

FROM THE GOVERNMENT GAZETTE

Colonial Secretary's Office, Perth,

August 28, 1846.

His Excellency the Governor, has been pleased to direct the publication of the following letter received from C. Symmons, Esq., Protector of Natives, and the depositions taken before a bench of Magistrates, relative to certain charges made against Mr. H. Vincent, Superintendent of the Rottneest Establishment, of ill-treating the Native Prisoners under his charge.

*By his Excellency's command,
Signed for Peter BROUN,
Colonial Secretary, G. F. MOORE.*

Perth, August, 14, 1846.

SIR,

I have the honor to report my return from the Native Convict Establishment on the Island of Rottneest, whither I proceeded accompanied by Mr. F. Armstrong, the Interpreter, according to the instructions of His Excellency, to investigate certain reports made against the Superintendent relative to the alleged ill treatment of the prisoners under his charge.

I had at the first purposed inclosing the accompanying depositions without comment but I considered this silence on the part of an officer filling not only the post of Protector but also that of Visiting Magistrate of Rottneest, might be construed into an admission on my part of the justice of the reports brought against the Superintendent.

On perusal of the depositions, His Excellency will perceive that they contain no allusion to the gravest report, relative to the Superintendent, viz, that of having clandestinely killed and buried one or more of the prisoners under his charge.

The absolute impossibility, if not the very absurdity of such a fact, is its best refutation. As Visiting Magistrate to Rottneest, I beg distinctly to state, that immediately a prisoner is taken seriously ill medical advice from the mainland is invariably procured, and should the patient have expired, either through some sudden accident, or the unavoidable delay of the medical attendant, the body is exhumed - a careful post mortem examination instituted and duly reported to head quarters. Moreover, that no death can secretly occur on the Island, is incontestably proved by the fact, that quarterly and generally monthly official lists, regularly certified, are transmitted by the Superintendent to the Government and the Protector, such lists containing the names (seriatim) of each prisoner, the time of his sentence, &c., thus enabling the proper authorities at a glance to detect the slightest discrepancy, and the cause of such between any two lists.

The situation of gaoler is ever an invidious one, but all parties in any way acquainted with the Native

character will, I think, agree with me that, that of Superintendent and Overseer of a Convict Establishment such as Rottnest, must be one of peculiar difficulty, alike trying to the temper and irksome in its duties.

While therefore every act of undue severity should be promptly checked, it must be evident that the strictest discipline and firmness are vitally necessary in an establishment where the farming operations are daily carried on by thirty seven adult and unfettered natives - many of them noted desperadoes - all eager for liberty - constantly armed with such offensive weapons as grubbing hoes, spades. &c. - many of them capable of shedding the blood of a fellow man with as little compunction as that of a sheep or kangaroo - and watched solely by an unarmed overseer and a military sentinel.

From my six years official knowledge of the Superintendent - from the highly efficient and humane manner in which he previously discharged the duties of Gaoler at Fremantle- from his honorable acquittal of certain charges of undue severity some years since, before a full bench of Magistrates - and from some of the depositions herewith enclosed - I conscientiously believe that, while the necessity of preserving the strictest discipline compels the Superintendent to punish and overawe the stubborn and refractory, and promptly check the slightest symptom of insubordination, yet that he is ever ready to encourage the industrious and well-affected by kind treatment and more substantial rewards.

I have the honor to be Sir,

Your obedient servant,

CHARLES SYMMONS,
Protector of Natives.

The Hon. Colonial Secretary, Perth.

Depositions taken before Charles Symmons Esq., J.P., on the 7th day of August, 1846, at the Island of Rottnest, relative to certain charges of ill-treatment to the Native Prisoners, made against Mr. Henry Vincent, the Superintendent.

Corporal John Mc. Millan of the 51st Regt., in command of the military force at Rottnest, being sworn, deposes as follows:

I have been on the Island nearly 5 months, and during that period have never witnessed any act of severity or cruelty exercised by the Superintendent, Mr. Vincent, on the native prisoners. I have never seen Mr. Vincent even hit the prisoners with a stick save on one occasion when he gave a slight stroke or tap on the shoulder to one of the men who was rather awkward. I consider Mr. Vincent's treatment of the prisoners to be uniformly mild and kind, nor do I think that any of our men can say otherwise. It is necessary to keep up a certain discipline in an establishment of this kind, but I do not consider that any unnecessary strictness is enforced.

