

under Mr. Eyre's notice any grievances under which they may be suffering; and he, at the same time, can impart to them any regulations or directions for their guidance. I confidently anticipate that the measures thus adopted will, for the future, prevent a recurrence of scenes similar to those which I have lately had to bring under your Lordship's notice.

I have, &c.

The Right Hon. Lord John Russell,
&c. &c. &c.

(Signed) G. GREY.

Enclosure in No. 98.

At a meeting of the Bench of Magistrates, holden at the Court-house in Currie-street, Adelaide, on Monday, the 20th day of September, 1841, to ascertain the circumstances under which the recent loss of life amongst the Aborigines on the Rufus has occurred, pursuant to notice in the Gazette.

Encl. in No. 93.

The following Justices of the Peace were present :—

The Hon. Charles Sturt.	Matthew Smillie, Esq.
John Alexander Jackson, Esq.	Thomas Williams, Esq.
Thomas Gilbert, Esq.	Edward Stephens, Esq.
Henry Rodolph Wigley, Esq.	Edward John Eyre, Esq.
William Wyatt, Esq.	Henry Nixon, Esq.
William Giles, Esq.	Boyle Travers Finnis, Esq.
Richard Francis Newland, Esq.	William Littlejohn O'Halloran, Esq.
John Morphett, Esq.	John Knott, Esq.
Thomas Shouldham O'Halloran, Esq.	Benjamin Archer Kent, Esq.
Duncan M'Farlane, Esq.	John Baker, Esq.
John Hallett, Esq.	William Nation, Esq.
Francis Davison, Esq.	

The following statements, in the relation to the subject matter of inquiry, are made :—

It having been first moved by William Wyatt, Esq., seconded by John Morphett, Esq., and carried unanimously,

“ That the meeting convened this day by the chairman is in consequence of a request of his Excellency the Governor to that effect.”

It having been also moved by William Giles, Esq., seconded by Matthew Smillie, Esq., and carried unanimously,

“ That the present Bench of Magistrates do conduct the inquiry with open doors.”

Matthew Moorhouse, Esq., on being called upon by the chairman to make a statement of the attack upon the Aborigines at the Rufus, requested leave for the clerk to read the statement he (Mr. Moorhouse) had sent to his Excellency the Governor, stating his willingness to answer any questions that may be put to him by the Bench.

The clerk then read Mr. Moorhouse's statement, as printed in the Southern Australian, of September 14, 1841.

Mr. Moorhouse further stated, I have reported to his Excellency matters not solely relating to the present inquiry, but more especially touching overland parties in general. I adhere to the report just read, and confirm it. There were no spears thrown before the word “ fire ” was given. A message was sent to say that they (the Blacks) would have the blankets and property. They had not thrown a spear; there was a noise amongst them; it might be their war-cry, it was different from the war-cry of the Adelaide natives. Myself, Mr. Shaw, and another gentleman were chased by them at least one hour before the firing commenced. The natives were not in the way of our passing the property over the river. If they had offered no interruption we might have crossed the river. We could not attempt to cross the river under any attack. It required the greater part of our men to take care of the property. They were armed for war, and drawn up in an irregular line, and with decidedly hostile indications. The conviction on my mind, when I gave the command to Mr. Shaw, was that had we allowed the natives to come within spear throw we should all have been killed. Firing was the only advantage we had to compensate for our small number; the musket being able to kill at a greater distance than the spears. I calculate that the 150 natives had at least 400 spears, each spear being equal to a musket if sufficiently near to have been thrown. Their object was to rush on us; they were gradually approaching us, I think about a hundred yards from us when we fired.

Question by Mr. *Stephens*.—Although the natives had not thrown a spear, nor committed any direct act of hostility at the time, Mr. Shaw gave the order to fire, was it evident from their hostile attitude that they were approaching the party for the purpose of destroying it?—Yes, it was decidedly clear. Our party was altogether dismounted; we could not run the fearful risk of allowing them to rush on us; our firing was to prevent them throwing their spears; it was to prevent our falling into their hands. When the natives saw there was no chance for them they retreated behind the bushes.

