirely by the community. The parents would thus have no expense.

2043. Besides wages, do they get any other money from the community ? - The Abbot makes them a present of £2 each on five of the festivals.

2044. Out of their wages do they buy their own rations and clothes ? - They provide themselves with everything except the building of the house. It is furnished for them before they go into it.

2045. What profit do you make on stores sold to them? -- We make absolutely no profit whatever. The orders of the Abbot are that to the cost of the articles must be added the freight to Mogumber, and the articles are sold at a price to realise that amount only.

2046. Do you find that the blacks to whom you pay these sums understand the value of money in the way of saving it or buying only useful articles ? - They may buy useful articles, but I don't think that as a rule they really save money. They buy musical instruments. Most of them have concertinas and instruments of that kind. Some of them have conveyances and horses. Some of them have saved, and after a time, when they have sufficient money, they have applied for 100 or 200 acres of land. Some of them are now doing well. Others have preferred after a time to make back to the mission. Some of the families that Dr. Salvado placed upon the land are really doing well, and are fairly well off.

2047. When do the little girls go into the convent ? - The Abbot is anxious that all the girls should go into the convent as soon as possible - at three or four years of age, or even younger. They are received from outside if they are orphans, or if the Abbot is of opinion that they will not be properly cared for they are received when quite infants.

2048. How many Sisters are teaching in the convent ? -- There are seven Sisters. Two of them are always living with the girls.

2049. Up to what age do the girls attend school ? -- They remain in the convent until they marry. There is really no fixed age for them. When they become old enough-14 or 15-they do a little work. They gather the olives and help to make the olive oil, and do light work of this kind. They also do a considerable amount of mending for the community. They have to do their own cooking and washing under the superintendence of the Sisters.

2050. I presume they are all legally married when they are married ? - Yes. When a marriage is arranged between them the acting parish priest is informed immediately and the banns are always published three consecutive Sundays, according to the laws of the Church and according to the Act. The marriage is duly entered in the marriage register and witnessed, and particulars are forwarded to the Registrar.

2051. About how many aborigines and half-castes are there under the charge of the New Norcia mission ? - There are about 200. Sometimes the numbers vary, but that is a fair average.

2052. Of that number about how many boys and how many girls are attending school ? – There are 39 girls and there may be perhaps 12 boys. Some of the boys assist outside, besides attending school.

2053. Are there more female than male children here ? - Yes.

2054. Can you account for this ? – I have not the least idea why it should be so. From what I see of the families I should say that there should be more boys. A great number of these girls have come from outside. They are not the children of New Norcia.

McCormick;

2055. Do you have many children sent you from outside ? - Sometimes a considerable number. Most of them are young girls.

2056. Do you keep a register of all these boys and girls, not only those born on the station, but those brought to you ? - Yes.

2057. I notice in this register that the majority of cases show that the mother or father states, 'I do hereby voluntarily surrender or give up all my right, claim, and authority over the same (boy or girl) to your Lordship as Manager of New Norcia Institution, under the fifth section of The Industrial Schools' Act, 1874.' This means that you can only receive children who are voluntarily surrendered to you ? -- Yes.

2058. I understand, then, that this institution must be a certified school under the Industrial Schools' Act ? - Yes.

2059. A great many of these children so voluntarily surrendered to you are half-caste, are they not ? - Yes; a very large number.

2060. And this in a great measure accounts for the number of half-caste children here ? -- That is really the cause of having such a number here, and the progeny of such.

2061. Amongst the progeny of your original inmates, up to what generation are still here ? - We have now the third generation since the mission was established.

2062. When was the mission established ? - It was established in 1854 by His Lordship, the late Dr. Salvado.

2063. Who is the present officer-in-charge ? - The Right Rev. Dom Fulgentius Torres, Abbot Nullius of New Norcia.

2064. How do you manage to keep discipline amongst all these people ? -- It is very simple. The Brother in charge of the school manages the boys as long as they are simply attending school. If the bigger boys do anything wrong they come under the Major-Domo of the house, and finally under the Abbot. The girls are under the Sisters in charge of them. The people generally are under the Abbot. If they misconduct themselves the Abbot is immediately informed and communicates with the people giving them to understand that the misconduct must cease or they will be obliged to leave.

2065. Do many of the natives leave the institution of their own free will ? - No. During the last 12 months there has been one person who left voluntarily, and he returned again. There have been three sent away.

