

[0.1]

[11 and 12 Vic., c. 42]

{No.83.

RECOGNIZANCE TO GIVE EVIDENCE

BE it remembered, that on the Thirtieth day of November in the year of our Lord One thousand eight hundred and fifty-four Samuel S. Furnell of Ballarat in the Colony of Victoria* Sub Inspector of Police— personally came before me one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged himself to owe to our Sovereign lady the Queen the sum of one Hundred pounds, of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, if he the said Samuel S Furnell shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at Ballarat in the said Colony before me

Charles P Hackett J.P" The Condition of the within written Recognizance is such, That Whereas Duncan McIntyre was this day charged before me a Justice of the Peace within mentioned, for that he the said Duncan McIntyre on the Thirtieth day of November 1854 at Ballarat in the Colony aforesaid, did with others riotously and tumultuously assemble and did thereby cause a breach of the Peace if therefore he the said Samuel Slackwell Furnell shall appear at the Supreme Court of Criminal Sessions at Melbourne in and for the Colony of Victoria, on the 15th day of December A.D,1854 and there give such evidence as he knoweth upon an Information to be then and there preferred against the said Duncan McIntyre for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Duncan McIntyre then the said Recognizance to be void or else to stand in full force and virtue. "[0.1]

[11 and 12 Vic., c. 42]

{No.83.

RECOGNIZANCE TO GIVE EVIDENCE

BE it remembered, that on the 30th day of November in the year of our Lord One thousand eight hundred and fifty-four William Nolan of Ballarat in the Colony of Victoria* Sergeant of Police personally came before me one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged himself to owe to our Sovereign lady the Queen the sum of one Hundred pounds, of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, if he the said William Nolan shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at Ballarat in the said Colony before me

Charles P Hackett J.P" The Condition of the within written Recognizance is such, That Whereas Duncan McIntyre was this day charged before me a Justice of the Peace within mentioned, for that he the said Duncan McIntyre on the Thirtieth day of November 1854 at Ballarat in the Colony aforesaid, did with others riotously and tumultuously assemble and did thereby cause a breach of the Peace if therefore he the said William Nolan shall appear at the Supreme Court of Criminal Sessions at Melbourne in and for the Colony of Victoria, on the fifteenth day of December A.D,1854 and there give such evidence as he knoweth upon an Information to be then and there preferred against the said Duncan McIntyre for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Duncan McIntyre then the said Recognizance to be void or else to stand in full force and virtue. "[0.1]

11 and 12 Vic., c. 42] {No.83.

RECOGNIZANCE TO GIVE EVIDENCE

BE it remembered, that on the 30th day of November in the year of our Lord One thousand eight hundred and fifty-four Gordon Evans of Ballarat in the Colony of Victoria* Inspector of Police personally came before me one of Her Majesty's Justices of the Peace for the said Colony, and acknowledged himself to owe to our Sovereign lady the Queen the sum of one Hundred pounds, of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen, her Heirs and Successors, if he the said Gordon Evans shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at Ballarat in the said Colony before me

Charles P Hackett J.P" The Condition of the within written Recognizance is such, That Whereas Duncan McIntyre was this day charged before me a Justice of the Peace within mentioned, for that he the said Duncan McIntyre on the Thirtieth day of November 1854 at Ballarat in the Colony aforesaid, did with others riotously and tumultuously assemble and did thereby cause a breach of the Peace if therefore he the said Gordon Evans shall appear at the Supreme Court of Criminal Sessions at Melbourne in and for the Colony of Victoria, on the fifteenth day of December A.D,1854 and there give such evidence as he knoweth upon an Information to be then and there preferred against the said Duncan McIntyre for the offence aforesaid, to the Jurors who shall pass upon the trial of the said Duncan McIntyre then the said Recognizance to be void or else to stand in full force and virtue. "[M.]