Question by Mr. *Stephens*.—You don't consider any man fired unnecessarily, or that the loss of life was more than necessary?—Certainly not. The party only fired upon the armed natives, and when they were in order of battle they stood their ground in the reeds. Mr. Robinson was speared from the reeds within five yards from the man who threw the spear.

SOUTH
AUSTRALIA.

The natives continued to approach up to the time of firing, and some little time afterwards. Five minutes before firing I made motions for them to retreat, but they took no notice of me. We could not attempt to cross where the natives were drawn up as they were, nor could we have saved our own lives without firing. I am perfectly convinced, from the conduct of the natives, that they meditated the destruction of our own party if we attempted to defend the property.

Question by Mr. *Stephens*.—Standing as you do in the character of Protector of Aborigines, are you perfectly satisfied that the position of the natives at the time that Mr. Shaw gave the orders to fire, both with reference to their position and warlike attitude, was such that they meditated the destruction of yourself and party, and that had they not been destroyed by the means employed, you would have been cut off and massacred?—It is my decided opinion that we should have been cut off and massacred, and as Protector of the Aborigines I consider that what was done was not only necessary but merciful. My instructions were, in case the natives manifested hostile dispositions, to give the command of the party to Mr. Shaw, the Sub-Inspector of Police, that he might issue such orders as he thought necessary for our safety. I did not give up command to Mr. Shaw until I thought all hopes of preventing a conflict were at an end. Mr. Shaw agreed with me as to the intentions of the natives.

Barnard Shaw, Sub-Inspector of Police.

I corroborate Mr. Moorhouse's testimony; I am of opinion that the order to fire was not given until it became a case of necessity for the safety of the Europeans.

The Bench adjourned until 11 o'clock to-morrow morning for the purpose of examining other witnesses.

At the meeting adjourned from yesterday, held this day, Tuesday, September 21, 1841,—

The following Justices of the Peace were present:—

The Hon. Charles Sturt.

Thomas Gilbert, Esq.

Thomas Shouldham O'Halloran, Esq.

John Morphet, Esq.

Francis Davison, Esq.

Matthew Smillie, Esq.

Thomas Williams, Esq.

Edward Stephens, Esq.

James Hurtle Fisher, Esq.

Edward John Eyre, Esq.

Henry Nixon, Esq.

Boyle Travers Finniss, Esq.

William Littlejohn O'Halloran, Esq.

John Knott, Esq.

Benjamin Archer Kent, Esq.

William Watson, Esq.

The clerk read the minutes of the last meeting.

Matthew Moorhouse, Esq., again appeared on the adjourned inquiry.

Question by *Major O'Halloran*.—Was the order to cease firing promptly obeyed?—It was; one shot only having been fired by a person who did not hear the order.

Question by Mr. *Williams*.—Was it a part of the 150 who first appeared that were secreted in the reeds, or was it a fresh party?—Part of the 150 first seen.

Were Mr. Robinson's party and the police both attacking this party of natives?—Yes; there were about 50 men in the reeds, they went to the other side of the river as soon as they saw the police; the number killed were principally from the 50 men who were in the reeds, indeed all from that number.

Did they appear to be making their escape from Mr. Robinson's party, or to be advancing to attack you?—They were coming over to our side. We did not know expressly what their intention was.

Could they have dived and escaped at any time if they pleased?—They could have escaped the police altogether if they pleased. When they were attacked in the reeds they defended themselves. When we saw that resistance ceased we gave the word to cease firing, and the prisoners were taken.

What prior steps were taken to prevent hostile collision with the natives on the morning of the contest and before the firing?—I took the Adelaide interpreter in advance of the party 400 yards, intending to speak with the hostile natives. Before we reached the distance where we could hold communication with them, he (the interpreter) refused to accompany me any nearer lest he should be speared. Whilst we were standing still and asking him to go nearer, the hostile people, the individuals we had sent in advance on the morning of the 26th August, crossed the river and approached us. They spoke with the interpreter; I asked him what they said to him, and he replied in the native language—it was war language—*turla warra*. He advised me then to go back to the party, and request the police to commence firing.

