

In the Supreme Court Of The Colony of Victoria

The Queen v. Henry Seekamp

Charles Jeffries Carter on his oath saith

I am a Sub Inspector of Police. I arrested defendant on the 4th instant in the Office of the Ballarat Times in consequence of certain articles which have appeared in his paper and which seditious and calculated to excite disturbances on the diggings. I produce the papers referred to. The articles are marked and the defendant is the Editor as appears by the Publication. The papers are dated the 18th and 25th of November and 2nd of December.

Sworn 9 December 1854 At Ballarat before E.P S. Sturt P.M

The Defendant by his Counsel admits the 3 newspapers produced to be respectively printed and published by him and by the advice of his Counsel declines to make any statement.

The following is one of the Articles alluded to

“There is something strange and to the Government of this Country (meaning the Colony of Victoria) something not quite comprehensible in this League (the Reform League). For the first time in the Southern Hemisphere a reform league is to be inaugurated. There is something ominous in this. The word League in a time of such feverish excitement as the present is big with immense purport. Indeed it would ill become the “Times” meaning the above newspaper) to wince (?) in matter of such weighty importance. This league is nothing more or less than the Germ of Australian Independence. The die is cast and fate has stamped upon the movement its indelible signature. No power on earth can now restrain the united might and headlong strider for freedom of the people of this country of the people of this country (sic) and we are lost in amazement while contemplating the dazzling Panorama of the Australian future. We (meaning the writers of the said newspaper) salute the league and tender our hopes and prayers for its prosperity. The league has undertaken a mighty task fit only for a great people – that of changing the dynasty of the Country. The League does not exactly propose nor adopt such a scheme but we know what it means the principles it would inculcate and that eventually it will resolve itself into an Australian Congress (meaning an assembly governing Australia independently of the Government of the United Kingdom). It is not for us to say how much we have been instrumental in rousing up the people to a sense of their own wrongs (menaing the wrongs committed by Her Majesty’s overnment upon her subjects). We leave that to the public and the world”)

The following is another of the articles alluded to concerning the intentions of the Reform League.

“That it is not the wish of the league to effect an immediate separation of this Colony from the parent country if equal laws and equal rights are dealt out to the whole free community, but that if Queen Victoria continues to act upon the ill advice of dishonest Ministers and insists upon indirectly dictating obnoxious laws for the Colony under the assumed Authority of Royal prerogative the Reform League will endeavour to supersede such Royal prerogative by asserting that of the people which which is the most Royal of all prerogatives as the people are the only legitimate source of all political power. The following is another Article alluded to in Mr. Jeffries Deposition

“The Coming Christmas is pregnant of changes for on next Wednesday will be held such a meeting (meaning the intended meeting of the Reform League) for a fixed determinate purpose as was never before held in Australia. The Australian flag shall triumphantly wave in the Sunshine of its own blue and peerless sky over thousands of Australias adopted sons and proudly will they think on that day that the sky the earth the flag and everything australian are well worth the price of their deepest devotion – The men of this country will look up to the Southern Cross (meaning the device on the above flag) floating above their heads and involving the genius of liberty protest against their countless wrongs, (the incarceration of their countrymen (meaning that of McIntyre, Fletcher and Yorkie) now languishing in a felous jail,) their long exclusion from their own broad and fertile lands together with the unaccountable prevention from unqualified appropriation, as toil would have awarded, of the boundless wealth with which these lands have been conceived by the God of Nature And when the loud paeon of “Now’s the day and now’s the hour” “See the frou of battle hour”

“Shall have pierced the blue vaults of Australia’s watchless sky from the brave me of Ballarat on next Wednesday at Bakery Hill there will not be one dicordant voice in the sublime and heroric charms. Think of your long degradation you proud high (?) men and say shall there be such a voice. When digging first began you were hunted like badgers by ferocious and merciless troopers and bayonettes by Constables if you did possess on your person the talismanie (?) license Oh were you not so degraded as to make a gally slave turn hot with indignation. You are even now a homeless drifting people floating over the surface of your own downy plains and cannot get a spot of land on which to repose in the winter of your days, or bequeth to your children a hearth and a home. An important breed (meaning the Government) scornes and despises the Athletic men (the digger) who saved that bread (sic) of perishing of inanition – a breed having neither brains to govern nor hands to work. You were merciful and pitied til the creatures (the persons having the control of Government) became even insolent and then – even then – you extended your indulgence till this became exhausted. You were indeed patient – strangely so – and history will record it to your honor but you are now determined and history will for this to immortalize your dauntless courage-Go forth indominatable people (the diggers) gain your rights and may the God of creation smile down propitiously on your glorious cause. Forwards People forward.

The following is the last Article referred to and appears in the “Ballarat Times” 2 Decr. 1854

“What can we expect from such a crew (the persons having Govt. control) What can they expect from no (the diggers) but mutiny.) If the most active reformation in the managet. of the Gold Fields does not immediately take place and a complete sweep made in the Aegean stables (Augean

Stables) on the diggings (meaning a removal of evils which had accumulated like filth in a mismanaged stable) those men who have the power (the diggers) and can exercise it will take the law into their own hands and enforce their principles where the Government now little expect. Instead therefore of the diggers looking for remedies where none can be found let them strike deep at the root of rottenness and reform the Chief Government. What if we lop off the branches – From an unwholesome trunk. Only unwholesome branches can spring. We must undermine the tree and burn it off. The voice of the people must be raised for a free and British constitution and their wishes enforced by the strongest means. The city of Melbourne is not Victoria although Paris is France Rather Ballarat Bendigo Forest Creek and Creswicks Creek are Victoria. They are the main stay of the country and the source of its vast wealth and importance. Out of an insignificant squatting district the diggings has transformed the province of Victoria into the most important Colony of the Empire.

Is it common sense. Is it not the height of madness to oppress and despise the diggers. Does the Government fancy that five hundred troops can subdue three or five thousand free men will speak their minds and will have their own and will never tolerate injustice to their body to satisfy the sons of fear whoever or whatever they may be. To allay the present tumult the rights of the diggers their demands must be satisfied to the fullest extent They are neither preposterous nor unEnglish. They are just and right. If they are not satisfied the gathering clouds of popular indignation will burst like a whirlwind over guilty and unsuspecting heads and sweep the length and breadth of the land. Let the Government remember that demands increase with the delay of satisfying them and what is now so little and so easily remedied may by procrastination be as large a demand that only the people of England can satisfy – the demand of entire freedom for the Colony.