



**SUPPLEMENT**  
TO THE  
**NEW SOUTH WALES**  
**GOVERNMENT GAZETTE.**

Published by Authority.

SATURDAY, JANUARY 21, 1837.

*Colonial Secretary's Office,  
Sydney, 21st January, 1837.*

WITH reference to the Government Notice of 5th November, 1836, notifying the result of the late Exploring Expedition into the Interior of the Country, His Excellency the GOVERNOR is now pleased to direct, that the following Minute of an Enquiry instituted, and Evidence taken, before the Executive Council, relative to the proceedings of the party under the orders of the Surveyor-General, towards the Aborigines upon that occasion, be published for general information.

*By His Excellency's Command,*  
**E. DEAS THOMSON.**

Extract from Minute No. 29 of the proceedings of the Executive Council, dated 16th December, 1836.

Present,—

His Excellency the GOVERNOR,  
The Right Reverend the LORD BISHOP of AUSTRALIA,  
The Honorable the COLONIAL SECRETARY.

HIS Excellency the GOVERNOR laid before the Council, the following Extract of a letter addressed to the Colonial Secretary by Major Mitchell, Surveyor-General of New South Wales, dated Camp on the Murrumbidgee, 24th October, 1836, reporting the result of his late Exploring Expedition into the interior of the Country, viz:—

“ On the following day we were compelled to make a detour by an ana-branch of this River, and thus came upon a fine Lake full sixteen miles in circumference. It was swarming with natives, and the alarm of our arrival was then resounding along its western shores. I was not a little surprised to find on their approaching our party, that these were our old adversaries from the Darling, at a distance of nearly two hundred miles from their usual haunts, and come across (as I was afterwards told) to fight us! At all events, we could

not have met them under less favorable circumstances; for whereas, I intended to have avoided that part of the Darling where we had formerly seen these treacherous savages, we had them already about us on the very outset of my journey down the Murray, and near my depôt.

“ Their system of warfare was to follow us, being ready to pick up any stragglers, and to gather in our rear as we went on, the whole savage population on the banks of the rivers.

“ Under such circumstances, it appeared to me desirable to draw them after us first, to a greater distance from the depôt camp, and then to turn and attack them with as much effect as we could. When we left Lake Benanee, they followed us carrying bundles of spears, and after two days journey, the numbers in our rear amounted to about one hundred and eighty. On the morning of the 27th May, they were following us closely along the river bank (or berg) with tumultuous shouting, and our own safety and further progress evidently depended on our attacking them forthwith. But it was difficult to come at such enemies hovering in our rear, with the lynx-eyed vigilance of savages. I succeeded, however, by sending back a party of volunteers through a scrub to take them in the flank, while I halted the rest of the party suddenly beyond a hill to which the savages were likely to follow our track.

“ Attacked simultaneously by both parties, the whole betook themselves to the river; my men pursuing them and shooting as many as they could. Numbers were shot in swimming across the Murray, and some even after they had reached the opposite shore, as they ascended the bank. Amongst those shot in the water, was the chief (recognised by a particular kind of cloak he wore, which floated after he went down). Thus, in a very short time, the usual silence of the desert prevailed on the banks of the Murray, and we pursued our journey unmolested.

“ The news of the dispersion of the Darling tribe, travelled much slower than I wished, and from the conduct of a strong tribe at the junction of that river with the Murray, it was evident tha

the news had not reached them at the time we arrived there. These men took it into their heads that they could master us by main force and superiority of numbers, and came round the party in a crowd, but on the failure of their foolish attempt, as my men were quickly in line, they escaped by sudden flight, without any casualty on either side. That tribe afterwards moved abreast of our party as we proceeded up the Darling, but on the opposite bank, without venturing across."

The Governor then informed the Council, that in the publication of the Surveyor-General's letter in the *Government Gazette* on the 5th ultimo, he had directed the omission of the foregoing extract, and a communication to be made to the Surveyor-General of the motives which led His Excellency to adopt this course. A few days after Major Mitchell's arrival in Sydney, the Colonial Secretary accordingly sent for him, and informed him that His Excellency's reasons for this omission, were to avoid prejudicing his case, and shocking the public here and in England by announcing the slaughter of so many human beings, without affording, at the same time, such an explanation as should most fully show the necessity of the measure, after all possible means had been taken to prevent it, that His Excellency fully expected he would be able to give this explanation, and it would be proper to afford him an opportunity of doing so by instituting an enquiry before the Executive Council, when the persons who were present on the occasion had reached Sydney; and that previously to this enquiry, it would be improper to publish such an account of the transaction as Major Mitchell's letter contains.

His Excellency also laid upon the table a copy of the instructions (*Appendix A*) furnished to Major Mitchell upon entering upon his exploring expeditions in 1835 and 1836, and particularly directed the attention of the Council to the 13th section, having reference to the conduct to be observed by that officer and his party, in their intercourse with the aboriginal inhabitants.

His Excellency then informed the Council, that the whole of Major Mitchell's party, employed upon the late expedition, having now arrived in Sydney, he was desirous of proceeding to an enquiry into the matter in question, and of receiving their opinion and advice as to the measures which they may deem it necessary to adopt after the transaction shall have been fully investigated.

Major Mitchell having been then introduced, His Excellency the Governor informed him that the Council were desirous of examining, in his presence, some of the party who were engaged in the attack made upon the Blacks on the 27th May last, and that he would be at liberty to put any questions to the witnesses which he might consider requisite to a more perfect elucidation of the subject of enquiry.

Alexander Burnett, William Muirhead, John Waugh Drysdale, Jemmy Piper an aboriginal native, John Matthew Richardson, John Palmer, and Charles King were accordingly called in and examined before the Council, and copies of their respective evidence will be found recorded in the Appendix. (*Appendices B, C, D, E, F, G, H, respectively.*)

Major Mitchell having then been informed,

that the Council would be ready to receive any written statement which he might desire to put in, relative to the occurrences on the 27th May, tending to show the necessity of the course which was then adopted, the Council adjourned the further consideration of the subject until Monday next, at eleven o'clock.

Extract from Minute No. 30, dated 19th December, 1836.

Present,—

His Excellency the GOVERNOR,  
The Right Reverend the LORD BISHOP of AUSTRALIA,  
The Honorable the COLONIAL SECRETARY.

In reference to the proceedings on the 16th instant, the Council having resumed the enquiry into the circumstances connected with the attack upon the Aboriginal Natives, by the Exploring Party under Major Mitchell's orders, on the 27th May last, His Excellency the Governor laid upon the table a Memorandum (*Appendix I*) prepared and forwarded by Major Mitchell, in conformity to the intimation made to him at the last meeting, and the same was read for the information of the Council.

William Woods, John Waugh Drysdale, the same who was examined at the last meeting, and Joseph Jones, were then called in and examined in the presence and at the desire of Major Mitchell, and a copy of their evidence will be found recorded in the Appendix. (*Appendices J, K, and L respectively.*)

The Council then adjourned the further consideration of the subject to Saturday, the 24th instant.

Extract from Minute No. 31, dated 24th December, 1836.

Present,—

His Excellency the GOVERNOR,  
The Right Reverend the LORD BISHOP of AUSTRALIA,  
The Honorable the COLONIAL SECRETARY.

In reference to the proceedings on the 16th and 19th instant, relative to the attack made upon the Blacks by the exploring party under Major Mitchell's orders, on the 27th May last, the Council now proceeded to record their opinion as follows, viz.—

The Council having carefully considered the Report and Memorandum of the Surveyor-General and the evidence taken before them, have been forcibly struck with the different appearance which the facts of the case assume as reported by the Surveyor-General in his Letter of the 24th October last, and as detailed in evidence by the individuals of the party who were examined in that Officer's presence on the 16th and 19th instant. In that part of his Letter which has been laid before the Council and which (for very sufficient reasons) the Governor declined to publish until the transaction it records should be enquired into, the Surveyor-General reports the arrangement be made on the 27th May, for attacking the Blacks by placing them between two fires, and stating that they were thus simultaneously attacked by two parties, represents his arrangement as successful, and that numbers of the Blacks were in

consequence shot, some in swimming across the river, and some even after they had reached the opposite shore. By the evidence it would appear that little more of the Surveyor-General's manoeuvre was carried into execution than the division of his party into two bodies with orders to that which was detached not to fire until firing was heard in front. By the premature shot of one of the detached party the plan was deranged, the Black Natives having immediately taken themselves to flight without throwing a single spear, and thus delivered the expedition from the apprehended danger, whilst the loss on their own part does not seem by the evidence to have reached the extent which the terms of the letter intimate.

The Council believe that there is much cause for congratulation in the sudden termination of the Surveyor-General's plan, for though some lives are reported to have been lost by the firing, which was continued after the first unauthorised shot, there is reason to suppose that the steady and skilful execution of the manoeuvre would have led to much greater bloodshed.