Question by Mr. *Eyre*. You think the interpreter understood their language?—He understood it fully; he was brought up among them. Mr. Robinson's party had fired about 30 shots before the police began firing, and I believe Mr. Robinson was wounded a little time after his own party had commenced firing.

Question by Mr. *Finniss*. Was there any concerted plan of defence between Mr. Robinson's party and the police?—None; Mr. Robinson's party acting individually, the police acting on a system. I was satisfied with the conduct of Mr. Robinson's men.

In answer to a question by *Major O'Halloran*—We were always told we should be attacked before reaching the lake. We left the dead bodies of the blacks on the spot; they were lying there the next morning. The wounded were taken away before we left. It was the impression of some parties that the blacks had appeared in the morning on the Sydney side of the river to visit the dead bodies. They did not come about us after the attack. Mr. Shaw saw them afterwards; they encamped about a mile from us. We were encamped at the Hornet's Nest.

We saw about 100 in number two days afterwards; they went down the river with their spears and shields.

Question by Mr. *Eyre*. Do you know whether the natives were seen to assemble in any numbers after the affray, or did they follow the party on the line of route?—They followed the party on the line of route homewards; the natives appeared to be going towards their own districts, and not to be following the party as an object, as far as I can judge.

Question by the *Hon. Charles Sturt*. When did the natives first come into camp after the hostile meeting?—When we were about 40 miles on our way home.

Was there any conversation between the natives who came into the camp and the interpreter, on the subject of the affray?—Yes. We asked them why they had acted so determinedly. They denied belonging to that tribe, and said that they were the thieves and beaters, and deserved punishment. I anticipated this answer before I asked it. As long as the natives stood their ground, the firing was continued; when they began to escape it was discontinued. As soon as they were dislodged, we ceased firing. I saw the natives coming upon Mr. Robinson, and saw the first of his party firing. I am of opinion that Mr. Robinson was neither precipitate or injudicious in commencing firing. I think the report of the killed is quite equal to the number. I only saw 21 bodies. There seemed a disposition among the party to raise the number to 30. The party took aim individually at the natives. I firmly believe that without the assistance of the police, they would have taken away Mr. Robinson's drays and sheep. I know nothing of my own knowledge of Mr. Robinson's first affray with the natives. Nothing came to my knowledge of any aggression by Mr. Robinson's party on the blacks previous to the first affray. I think the overland route is not now safe without, at least, 30 persons in each party, 10 mounted and 20 on foot. I do not think that shooting the natives will have deterred them from future attacks; experience proves to the contrary. I do not consider them a brave people; they will not stand fire fairly. They will only stand fire when they have a chance of escape behind the scrub and reeds, with the impression that they can see without being seen. Severity will not overcome them; I should say that kindness and intercourse, and living amongst them, would have the best effect. It would not be safe for less than 30 in a party to live amongst them at present. From the experience I have had in this contest, I should feel that I could act differently on another occasion, either in a preparatory way or otherwise. I should think 150 as large a number of fighting men in that district as they could collect. There were some women amongst them. The natives were observable for nearly 140 miles from the Darling to Lake Bonney. I never saw women in warfare before. I think that they have been aggrieved by men of overland parties. I believe they have been in the camp of the overland parties, and partaken of and got a taste for their food. I cannot report as to motives upon the representation of one tribe of natives of the condition of another; they always represent each other in the worst light. I have no idea that any of these attacks were from motives of vengeance, but rather for plunder. I never knew an instance of their stating that they attacked for the sake of revenge; it appeared principally to be for plunder of sheep, tomahawks, and blankets. A distribution of European articles among them would have a bad effect; it would raise their desire for more. I have no experience as to the decrease of the number of natives in the hostile districts; in the neighbourhood of Adelaide they are on the decrease. The natives had no chief or leader. They appeared to be arranging their intervals of distance with each other on their approach towards us. I have nothing to lead me to infer that they have chiefs.

The Chairman then expressed the thanks of the Bench to Mr. Moorhouse for the very satisfactory manner in which he had given his evidence.