John McMillan, Corp. 51st Regt.

Corporal George Alcock, of the 51st Regt., being sworn, deposes as follows:

Since the 16th of March last, have been serving as overseer of the native prisoners at Rottnest, while at daily work. I most distinctly deny that I have ever beaten, kicked, or otherwise ill treated any of the prisoners under my charge. I do not deny that I may occasionally have given them a slight blow over the back or shoulders when lazy, but never more than sufficient to make them attend, or to point out their work. I have never seen Mr. Vincent strike the natives with his fist or stick, except in the same way as I have done myself. I think his treatment of the natives generally kind and not more strict than is necessary to preserve discipline. Mr. Symmons read me the letter written by Private John Williams, of our Regt., now on the island, in which I am charged with ill-treating the natives under my charge. I believe that John Williams brought these charges against me in revenge for my having refused to lend him stores. My comrades also refused to lend him, but my being the only soldier in charge of the natives, I suppose was the cause of his accusing me of ill-treating them.

George Alcock, Corp. 51st. Regt.

Samuel Mottram, Private of 51st Regt. being sworn, says:

I have been on the island about 4½ years, and during that time have never once seen any act of cruelty or ill treatment committed by Mr. Vincent, the Superintendent on the natives. I have never heard my comrades speak of any such act on the part of Mr. Vincent. I know Joseph Morris, acting as overseer of the natives in the month of June last. He has been since engaged in building a garden-house and boat house. On the morning when Mr. Morris left Rottnest, (the 31st of July) previous to his leaving, I told Mr. Vincent that Morris had said to me that 2 natives had been killed by Mr. Vincent, and buried without the knowledge of any one but the Superintendent, the Corporal (Dunn), and 2 natives. I told him that I did not believe it, as I must have been acquainted with the fact had it occurred, from my long residence on the island. I think from Morris's conversation he had a bad feeling against Mr. Vincent and wished to do him some injury. I have repeatedly been sentinel with the corporal and have never seen him beat or ill-use the prisoners. I have seen him sometimes slightly hit them over the shoulder with a thin cane or stick, when they have been lazy or inattentive.

+ Samuel Mottram, his mark.

William Dennett, private of 51st. Regt., being sworn, says:

I have been nearly 4 years on the Island of Rottnest. I have seen Mr. Vincent occasionally give a native a blow with a stick for inattention, but I do not think that he ever struck the natives with cruelty or severity. The native establishment could not, I think, be carried on without strict discipline. I have been acting formerly as Overseer of the natives, and I never ill-treated them, but I well know that the daily work could not be carried on without an occasional blow when the natives are lazy and disobedient, I mean by a blow, an occasional stroke with a thin stick or cane, over the shoulders or back. I know Joseph Morris; He came into the barracks the morning previous to his leaving the island, and told my comrades and me, that he was going to make a complaint against Mr. Vincent, relative to his treatment of the natives. I told him that it would be considered a piece of malice, as he could not prove anything, he said, and I also told him, that there had been nothing but discontent at the station ever since his arrival. I believe certainly that Morris had an ill feeling towards Mr. Vincent. I believe Morris was annoyed at not being received at Mr. Vincent's table and treated be one of his family.

Wm. Dennett.

John Williams, private of the 51st Regt. on oath, says:

I have been I believe three times sentry with overseer Corporal Alcock, when natives were at work. I once saw Alcock, during that time, strike a native named Boyngat, with his fists, three successive blows, and, on the same day, strike another native with a thin stick he had in his hand. Corporal Alcock one day brought a pitchfork into barracks, which was broken near the top. He said he wanted to mend it, having broken it across a native. On the 31st of July, I saw Mr. Vincent pull a native by the beard, who was in the shaft of the cart. I also saw Mr. Vincent give a blow with his fist on the head of another native, whom he had repeatedly told to pick up certain stones, and who had disobeyed his orders. About 15 months since, I saw a part of a native's ear lying on the ground, which I heard that Mr. Vincent had pulled off. Mottram saw the occurrence and brought the part of the ear to the barracks, which I saw. I have no ill-feelings against Corporal Alcock. I think a slight blow would break the handle of the fork above mentioned, which is cross grained and brittle.

