

Enclosure No 12 in Despatch No 162 of the 20th

VICTORIA

VOTES AND PROCEEDINGS

OF THE LEGISLATIVE COUNCIL

No.44

THURSDAY, 7TH DECEMBER 1854

1. Council met pursuant to adjournment. –The Speaker took the Chair.

2. PRESENTATION OF ADDRESS TO THE GOVERNOR –On the morion of Mr. Miller, the Council proceeded to the Government Offices, there to present to His Excellency the Lieutenant Governor their Address of sympathy and support. The Council having returned, the Speaker reported that the Council had proceeded to the Government Offices, and there presented to His Excellency the Lieutenant Governor their Address of sympathy and support, and that His Excellency had been pleased to make thereto the following answer:-

MR. SPEAKER AND GENTLEMEN:

It is with no small pride and satisfaction that, at a moment of unusual difficulty, the Legislative Council of Victoria have assembled themselves around the Governor, and enabled him to proclaim to the world that, with one voice, and one mind, and one heart, we are resolved to maintain the law. I assure you, Gentlemen, that my utmost endeavours have been used to stave off and to prevent the difficulty which has arisen, but is now, I am thankful to say, rapidly disappearing.

I am desirous, if you will grant me time, to touch upon these points lightly, in order to shew to you that my words are not lightly uttered, not spoken without some consideration.

Before the deputation came from the Gold Fields, the Eureka riot broke out, and the burning of the Eureka Hotel ensued. Immediately the information of the discharge of Bentley and the other men was sent to the Attorney General he saw that the authorities had taken the wrong course, and he came post haste to Toorak, and recommended most strongly that the men who had been prisoners should again brought to trial. We had then received no representation of any sort or kind from the Diggers of Ballaarat. Immediately instructions were sent down to bring Bentley and his associates to trial, and shortly after that we heard that the fire had taken place at the Eureka Hotel.

Mr Speaker and Gentlemen, I wish to establish the fact, that the Government had given orders to enquire into the matter in which the former trial had been conducted before any representation from the Diggers of Ballaarat had been received, and before any violence had ensued.

Of the trial of the men engaged in the burning of the hotel I shall say but little, excepting to observe that the sentence was most lenient.

There were reasons which induced us to imagine that the conduct of the authorities at Ballaarat had not been entirely what it ought to have been, and a Commission was sent down,

with very stringent instructions, to enquire into the whole case, and to bring the offenders, of whatever degree they might be, prominently to notice. The result of that enquiry was, that the Magistrate was dismissed, the Sergeant Major was also dismissed (or rather will be placed under punishment and then be dismissed), and that the Coroner was most severely reprimanded for some injudicious expressions which he made use of. Now, Mr Speaker and Gentlemen, I do not think that shews there was a Government in power which was unwilling to listen to the voice of the people.

The Commission returned, the military were withdrawn, and there was every probable appearance of order and tranquillity at those diggings, when suddenly we found it necessary to send down an overwhelming force, in consequence of the reports we received from Ballarat. The Camp was threatened, and reports reached us that the Camp was not safe an hour, and then the time arrived when it became absolutely necessary that some vigorous steps should be taken, and a decisive blow be struck. With regard to the opinion which I formed of the manner in which the authorities acted, I shall allow my own Despatches to speak for themselves." "5th December, 1854.

"SIR,

"I am commanded by the Lieutenant Governor to inform you, that he has perused your Despatch dated 3rd December, 1854, to the Chief Commissioner of Gold Fields.

"Since the period when His Excellency deemed it necessary to strengthen the military detachment up to the present moment, His Excellency has had every reason to be satisfied with the conduct of the officers and men belonging to the Ballarat Gold Fields.

"His Excellency considers that you exercised a sound and wise discretion in attacking the insurgents, instead of waiting until they were the aggressors, for thereby you destroyed the prestige which invariably attaches itself to the force which obliges its opponents to maintain its position, whilst the resources of the country are at the disposal of the former.

"His Excellency desires me to convey to all the officers and men, civil and military, his thanks for their zeal and ability, and especially to Captain Thomas, the officer commanding, for the disposition of his small force.

"Until the arrival of the Major General the prisoners must be kept at Ballarat. You will of course take such measures as will preclude the possibility of their escape. Evidence should be taken against them for having seditiously and treasonably met and opposed Her Majesty's forces; and they should be committed to Melbourne to take their trial at such sessions of the Supreme Court as the Attorney General may appoint.

"A Proclamation has issued directing Martial Law to be enforced, but this will not affect prisoners who committed offences prior to the 6th December, nor supersede the administration of justice, save so far as such administration may interfere with the Execution of Martial Law. The prisoners should be transmitted to Melbourne as soon as the Major General considers sufficient force for their safe escort can be spared.

"Although Martial Law has been declared, you are to use every exertion to apprehend all the speakers who took part at the meeting when the Licenses were burnt, to which effect similar instructions have been sent to all the other Gold Fields; but the warrants must of course emanate from you, and be despatched to Castlemaine, to be from thence forwarded as the Resident Commissioner may deem advisable.

“The Lieutenant Governor having expressed his satisfaction at the course which the authorities have pursued, and the success they have obtained in upholding law and order, deems it his duty to call the particular attention of all the authorities to the exercise of moderation and forbearance; for, as it was incumbent upon him and them to support the law, so will the public voice ultimately be heard, according to the mode in which the subsequent proceedings are conducted.