Mr. *Thomas Warren* states—I was of Mr. Robinson's party. I was ill at the time of our approaching the hostile parties. It was the day before we made the Rufus. The natives were drawn up in a semi-circle on each side and across the road in a Polygynum scrub. There was a small plain on which the sheep and cattle were collected; I was on a dray at the time. The natives evidently showed they meant to stop us, by shaking their spears at us and yelling. There was then not less than 300 natives. From being on the dray, I had the best opportunity of judging of the number. They were gradually advancing at the time, yelling and shaking their spears. Shots were fired at them as they came within about 20 yards of the sheep. One part of their line was within 20 yards of one part of the sheep. They yelled and stood their ground. They were formed across the overland road. I was not present myself. I should think they could not have reached the parties with the spears when they commenced firing. The strength of our party was 26; all the horsemen, including cattle-drivers, were about 8. I can't account for the apparent deficiency of numbers of the natives on the next day. I do not think there was a deficiency; I believe the rest were hidden. The firing on the first day lasted three quarters of an hour, as near as I can judge. I don't know how many were then killed. After they had ran away they would have assembled again had we not kept firing. When those in front were retreating, others came round upon our rear. They never attack in open ground; they are decidedly a cowardly race of men. I cannot say whether any signs were made to the blacks before the firing; such signs would have been useless. This was the first time we had seen them on our side of the river in so large a body. I have been overland before. I never saw them in such numbers before in the order of battle. They have insulted parties with whom I have been before, but never attempted to attack them. I have been in an affair before when the natives tried to steal sheep; we fired at them, and they retreated. They threw spears. Mr. Kirsup, one of that party, had three spears thrown at him. I don't think the attack on our party was for the purpose of revenge, but to get the sheep. On the former occasion they did not pursue the men after they went away, but took the sheep alone. I did not see spears thrown; after firing they were behind the scrubs. I was 500 yards from them.

SOUTH
AUSTRALIA.

Every man that I could see was armed. They formed a semi-circle across the road we had to cross. They did not show themselves until the engagement began, and then all around us. They were not told to keep off. We had seen some blacks some days before. They did not show hostile intentions; there was no order to fire. There might have been an order for firing; but the necessity was too apparent for an order. There had been no shooting at them previously on this journey, to my knowledge. There was an order when we started on the journey not to fire without necessity, and that the natives were not to be allowed to come near the camp. At the distance I was I did not see a spear thrown. The blacks stood their ground a considerable time in the first engagement. They were too great a distance to throw their spears; they expected that the white people would advance nearer them. The blacks we had previously seen were on the other side of the river. They were warned away from the camp. Nothing had taken place to incense them. It was a very short distance from the Rufus where the attack took place. I was wrong in saying it was the day before our making the Rufus; it was the same day. The natives showed judgment in their ground; when they attacked us they were hid in a scrub, with a creek behind them to retreat on. We were moving onwards on our journey when they approached us. I was about 200 or 300 yards off, and therefore cannot say the precise circumstances under which the firing commenced. There is intercourse between the Europeans and the native women, to a very great extent, in New South Wales, and to some extent, as I have heard, in overland parties; but this was not the case in Mr. Robinson's party. The natives endeavour to find out the weak points of the white men before they attack. I think they introduce their women into the camp for the purpose of ascertaining the strength or weakness of a party.