John Williams.

Samuel Mottram, being re-sworn, says:

About 15 months since, I saw Mr. Vincent lay hold of a native's ear, who had disobeyed his orders. He merely pulled it slightly. He did not even shake it. Another native immediately afterwards picked up and gave me a small piece of something that looked like dry skin, about the size of a pea, or a little larger. I was walking however towards the barracks, and showed it to some of my comrades. I am sure that it could not have been a sound portion of his ear, but probably a scab or some sore part.

+ Samuel Mottram, his mark.

Corporal Alcock, being re sworn says:

I was one day making a dung heap, and one of the natives, named 'Wahbena', being in my way, I hit him with the top of the handle of the fork in my hand, and the handle (which I here produce,) being of English ash, falling from the man's back broken. It is slight and cross grained.

George Alcock.

John Williams, being recalled and cross questioned by Corporal Alcock, says:

On the day Alcock struck 'Boyngat,' I said previously that 'Boyngat' was idle, doing little or no good. I have often said that natives required occasional correction.

John Williams.

Henry Vincent, Superintendent of Rottnest, being sworn, says:

I do remember the circumstance mentioned by private Williams, relative [sic] to the ear of a native, named 'Peter,' a King George's Sound native. Peter having disobeyed my orders, I gave him a slight pull of the ear, he had a small scab on his ear, which I suppose was rubbed off by me, as I saw a sore place afterwards. I have often given natives slight pulls of the ear, or pulls of the beard, sometimes half in joke, but never to hurt them or in a passion. I moreover state, that I am not aware of any act of cruelty or severity being committed by Corporal Alcock on the natives under his charge. About the 15th of June, soon after Mr. Morris had returned a second time to the island, I was walking on the top of the hill

above the boat house, I heard my name mentioned I stopped—Morris and three natives were in the boat house — Morris said to them — 'Bye and bye, new master come, this master no good, too much work.' One of the natives asked him if he was to be the new master? Morris answered—'bye and bye know, he did not know then.' Since Morris has been here, the natives have not been so obedient as before, and I attribute it to what Mr. Morris has said to them. I solemnly deny having ever shot a native in the leg or fired at a native since I have been on the island.

Henry Vincent.

The whole of the native prisoners, 37 in number, being assembled before me—by the interpretation of Mr. Armstrong, I asked them, if they had any complaint of ill-usage to make against the Superintendent or Overseer. They answered in the negative. Some of the natives said that Mr. Vincent had occasionally pulled their beards or their ears, but merely to make them do their work, but not violently. The natives remember that Mr. Vincent pulled the native Peter's ear, but merely lacerated the skin slightly. The ear was sore previously, and the outer skin was pulled off. On further questioning, two of the prisoners said that Mr. Vincent had pulled some hairs out of their beards.

Charles Symmons, J. P.

A true interpretation. F. Armstrong.

The native 'Wabbena,' states through the sworn interpretation of Mr. Armstrong:

I was working under Corporal Alcock, about 3 months ago, when I did not put the dung up properly, he struck me with the handle of the pitchfork over the back, it broke the handle near the top.

+ Wabbena, his mark.

A true interpretation, F. Armstrong.

The deposition, on oath, of **Lawrence Welch, Gaoler of Fremantle**, who says:

On Monday, the 3rd of August, 1846, Joseph Morris, lately employed by the Government at Rottneest, came to me at the Gaol on his return from the island. He began to complain of the conduct of the Superintendent, Mr. Vincent, with regard to the native prisoners, accusing him of harsh and cruel conduct towards them. He said that Mr. Vincent had taken from his waistcoat pocket, which was in his room, some papers containing depositions he had taken from the natives, of the ill treatment they had received. Morris then said that he should make a complaint to the Government, and would serve Mr. Vincent out, or words to that effect. On a previous occasion, Morris told me that Vincent was a greedy fellow, and would not give him enough to eat, and that he was a tyrant. I have reason to believe, from different conversations I had with Morris, that he entertained a bad feeling towards Mr. Vincent complaining that he (Morris) was treated with hauteur and disrespect. I believe that Morris thought he was to board at the same table as Mr. Vincent.