2066. For what offences ? - Two of them were sent away for being connected with a case of elopement that originated in Perth when Mr. Prinsep, the Chief Protector of Aborigines, directed that a female should go to the hospital and he would pay all expenses. Father Coll is really the medical attendant of the people around here and he advised the Abbot not to let her go as nothing was the matter, but as Mr. Prinsep telegraphed she was sent. Another girl accompanied her. This led to an intimacy with a half-caste male in Perth, followed by her elopement some three months ago. As the Abbot considered the example of this female was not a good one to the others, she was asked to leave. Another girl whom he considered could not be allowed safely to remain with the other girls was also asked to leave.

2067. What will be the future of the young women sent away like this ? - Their future is rather doubtful. As a rule they do not do well.

2068. Do you not think it a hardship if they have nowhere else to go ? - It is a hardship and a misfortune. The Abbot will not send away anyone, especially females, except when it is for the good of the community.

2069. Do you know of any other institution that would take such women whom you have occasion to send away ? - I do not know of any institution in Western Australia. I am under the impression that probably the Salvation Army in Perth might accept them.

2070. Have you seen the last Annual Report, to the end of 30th June, 1904, of the Chief Protector of Aborigines, and his remarks on your institution ? - Yes.

2071. Will you kindly give me your comments on the following : - 'I have had to do with a good many of these 'off shoots' during the past year, and as far as the half-castes are concerned, my opinion of their character is not at all a good one; they seem to me to be a great deal worse than the full-blooded natives in the matter of drink and immorality' ? - The report is undoubtedly misleading. With reference to the natives leaving the institution, I have already stated that only one has left during the past year, and three were sent away. Really, only one left voluntarily, and he returned again.

I don't think Mr. Prinsep has really had to do with many people from New Norcia for the reason that the people have not left New Norcia. I believe that he has had to do with one half-caste who was here many years ago; he is living between here and Wyening, and from what we understand he seems to have given Mr. Prinsep some trouble. Not that he did anything wrong, but there was some misunderstanding between them. Mr. Prinsep seems to have drawn his conclusion from his transactions with this person.

2072. How often has Mr. Prinsep visited this institution ? - He has never been here in my time.

2073. Were you surprised to see these remarks about your institution in his official report ? - Very much surprised indeed. They were not only untrue, but it is astonishing that he should have published them in his report. There is another observation I would like to make. Mr. Prinsep says —They [the half-castes] seem to be a great deal worse than the full-blooded natives in the matter of drink and immorality||. During the last twelve months there has been one single case of drunkenness in New Norcia, and he was sent away; as a fact, it was in November, 1903. This is

really the only case of drunkenness that has occurred among the half-castes and natives in that time.

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McCormick;

2074. Are you perfectly satisfied that there is no immorality going on amongst the blacks at New Norcia ? - There is none. In fact there could not be without its coming to the knowledge of the Abbot, because there are Brothers who have been with the natives for years and years and it is their duty to observe particularly their conduct.

2075. I notice that you have a large number of furnished brick cottages for the natives. Does the mission build these ? - Yes. When the natives are about to get married a cottage is prepared for them and furnished. The moment the couple leave the church they have simply to walk into the cottage.

2076. How many cottages are there ? - There are 26 altogether.

2077. Do you charge rent for them ? - The occupants are charged one shilling per annum. Formerly nothing whatever was charged, but it was found convenient on account of proprietorship that they should pay a nominal rent.

2078. Do you ever apprentice any of your older boys to outside service before they are 21 years of age ? - No. The rule of the community with regard to the natives and half-castes has been to keep them in the mission till they grow up. Applications for boys and girls have always been refused.

2079. How much are you receiving each year as subsidy from the Government for looking after these 200 aborigines and half-castes ? - We receive £450 per annum.

2080. Considering the amount of wages you pay them, and the education you give them, the cottages, and other moneys they receive, I presume you are really losing pecuniarily ? - Undoubtedly. If it was merely a question of the interests of the community, it would pay His Lordship the Abbot to employ white labour and dispense with the natives altogether.

2081. You are really only receiving £2 10s. per head per annum for the natives ? - Yes.

2082. Would you be prepared to receive any more little children on these terms ? - Yes. His Lordship the Abbot will receive any children of aborigines or half-castes if he is under the impression that it would really be good for them. As a matter of fact children are received from all parts of Western Australia. Only a short time ago several were received from Perth. None are refused if he considers it is for their moral good, and the parent is a person who should not be entrusted with the care of his or her children.