[11 and 12 Vic., c, 42]

DEPOSITONS OF WITNESSES

The Examination of Samuel S. Furnell in the Colony of Victoria and Gordon Evans, and William Nolan of Ballarat in the said Colony, taken on oath, his 30th day of November, in the Year of our Lord one thousand eight hundred and fifty-four at Ballarat in the Colony aforesaid, before the undersigned one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of

Duncan McIntyre

who is charged this day before me for that he the said Duncan McIntyre on the 30th day of November 1854 Ballarat in the Colony of Victoria did tumultuously and riotously with others assemble and did cause a breach of the Peace.

This deponent Samuel S. Furnell on his oath saith as follows

I am Sub Inspector of Police at Ballarat" "I was present at the Riot I saw the Prisoner Duncan McIntyre before and after the Riot Act was read there was a very great Crowd there it was on the Road at the Gravel Pits, he was very violent in his language towards the Authorities he was close to me

[end of page 5]

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at the time this was about 10 or 11 o'clock this day the 30th November.

Samuel S Furnell

Sworn before me } Charles P. Hackett MP

at Ballarat this

30 November 1854

Charles P. Hackett" "at the time this was about 10 or 11 o'clock this day the 30th November.

Samuel S Furnell

Sworn before me } Charles P. Hackett MP

at Ballarat this

30 November 1854

Charles P. Hackett" "And This Deponent Gordon Evans on his oath saith I am Inspector of Police Ballarat

I saw the prisoner this morning about 11 & 12 o'clock at the Gravel Pits. I saw him amongst the crowd of very disorderly persons. I cannot mistake him from his Stature, they were shouting and throwing stones I was informed by" Mr Rede that the Riot Act had been read – the Police went to Bakery Hill for unlicensed miners they were returning to the Gravel Pits when I met prisoner and

asked him for his license, he said I shall not give it to you I told him he was my prisoner he called me "you "bloody watch I then gave him into Custody-

By prisoner You called me Bloody Wench when I arrested you

Gordon Evans

Sworn before me

At Ballarat this

30th November 1854

Charles P. Hackett PM" And this deponent on his oath saith I am Sergeant mounted Police I was on duty at the Gravel Pits about 11 o' Clock I saw the prisoner then, he was with a very riotous mob I saw him before and after the Riot act had been read I was present when "he was arrested it was half an hour or better after the Riot Act had been read.

William Nolan

Sworn before me at Ballarat

This 30th November 1854

Charles P Hackett PM" "VICTORIA

[n]

STATEMENT OF THE ACCUSED

11 & 12 Vic., c.42.

Colony of Victoria

Ballarat

TO WIT.

Duncan McIntyre stands charged before the undersigned one of Her Majesty's Justices of the Peace in and for the Colony of Victoria, this Thirtieth day of November in the year of Our Lord one thousand eight hundred and fifty-four for that he the said Duncan McIntyre on the 30th day of Nov 1854 at Ballarat in the said Colony

Did with others tumultuously and riotously assemble and did there and then create a Breach of the Peace

And the said charge being read to the said Duncan McIntyre and the Witnesses for the Prosecution Samuel Slackwell Furnell, William Nolan and Gordon Evans being severally examined in his presence, the said Duncan McIntyre is now addressed by me as follows. – Having heard the evidence do you wish to say anything in answer to the Charge, but whatever you say will be taken down in writing, and may be given in evidence against you upon your Trial, whereupon the said Duncan McIntyre saith as follows:-

I did not hear the Riot Act read I did nothing wrong and when I was asked for the "license
forgetting I had it I told him no I then found I had it I took it out and shewed one of the Constables
that were there

Duncan McIntyre

Taken before me at Ballarat, in the said Colony, the day and year

first above mentioned . Charles P. Hackett PM

The prisoner Duncan McIntyre is committed for trial at the Supreme Court of Criminal Sessions
Melbourne on the 15th December 1854." "17 Jan Applied 12
Dec 1854

Copied 12 Dec 1854

Delivered Dec 1854

19 Jan 1855

A'Beckett C J

? ? with 5 others

Not Guilty

Queen

v

Duncan McIntyre

Witnesses

S.S Furnell – Sub Insp.

Gordon Evans – Insp.

Wm. Nolan – Trooper

Briefed 14 Dec 1854"