Lawrence Welch.

Taken before me, this 7th day of August, 1846.

Charles Symmons, J. P.

The deposition, on oath, of **Francis F. Armstrong, Native Interpreter:**

I accompanied Mr. Symmons, officially, as Interpreter, on his visit to the Island of Rottneest, on this 7th of

August. At Mr. Symmons' request, I was present during the taking of the depositions, except at that of Corp. McMillan. I carefully watched the proceedings. From the depositions, I do not conceive that the treatment exercised towards the natives, is generally severe; from my knowledge of the native character, I believe it is impossible to conduct an establishment of that kind, without strict discipline. I have constantly been in the habit of seeing and speaking to natives, on their release from Rottnest. Since the magisterial investigation of certain charges brought against Mr. Vincent, about 4 years since, and which ended in the full acquittal of that party, I have received much fewer complaints from the natives. The complaints I refer to, are those of having been struck with a stick or the fist. I know that the natives exaggerate greatly, and that any harsh treatment received at Rottnest would be greatly magnified by them. I believe that if a person not well acquainted with the language, appeared to take an interest in the native prisoners, and questioned them as to their treatment, they would exaggerate greatly, and the questioner would be liable to be greatly deceived and led astray. I know the native Peter, a man from King George's Sound, and who was confined on the Island of Rottnest. He came to my house in Perth on leaving the Island and accompanied me on a collecting expedition. During that time, as far as I can recollect, Peter often spoke to me of Rottnest, he never mentioned to me any ill-treatment he had received on the island; I think I should have noticed any injury or defect of his ear had any such existed.

F. F. Armstrong, Native Interpreter.

Taken before me, this 10th day of August, 1846.

Charles Symmons, J. P.

Mr. F. Armstrong, being recalled, say:

After the depositions taken by Mr. Symmons, at Rottnest, on the 7th of August, had been closed, Mr. Vincent in the course of conversation, said to Mr. Symmons, in my presence—that on one occasion, two natives having absconded and remained out after dark, he (Mr. Vincent) had gone in search of them armed with a gun; hearing a rustling in the shrubs, and knowing that the prisoners were near, he called to them, and they ran away, when he discharged his piece, but wide of them, merely intending to frighten them.

F. F. Armstrong.

I perfectly recollect the statement contained in the above deposition, but the depositions being closed, I omitted in the hurry of departure re-examining the Superintendent on this point.

Charles Symmons, J. P.

Thomas Longworth, private in H.M 51st Regt., on his oath, saith:

I went over to Rottnest in July, 1844, and remained there until September or October last. While I have been sentry there, over the natives, when they have been at work, I have at different times seen Vincent strike some of them in a manner which appeared to me as too severe. He used generally to strike them with a stick, that looked like a hazel stick. I have seen severe bruises given by him to the natives, but I never saw any blood drawn by him. He used generally to strike them over the back. As far as I saw, the cause of his striking them was, because they did not please him in their work. It did not appear to me that he struck them without any cause at all. I never told Vincent that I thought he was striking them too severely. On one occasion I saw Vincent take hold of the ear of a King George's Sound Native called