Mr. *William Robinson*, states,—The first day in looking for a landing place in company with Mr. Phillipson, we made the Rufus. On our return to the party, I saw a large number of blacks, which I pointed out to Mr. Phillipson; we went towards them in expectation that they would have gone away. On our approaching them, a great many more came out of the scrub, and I immediately discovered from their manœuvres they were about to attack us. We then went back to the sheep and got them altogether, the drays and cattle also. By this time the blacks, whom we had left about a quarter of a mile, had approached to where we had stopped the sheep within a few yards. The party who were then at the drays, getting ammunition, had only just sufficient time allowed to prevent the blacks from spearing the sheep, or driving them away, as they were then about 20 yards from the flocks. They began to make all kinds of gesture and yells, and the parties commenced firing simultaneously without any direct order from me. The natives were shaking their spears and shields, as they continued to advance, as if they were about to close with the party immediately. We were on our march for the day, when the blacks came on. The sheep were in advance when we stopped them. The blacks entirely surrounded us. They were about 15 or 20 yards from us when we commenced firing. They did not appear to be awed by the firing. When we fired they fell flat down, making a noise. There were not many killed the first day. I cannot say whether any particular aim was taken in firing on the first day; I should say there was about 15 or 20 killed and wounded on the first day. Nine men were left with the drays in the rear of the sheep, about 16 men advanced in front of the sheep. We had to gallop up to a party of about 40, who were advancing to drive them away. We fired about seven or eight rounds each. The men had been regularly furnished with ammunition, more was given out at the time of attack. I think the firing continued more than half an hour. I was wounded on the second day. Their arms were principally waddies and jagged spears, if they had closed upon us, we should all have been lost. Had we not followed them when they ran away, they would have closed in upon us again. We only followed them on each side of our road, so as to clear our passage. I pursued them the more on the first day to prevent any repeated attack. There were eight or nine men mounted and fighting on the first day. I am most decidedly of opinion, that had we permitted them to come nearer to us, we should have been all lost. The police rendered us very effectual assistance. I should most decidedly have ordered the men to fire, if they had applied to me. We all fired in self-defence; we went towards the natives and thought they would have left us as usual, but I found they were determined to attack us. We made no signs for them to keep away. We did not go near enough. From the time we first saw them until the attack, the best part of an hour elapsed; and they might have retreated, if they pleased, between the time of their seeing me and Mr. Phillipson, but they formed into a semicircle and advanced. I never saw anything wantonly done by my party towards the blacks. All the firing was in self-defence. I am not aware of any acts of aggression against any male or female native. They were never permitted to come to our camp, and the men were forbidden to speak to them across the river. We set out with a determination to have no intercourse with them. I think if my party had not fired when they did, not one of us would have survived. My party did not fire without orders on the second day. We fired in unison with the police party. The blacks were within 100 yards of us, when we began firing on the second day. No firing took place until Mr. Moorhouse had given up the command to Mr. Shaw. Mr. Moorhouse told us of this, as also the message from the blacks, that they were determined to have our tomahawks, blankets, and sheep. My party must have fired in a very short time, if the command had not been given up to Mr. Shaw. Mr. Moorhouse's commands were given with both mercy and kindness, rather too late, from his desire to prevent bloodshed, for the safety of the party. I was wounded from the reeds on the second day. About 30 were killed, and a large number wounded on the second day. A ball takes but little effect on them, if not hit on the head. I think from 40 to 50 were wounded on the second day. They are generally stout powerful men, with some physical courage. The greater slaughter on the second day was from their not retreating, they were but a few yards (not 100) from us when we com-

menced firing. I do not think we were within the range of the jagged spears. They had no reed spears. I am confident, if we had permitted them to rush upon us, not one of us would have been left alive. We had no weapons for close quarters, except a few pistols and bayonets, all the men had muskets; we did not use bayonets. All that was done on the first and second days, was necessary for our preservation. I should have felt convinced from their gestures, that they meant to attack us. There was but one opinion in both mine and Mr. Moorhouse's party, that our conduct was absolutely necessary. Under similar circumstances I should not again be inclined to forbear so long. On the first day our strongest motive was more to preserve our own lives than the stock. I do not think that the natives are now intimidated, or that the road is free. I think that they would attack the next party. I think if they fell in with individuals alone, they would murder them. I think they would eat them, I have heard of their eating white men. My party and Mr. Shaw's were to co-operate; not less than 30 men, would be a protection for a party, and they would often have to fight. I do not think weapons for close fighting would be of any effect; the blacks being so much more numerous, there would be no chance for close quarters for the whites. If no apprehension of attack were entertained, 20 men would be sufficient for an overland journey. Mr. Hawker's sheep station is the nearest to the place of attack, and about 200 miles from it. I do not think there is any ground for alarm to the sheep stations of the colonists. If no remedy be applied to prevent these attacks, I am of opinion that they would put a stop to the sending of stock overland from New South Wales. No act of aggression whatever was committed by my party towards the Aborigines on the journey, all we did was for self-protection.