Had the Council to deal merely with the events which actually took place, as given in evidence, without reference to the design of drawing the Blacks after him and then turning to attack them, which from his letter of the 24th October, the Surveyor-General appears to have conceived when he left Benanee on the 25th of May, their duty in making this Report and submitting their opinion on the case would be comparatively easy. How much soever they might lament the loss of life which resulted from the indiscretion with which one of the detached party discharged his piece, and thereby occasioned the fire of the whole to open upon the fugitive Natives, seven persons being stated in evidence to have been killed and four to have been wounded; still considering the numbers, proximity, and threatening aspect of the Savages, and their apparent hostile purpose, the Council would not too severely blame a want of coolness and presence of mind, which it is the lot of few men to possess, or even the absolute disobedience of orders under circumstances so trying. The firing and its destructive consequences would have been considered as a casualty, against which it might have been impossible to guard in a situation of such extreme difficulty and danger.

But the Council cannot thus dismiss the case. They feel it their duty to notice the paragraph in the Surveyor-General's letter of the 24th October, and the paper which he presented on the 19th instant, in which his design of attacking the Natives in the manner he proposed is not merely attempted to be justified, but asserted to be meritorious, when the situation in which he was placed and the character of the people with whom he had to deal are duly considered. He seems to regard the slaughter of the Natives, exaggerated as it appears to be in his letter of the 24th, as the result of his own measures, and returns thanks to God for being thus made an instrument of benefit to the civilized and savage portion of mankind.

In this view of the case the Council cannot concur. Admitting as they do, that the intentions of the Blacks were decidedly hostile, it does not follow that the projected attack of the Surveyor-General was therefore justified. The question might indeed on this point be set at rest between two forces in declared hostility on declared and

mutually intelligible grounds, and well-founded apprehensions created by hostile demonstrations might even give to aggression the character of self-defence, and justify the striking of the first blow. But in dealing with the ignorant Natives of a newly discovered country, it is the duty of the civilized intruder to resort to every means consistent with personal safety to disarm hostility by conciliation before using force even in self-defence, and should all attempt at conciliation fail, he will not be justified in committing any greater injury than is absolutely necessary for his own safety.

This view of the relation in which the subjects of Great Britain stand towards the Natives of her Colonial Possessions formed the basis of the 13th Article of the instructions given by His Excellency the Governor for the regulation of this and the preceding expedition.

In the transactions under review it is indeed asserted by the Surveyor-General that endeavours were made to establish an amicable intercourse with the Natives, but it is not shewn to what extent those endeavours were carried. To the Council it seems that no sufficient efforts were made to conciliate the goodwill of the Natives who were met at Benanee for the first time, or to remove the angry feeling of those in whom the proceedings of the previous year had generated a spirit of animosity and revenge. From the conference at Benanee, if such it may be called, the Surveyor-General appears to have retired, leaving it to be conducted by Piper the Aboriginal Black. No presents are said to have been offered to the Natives, nor the fatal consequences to themselves of aggression explained. The change of direction in one day's march is stated in evidence to have been adopted to avoid the Blacks. The Surveyor-General in his paper of the 17th instant assigns a different motive, and in his letter of the 24th October he states it to have been his object on leaving Benanee to draw the Blacks after him for the purpose of attacking them. The Natives continued on the 27th to follow and threaten, and the Surveyor-General then determined to execute his project. The full accomplishment of his plan was interrupted (as the Council think Providentially) by the premature firing of the detached party.

The Council sincerely lament the necessity of recording these objections to any part of the Surveyor-General's proceedings at the close of an expedition so eminently successful in its geographical objects, and calculated with the single exception here brought under review to confer such honorable distinction upon the officer by whom it was conducted. The intention of the Council in these remarks is not to mar the credit of so useful an enterprize, but to vindicate an important public principle which it appears to them would be endangered if the transactions stated in evidence, and especially the opinions and sentiments regarding them as disclosed in the Report and Memorandum of the Surveyor-General, were believed to meet with the approval of the Government. The Instructions of His Majesty emanating from a Resolution of the Commons House of Parliament, and the sentiments of His Majesty's Ministers conveyed in various Despatches, all inculcate a spirit of conciliation and peace as required to distinguish the intercourse of the local Governments and the Colonists with the Aboriginal Natives.

These just, humane, and politic views should not be weakened by any apparent indifference on the part of this Council to the preservation of human life in its savage form. They regret to perceive in the statements of the Surveyor-General a tone of expression which they cannot but apprehend might encourage this indifference were such statements to obtain publicity without accompanying remark. In his letter of the 24th October the necessity of resorting to bloodshed is lightly presumed, instead of being, as the case seems to require, anxiously asserted and explained, the sacrifice of human life being at the same time adverted to in a spirit partaking more of exultation than regret.

The Council desire to record their Protest against the sentiments these documents have a tendency to diffuse—a Protest which they deem even more necessary than the expression of their opinion on the actual conflict. This might perhaps be palliated, though in the absence of further attempts at conciliation, it can hardly be justified, in consideration of the difficulty and danger in which the party was placed.

Giving therefore, full weight to these considerations, and to the state of alarm which the conduct of the savages appears to have caused, and being moreover satisfied that in the course which the Surveyor-General took he acted to the best of his judgment, under the conviction that the measures he adopted were required for the safety of the party he commanded, the Council do not think it necessary to recommend that any other proceeding be now taken on the part of this Government than the communication of this Minute to the Surveyor-General.

With reference to the Memorandum of the Surveyor-General dated the 17th December, and laid by him before the Council, and that part of it in which he states that this Government was aware of the circumstances of the attack made by the Blacks on his party when on the Darling in the last year, the Governor informed the Council that he knew little more of that occurrence than what is reported in the Surveyor-General's letter of the 19th September, 1835. The Surveyor-General has not yet laid before the Governor the journal of his expedition in that year, though in obedience to his instructions it should have been done immediately after his return, and many of the particulars of the affair given in evidence before the Council on the present occasion, became known for the first time.

With reference to the observation of the Surveyor-General in the same paper, upon the period of this year at which he was sent out, the Governor informed the Council that it did not appear to His Excellency for any of the reasons advanced by the Surveyor-General in his memorandum of 4th October, 1835, that it would have been advantageous to have dispatched the exploring party in a "season of flood." The impediments to the progress of the expedition, occasioned by the continued rains of the last winter rendering the ground extremely soft and difficult to traverse, are particularly noticed by the Surveyor-General in his letter of the 24th October last, and sufficiently prove the inconvenience to which exploring parties are liable in "Seasons of flood." The Council perceive that by the Surveyor-General's instructions, he was at liberty to

pursue the route suggested by himself in his memorandum of the 4th October, or any other he might find more convenient for the attainment of his object.

The Governor further informed the Council, with reference to the Surveyor-General's observations in the same paper, that his party consisted only of a few armed Convicts, that the selection of the persons who accompanied him was made by himself, and that soldiers having been offered to him for his first expedition to the Darling, he had declined taking them. The Council, from the papers laid before them, amongst which is a letter from the Surveyor-General dated 11th March, 1835, and one from the Deputy Surveyor-General dated 3rd March, 1836 (*Appendices M and N*), are convinced that no pains or expense were spared by this Government to enable the Surveyor-General to perform the required service, on the last as well as on the present expedition, with safety and convenience to himself, and those placed under his orders.

True Extracts.

E. DEAS THOMSON,  
*Clerk of the Council.*

#### APPENDIX A.

By His Excellency Major-General Sir RICHARD BOURKE, K. C. B., Captain-General and Governor-in Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

To Thomas Livingstone Mitchell, Esquire, Surveyor-General of New South Wales, &c., &c., &c.

**I**T having been judged expedient by His Majesty's Government that an expedition should be undertaken for the purpose of exploring the course of the River Darling discovered by Captain Charles Sturt of His Majesty's 39th Regiment in the year 1829, to the estuary or junction with the Murray, I do hereby constitute and appoint you, reposing confidence in your zeal and ability for the accomplishment of such an undertaking, to command and to take charge of the said expedition, and direct that in the prosecution of this service you be guided by the following general instructions, namely:—

- 1st.—That in conformity to your expressed desire you be accompanied by Assistant Surveyor James Larmer, upon whom, in the event of any accident to you, the command of the expedition and the execution of these instructions is to devolve, and with the details of which you will take an early opportunity of making him acquainted.
- 2nd.—That you be also accompanied as requested, by Mr. Richard Cunningham, Colonial Botanist, by whom such botanical researches will be made as may be practicable during the expedition.
- 3rd.—That your party exclusive of yourself and the two gentlemen already mentioned be composed of the twenty-one persons you have selected for that purpose.
- 4th.—That you be furnished in conformity to your several requisitions with provisions for this party for five months, together with seven horses,

fifty oxen, four drays, two carts, three tents, and two boats.

5th.—That you proceed by the most convenient route, and without the least unnecessary delay, to the south-west point of the River Darling reached by Captain Sturt in the year 1829, and after having established a depôt or otherwise as may seem to you most expedient, you proceed to explore the course of that river to the junction which it is supposed by Captain Sturt to form with the Murray, or if such should not be the case, to its estuary, wherever that may be.