Peter, and pulled the ear rather severely, and then I saw Vincent shaking his fingers, as if to throw something off his hand, and then wiped his fingers on the leg of his trousers. Private Mottram told me afterwards that one of the natives had picked up part of an ear, and showed it to him, Mottram; afterwards, and on the same day, I saw the native, Peter, with the grizzly part of one of his ears wanting—I think it was the right ear. I had never before noticed that Peter had that part of his ear wanting. About six months before I left Rottnest, two or three natives ran away into the bush, while they were on their way to their work, and were away all day. At night, of the same day, I and the other soldiers heard a rustling outside the barracks, and we thought that the runaway natives were about the barracks. We went out, and Mr. Vincent also with his gun—it was dark, and I do not recollect whether I heard or saw the natives, but I heard a gun fired, and shortly afterwards, the runaway natives ran up to the gate of the prison yard and Mr. Vincent let them in. When they were being secured, two of them were found to be bleeding about the legs and hip, the bleeding appeared to proceed from small shot wounds, one of the wounded natives had been hit about half way between the calf and the heel, and bled pretty freely. The other native had been struck on the hip and had received only a very few shot. Mr. Vincent said that he had aimed at the legs of the natives. This was in answer to an observation by one of the soldiers, that one of the natives appeared to have been pretty well peppered about the leg. There was nothing done, that I know of to take any shot out of the natives' legs—I do not know that any dressing was applied to the wounds. I believe that the native who was shot in the leg, is on the island now. The natives, who had run away, were kept in confinement by way of punishment, for the next day after they returned, and after that they went to work as usual. I do not know that the wounded native suffered materially from their wounds, but the one who was shot in the leg, had a breaking out on the instep of the wounded leg, but I observed no wound on the instep the night they returned. I do not recollect how soon the breaking out on the instep took place after the man had been wounded. I cannot say that it took place within a month afterwards. I believe that it would be impossible for any man, in Vincent's situation, to manage the natives without strict discipline. Some of the natives are of a very dogged, stubborn disposition, especially when they first arrive at Rottnest. I consider Vincent's general conduct to the natives too severe, in regard of striking them. No native died on Rottnest to my knowledge, while I was there, without having the Doctor brought over to see him. The only part of Vincent's treatment of the natives that I know any thing about is when they have been at work, and when I have been sentry over them. I do not recollect whether, on the night in which the two natives were wounded, anyone called out to them, before the gun was fired. When I saw the wounds, they appeared to me quite fresh done, and the wounded natives themselves said they had been struck by shot.

William [sic] Longworth.

Corporal Robert Chapman, 51st Regt., on his oath saith:

I was on Rottnest part of the time Longworth was there, I heard private Mottram say one day, that Mr. Vincent had pulled off part of the ear of a native called Peter. I do not recollect hearing anything more about the ear. I recollect hearing that two or three of the natives had absconded from their work into the bush. On the night of that day, I heard the report of a gun near the barrack, I went out and went towards Vincent's gate, and saw two or three natives stealing along under the wall of the prison. I was present when the natives were brought into the prison. I observed that one of them was bleeding on the

side or back of one of his legs—it appeared to me that a severe scratch would cause as much blood to flow as I saw. I did not examine the leg, but I saw it by candle-light. It was a dark night and I could not see the natives until they were pretty close to me. I do not recollect hearing Vincent say that he had aimed at their legs, but he might have said so. I know very little of Vincent's treatment of the natives, my duty having been confined to the barrack. I never heard any complaints from the natives of ill treatment by Vincent. He appeared to me to be decidedly kind to those natives who behaved well and tried to do as he ordered them. He encouraged them by an extra allowance of flour. I believe it to be utterly impossible for a man in Vincent's situation, to do his duty without some severity.

R. Chapman.

Corporal Joseph Davies, 51st Regt., on his oath, said:

I was at Rottnest about 21 months, part of the same time that Longworth was there. I recollect that private Mottram came into the barracks one morning, and said that Mr. Vincent had pulled part of a native's ear off, I recollect hearing one day that four of the natives had absconded from their work into the bush. I and Mr. Vincent, and several of the soldiers, patrolled the bush after them, but could not find them. On the evening of that same day, while I was in the barrack, I heard a gun fired, I ran over to the prison and saw a native there who was bleeding in the back of his leg, somewhere above the heel. He did not seem to me to bleed much not much more than if he had been pricked by a pin or a thorn. I did not hear either of the natives say that he had been struck by shot. I did not hear Mr. Vincent say that he had aimed at their legs. Longworth was present at the time. I consider that Mr. Vincent treats the natives very severely. While I have been sentry over them, I have seen him beat the natives rather more severely than I thought necessary, he used a stick about the thickness of the one I now point out. He used sometimes to hit them with all his might. The cause of his beating them, appeared to me to be, that they did not please him in their work. I never saw him beat them above once or twice. The natives sometimes complained of Mr. Vincent's beating them too much. I am quite sure no one could manage the natives at Rottnest without some severity. Mr. Vincent had a gun with him in the prison yard, when I saw the native bleeding, but none of the soldiers took a gun out of the barrack that night.

J. Davis.

Taken before me, this 13th day of August, 1846.

Charles Symmons, J. P.