2083. When you told me just now that they pay for their rations, did you mean that they paid for vegetables and fruit ? - They do not seem to care much for vegetables as far as I can see, but if they require fruit they may have to buy it. As a rule we often give them fruit as a present. This applies to the married people. The children get the same food as ourselves.

E. McCormick, *continued.*

2084. Do you charge Perth prices for the meat? – The things that we supply ourselves are charged as far as we can learn exactly at Perth prices. The things that we get from Perth are supplied cheaper than retail.

2085. The blacks are really encouraged to work. If they do not work they do not get wages, and therefore no food ? - Yes. His Lordship the Abbot considers that work is really necessary for them. If they are able to work they must do so, or they will not be fed.

2086. How do you deal with matters of sickness or disease? Is there much of that sort of thing ? - There is very little. When there is, it is chiefly among children. In ordinary cases Father Coll attends them. If it is really anything very serious he will advise them to go down to Perth.

2087. What cases are sent to Perth ? - A case of obstinate fever would be sent to Perth.

2088. Does anyone go with the patients ? - Yes. If necessary someone always goes with a patient.

2089. Have you any venereal disease amongst the blacks ? - None that we have the least idea of.

2090. Are there any other matters that you would like to bring under my notice ? – Judging from what I have seen of the natives in other parts, I consider the natives of New Norcia are better provided for than any in Australia and, further, they are the happiest aborigines in the country. They are not only independent, but are encouraged by industry as far as possible to make themselves independent. As far as amusements are concerned, everything is done to encourage them to enjoy themselves when not actually at work. Cricket and football have always been encouraged at the mission, and the community bears the expense. If they want a day's holiday for a match the Abbot never refuses one.

The consequence is that they are very proficient in sports. Most of them are musicians and in the evenings amuse themselves with dancing. It is a strict rule of His Lordship the Abbot that the aborigines and half-castes must be kept separate from the white people employed by the mission, so that if the white people should be found to mix with the natives or go to their houses not only the white person would be dismissed but the native would be told to go. This was primarily the cause of the only male person who has been dismissed during the year being sent away. On this point a very strict watch is kept.

2091. I understand that, in addition to the aboriginal mission for which the Benedictines originally came here, you are making this a centre for the future Brotherhood ? - This will be the head centre or the Mother-house of the future Benedictine communities in Australia as they are established. For this purpose it is the intention of His Lordship the Abbot to erect a new monastery here in which we will be able to provide for 100 Australian brethren. It is the intention, if possible, to establish a separate community in Australia, that is, a community independent of the House at home, and that they should be natives of the country. It is intended to establish three or four new monasteries for the purpose.

McCormick;

One will probably be at Marah, and there may be another within the limits of Victoria Plains, or perhaps at Southern Cross. There will be other monasteries established in the other States.

2092. The main object, 'for the benefit of the aborigines', will not be lost sight of ? - As long as the Benedictines remain in Australia the main object for which they were sent out - the benefit of the aborigines - will be the primary object of the mission. In fact, Dr. Salvado told the white people here that he was not sent here for them but for the natives.

2093. Do you grow much food-produce on the station ? - We grow everything except tea, coffee, sugar, and rice. We grow wheat sufficient to supply the whole of the people connected with the mission, which is usually 300, and have sufficient on hand to keep everyone for at least six months. We have 1,000 acres under cultivation.

[Adjourned.]

By Authority: WM. ALFRED WATSON, Government Printer, Perth.

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Report and Evidence
of the Roth Royal Commission,
Western Australia, 1905

Aboriginal names in bold

Place names in Italics.