6th.—The principal object of His Majesty's Government in directing this expedition to be undertaken being to ascertain the course of the River Darling, you will deem this object to be the chief intention of your present appointment, and will allow nothing materially to interfere with it.

7th.—That if from any unforeseen cause you should find it impracticable to navigate the Darling or to trace its course by land, or that this river like the Macquarie and Lachlan should for a time be lost in marshes, you will still endeavour to accomplish the object of the expedition by proceeding in the direction which you may deem best calculated for meeting the course of the river flowing into the Murray, and supposed by Captain Sturt to be the Darling. Having reached that river, you will proceed down its stream to its junction with the Murray, and in returning will trace its course as far upwards as may be practicable, with the view of ascertaining whether it be a continuation of the Upper Darling.

8th.—Having completed the service to which you are hereby appointed, or pursued its object as far as circumstances will permit, you will return to Sydney by the most convenient route.

9th.—It is to be clearly understood that in the execution of these instructions you are not required to compromise the safety of the party placed under your orders—the greatest danger to which expeditions such as this upon which you are to proceed arises usually from the want of provisions. You will therefore use every possible economy in the distribution of those with which you are supplied, and carefully avoid any manner of waste.

10th.—In conformity to the instructions of the Secretary of State for exploring expeditions, a copy of which has been already furnished to you, you will provide yourself with an Ephemeris of the Year, a Sextant, an Azimuth Compass, an Artificial Horizon, and Chronometer set upon the meridian of Sydney, in order to take as frequently as possible during your journey, Solar or Lunar Observations to determine the longitude and latitude of the places on your route, the calculations for which may be made on your return home, that the bearing of your route every time you alter your course (if only for half a mile) be accurately noted; with the distance pursued upon that course, and at night a computation made of the distance explored during the day, from first setting out in the morning until bivouacking at night, with the general bearing of the last place compared with that at starting. That particular attention be given to every object worthy of remark which you may meet either on your route or at a dis-

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tance from it, mention being made in the journal of the bearing, distance, and situation of such object, and whether to the right or left of the route, with a minute description of its form and character, and whether those bearings be deduced from the Pole; in either case it must be stated what is the angle of variation east or west between the meridian and the needle.

11th.—You are to keep a journal in which shall be given a detailed account of all your proceedings, with such observations as you may deem important or interesting—the general face and geological structure of the country through which you pass—and the nature of its productions, animal, vegetable, and mineral, are to be carefully noted, together with the character of the climate as to heat, cold, moisture, winds, rains, &c., a register being kept of the temperature by Fahrenheit's Thermometer as observed at two or three periods of the day, and of the atmospheric pressure shewn by the Barometer whenever circumstances will permit—the height of any mountains you may ascend, and the direction, velocity, breadth and depth of any rivers or streams you may discover are to be carefully given.

12th.—That you note in your journal the description and numbers of the people you may meet, and as far as you can discover their means and subsistence—their character and disposition—the nature of their amusements—their diseases and remedies—their objects of worship, religious ceremonies, and adding a vocabulary of any words of their language you may learn.

13th.—That in your intercourse with the Aboriginal inhabitants you are to endeavour by every possible means to conciliate their good will, from which the most important assistance may be derived, and in the event of any hostile demonstration on their part, the utmost forbearance is to be shewn by all persons composing the expedition; nor is the use of fire-arms or force of any kind to be resorted to unless the safety of the party should absolutely require it.

14th.—You are to afford every facility to the Colonial Botanist in the prosecution of his researches, and for preserving and conveying the collections he may be enabled to make, of plants, roots, and seeds.

15th.—Specimens of every kind obtained during the expedition, are to be considered the property of the public, and lists to be made of them from time to time as they are collected, setting forth the places where they have been found, and any facts that may tend to elucidate their natural history and character. On the return of the expedition, all such specimens of the animal and mineral world; with the corresponding lists, are to be placed in the Australian Museum, and the vegetable productions in the Botanical Garden.

16th.—That you avail yourself of every opportunity which may occur, for informing me of the progress of the expedition.

17th.—That on your return you cause all the journals and other written documents belonging to, and curiosities collected by the several individuals composing the expedition, to be carefully sealed up with your own seal, and kept in that state till you shall have made your report to me,

in writing, of the result of the expedition. You will also, as soon as possible after your return, furnish me with a copy of your journal, accompanied by a chart of your discoveries, exhibiting your route after leaving the settled Districts, in going out and returning.

Given at Government House, Sydney, this twenty-sixth day of March, 1835.

(Signed) RICHARD BOURKE.

*By His Excellency's Command,*

(signed) ALEXANDER M'LEAY.

By His Excellency Major-General Sir RICHARD BOURKE, Knight, Commander of the most Honorable Military order of the Bath, Captain-General and Governor-in-chief of the Territory of New South Wales, &c., &c., &c.

To Thomas Livingstone Mitchell, Esquire, Surveyor-General of New South Wales, &c., &c., &c.

It having been deemed proper that another expedition should be undertaken to complete the survey of the River Darling, from the south-west point attained by you in the execution of your Instructions dated the 26th March, 1835, to its junction with the Murray, and to trace the course of the Murray upwards from the point where it receives the waters of the Darling to its source, I do hereby constitute and appoint you to command and take charge of the said expedition, and direct that in the prosecution of this service, you be guided by the following general Instructions, namely:—

- 1st.—That in conformity to your expressed desire you be accompanied by Mr. W. W. Darke, Draftsman, upon whom in the event of any accident to you, the command of the expedition and the execution of these Instructions are to devolve; and with the details of which you will therefore take an early opportunity of making him acquainted.
- 2nd.—That your party exclusive of yourself and Mr. Darke, be composed of twenty-three persons whom you have selected for that purpose.
- 3rd.—That you be furnished in conformity with your several Requisitions, with provisions for this party for five months, together with twelve horses, fifty-two oxen, five drays, two carts, five tents, and two boats.
- 4th.—That you proceed in the first instance to the point on the Darling River at which you turned back on your last expedition, either by the route you have suggested in the memorandum laid before me dated 4th October last, a copy of which is hereunto annexed, or by any other route that may appear to you shorter or more convenient; and having attained that point with as much expedition as circumstances will permit, you are then to proceed to complete your survey of the River Darling to its junction with the Murray.
- 5th.—You will perceive by the foregoing Instructions that it is considered as fixed almost beyond a doubt, that the Darling flows from the point at which you lately left it, into the Murray, as supposed by Captain Sturt. If this should not be the case, and that the Darling takes another course, you are to trace it, if possible, to its

estuary, and thence to return to the settled parts of the Colony by the most convenient route.

6th.—If, as is expected, the Darling joins the Murray at or near the point indicated by Captain Sturt, you will from thence pass up the Murray to the point where it is joined by the Murrumbidgee, and from thence will continue to proceed up the Murray, either embarked on its water or travelling along its bank, as far as you may find it practicable and expedient. If in your course upwards you should meet with different streams flowing into that upon which you are embarked or along which you are travelling, you will follow that which you may deem to afford the most promising appearance, both as regards the facility of your progress and general objects of interests, bearing in mind that it is desirable you should return to the settled parts of the Colony by a route on the western side of the range of mountains, named the Australian Alps, in Arrowsmith's Map published in 1832, entering the located parts of the Colony by Yass, or at any more convenient point on the route now mentioned.

7th.—For your further guidance you are referred to the annexed Articles, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, and seventeen of your former Instructions, dated the 26th March, 1835, to which you are enjoined to pay the strictest attention.

Given at Government House, Sydney, this Eighth day of March, 1836.

(Signed) RICHARD BOURKE.

*By His Excellency's Command,*

(Signed) ALEXANDER M'LEAY.

#### Memorandum No. 2.

At the request of His Excellency the Governor, I would submit the following outline of the course I should wish to pursue for the completion of the survey of the Darling. I would follow the route lately surveyed and marked westward from Buree to where it crosses Tandogo Creek, (in latitude  $32^{\circ} 45' 30''$  S., longitude  $147^{\circ} 58' E.$ ) I would then continue the triangulation along the heights south of that point, and which extended westward as far as I could see, to and beyond Mount Granard, and under the parallel of  $33^{\circ}$  south, which parallel, followed westward, may be considered the best general direction for approaching the unexplored part of the Darling, keeping the lagoons of the Lachlan close on the left, if water were scarce.

I should be rather disposed, however, to await a season of flood for the further exploration of that country, in which case, the higher and more firm ground might be traversed without inconvenience from want of water or the risk of it—there being on the worst parts of the higher ground, holes in a tough clay soil which prevails on the flats, and which evidently retain water for several months after any saturating fall of rain.

The advantage therefore of a rainy season is obvious, as in traversing the higher country under favourable circumstances, the traveller has a much wider range—better means of exploring generally, while he is brought less in contact with the natives, whereas, in seasons of drought, he is obliged to keep on the banks of rivers, on ground whence if

rain did fall, he could scarcely extricate himself, and where he must also expect to encounter, when water is scarce elsewhere, most of the savage population.