John Williams, Sergeant, Foot Police.—I acted under the instructions of Mr. Shaw in the affray with the natives. I fired at them at his command. I am of opinion that in firing it was necessary for our defence. If we had not we should, most probably, all have been slaughtered. Great numbers were armed with large spears. They did not hold up their spears in a threatening attitude. They had advanced on us before we began firing. When we did they were about 100 yards off. There can be no doubt they meant to attack us, and that what was done, was not only necessary but merciful.

Francis Harris, Private, Foot Police.—I was under Mr. Shaw at the Rufus. I remember Mr. Shaw giving orders to fire. I do consider Mr. Shaw's orders necessary and judicious. I consider the blacks were most hostile to us. They were armed and in order of battle. At the time I saw them, we were within range of their spears. If I had not been under orders, I should have fired before in my own defence. I consider Mr. Shaw and Mr. Moorhouse acted in their own defence. The firing ceased the moment Mr. Shaw gave the order.

Mr. Jonas Phillipson.—I was with Mr. Robinson on his journey overland, on the morning of the first attack, we had left the party in search of an encamping place. We selected Langhorne's Ferry for that purpose. We afterwards went down the creek which runs into the Rufus, and rested for about an hour, we then got on horseback, we found ourselves between the first flock of sheep, and a large body of blacks, who formed a semicircle about us. When we first saw the blacks, they were about half a mile from their sheep. We rode gently on towards the sheep, the blacks gradually nearing us and the sheep, from the place where we first saw them. The flocks which had been previously divided on a straggling line, now came together upon a small open plain, surrounded by Polyginum scrub, where the first flock had stopped, and upon this plain the whole of our party were assembled; the men were enabled to prepare themselves and obtain ammunition from the drays. The natives all this time were advancing, and brandishing their spears. The men commenced firing without any orders being given for that purpose, as every one saw the absolute necessity of it. We were close upon the Polyginum scrub, we could see their faces, in some instances we were almost within spear throw of them. They appeared to be watching the discharge of our guns, as if to avoid the balls. The firing lasted about six or seven rounds. Those in front appeared to me to be running away. Mr. Warrener saw them coming up from behind. I know of five having been killed on that day. Many were struck but they would run away with the balls in them. It was impossible to have avoided making the attack. The natives were immediately across the road we had to pass, in an attitude of resistance. The road taken by overland parties is well defined. I was present on the second occasion. I thought Mr. Shaw's party fired first, but I may be wrong. I don't think the firing was too soon by any means. If we had allowed them to come near us, we should have stood no chance. Our lives were in danger. The first day they kept shouting round us "jumbo, jumbo," which is their word for sheep. The security of a party depends on keeping them at a distance. I cannot say how many there were on the second day. I saw an immense number running away. I don't believe any of our party came into contact with any male or female native on the journey, previous to our coming to the Rufus, and since their leaving the borders of New South Wales. Friendly natives, both men and women came to our camp, on our road to Adelaide, after the affray. I am confident that no intercourse took place with the native women, from the time of our leaving the settled districts of New South Wales, until after the affray. The males tendered their women to our party; I believe it was done to promote a friendly feeling. The males invited our men to an intercourse with their women. Mr. Moorhouse did everything in his power to prevent this intercourse. I consider that the firing at the Aborigines most decidedly necessary. I saw nothing done in a wantonly manner by our party, or the police. I don't think anything could have been done to prevent the affray. I think that had they succeeded in taking our lives and property, they would not have thought that they had done wrong.

Mr. Samuel Humble, Volunteer with the Police.—I can bear testimony to Mr. Moorhouse's report, and his endeavour to prevent bloodshed, and also to Mr. Robinson's report; to the best of my knowledge they are correct; Mr. Moorhouse several times placed himself in great per-

SOUTH
AUSTRALIA.

sonal danger from the natives in order to prevent bloodshed. I am convinced he is a kind and merciful man, and did all in his power. It was impossible to prevent the firing. It would have been quite impossible to prevent it without the sacrifice of life by the Europeans; so far as I had an opportunity of judging the conduct of the police and Mr. Robinson's party was necessary and justifiable.