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- : at *La Grange Bay* **60a, 86a-87b.**
- : constables appointed only for three years, then moved **69b.**
- : corruption of **84a-85a.**
- : duties **37b.**
- : escorting prisoners and witnesses to and from **81a, 91b, 96a, 98a, 99a, 108b, 110a, 112b**
- : all found guilty **91b.**
- : costs, remuneration, voucher system **91b, 95a, 96a, 98a, 99a-99b, 100a.**
- : Prisoners' Rations Account **95a, 96a, 109.**
- : profiting from, obviously **98a, 99a-100a, 100b, 108b.**
- : temptation to bring in large numbers **100b.**
- : vouchers sent in months late **96a.**
- : usually escorted back, except short distances, with supplies **91b.**
- : Inspectors **47b, 59b.**
- : local police as local Protectors, proposed **59b.**
- : as prosecutors **98a, 113a.**
- : pastoralists not required, leave it to police **113a.**
- : rations provided, sometimes without charge, by stations **108b.**
- : regulations re Aborigines working **47a.**
- : in cases of fatigue or imminent sunstroke **47a.**
- : relations with Aboriginal people **50b, 53b, 60b.**
- : required to patrol **41b, 50a.**

- : stations:
 - : *Beagle Bay* 37b.
 - : *Cossack* 78b.
 - : *Derby* 110a.
 - : *Fitzroy [Crossing]* 110a, 115a.
 - : *Hall's Creek* 92a.
 - : *Isdell River, E. Kimberley* 88a, 110a.
 - : *La Grange Bay* 37b.
 - : *Marble Bar* 71b.
 - : *Nullagine* 71b, 72a.
 - : *Robinson River, E. of King Sound* 110a.
 - : *Roebourne* 80a-80b.
 - : constables constantly patrolling 80b.
- : Sub-Inspector 101a.
- : trackers 37b, 50b.
- : warrants 76a, 113b.
- Police Act 51a, 70a.

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- Police Department 69b, 87b, 91b, 95a, 109a-109b, 112a.
- Port Darwin* 63a.
 - : Aborigines from, in *Broome* 63a.
- Port Hedland* 73b, 74a.
 - : Customs and Shipping Master 73b.
 - : pearling luggers at 73b.
- Powell, *Carnarvon?* 48b.
- Press 41b.
 - : reports of cruelty 41b, 80a-80b.
 - : *Sunday Times* 82a, 85a, 96a-96b.
 - : *The Times* 80a-80b.
- Prinsep, Chief Protector 47a, 50a, 50b, 67b, 69a, 70b, 79a, 80a, 101a, 116a, 120a.

Prisoners, process etc. 51a-52b, 73a, 83b, 91a-92b, 112a.

- : well-behaved, esp. since 'untamed', only three fights in three years 102b.
- : brought in chained 84b.
- : discharged prisoners often not returned home 103b.
- : ex-prisoners killing cattle on way home 99b.
- : 'hard labour' a misnomer 100a.
- : interpreter, usually tracker, often without much English 83b.
 - : or local language 89b-90a.
- : medical care of: Medical Officer 100a.
- : police prosecuting 83b.
- : rations provided for [flour, tea, sugar], sometimes game 88a, 91b-92b.
 - : purchased often from stations, esp. beef 92b, 108b.
- : no real defence, not even in murder cases 83b.
 - : **Teroney** murder case 84a.
- : never receive a fair trial 84a, 112a.
- : no understanding of number, etc., e.g. cattle killed 84a, 90a, 99b.
 - : understanding of offence 94a.

- : warrants **103b.**
- : women 'arrested' as witnesses **90a, 94b, 99a, 108b.**
 - : sometimes guilty of cattle-killing **94a, 99a.**
- : some as young as 10 and 11 **103b.**

Prisons 43a, 97a, 108b.

- : ages, some only 14-16 **76a, 103b.**
- : all prisoners work, 8 hrs/day, some chained if outdoors **44b, 51b, 102b.**
 - : hours, conditions fixed by Comptroller General of Prisons **102b.**
- : attitudes of prisoners to prison **52a.**
- : blankets **76b.**
- : *chevaux de frise* proposed at gaols **75b.**
- : and clothing **76b.**
 - : on discharge **43b, 55b.**
 - : whites not supplied **51b.**
- : Comptroller General of **75a, 76b.**
- : daily routine **55a, 76b.**
 - : less work in summer **76b.**
- : diet **76a.**

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Prisons:

- : discharged prisoners **52b.**
- : armed guards only at Fremantle **44b.**
- : on discharge, handed over to police for escort home **43b.**
 - : option of going home, or elsewhere **45b.**
- : employment outside **44b, 52b, 54a, 55b, 75a.**
 - : defects in **45a, 55b.**
 - : in Government service, usually of the police, telegraph line-men, and local government **44b, 75a.**
 - : some now Common wealth functions **45a.**
 - : hours, conditions, rations **52b, 54a, 75a.**
 - : medical supervision **52b.**
 - : necessary **54b.**
- : European prisoners more often employed inside prison, so no chains **54b.**
- : no female prisoners, *Roebourne* **76a.**
- : effect of fence **55b.**
- : flogging **97a, 98a, 102b.**
 - : no effect, not done, *Broome* **55b.**
 - : none in more than three years **102b.**
- : completely futile **96b.**
- : illness **55a.**
- : imprisonment, effects of **71b.**
- : information about individuals **52b.**
- : legislation regarding **45a.**
- : lock-up recommended **55a.**
- : regular medical visits **52a, 54b, 75b.**
 - : process **45a.**
- : medical requirements **43b, 55b.**
- : metal identification tags **52a.**
- : mortality of **55b.**

- : neck-chains, use of **43b-44a.**
- : nature, dimensions, of **43b.**
- : never used with Europeans **44a.**
- : not as ingenious in escaping **44a.**
- : throughout sentence **43b.**
- : never for females **43b.**
- : wrist-restraints, handcuffs, useless **44a.**
- : numbers, *Roebourne* **75b.**
- : most common offences, cattle-stealing **75b.**
- : police escort on transfer **56a.**
- : Prisoners' Register **77a.**
- : punishment, including flogging **76b-77a.**
- : flogging opposed **76b.**
- : no special conditions for females **43b.**
- : but none in Wyndham, Derby or Roebourne **43b.**
- : same dietary scale **43b, 54a.**
- : sentences far too long, disproportionate **52a, 55a, 76a.**
- : changes while away from groups **76a.**
- : and tobacco **52a, 52b.**
- : employed as trackers **45b.**
- : unsegregated, different cells **43a-43b.**

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- : visitors [i.e. inspectors] **43b, 45b.**
- See also: Aboriginal prisoners, Chaining, Comptroller of Prisons, Hand-cuffs, Wrist-cuffs. *Carnarvon, Fremantle, Rottneest, Wyndham.*

Prisons Department **52a.**

Prostitution **42b, 50a, 59b, 60a-61a, 62b, 63b, 65a, 66b, 67a, 69b, 72a, 72b, 73b, 81b, 82b,**

86a, 107a, 110b, 111a, 114a-114b.

- : and Asian boat-crews **60a, 62b, 65a, 86a-87b.**
- : and European crews **65a, 87a.**
- : 'caused by the black men' **87b.**
- : girls taken from missions by tribal husbands, for **114b.**
- : returned infected, and sterile **114b.**
- : very hard to get evidence **69b, 87b.**
- : limited police powers against **87b.**
- : liquor as the wage for prostitution, never money **110b.**
- : none at *Onslow* **53b.**
- : 'only avenue of relief' for miners, teamsters, on stations **73b.**
- : should be illegal **72a.**
- : women dressing in men's clothes [*and travelling?*] **73b.**

Quanbung station, E. Kimberley **83a, 108a.**

Queensland: Chief Protector of Aborigines (Dr. Roth) **5.**

Randle, Mr., school-teacher, *Beagle Bay Mission* **56b.**

Rhatigan, telegraph operator, *Turkey Creek* **82b.**

Rhatigan, Mrs., **82b.**

- Rations** [*relief*] system, rations, depots, etc. 7, 21-25, 37b, 38a, 42a, 53a, 68b-69a, 71b-72a, 78b, 79a, 80b-82b, 86b-87a, 97b, 111a.
- : for able-bodied 86b-87a.
 - : abuses of system 47a, 49a, 68b, 111b.
 - : one station leasing rationing for £ 1 per week 111b.
 - : to aged, crippled, blind, destitute women & children 38a, 47a, 68b-69a.
 - : ex-workers 38b, 68b, 79a.
 - : not if there are younger able-bodied workers 68b-69a, 79a, 101b.
 - : not in Wyndham, but at *Argyle station & Turkey Creek* 101a.
 - : beef supplied free to police on patrol, *Denison Downs* 115b.
 - : costs, 1902-1904 38a.
 - : to discharged prisoners 38b.
 - : distribution of 38b, 51a, 68b, 78b-79a.
 - : checks on 38b.
 - : given on request of stations 101b, 105a.
 - : locally supplied and paid for 38a.
 - : local costs of 72a.
 - : medicine, medicine chests 72a.
 - : nature, scale, of 38a, 69a.
 - : quantities, in 'settled areas' 38a.
 - : numbers supplied 38a, 49b.