(Signed) T. L. MITCHELL.

Sydney, 4th October, 1835.

#### APPENDIX B.

##### *Examination of Alexander Burnett before the Executive Council, 16th December, 1836.*

I was an overseer of the late exploring party under the Surveyor-General; I was with them on the 27th of May last; it was about that time the conflict took place between the party and the natives; I do not recollect the precise day; the natives had followed us for two days, and Major Mitchell gave me instructions to take half of the men and to stop in the bush; the other half with Major Mitchell was to go on; we were to let the blacks pass us, and then come in behind them, not to fire at any of them until we heard or saw the party under the Major fire; the blacks had a native dog with them that noticed us in the bush; when they saw us, they drew into a body, and they were beginning to draw down the bank towards the river, when one of the men of my party fired a shot at them, the blacks all took the river and were going to the other side; while they were crossing the river we fired, then we never saw any more of them; there were seven men of my party besides myself; they were all armed, each with a carbine; the man whom I stated to have fired first, did so before any of Major Mitchell's party fired, and without any orders from me; the man's name is Charles King; a good many of these blacks, five or six of them, I had seen before on the Darling, on the former expedition; King had also been upon the former expedition; the blacks retired immediately after the first shot was fired; the shot made them run away; they were all men, and had every one of them, bunches of ten or fifteen spears; this was the third day of their following us, and they were getting more and more numerous; I think if we had delayed firing upon them another hour or two, they would have speared us; after the first shot was fired, I gave orders to the rest of the party to fire; I cannot tell how many of the blacks were killed; I did not see any dead blacks—nor any wounded; they continued diving, and therefore we only saw them now and again; the river was, I believe, about one hundred and thirty or one hundred and forty yards broad; there were some shots fired just as they were leaving the water, but they soon disappeared among the reeds which grew upon the banks; I dare say there might have been seventy or eighty shots fired—that includes the shots fired by both parties; they had bunches of spears, and continued to follow us, and watch our motions, at a considerable distance, keeping the party in sight; the four first whom I saw of that party had their spears shipped in their hands, but they did not heave them; they made a threatening motion, as if they meant to throw them at the party; it was my persuasion they would throw them; the men were beginning to be very frightened, and had not undressed themselves for two nights; it was from fear of the natives that they did not undress; I am satisfied that this was the same tribe I had seen the year before on the Darling; I knew four or

five, there might be six, whom I had seen the year before, and knew again; I do not know how far it was from the place we met them the year before, but I think it was a considerable distance; there were three blacks told Piper, a native who accompanied us from Bathurst, and Piper told me that they heard of the party coming again, and came over to fight us; I was not down at the river where the firing took place during the former expedition; I was at the camp, about half a mile distant; I saw, however, the tribe, several times, so as to be satisfied that four or five of them were the same; there was one on the journey before who came up in a very impudent way—took up handfuls of clay and heaved it at us. The Major gave me orders to shoot a crow that was sitting on a tree, to let them see the use of fire-arms; when the crow fell to the ground, this man went and picked it up; this was one of the men I saw before; he came up and shook hands with me as soon as they made their appearance; no spears had been thrown by the natives previously to the firing of the first shot, but they were standing, threatening to throw them; the first time I saw them shipping their spears, and threatening to throw them, was, when they discovered us coming out of the bush, when noticed by the native dog; by shipping their spears, I mean poisoning them on the throwing stick; the apprehensions of the men did not proceed from their threatening us, but from their following us the two previous days; but the first night they came up with us, Piper came and told me that the blacks were going to kill us all; he said to me, that his gin, who accompanied him, heard the blacks saying how many of them were to go to the Major's tent, and how many to each of the other tents, and that as soon as they got us to sleep, they were to kill us all—so the Major gave orders for the blacks to be sent away from the camp; they went away about a quarter of a mile or more, and there encamped; when we started in the morning, after breakfast, and packing up, I did not see any of them until we had travelled on about two miles, or two miles and a half; the information given by the gin was believed by the men, which was the cause of their being so terrified.

*Cross-examined by Major Mitchell*—At day-break of that morning I think I saw them taking away their gins across the stream which comes out of the lake; I saw them burning bushes in the morning; I saw some of the blacks coming towards the camp; I saw an old man very near the camp; I was one of the party ordered by Major Mitchell to go forward steadily in line; we had positive orders from him to hold up our arms to shew them, but not to fire; we advanced until the natives entirely disappeared in the bush; we were out of sight of the camp; we returned as ordered when the bugle sounded; after that the men had time to take their breakfasts and pack up; I do not think we could have had peace to take our breakfasts and pack up unless the natives had been forced away; the natives went one way, the party travelled another; we made the River Murray in about three miles; we saw some natives there; I think they were the same party we forced back; we had heard them following in the wood before we made the Murray; we made a long journey that day to avoid them; that was the object; we know that the Major was anxious to get away



rom them; the party had watches every night, men out watching bullocks; the men had sometimes to go one, two, three, or four miles from the camp, every night, to watch the bullocks; I have known that spears were thrown from the bush where no natives appeared, at three or four men who were employed in disentangling a bullock from a tree; that was the only time I have seen spears heaved by the natives; I saw this myself; this transaction occurred during the former expedition; I think that upon the 27th of May last, there must have been between two and three hundred native men, all armed with spears; the number at the camp at Benanee when we first met them was only about ninety.

APPENDIX C.

*Examination of William Muirhead before the Executive Council, 16th December, 1836.*

I was with Major Mitchell during the late expedition; I was employed as bullock-driver, and occasionally acted as a serjeant to drill the men; I have been a soldier; I remember the 27th May when there was a fight between the party and the Blacks; I was with the party under Major Mitchell on that occasion; after starting that morning the natives came upon our rear; the Major ordered Burnett to take one-half of the party to meet the natives, and the Major remained with the rest of the party; after Burnett went to meet the natives I lost sight of them when they entered the scrub; the next thing I saw was the natives taking to the river; I had heard shots before this; I saw the natives swimming across the river and several of Burnett's party firing upon them; on my arriving at the edge of the river I fired several shots, as did most of the party with me; I think that some of the blacks must have been killed; they were swimming in the water, and no man could say whether they were wounded or not; the river was better than a hundred yards broad where the blacks took to it; by the appearance there must have been nearly a hundred blacks crossing the river; there might have been one or two shots fired after they arrived on the opposite bank; I can form no opinion as to the number of shots fired at the blacks together; when we arrived at the brink of the river we found Burnett's party there; I had received no orders to fire; upon arriving at the brink of the river, we commenced firing; the other party under Burnett had been firing before; the firing lasted about fifteen minutes after we came up; it might not be so long as that; I had observed the natives for two days before the fight; they seemed to be very troublesome, hanging and harrassing upon the rear of the party; I did not see any spears thrown at the party, but they put themselves in threatening attitudes, particularly the evening before the conflict took place; the Major left the banks of the river the second night before, and passed a night in the scrub for the purpose of avoiding them; the men were under an apprehension that the natives would attack them; they were led to expect this from what Piper the native had informed some of them.

*Cross-examined by Major Mitchell*—I have had experience of the mode of attack adopted by the natives, having accompanied Major Mitchell on two former expeditions; I was present when the

bones of Mr. Finch's men were found, I believe in the year 1831; the body of one was completely naked; they had received wounds on the back parts of their heads; my opinion is that these men were in bed asleep when they were attacked; during the expedition last year, there were two spears thrown at me; I saw some natives then crossing the river a little higher up than where I was; I was extricating a bullock from the river; I did not see the men who threw the spears at me; the spears struck a tree near where I was standing; they accidentally escaped me from my having stooped down under the bank, when employed in disentangling the bullock; I saw some of the same men, whom I had seen then, on the present occasion; there was one confessed to have seen us before, and to have slaughtered a bullock we left behind; I saw one of the gins with the bullock's teeth in her bag; we passed one night in the presence of these natives previous to the rencounter; I saw the natives early on the following morning; they appeared troublesome, and had been so the night previous; they were burning bushes; I always understood that to mean, with the natives, a signal for war; I saw an old man near the camp setting fire to bushes; I saw him run off suddenly; I do not know what made him run away; I was one of the party the same morning sent out to order them off; the orders that Major Mitchell delivered to me were, to go about two hundred yards distant from the camp to where a party of the natives were assemb'ed, and order them off; they were upon one side of the camp; we were told not to fire; they fell back when they saw us approaching, and we returned to the camp according to the orders the Major gave me; I was not on watch that night, but had not taken my clothes off; the men could not have continued for any number of nights, to have watched and taken care of the bullocks, as they were obliged that night, from the troublesome conduct of the natives; we could not have had our breakfast and packed up uninterrupted, unless we had gone out and made them retire, as ordered by the Major; I saw them attempt to take some tomahawks away from the tent the night before; I have been on service as a soldier, from what I know of service, I think we could not have gone on many days longer with the natives, in the way they had been conducting themselves towards us, without danger; I can explain how that danger would have arisen; men obliged to go and look after cattle, would have been sure to have been fallen upon by them; after what took place on the 27th, they did not harrass us; we felt, after this transaction, much greater security than ever we had done before, in travelling in the interior; I do not consider that any offence was given by our party to cause the natives to follow us; on the former occasion I saw presents given to the same tribe.