The Bench adjourned until eleven o'clock to-morrow morning.

At the adjourned meeting held this day, Wednesday, September 22nd, 1841; the following justices of the peace were present:—

The Hon. Charles Sturt.
Thomas Gilbert, Esq.
Thomas Shouldham O'Halloran, Esq.
Francis Davison, Esq.
Mathew Smillie, Esq.
James Hurtle Fisher, Esq.

Edward Stephens, Esq.
Edward John Eyre, Esq.
William Littlejohn O'Halloran, Esq.
Boyle Travers Finnis, Esq.
Benjamin Archer Kent, Esq.
James Macleod, Esq.

The clerk read the minutes of the last meeting.

Pangki Pangki (interpreted by Mr. Teichelman).—I went with Mr. Moorhouse to the north. He spoke to me about the Murray blacks; I saw them assemble with their spears for war; they showed fight for food and blankets; they would have killed the Europeans, and taken all their property. The countrymen of the prisoners had told me they would do so when Mr. Moorhouse sent me to them. I saw the white men shoot the blacks. The natives came excited, and in anger. They would have killed the Europeans if they had not shot them. They would not have gone away. If the Europeans had gone to tell the natives to go back they would have speared them. I went with Mr. Moorhouse in advance of the police. The three natives said they would spear the Europeans, and take away their clothing.

Question by *Major O'Halloran*.—If the whites had not fired at the blacks, but remained on the defence, would the blacks have attacked them?—It was their intention to have the things, and they would have fought for them.

By Mr. *Stephens*.—Do you think the whites ought to have fired on the blacks?—I think they did right. Mr. Moorhouse had told them not to take the things. I do not know what I should have said had I been one of the party. I told Mr. Moorhouse I was afraid, and wanted to go back. The Europeans were bold and brave. The blacks were only hostile on account of the sheep and clothes.

Pulkanta, a prisoner from the Rufus (interpreted by Pangki Pangki and Mr. Teichelmann).—I belong to the Lake Victoria tribe. Our natives came towards the Europeans for sheep.

Question.—Did the white men ever injure you? [*Witness refuses to answer.*]—The natives ask for food of the overland parties, and when they refuse they become angry, and show fight. I was not present when white men were killed at the Rufus. The natives of my tribe do not eat white men.

Question by Mr. *Stephens*.—Were the whites right at shooting at your tribe?—[*The Witness refuses to answer.*]

Were you one of those that were fighting?—No, I was not. I have eat sheep, but not shown fight. All the sheep that were left from former parties are consumed.

Question by *Major O'Halloran*.—Are they afraid of Europeans now, or would they attack another party with sheep?—I would not show any fight for the future; I would go away.

Question by *Major O'Halloran*.—How many blacks were killed in the two days' fight?—I was in the water when they were fighting, and do not know how many were killed.

Has not your tribe repeatedly fought with Europeans on the same spot? [*Interpreter states he does not understand the language.*]

Have you a great desire to return to your tribe?—I long to be back again to my country. I have a wife and two children.

Have you been treated with kindness since you have been in Adelaide?—They have behaved well to me, and they have not been angry.

Matthew Moorhouse, Esq. states, in addition: I did not fire upon the natives; I had no fire-arms with me. I never take offensive weapons with me when I go among the natives.

There being no further evidence before the Bench—

It was first moved by Thomas Shouldham O'Halloran, Esq., seconded by Edward John Eyre, Esq., and carried unanimously—

“That the Bench of Magistrates, after a full and careful examination of all the evidence brought before them relating to the late affray on the Rufus between the Europeans and the blacks, are unanimously of opinion (so far as they have had an opportunity of forming one) that the conduct of Mr. Moorhouse and his party was justifiable, indeed unavoidable in the circumstances they were placed under, and that much praise is due to him and them for the great forbearance evinced by the force when placed under circumstances of the most trying nature.”