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- : police giving out bones and offal, not meat 105a.
- : putting a 'premium on pauperisation' 38b.
- : four relieving stations in Derby area 111a.
- : supplemented by able-bodied people hunting 38b.
- : supplied by settlers, pastoralists, squatters 72b, 78b.
- : supplied by shops, stations, police and reimbursed (voucher system) 49a, 68b.
 - : should be just the police 49a.
 - : authorised by Chief Protector 9a.
- : surprise visits by police, to check 78b.
- : tenders for, suggested 68b.
- : vouchers for, signed by magistrates, police 47a, 53a, 72a.
- : wages due, use to support indigents, suggested 69a.
- : not for workers, but for their relations 49b.

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- : of children
 - : advocated, but no power 58a.
 - : child forced to drove stock for Calder, JP, to *Fitzroy Crossing* 115a.
 - : Magistrate at *Derby* powerless to stop 115a.
 - : parental consent not gained 115a.

- : [involuntary] **49b.**
- : Protector with no power to stop **49b.**
- : should be returned to home districts **69b.**
- : none **53a, 59b.**
- : of workers **69b.**
- : drovers taking boys **69b, 79a.**
- : and returned **69b, 79a.**
- : maybe not **79a.**
- : no powers to enforce return **79b.**
- : as servants **79a.**

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- : for Aboriginal people only, all others barred, suggested **87a, 95b, 111b-112a.**
- : and coastal reserves, from which Aboriginal people barred **87a.**
- : many needed, large populations **111b.**
- : impracticable **96b.**
- : 'brought up' to live like cattle **96b.**
- : proposed **37b, 71a, 72b, 83b, 95b.**
- : at *Broome* **83b.**
- : could be self-supporting **83b.**
- : at *Hall's Creek*, 'too many walk-about blacks', 'outside' blacks **83b.**
- : in *Kimberley*, too many different tribes, antagonistic **83b.**
- : in own districts **71a.**
- : i.e. where people already are **71a.**
- : at *Wyndham* no good **83b.**

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- : to keep white men and Black women separate **72b, 95b.**
- : but need supervision **37b.**

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- : biases of **84a, 85b.**

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- : Aborigines kept away from watering points **36a.**

Reusmann, Mr., former teacher, *Beagle Bay Mission* **56b.**

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Robertson, Inspector of Prisons **75b.**

Rodriguez, Mr. Pedro, pearler for Piggott **114b.**

- : shot by ?other crews? **114b.**

Roe, Mr., *Thangoo Station* **59a.**

- : cohabits, fathers children **59a.**

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- : Gaol **75a.**

: Municipal Council **75a.**

- : Aboriginal prisoners working for, and for nothing **75a, 76b.**

: Resident Magistrate **76b.**

Rose, A. G., manager, *Quanbung station, E. Kimberley* **83a, 108a.**

- : abuse of Aboriginal women **83a.**

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Salvado, Dr/Fr, *New Norcia* **119a, 121b.**
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 : taking in young women **120a.**
 Sandover & Co., suppliers of neck-chains, *Perth* **92b.**
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 : Govt paying 1/- p.d. at one Mission **108a.**
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 Sciatica **73a.**
 'Settled areas' **38a.**
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 'Shelter':
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 : 'Native shelter' **39b.**
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 : trackers shooting black women, one killed **114b.**
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 : among prisoners **52a.**
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Six-Mile, E. Kimberley **82a.**
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 : biases of **85b.**
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 : *i.e. Northern Territory* **81a, 115a.**
 : State Children's Department **117b.**
 : alcohol to native from, *Cossack* **115a.**
 : supplying other Blacks **115a.**
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 Stockmen, drovers **88b, 105a, 115b.**
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 : orders to, voucher system of payment for **76b.**
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Sunday Island [Independent] Mission [*off Dampier Peninsula*] **39b, 40a, 59a, 106a.**