APPENDIX D.

*Examination of John Waugh Drysdale, before the Executive Council, 16th December, 1836.*

I accompanied Major Mitchell in his late expedition in a capacity of Medical Attendant, I recollect what took place on the 27th of May last. We were encamped near a Lake named Benanee, the second evening after leaving Mr. Stapylton's first depôt. Several natives joined us from the lake



before encamping, and their numbers increased considerably after the tents were pitched; Major Mitchell conversed with them in a very affable manner, and the whole of the party were very friendly with them. After the Major retired to his tent some of the men began to cook some victuals, and one of the blacks attempted to take some meat out of a pan that was on the fire; after this they began to be very troublesome, moving about the camp from one place to another, the Major being informed of it thought it prudent to keep them at a distance. They went a little way off the camp and made a fire; they then made several fires around the camp; we were upon a creek and the natives attempted to surround us with their fires. It was now sundown. The Major ordered the men under arms before his tent, with orders not to fire upon the natives without the word of command. The natives not seeming much inclined to go away, a sky-rocket was thrown up and the Major then ordered them to go away. After that they retired a short distance from the camp where they remained all the night; this was two nights before the 27th. Next morning by daylight the natives again made their appearance, coming up to the camp. The Major ordered six men to go with their carbines to terrify them, but by no means to fire upon them unless they heard the Major's whistle which was to be the signal for firing; when the natives found us following them, they immediately retreated, keeping us in sight; we then proceeded on our journey, the natives still following us at a distance. We encamped that night without water in a very large scrub and saw nothing of the natives. The next day we made the river rather early. Towards sundown several natives appeared on our track—on "*Piper's*" questioning them, they said they were messengers going to the Darling, and that they had no connexion with those that we had left at Benanee; the Major also spoke kindly to them, and they encamped on the bank of the river; this was the night before the 27th. Four watchmen had been appointed for each night since we left Benanee, Richardson and myself took the first watch; about the middle of the night on going down to the river we found that four more blacks had joined the messengers. We proceeded on our journey on the 27th; we had not gone far before an immense mob of blacks were seen coming along the river bank. They continued to follow us past where we were encamped, making a very great noise; the Major halted the party, and Burnett the overseer was sent into the bush with some of the the party to surround the natives; I went with Burnett, and when we were going along the edge of the bush, the natives in advance saw us and stopped; we continued to advance towards them, when they saw that they ran down to a flat beside the bank of the river; King who was first of the party, ran to the bank and fired at them; the rest of the party followed and the natives took the river; a great many shots were fired but I did not see any of them strike the natives; I saw two of the natives fall from the opposite side of the bank, but whether they were wounded or not I could not say at that distance; after the natives had crossed the river we proceeded on our journey without further molestation. There was no order given to fire; I did not see any spears thrown by the natives, but they had

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spears with them; I do not know that any of them were killed; the party that remained with Major Mitchell came down after Burnett's party commenced firing, and they fired also; there were a good many shots fired; I think the firing lasted about a quarter of an hour; the firing stopped after the natives disappeared on the other side of the river; I am not aware of any attempt having been made to stop the firing previously. The men were much harrassed by the blacks from Benanee up to the place where the firing took place, they were nearly worn out from watching and fatigue; they were under great apprehension of being attacked by the blacks; had it not been for Major Mitchell's orders we would have fired on them before that; when they were hanging on our rear on the morning of the 27th making a great noise, they were about two hundred yards distant; there must have been between two or three hundred natives that followed in our rear and crossed the river; they were all able-bodied men armed with spears; at Benanee I do not think they exceeded one hundred; I was under a persuasion on the morning of the 27th that they were likely to attack us.

*Cross-examined by Major Mitchell—*Burnett's party was quite the reverse of in a state of excitement when they ran down towards the river; Burnett's party ran to the river bank as soon as King fired, and that party was near the brink of the river when the Major's party came over the hill; the two parties lined the bank for some distance; it would have been almost impossible for the Major to have checked the firing at that time; we were all certain, that had we not shot the blacks, we would all have been speared; the men were not in a particular state of excitement, except such as arose from their sense of danger and apprehension of the blacks; we travelled without molestation from that tribe after that; I think the continuance of the shots, for a time, until the blacks disappeared, had a good effect in preventing them from following us again, and that any appearance of lenity then towards the natives would have proved fatal to the whole of the party; the party was likely to be cut off in detail while watching; our natives told us that that would be the case; Piper told me so; I heard the two Tommies and Piper say, that if any of the bullock drivers went out alone they would be speared.

#### APPENDIX E.

*Examination of Jemmy Piper, an aboriginal native, before the Executive Council, 16th December, 1836.*

I accompanied Major Mitchell on his late expedition from Bathurst; I was with him at Benanee; I remember that place; I saw the blacks there; some of them told me that they had seen the Major before on the Darling River, and had killed a working bullock he had left behind him; they wanted to fight the Major, that they might get the tomahawks, tobacco, and all that belonged to him; they told me so; the blacks had a great many spears with them, and said to me and to my gin, they wanted to kill the Major, but I would not let them; the Darling blacks had come to Benanee; there was a small party belonging to Benanee, but the main body had come from the Darling; they said they would kill the Major and all the party when they were asleep at night; they were to kill

me too; I told this generally amongst the men; the blacks made a fire all round the camp; they came with the intention of killing the Major, because one of their tribe had been killed by the party on the former expedition; a boy told me afterwards, on returning from the Darling, that seven of the blacks were killed, and four wounded; the blacks meant to have killed some of the party the same night, as well as some of the bullocks; one of them seeing that we had the light carts only, asked where we had left the drays, but I would not tell them.

#### APPENDIX F.

*Examination of John Matthew Richardson, before the Executive Council, 16th December, 1836.*

I went with Major Mitchell on his late exploring expedition; I remember the evening when we encamped on the lake and saw the blacks; they were natives who were wanting to have a fight or a row apparently; they were more like the natives of Melville Island than any I had seen before; they wanted to get us away from the camp, and they lit their fires immediate round about us, which shewed that they were not friendly; I heard Piper mention that one of the gins had told him the blacks meant to attack the party; we were on our guard two hours before sun-down, as we were all apprehensive of being attacked; both Piper and the other black boy told us so; we had extra watches that night, four instead of two; there must have been upwards of 120 blacks near the camp that evening; the blacks had come from the lake; they followed us about an hour before we encamped; there was one said he had come from the Darling and picked out two or three of the men whom he had seen before on the former expedition; their names are Charles King, William Woods, and John Palmer; we saw the natives the next day after leaving the camp about a mile making their appearance towards us; we encamped the second night in a large scrub about 20 miles from where we did so the night before; I heard it said in the camp that the Major had ordered this with a view of avoiding the blacks; we saw nothing of them during that night, nor during the march next day; and we encamped early that day on the Murray being in want of water for the cattle; four or five blacks came to us there in the afternoon; we proceeded from there about eight o'clock next morning; I was a little behind that morning with Roach the bird-stuffer when the natives came on the camping ground; they were in great numbers, more than we had seen before; Major Mitchell sent word for us to join the party immediately; the blacks were loaded with spears, and kept coming close up to us trying to get into the scrub and between the bank of the river and our party, threatening us and making a great noise; this continued for about half an hour before the Major divided the party in two; they were getting close to us at this time; I saw no spears thrown by the natives; when the party was divided I remained with Major Mitchell; we went just over a rising hill a few chains on, in order that the natives might not discern that the party had been divided; I heard Major Mitchell say to Burnett's party that they were not to fire until he could ascertain what was the disposition of the natives towards us, as he did not wish to kill any of them; shortly

after going over the hill, I heard a shot, and we went towards Burnett's party towards the river where the natives were, and I saw a great number of the natives in the river; they were all in the river by the time we got down the bank; Burnett's party was shooting at the natives when we came up, and we also immediately commenced firing; I do not think it was above two minutes and a half from the time I heard the first shot until we reached the river; I did not wait for any orders to fire when I saw the others firing, for I thought there were other natives round us; the two parties when they reached the river were mixed together; I do not think that the firing lasted altogether above four or five minutes; I fired three rounds myself; some of them said they fired five or six; some of the natives were either shot or drowned no doubt; the current was so strong we could not discern with precision; they swam very low with only their faces out of the water; I saw an opossum skin cloak floating in the eddy of the river; there was a man in it but he afterwards disappeared; I think there was one native shot or wounded on the opposite bank of the river; I saw one fall back into the river; I was under an impression that the natives would attack us; I was never under greater apprehensions from natives; I was at Melville Island when Mr. Green and Mr. Gould were murdered by the natives; I only left Mr. Green about 20 minutes before he was killed; I thought I never saw the natives so hostilely inclined; I thought they meant to attack us on the 27th of May; I have had great experience among natives.