It was then moved by Thomas Shouldham O'Halloran, Esq., seconded by Edward John Eyre, Esq., and carried unanimously—

Second. “That the Bench of Magistrates, after a full and careful examination of all the evidence brought before them relating to the first affray with Mr. Robinson's party and the blacks on the 26th of August, are unanimously of opinion (so far as they have had an opportunity of forming one) that the Europeans on that occasion did not act with unnecessary severity against the natives when obliged to fire upon them, such firing appearing to have been in defence of their lives and properties.”

It was then moved by Benjamin Archer Kent, Esq., seconded by Edward Stephens, Esq., and carried unanimously—

Third. "That the Bench respectfully request his Excellency the Governor, that he will be pleased to direct that the native now in custody be placed forthwith under the care of Matthew Moorhouse, Esq., Protector of Aborigines; and that after Mr. Moorhouse shall have given him such instructions as the means at his disposal will permit, he be allowed to return to his tribe."

It was then moved by Littlejohn O'Halloran, Esq., seconded by James Hurtle Fisher, Esq., and carried unanimously—

Fourth. "That his Excellency be respectfully solicited, under the circumstances now elicited, to direct an armed party of police or military, if possible, under the direction of a magistrate, to be stationed in the vicinity of the ferry, for the protection of future overland parties and property, and to prevent collision with the natives or injury to them."

It was then moved by Matthew Smillie, Esq., seconded by Benjamin Archer Kent, Esq., and carried unanimously—

Fifth. "That a vote of thanks be given to the Hon. Charles Sturt, for the able manner in which he had discharged the duties of chairman during this inquiry."

(Signed) CHARLES STURT, Chairman.

(No. 53.)

No. 99.

COPY of a DESPATCH from Governor GREY to Lord JOHN RUSSELL.

Government House, Adelaide,
October 30, 1841.

MY LORD,

I HAVE the honour to enclose the copy of the proceedings of a large public meeting of the colonists, held for the purpose of petitioning me to recommend to the Home Government the propriety of rewarding Mr. Eyre in some suitable manner for his services in connecting the eastern and western shores of this continent, on his recent perilous and enterprising expedition from Adelaide to King George's Sound.

This document should have been transmitted as an enclosure in my Despatch to your Lordship of the 3rd September, 1841 (No. 26), but I regret to state that from some oversight it was not forwarded.

I have, &c.

(Signed) G. GREY.

The Right Hon. Lord John Russell,
&c. &c. &c.

Enclosure in No. 99.

Captain STURT having been called to the chair,

It was proposed by Edward Stephens, Esq., seconded by John Morphet, Esq.—

"That a memorial be presented to his Excellency, to request that he would recommend to the Home Government the propriety of rewarding Mr. Eyre in some suitable manner for his services in connecting the eastern and western shores of this continent, on his recent perilous and enterprising expedition from Adelaide to King George's Sound."

Proposed by A. M. Mundy, Esq., seconded by Captain Frome—

"That a piece of plate commemorative of the occasion be presented to Mr. Eyre at the same time."

(No. 25.)

No. 100.

COPY of a DESPATCH from Lord STANLEY to Governor GREY.

SIR,

Downing-Street, May 13, 1842.

I have received your despatches of the numbers and dates specified in the margin.

No. 28 contains a report of a collision between a party of Europeans and a party of the Murray river natives.

No. 52 transmits a report of the proceedings of the bench of magistrates in their investigation of that conflict, and notifies the appointment of Mr. Eyre to the offices of Resident Magistrate and Protector of Aborigines in that district of the Murray river.

Nos. 26 and 53 contain a report of the expedition undertaken by Mr. Eyre, and submit the recommendation of a large body of Colonists, that Mr. Eyre should

No. 99.

Page 228.

Encl. in No. 99.

No. 100.

No. 26.
3 Sept., 1841.
No. 28.
13 Sept., 1841.
No. 52.
30 Oct., 1841.
No. 53.
30 Oct., 1841.