- : boat, five-ton cutter **107a.**
- : buildings [8] **107a.**
- : employment **106b.**
 - : beach-combing **106b.**
 - : not under contract, free to come and go **106b.**
 - : in exchange for rations, clothes, tomahawk, chisel, tobacco, extra flour **106b.**
- : finances **107a.**
- : government grant-in-aid for general mission work **106a.**
 - : 9d p.d. for infirm, crippled, elderly **109b.**
 - : otherwise not supported by relatives **106b.**
 - : some would be left to pine away **107a.**
- : increase of missionary activity to mainland **107b.**
- : land – legal position **107a.**
- : no legal right to keep Asians off the island **108a.**
- : missionary Hadley as pearler, to finance mission **108a.**
- : population **107a.**
- : rations **59a.**
- : school **106a, 108a.**
 - : after-hours physical activity, labour **106a.**
 - : blankets (50) paid for by Mission **106b.**
 - : children camp with parents, everybody in families **107a.**
 - : children leave without some basic inducements **108a.**
 - : clothing **106b.**
 - : curriculum, hours **106a.**
 - : diet, rations **106a.**
 - : dormitory for girls, un-used except as their store-room **107a.**
 - : need salary paid by Ed. Dept., currently voluntary **108a.**
 - : no children let out on indentures **107a.**

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Sunday Island Mission: school:

- : no Ed. Dept supplies **106a.**
- : numbers **106a.**
- : run-away [1], mainland boy **107a.**
- : school register **106a.**
- : should be funded by Ed. Dept **107b.**
- : staff **106a.**
- : stock **107a.**
- : trouble with pearling boats **107a.**
 - : husbands taking wives to crews for grog, later chained **107a.**
- : visits from Dr. Wace **106a.**

*Swan Point [nr. Present-day Lombadina] **61b, 107b.***

- : and pearling fleets **107b.**
- Swan Boys' Orphanage **116b, 117a-117b.**
 - : boys sent out out 15, indentured to farm-work, kitted out **117a.**
 - : wages, 15-19 yrs **117a.**
 - : two-thirds held back, paid out at 21 117b.

Swan River 'Native and Half-Caste' Anglican Mission/Orphanage

36b, 39b, 40a, 116a.

- : boys at school to 7 yrs **116b.**

- : then to Swan Boys' Orphanage **116b.**
- : girls until 17, then in supervised service **116b.**
- : wages **116b.**
- : need protection until married **117b.**
- : manager (Rev. Burton) legal guardian of girls until 21, and wages **117a.**
- : all back-wages given over at 21 [total of 28 girls] **117a.**
- : sim. with boys [see above] **117b.**
- : monitoring while under 21, and post-21 monitoring **117a.**
- : monthly reports from employers **117b.**
- : post-school, in employment – crucial period **117b.**
- : Similar to South Australian experience [cf. Mr Whiting] **117b.**
- : staff (two) **116a.**
- : school **116a.**
- : Ab. Dept. inspections **116a.**
- : curriculum, hours, numbers **116b.**
- : Ed. Dept. Register **116b.**
- : extra-curricular activities **116b.**
- : Ab. Dept. funding, 1/- p.h., p.d., for boys to 14, girls to 16 **116a, 117b, 118a.**
- : 1½ d. less p.d. than for white kids in Orphanage **118a.**
- : Inspector of Schools **116a.**
- : post-school support **116a.**
- : support from Midland Railway Co. **116a.**

- Telegraph lines-men &c.** **44b-45a.**
- Telegraph station, *Turkey Creek* **81b.**
- Tinfields, tin-mining, *Marble Bar* **70b-72b, 70a.**

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Towns and camps:

- : should be kept separated, away from towns, unless employed **70a, 80a.**
- : no current power to order away, unless not properly clothed **80a.**
- See also: Alcohol.
- Thangoo Station [50 km SW of Broome]* **59a.**
- Thenarry**, young boy, *E. Kimberley* **99a.**
- Thomson/Thompson, Constable, *Wild Dog (Argyle) station* **97b, 100a.**
- Tommy**, *E. Kimberley* **104b.**

Trackers **37b, 45b, 50b, 53b, 73a-73b, 74b, 89b, 92a, 92b.**

- : abusing female witnesses **94a.**
- : accommodation **46a.**
- : armed in North, not in South **46a, 88a, 92b.**
- : not at *Port Hedland* **75a.**
- : not in *Carnarvon District* **50b.**
- : or at *Onslow* **53b.**
- : given shotgun, to hunt for own food **95a.**
- : with Winchester carbine **88a, 92b.**
- : disbursement for, various police stations **110a.**