*Cross-examined by Major Mitchell*—All the natives did not cross at one place; some of them crossed lower down than where the Major was; the Major might have been about 300 yards from where Burnett's party was; they were spread over that space; the party travelled with less molestation after this; the tribes would go away immediately upon seeing a piece; the party had more courage to go on afterwards; they experienced immediate relief after the rencountre; it would be much safer to travel there now than before; I should not mind to travel with half the party now; in the way the blacks were going on, they would have tired the men out; we would not have been able to have lived.

#### APPENDIX G.

*Examination of John Palmer, before the Executive Council, 16th December, 1836.*

I was employed with Major Mitchell during his last and two former expeditions; I recollect during the last having encamped near the Lake Benance; we saw a few blacks there at first, who increased to about one hundred or upwards soon afterwards; I cannot be sure that I had seen any of them before; some of the blacks came up to me and made motions to the effect that they had seen us before, as he was given to understand by the native Piper.

#### APPENDIX H.

*Examination of Charles King, before the Executive Council, 16th December, 1836.*

I was with Major Mitchell on his late expedition as well as the one before; I remember on the last occasion being encamped on the Lake Benance; a great many of the blacks came to the

camp that evening ; I had seen two of them before ; they are very remarkable ; I had seen them the year before on the Darling ; they knew me again, and pointed me out immediately ; one was a young native with one eye, the other was burnt all over the breast ; they were very inveterate against me and some of the other men, by what we could learn from the native that was with us ; the last journey we were out they struck one of our men down on the river bank, and I was sent down to his assistance ; when I came there the man was hardly able to speak from the blow he had received on the forehead, and the other native that was on the bank was endeavouring to rush at the other man that was with him to spear him ; one of the natives had a spear in his hand ready drawn up to throw at him, but as soon as he saw me he rushed into the river ; I immediately cocked my piece and shot at him, and Woods, who was sent with me, chased a good many at the same time into the river with a fixed bayonet and commenced firing at them ; I suppose that this was the cause of the natives of the Darling entertaining a hostile feeling towards me, and I was afterwards told by Piper that one of the Darling natives said he would be revenged for the loss of his brother.

#### APPENDIX I.

##### *Memorandum.*

My last despatch dated 24th October, was written with reference to my account of the former expedition, as submitted in my despatch of 19th September, 1835 ; wherein I stated that the conduct of the natives on the Darling was such as to render it unsafe for me to proceed further on the survey of that river.

In my memorandum of 4th October, 1835, submitted by order of His Excellency the Governor, I suggested that as the party had suffered much from drought on that occasion, it would be better to await a rainy season for the further exploration, especially as the traveller is then brought less in contact with the natives, who in dry seasons assemble on the banks of large rivers.

Having been nevertheless ordered to proceed again to the same part of the river Darling whence I had already retired, chiefly on account of the hostility of the natives, and the drought still continuing, my route was confined to the banks of large rivers, and I was met by the same tribe while still distant about two hundred miles from the scene of the former attack.

My party having been previously divided, one portion only was then with me,\* and I was thus already in a worse situation than I had been on the former occasion. To advance them up the Darling towards the haunts of these savages (the only practicable line at that time) was to shorten their line of operations and lengthen my own, while the hostile tribe was likely to be joined by many others during our progress along the banks of the Murray and the Darling. Their desire so to assemble various tribes, when mischievously disposed towards us, was conspicuous on the Darling when they commenced the war, by laying in wait for and assailing a watering party of two men. Their treachery was sufficiently apparent in the manner of their attack on that occasion, when one of these men was struck to the earth by a chief, who up to

that moment had been laughing in his face and singing. On that occasion the lives of seven of my party (then occupied with the cattle bogged in different parts of the river) had been saved only by the courage and promptitude of others who ran to their assistance from the camp. My party this year on the Murray was composed of the same men, and even there the same natives had met us, having come so far, as we had been told, to fight us.

These facts are not all stated in my last Despatch, but I wrote it aware that they were known to the Government, and confident that it would entertain the most favorable disposition to justify and applaud such measures as I found necessary, to ensure the safety and success of an armed party, sent on an undertaking of so desperate and perilous a nature.

On this last occasion we again endeavoured, however unpromising the circumstances were, to establish an amicable intercourse with the natives, by Piper's assistance, and with this view I encamped amongst them at Lake Benanee ; we discovered that the Chief (whom I had seen at the Darling,) was brother to him who, having commenced the war there, had been shot by our party ; he acknowledged to Piper that he had killed our two bullocks, and he praised the flesh, which they had eaten ; on one or two occasions this man laid his hand on my cap, as if to ascertain if it was proof against a club, winking at the same time to a one-eyed man, whom I had also seen on the Darling ; the whole tribe watched my motions so attentively that I retired into my tent, leaving the negotiation to Piper, who, at first, had hopes of establishing a friendship with the Chief, but when night was coming on, he came to me enquiring what the Governor had told me "about shooting black-fellows ?" I answered—"the Governor told me not to shoot them, unless our own lives were in danger." He replied "they are only *myalls* (i.e. *wild* natives), adding that they were making parties for the purpose of suddenly seizing him and me, and for attacking the carts, that his gin (who was from Regent's Lake,) had overheard them, he assured me they meant no good, and begged me to attack them ; soon after, overseer Burnett came to inform me that they had sent away all their gins, that there was no keeping them from the carts, and that they seemed bent on mischief ; under such circumstances, the least we could do, when it grew dark, was to scare them away by a sudden display of skyrockets, &c. In the morning they seemed disposed to close around us, setting fire to the bushes, so that an exhibition of our means of defence was necessary to compel them to fall back, before we could safely collect our cattle, and continue our journey ; they followed us, nevertheless, that morning (the 25th May), but our party having left the river for the sake of a more direct route, I saw no more of that tribe until the morning of the 27th May. On the evening of the 26th, a few natives approached our camp, and asked Piper why I had not attacked the strange tribes from the Darling, who had come so far to fight us, and who were determined they said to follow us ? They stated that another division of the tribe was before us, and that the Chief was the very man who had endeavoured to kill some white men who, a long while before, had passed down the Millowa (or Murray,) in boats. On

\* Copy of Mr. Stapylton's Instructions accompany this.

the re-appearance of the Darling tribes in our rear next morning, in fearfully increased numbers, I was convinced that a crisis had at length arrived, that the hostile intentions of these savages had been made sufficiently manifest, and that our personal safety depended on our being able to check their further progress.

The problem for me to consider, then, was this, whether, with a knowledge of the intentions of these tribes, a knowledge derived from a variety of strong evidence, viz.—the knowledge of their having actually travelled a distance of about two hundred miles, with declared hostile intentions to meet us, their pertinaciously contemptuous bearing in our presence, as displayed in their gestures, and by their subsequently approaching our party, by firing the bush, and following us armed, and hanging on our rear with perpetual shouting and war-cries; a knowledge further corroborated by the experience both of myself, and of numerous distinguished, benevolent, and sensible men, such as several Governors of this Colony, and especially Governor Macquarie in the Carnanbigal war, numerous respectable individuals on the Hunter, Mr. Lowe the Magistrate of Bringelly, and his party, acknowledge that instances of necessary chastisement have occurred with the Aborigines, wherever the colonization of New Holland has hitherto extended, and if such extreme measures had often been found justifiable or necessary, even to ensure safety on the borders of a Colony, and by means of soldiers, I may be permitted to ask how much more critical was my position when sent into the heart of a savage region, far out of reach of all support and with a few armed convicts as my only means of defence? The death of Captains Barker and Logan, to which I might add the fatal example of which such tribes are capable, as shewn in the late dreadful affair with Captain Frazer and his shipwrecked people. And still more than any of the above examples, my own experience of their active state of hostile feeling as shown in my first two journeys: the two men with Mr. Finch, murdered in their sleep on my first journey, and the cruel and cold-blooded murder of Mr. Cunningham on the second; I repeat, the problem for me to solve, was, whether with a conviction of the hostile intentions of these people, I was to allow the party under my charge any longer to be molested by them, and to be perpetually subject to be cut off, at least in detail, by waiting until what they threatened, and what the moment they had the power there could not be a rational doubt they would perform, had taken place, and they had actually again slain some of my people, or whether it was not my duty to prevent the repetition of such a calamity, in a war which not my party but they themselves had virtually commenced, by myself anticipating the intended blow.

For myself, I feel that had I deferred acting as I did, I should have been deeply responsible for the loss of a single life of the party entrusted to my care, and guilty at least of a gross error of judgment. The matter was for me to consider, and for me alone, and I do conceive however deeply I may regret the necessity of the decision at which I arrived, that I could not consistently with my duty act otherwise than as I did. The collision took place, and although not exactly as I had intended, I was satisfied with the result, as my men were not soldiers. I still look back on that eventful

day with entire satisfaction, and a sense of gratitude to God for such a deliverance from impending danger, in a cause in which I considered myself a humble instrument in His hands, for the common benefit of the civilized and savage portions of our race.