“This letter is of course to be communicated to the Major General commanding.”

“I have the honor to be,

“Sir,

“Your most obedient servant,

(Signed)

“JOHN FOSTER

“The Resident Commissioner, Ballaarat.”

“SIR

“In compliance with His Excellency’s instructions, I yesterday called your attention to the necessity of enjoining upon all under your control the propriety of forbearance, caution, and temper towards the mining population.

“I am again to repeat to you, that His Excellency desires that the utmost moderation be shewn

“Instructions will be sent to you directing you how to act concerning the disposal of the prisoners.

“I have the honor to be,

“Sir,

“Your most obedient servant,

(Signed)

“J.MOORE

“Assistant Colonial Secretary.

“The Resident Commissioner, Ballaarat.”

In consequence of the receipt of the following Despatch, which I will read to you, Mr. Speaker and Gentlemen, Martial Law is to cease on Saturday next at twelve o’clock:-

“Head Quarters, Ballaarat,

“5th December, 1854.

“SIR,

“I have the honor, by direction of the Major General, to inform you, for the information of His Excellency the Lieutenant Governor, that the troops under his command, guns, &c, arrived here at two o'clock p.m. today, having left Ballan at two o'clock this morning." "“The men arrived in first-rate order, and there was not the slightest expression of feeling during our progress through the centre of the Diggings. Everything here appears quiet.

“The Major General has, of course, had no time to form any opinions.

“He acknowledges receipt, on his route this morning, of His Excellency’s Despatch enclosing the Proclamation.

“Captain Thomas reports an exchange of shots with some of the sentries last night, but nothing of importance.

“I have the honor to be,

“Sir,

“Your obedient servant,

(Signed) “WILLIAM F.A WALLACE,

“Grenadier Guards,

“A.M Secretary.

“The Honorable the Colonial Secretary.”

I was anxious to have those Despatches read, to shew that whilst on the one hand we have endeavoured to the utmost of our power to uphold law and order, yet the very moment it was feasible we revert to the original state of things; and Martial Law, which is repugnant to every Englishman and especially so to every Colonist, will cease as soon as possible, and I most anxiously hope that there may not again occasion to revert to it. I see no probability at the present moment of there being any necessity for the employment of military force on any of the other Gold Fields. On the contrary, a very peaceable and orderly feeling, according to the accounts which we are receiving, appears to exist at Bendigo, Castlemaine, and elsewhere. I have received a petition from the Diggers at Forest Creek, which I am anxious to shew, and which I will also read an extract from:-

“Your Excellency will be pleased to observe, that this is the only place where there has been no kind of disturbance, and has at all times been orderly kept by the Diggers, although the population has been great at different times, and the Diggers also have been and are obedient to the authorities placed over them.”

That petition has been signed by 1300 Diggers.

My constant endeavour whilst at the head of this Government will be, assisted by the Speaker and gentlemen of the Legislative Council who now come forward so handsomely, to conduct the administration of this country with the utmost possible temperance. I am satisfied that the time for military law and rule by violence has gone, never to be recovered, and it ought not to be recovered. But Gentlemen, the moment there is an outbreak, and that caused not by Englishmen, but caused by foreigners-men who are not suffered to remain in their own countries in consequence

of the violence of their characters, and the deeds they have done-for one say that whenever that happens the Englishmen of Victoria must rally round the Government, and must to a man sink their minor differences and forget the causes of difference which to Englishmen are inherent, and which to a certain extent are the blessings of our Consitution, and must rally round the authorities, liking or disliking them, and put that outbreak down. As long as I am at the head of the Government here I will endeavour to prevent these Foreigners agitating to disturb the good order which generally exists in Victoria, and preventing the honest and industrious portion of the population from continuing at their work.

Mr Speaker and Gentlemen, the resolution passed yesterday, and particularly the remarkably able tone of the debate upon the question last night, will be heard throughout Australia, and will shew that the Colonists will not suffer anarchy and confusion to reign here; that we will maintain law and order; and be the men that endeavour to create disturbance who they may, and from whatever, countries they may come, down they shall be put. But, at the same time, we will to the utmost of our power endeavour to redress any grievances that may exist, and by appointing a Commission, as I have done, I shew that I fully believe there is some cause of grievance, or I should not have appointed it. We will redress all grievances if possible, maintain order, and keep prominently before us the fact that our endeavours will meet with their reward in the way that the Legislative Council and the Speaker at their head have shewn.

Mr. Speaker and Gentlemen, I must cordially thank you for your expression of feeling, and I hope from the bottom of my heart that whatever circumstances may arise I may not be found wanting.

3. PAPERS – The Surveyor General, by command of His Excellency the Lieutenant Governor, laid upon the Table of the Council the undermentioned Papers:-

Crown Land in Settled District between Glenelg River and Fitz Roy River-

Return to Address, adopted 5th December 1854, on the motion of Mr. Henty. Ordered to be printed.

4. PUBLIC HEALTH PROMOTION BILL- The Order of the Day for the further re-consideration of this Bill in Committee of the whole Council having been read-The Speaker left the Chair, and the Council resolved itself inot a Committee of the whole for the further re-consideration thereof.

The Chairman reported progress, and obtained leave to sit again tomorrow." Not Transcribed