- : not under contract, free **73a, 74b.**
- : as interpreters **84a-85b, 89b, 91a, 93b, 94a, 98a, 113a.**
- : local man **53b.**
- : payments, rates **45b, 74b, 95a, 100b.**
- : used as interpreters, *Wyndham & Hall's Creek* **81a.**
- : with wives and family **46a, 73a, 75a.**

- Transport, teams, carriers, carters **81b, 82b.**
- Trappist Fathers, *Beagle Bay* **40a, 57a, 61a.**
- : General Superior **61a, 62a.**
- : left WA, 1902 **62a.**
- : *Orfelin Ecole* [Orphan School], *Broome* **61a-61b.**
- : school-mistress **61a-61b.**
- : destruction of career of **61b.**
- Travelling inspector, --- reporter, Aborigines' Department **41b.**
- Treasury Paymaster – Advance Account - Prisoners' Rations Account **95a, 96a, 109a-109b.**
- : disbursement to different Departments *re* Aborigines **109a-109b.**
- : disbursement to different police *re* trackers **110a.**
- , *Hall's Creek* [C. J. McManus]: as above 116a.
- Treatment **71b, 105b.**
- Trespass, unapproved entry, loitering, on missions, opposed **58a.**
- Tuckett, Mr., JP, Commonwealth Postal Department, *La Grange Bay* **58b, 59a, 64b.**
- : able-bodied also fed **86b.**
- : issuer of rations, cooks food for Blacks **86b.**
- : advantages for old, infirm **86b.**
- Turkey Creek* **81b, 82a, 101a.**
- : Government relief at **82a, 97b, 101a.**
- : numbers, increasing **101a.**
- : supposed to be supplied by telegraph operator, Rhattigan **82a, 97b.**
- : perhaps only to Aboriginal women employees, all well-fed **82a.**
- : supplied by meat only by drovers **82a.**

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- Umberudgy, E. Kimberley** **103b.**
- Under-Secretary for Law **99b.**
- Unseaworthy boats **65a.**

- Verlin, Father**, Pallotine?, *Roebourne* **58a.**
- Victoria Plains, 20km ESE of New Norcia* **121b.**

- Wace, Dr.,** **106a.**
- Wages **9-10.**
- 'Walk-about', pink-i, going bush **58a, 72b.**
- Walsh, Mr. R.J., miner, *Nullagine* **71b, 72a.**
- Walter, Rev. Father, *Beagle Bay Mission* **59a, 65b.**
- Warrants **75a, 76a.**
- Warton, Mr., Commissioner of Supreme Court, Resident Magistrate, *Broome* **56a, 64a.**
- Water supply **42a, 44b.**
- : competition in hard country between Aborigines and cattle **95b.**

: people driven away **95b.**
Waterloo station, WA/NT, Tom Deakin's **82b.**
 Watt, Constable, *Wyndham* **100a, 101a.**
 Wells, Mr., surveyor **56b.**
Western Shaw Tinfields, Shaw River, NW **72b.**
West Kimberley **6.**
 Whipping **71b, 80a, 83a, 98a, 108b, 112a.**
 : never **108b.**
 White employment **53b.**
 Whiting, Mr., Sec.: State Children's Department, *South Australia* **117b.**
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 : police station: McKellar and Thompson **82b.**
 Wilson, Constable, *Hall's Creek* **94b, 104a-105a.**
 : beating prisoners **104b.**
 : often 'marrying' Aboriginal women **104b.**
 Wilson, Mr. C. H., JP, *North-West* **69a.**
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 : *Marble Bar* **68b.**
Wolf Junction, nr. Sturt Creek **94a.**
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 : Gaol **43a, 99b, 102a.**
 : almost all in for cattle-killing **102a.**
 : copies of warrants, monthly reports, to head office [*Comptroller?*] **102a.**
 : cells – dimensions, structure, efficacy **102a.**
 : numbers **102a.**
 : some as young as 11 or 13 **102a.**
 : Hotel **97b.**
 : Police Court **83b-84a, 96a, 97a.**
 : cross-examination a farce **84a.**
 : Magistrates **97b.**
 : 'directions to juries a farce' **84a.**

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Wyndham:

: Registrar [marriage] **101a.**
 : Resident Magistrate [Dr. Browne] **101b.**
 : Roads Board **101b.**
 : employing Aboriginal prisoners, on advice from Resident Magistrate **101b.**

Yardagurra Station **59a.**
Yarri, ?W. Kimberley **115b.**
Yeeda station, 60 km S. of Derby **111b.**