(Signed) T. L. MITCHELL.

Craigend, 17th }  
December, 1836. }

(Copy.)

Lake Stapylton, May 22, 1836.

SIR—To-morrow morning I am to proceed with a light party for the purpose of completing my former survey of the river Darling, according to the Governor's instructions.

The principal part of the stores, with the drays, boats, sixty-five bullocks, and six horses, and seventy-three sheep, will remain here in depôt of reserve, under your charge, with eight men of the party, as specified in the list I handed to you this morning.

It is scarcely necessary for me to call your attention to the peculiar circumstances of your position in this camp—with so many armed men you have nothing to fear from the natives, but, nevertheless, considerable caution is indispensable in your conduct towards any who may approach your camp. If they make any hostile demonstrations, calmness, vigilance, and forbearance, must be exercised, until self-defence might require a different bearing towards them, a necessity which, however easily you might repel them, my party might have occasion to regret.

The orderly conduct of the men under your charge, as it is to be regulated by a division of watches, for the care of the cattle, and security of the stores, is a subject to which I beg your particular attention.

I have noted in the list of the men, the names of four for each kind of duty. The horses to be spancelled during the day, and placed under the charge of the men with the bullocks, and both bullocks and horses are to be brought up to the camp each night and counted—the cattle lodged in a stock-yard (to be immediately put up,) and the horses tethered where the grass may remain near the camp.

The men in charge of the cattle, must on no account be without their arms; three muskets are left for this purpose; and you will be so good as to take care that it is with these they go out, and not their pistols only; they should always have both. All the men must continually have their arms ready in case of need, and none are to be allowed to waste the ammunition shooting ducks; neither to stray far from the camp, where I hope you will also remain, leaving it as little as possible, until my return, which I think will be in three weeks, although you need feel no alarm if it should be some time longer, as, in exploring an unknown region, such calculations must be uncertain.

The watches at the camp must be punctual and vigilant; no fires should be permitted near the drays, or smoking near that containing the powder.

In case a flood should come down the anastomosing branch of the river on which this camp is situated, care must be taken that the bullock-herds do not drive the cattle into deep places, lest they might be drowned or cut off from the camp, there

being abundance of grass northward of the lake on this side the ana-branch above-mentioned.

It is most desirable that the cattle should be accustomed to run in that one direction, not only because in a few days they would get accustomed to it and be more easily gathered together at night, but also, because they would then be less likely to stray towards the main stream, which, if grazing on any other side, they might probably do.

It will be desirable that you keep a journal of occurrences at the camp, that you may report to me more exactly, on my return, the conduct of all the men, and the particulars of whatever may occur.

I have the honor to be,

Sir,

Your most obedient Servant,  
(Signed.) T. L. MITCHELL.  
Surveyor-General.

#### APPENDIX J.

*Examination of William Woods, before the Executive Council, 19th December, 1836.*

*By Major Mitchell.*—I was with Major Mitchell on the Darling last year; I saw him give presents to the natives there; I remember one morning the natives coming up with burning bushes, and Major Mitchell went out to meet them; he sat down, they would not allow him to come near them; they kicked up the dust with their toes and brandished about the fiery bushes which they held in their hands, and talked very loud in their own language; there had been no quarrelling with them before that. The natives retired from our camp peaceably the night before, Major Mitchell had given them one or two tomahawks the day before; after throwing the dust they went away down the river after being at the blacksmith's forge; I saw strange natives arrive on that occasion, coming in different directions; after seeing some old men walking all round the tents, I saw two messengers sent off; the old men were singing in their own language, they had boughs of trees in their hands, they painted themselves in their own uniforms; I did not see them rub themselves with dust; a strange tribe came in some time after the messengers went away; I heard a shot fired in the river while that tribe was with us; shortly afterwards I heard two or three shots and I went down to the river at that time; I knew that no man was allowed by Major Mitchell's orders to fire a shot unless the natives were coming with their spears to throw them at us, and not then if the men could get away with their own lives without molesting the natives; when I heard the shots, knowing that two men had gone after water, and there were also five or six men further down the river after two bullocks that had got bogged, I supposed at first that some of them might have been firing at some ducks, because it was a good distance from the camp to where the men had to go to get the bullocks out; I was the first man who volunteered to go down to see what was the matter, and King, another of the men went with me; about half-way we met a man of the name of Squires, Jack Johnston joined us afterwards; when I got to the bank of the river I heard the natives talking very loud and making a great noise; the first man I saw was Jones, one of the two men who had gone after the water, he was staggering about very much and could not see where to go to, I saw a few natives  
No. 259. January 21, 1837.

shortly afterwards within twelve or fourteen yards of Jones, one of them was close to him with his spear poised in his hand ready to throw at him, when I called out to Jones to look to himself; Jones was between me and the black fellow or I would have fired, but I was afraid of hitting Jones, I ran past Jones and found that the black fellow had got down the bank into the water, I saw also a great number of others also going down the bank into the water, at whom I discharged my piece; then while I was reloading my piece I saw the black fellow whom I had lost sight of, and I sung out to King who was pretty close by me, to fire at him; King did fire at the one native who was then in the water; the reason why I thought there was a necessity for killing these blacks was from seeing them so close to Jones who was blind and staggering from the effects of a blow or blows received from them; the blacks had their spears in their hands ready to throw; after that I thought of the men below who were getting the bullocks out of the bed of the river, that the natives might go down the other bank of the river to meet them as they knew they were at work; we ran down as hard as ever we were able; when I saw the men I told them to come on the bank of the river in case the natives should come there, as I expected they would every minute; when we all got on the bank we went towards home; in a few minutes afterwards we saw the natives coming running down the other bank of the river, and they gave a "cooey" when they saw us; we answered them; they stood and looked for a minute or two and then ran away; we did not see them again that day, nor did I see them afterwards until at Benanee during the last expedition; I did not know them exactly when I saw them first; several of them came round me and pointed at me, talking amongst themselves; "Piper" the blackfellow told me that they knew me the year before on the Darling, and about the fight I had with them down about the river; he took me over to two or three of them, whom I then recollected having seen; one of them had been terribly burnt right across the breast; they began to come in nines or tens very fast round about the tents from several directions; they began to get very numerous, and divided themselves into several parties; this was two days after leaving Mr. Stapylton at the depôt; Piper's gin said she heard them say they meant to kill us all, and take every thing that belonged to us; we were forced to keep on our guard more than ever we were; we could hardly get them to move away from the tents at all in the evening; they wanted to stay there right or wrong; there was a rocket sent up to see if that would make them go away; I went on the first watch in the camp that night till about one o'clock; during the forepart of the night I could see them coming nearer and nearer the camp with fire-sticks in their hands, but none of them came up; there was no men in the camp undressed that night; next morning the natives came up; several of them had got spears; they wanted to come to the tents, but we would not allow them; a few of us went out with carbines and they ran away from us; they did not stand, but ran away as fast as they could; we wanted to get our breakfast, but could not get peace to take it from their coming round us; we packed up as soon as we could and went on the march; we saw a few of the natives

behind us that day, and could hear them in the scrub; we travelled on for three or four days, and they still kept following us, till one morning, I think the 4th, we started along the bank of the Murray; great numbers of natives came after us, and we kept on steadily; they became at length very numerous; I never saw so many in my life; there were a few of us ordered to take our carbines and go with Burnett and plant in the scrub, and see what they meant to be up to; we went, and the first four or six of them we saw had their spears up ready to throw; one of our party fired, and we proceeded down the bank after the natives, and commenced firing upon them; there were a good many shots fired, but I cannot say how many natives were shot or wounded; we returned then to the carts, and I do not think we ever saw that tribe of natives again.

*By the Council*—When we saw the six with the spears poised they had discovered us, and I apprehended they intended to attack us; we were about fourteen or fifteen yards from them at this time; we were quite close enough to see their persons distinctly, and I consider they would have heaved their spears at us there and then; several had their bodies painted red, yellow, and white, and a good many had white on their heads; I could not say that they were greased; they might if they had all stood up together have prevented us from joining the Major's party again, unless we had fired and dispersed them; they generally paint themselves for war; they were painted in the same manner nearly as the Darling tribes last year; sometimes they paint one way sometimes another.

*By Major Mitchell*—We never afterwards were so much alarmed; I did see some painted but got easily away from them, without much trouble; I recollect two days after leaving Mr. Stapylton the last time, near the Salt Lake, we were encamped on a large plain in the afternoon; in the evening four natives came up to us and they got two tomahawks, when they went away they seemed friendly with Piper who gave them one of the tomahawks. That night at dusk I went away after my bullocks to see if they were bedded where I had left them in the afternoon, I was passing a little hill close to the camp; I had got a dog with me, and he ran away up the hill barking; I thought the bullocks had gone round that way, and I went to see what it was; I could see something moving, which I took for a bush; I went close up to it; I found that it was a native who got up then; he had been down on his knee, and had a bush on his head, and a small bush covered the rest of his body; I set the dog on him, and he ran away; the dog would not bite him; I had no fire-arms with me, and I got to the camp as soon as I could, as I expected there were a good many more about; if I had had fire-arms I would have shot him dead, because I thought he would have killed me; he would be more frightened by the dog than at me; he could not have been there for any good purpose; that could not have been his sleeping place; I was very much alarmed.

#### APPENDIX K.

*Further Examination of John Waugh Drysdale, before the Executive Council, 19th December, 1836.*

*By Major Mitchell*—I recollect the natives coming to us the night before we reached the

large river, known as the Goulburn; they had four baskets with them of particular workmanship; Major Mitchell bought two of them, for which he gave a tomahawk, a price with which the natives seemed quite satisfied; after Major Mitchell had done conversing with them, they made a fire near the camp; I think there were eight of them; one or two of them walked into the camp among the tents, and then went and sat down with the rest at the fire; they told Piper before dusk that they were going to leave the camp; they, however, remained there until after dark, and the Major thought it prudent to send them away from the camp, and not to allow them to remain there all night; it was not a cold night; they had no fire after dusk; Burnett was ordered to put on a dress, and noises were made to scare the blacks away; the dress was made for the purpose; he had on a mask, and carried a blue light in his hand; they ran away, and we saw no more of them; upon going down, after the natives had disappeared to their encampment, I found a club which had been newly cut, and I think it very probable that the natives were inclined to do us some personal injury that night; it seemed to have been cut with the tomahawks that Major Mitchell had given them; the natives could have made a fire if they had chosen, for there was plenty of wood about the place.

#### APPENDIX L.

*Examination of Joseph Jones, before the Executive Council, 19th December, 1836.*

*By Major Mitchell*—I accompanied Major Mitchell on his three exploring expeditions; I went down to the water before we had a dispute with the natives on the expedition of last year, in company with another man, Thomas Jones; on arriving at the river I saw sixteen or seventeen native men and one woman; four of them came up to me and the other man, as if they were going to dance a *corrobora*, as I had seen them before, I took no notice of them; I and Thomas Jones proceeded to the river side to draw the water, and the natives still came closer up to us as if with the intention of surrounding us; on seeing them come up so close, I said to Jones, you stand up and look out, and I will dip the water; the bank was very steep, about 40 feet in height; after I dipped the water, I found one of the blacks standing very close behind me, having followed me down the bank; I took my kettles up in my hand and turned myself round to go up the bank; I told Jones to look out for I did not fancy his manœuvres; when about half way up the bank the black fellow that I knew very well that Major Mitchell had given a tomahawk to and a plate or badge, I believe which he was then wearing, as chief of the tribe, came behind me and seized hold of one of the kettles; I then told Jones that he had got very fast hold of the kettle, and that I could not get it loose from him; when the other three blacks, (who were carrying lighted sticks and setting fire to the grass, as if to draw attention off of King Peter) saw him do this, they approached very close to us, and Jones observing some others coming also close to us, remarked that we should be surrounded if we did not mind; I tried to get him on the bank; he still kept hold of the kettle and kept playing with me all the way up; after getting on the top of the bank, he shifted from my right side to my left, seizing the other kettle that I

had in my left hand; I said to Jones, this man means no good, I can see by his countenance that his colour changes, instead of being black, that he was almost a pale yellow cast, and I had no sooner said these words than he struck me a blow on the head with the *waddy* which he had in his hand; I was knocked completely senseless, in which state I remained I suppose for about a quarter of an hour; he struck me so suddenly that I had no means of warding off the blow; both my hands were engaged in holding the kettles; I saw five or six of the tribe some short time afterwards; when I came too, I saw Woods coming down with ammunition; I suffered from the effects of the blow for two months afterwards, and still occasionally experience inconvenience from it.

## APPENDIX M.

No. 35,160.

*Surveyor-General's Office, 11th March, 1835.*

SIR,—I have had the honor to receive your letter, No. 35,160, dated 9th instant, in which you refer to the several written and verbal communications hitherto made respecting the expedition of discovery which was proposed in 1833, and inform me that the Governor is desirous it should now be undertaken; and that His Excellency requests I will state at what time I should wish to proceed, and whether any thing more is required in the way of transport or supplies than what I have asked for and obtained authority to receive or procure, also, that I will inform him;

1st.—Which of the officers of my department would wish to accompany me?

2nd.—Of what numbers I propose my party to consist?

3rd.—How many horses, oxen, drays, carts, tents, and boats I propose to take?

4th.—Provisions and stores for how many months?

In answer, I have the honor to state, that I have been enabled by the means that have been already afforded me, to complete the equipment and organize the party, and that I now await here his Excellency's further instructions, and that the party which I have directed to move, by short marches, towards Bathurst, is in charge of Assistant-Surveyor Larmer, who is the officer I wish to accompany me, as I have already stated verbally to His Excellency.

2ndly.—The number of the party, notwithstanding my great desire that it should be smaller, (on account of provisions) amounts to twenty-one, (21) exclusively of Mr. Larmer, Mr. Cunningham, and myself.

3rdly.—There are with the party, seven (7) horses, fifty (50) oxen, four (4) drays, two (2) carts, three (3) tents, and two (2) boats.

4thly.—The provisions and stores with this party are calculated to last for *five* months.

With respect to his Excellency's views relative to the direction in which the party should proceed, as stated generally in that letter, with reference to my former reports, I beg to express my great confidence of success by proceeding with this party in the manner his Excellency has been pleased to sanction, and that it will be in my power not only to ascertain the whole course of the Darling, but also to extend the survey, so as to obtain accurate information respecting its tributary waters, and the nature of the country which supplies them. I beg also to observe, that the route I propose to take

to the Darling is through an extensive tract, at present quite unknown, but supposed to contain much good sheep pasture. The line I should endeavour to trace through it with the drays may therefore be expected to open that new portion of country to the settlers, so that this line, back to Bathurst from the Darling (if intercepted there) would easily admit of the formation of a depôt, if found necessary. I beg, however, to state, that not having felt very certain that soldiers could be spared for this service, and from the unavoidable necessity for the number of hands in my party, for the efficient management of the bullocks and the boats, I have organised it so as to be sufficiently strong without soldiers, especially as four of the men have been soldiers, and therefore I would submit that the corporal and four privates need not be sent forward, at least until I could report that the depôt was fixed, and that such a guard was necessary.

On the subject of sending a vessel to St. Vincent's Gulph, I beg leave to express my apprehensions that it would be very unsafe for a boat party, exploring the fortuitous course of the Darling to rely on falling in with such a vessel, or her boats, for obtaining supplies, and that under our present uncertainty respecting the course of this river and the situation of its estuary, it would be more hazardous than convenient, to attempt a combination of the survey of the Upper Darling, with one on the southern coast. Should it, however, be His Excellency's wish that the rivers called the "Murray" or the "Lindesay" should be surveyed, I would submit that Mr. Stapyton could be very advantageously employed on that duty, and in the same manner in which he has already surveyed several other branches of the Morumbidgee; that is, by the more satisfactory and accurate measurement on land, an operation necessary previously to the location of any country, and for which a mere boat survey is not sufficient.

I would also submit, that while the expense and inconvenience of the latter by an exploring expedition is of necessity greater; the country watered by such rivers as the Lindesay and the Murray is so shut in by the coast on the south, the Morumbidgee on the north, and their mountain sources on the east, that the further survey thereof, would seem rather an operation for the land-surveyor than a fit object for an exploring expedition.

For the further survey of Lake Alexandrina, I would submit that the Surveyor should be accustomed to use the necessary instruments for taking observations as you observe in your letter of the 20th May, 1833, (which Mr. Stapyton is not, the several others competent being now otherwise engaged,) but, that if the idea of a simultaneous arrangement is abandoned for the present, especially considering that the winter season is not favorable for coast surveying, then Mr. Larmer might be employed on that duty after the practice he is likely to have with the present exploring party.

In the meantime I await His Excellency's final instructions on the subject.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) T. L. MITCHELL.

Surveyor-General.

The Honorable the }  
Colonial Secretary, &c., &c. }



No. 36,144.

## APPENDIX N.

*Immediate.**Surveyor-General's Office,  
3rd March, 1836.*

SIR,—I have the honor to inform you in reply to your letter of this date :—

1st.—That the exploring party is composed of twenty-three men besides Mr. Darke and myself, and to state that this includes two men more than rations were applied for, viz :—the man from the museum, and a collector of plants, both of whom were only attached to the party the day before it set out.

2nd.—That the period for which provisions have been required, is, as on a former journey, five months.

3rd.—That there are twelve government horses, fifty-two working oxen, five drays, two carts, five government tents, and two whale boats.

I have the honor to be,

Sir,

Your most obedient servant,

(For the Surveyor-General)

S. A. PERRY, D.S.G.

The Honorable the }  
Colonial Secretary, &c., &c. }