

M 55/4450

Colonial Secretary's Office

Melbourne 20th September 1855

Sir,

In reference to your application of the 31st March last for the restoration of a sum Thirty-pounds, alleged to have been taken from you by the police on your arrest at Ballarat on the occasion of the riots there. I am commanded to inform you that the Governor has afforded the subject his consideration and finds that you neither represented the matter to the Magistrate before whom you were brought, nor laid your case before the Board appointed to investigate claims arising from the Ballarat riots - It also appears, from your own showing, that you allowed the money to be taken

Mis G (?)

L.G

P a 1/4/56

G.B 1874

11875

JP 31/3/56

P.A 8/10/55 Sir

Letter Mr Raffaello 8th Oct/55 – B377

£30

Pardon, monseigneur y compris mes habillements jusqu' a' la chesnise, s'il vous plait, monseigneur

Comment parler de ma propriete, devant le ma gistrat, quand j'avais à me defendre contre un tas de mouchards qui avaient sif de mon sang!?

Mon affair étai entre les mains de Mons. H.W Archer qui se disait mon ami. C'est à lui la faute, Monseigneur.

Mr Carboni Raffaello

Care of WH Archer Esqr concealed in such a manner as to exclude the case due to valuables.

Under those circumstances His Excellency does not consider that the Government would be justified in awarding you compensation in the absence of clearer evidence of the loss of property.

I am, Sir

Your most obedient servant,

J. Moore

A.C.P

On me donnait de coups-de-pied si impitoyables (?) que s'on me fourra dans le cachot presque pors de me sent Monseigneur c'est triste dis-je de se voir obliger a' se poser la conclusion bien humiliante pour l'homme intelligent et bien-e'leve' ainsi donc je ne suis qu'un menteur!!

Monseigneur! Les larmes coulent de mes yeux par torrents!

Respectueusement

Carboni Raffaello

Gravel Pits ("Ballarat Flat")

? Sept 30.55

à mon dur travail l'eau nous a pris le dessus (?)

His Excellency

Sir Charles Hotham Say.

Government is compelled to adhere to fixed rules – they ? as manner of means ? the veracity (?) of Mr Raffaello, but that they have ?.. as well as by him & that is never to grant money in compensation except when the clearest evidence is ? of the loss & that a personal statement – no matter by whom given – is never accepted as sufficient testimony.

CH

04/55" "Carboni Raffaello asks for restoration of £30 taken from him by the authorities at Ballarat on his arrest at the Eureka Stockade

The Chief Commr. will be good enough to cause a Report to be obtained from the arresting parties if possible

O.S.O G.B

5 April 1855

I have delayed replying to this for the purpose of making further inquiries into the matter. I find the prisoners taken on the morning of the attack on the stockade, were searched by Inspector Foster and their ? handed to the Watchhouse keeper, Robert Dixon. It appears that no proper entry of the property and money taken, was made in the Watchhouse book. Though this neglect may to some extent be accounted for, by the excitement & confusion prevailing at the time, it was most irregular. Inspector Evans, then in charge at Ballarat, states that he took a rough memo of the property, and gave it to the watchhousekeeper. Inspector Foster afterwards sent the watchhousekeeper to richmond, stating that he was unsuitable to remain at Ballarat, but omitted to take any return amount whatever of the property in his possession. The watchhousekeeper, on his arrival in Melbourne, absconded and has not since been heard of, so that it is impossible to state with certainty what property was taken from any person, alas it will remain with His Excellency to decide how the various claims are to be met.

C MacMahon

14/3/55

Entd. 8/32/1

9R

M 55/4450

Nik P.F

5/4/55

P.W

20/9/55 J.W

Law Officers 18 April

? 2578

CCPolice

5 April

? 17/4

?/Mt Archer 12 Sepr.

Recd 18/9

P.W 20/9/55 J.W

? 20th Sept/1855

B-359" "Referred for opinion of Law Officer

O.SO J.B

17 April 1855

Referred to Mr. Archer – ride H.E's Minute at back

G.S.O.J.B

11 Sept. 1855

Mr. Archer's reply at back

19/9/55 J.Moore A.C.S" "Honourable Sir,

I respectfully beg to submit for His Excellency's kind consideration the following facts.

On the unfortunate Sunday morning December 3rd, when a collision took place between the authorities and the Diggers of Ballaarat, I unhappily was present at the Eureka Stockade; and in the course of the morning when attending wounded men at the London Hotel was arrested by Seven Troopers, handcuffed and dragged to the lock-up. On my arrival there in common with other prisoners, we were commanded to strip. While so doing we were kicked and knocked about by half drunken troopers and soldiers who were drinking "ad libertum" from a bucket of Brandy with their tin-pannechins. My clothes and watertight book which were new, and my money which was in the breast-pocket of my waist coat were taken by gaoler Nixon. From the confusion and excitement of that fatal morning I can not say with certainty the whole extent of my loss, but I can solemnly and conscientiously declare that at the very least it amounted to -30£. The only thing which I saved was a little bag containing some gold dust and my Gold Licence, which Inspector Foster who knew me, kindly took charge of prior to my ill treatment, and he subsequently handed it over to Father P. Smyth.

My mate who supplied me with fresh clothing, applied at the Ballaarat Camp for my property, but was told that nothing could be done for me for Nixon the gaoler had "bolted"!

I now, Honourable Sir most respectfully pray you, to bring before His Excellency this plain statement of facts and to beg justice from His Excellency in the hope of His commands for re (?) situation.

As I am preparing to leave the Colony for Rome my native country via Jerusalem; I shall feel thankful for an early reply.

I have the honour to be

Honourable Sir

Your obedient servant

Carboni Raffaello

Richmond, March 31/55

Please to address your reply to the kind care of

W.H Archer, Esqre

Acting Registrar General Melbourne Opinion of Law Officer

M55/4450

To be forwarded to the Acty Chief Commr of Police. Has the case of Raffaello been brought before the Board appointed to inquire into the alleged losses at Ballaarat. If so let the report be furnished. I do not see how the removal of compensation is to be ascertained in the absence of the memorandum taken at time of arrest Perhaps Mr. Inspector Evans or Mr. Inspector Foster might throw light on the subject.

WCH

28/8/55

Referred to Acting Chief Commissioner of Police to carry out the Hon. Colonial Secretary's Minute. Mr. Sturt is Chairman of the Board mentioned.

J.Moore

A.C.(?) "Will Mr Sturt have the kindness to inform me whether the claim was brought before the Board of which he was Chairman

C MacMahon

30/8/55

5 Aug/55 This claim was not brought before the Board. It seems strange that if this property was taken from the Prisoner (especially the money) that he should not have appealed to me as the Magistrate before whom he was examined on the subject

EP Sturt

JM Opinion

We have perused the documents submitted we think that Carboni Raffaello should be compensated for such visible property as was taken from him by persons in the government employment we think some evidence besides his own may be expected of property such as clothing having been taken from him – as to money money in the pocket of a coat taken we do not think the Government responsible for it – he having allowed it to be taken concealed in such a manner as to exclude the case due to valuables.

William Stawell

Attorney General

Rob Molesworth

Solicitor General

The Crown

August '55 Does "Mr Archer" believe the statement of "Raffaello" to be true?

CW

Sep 10/55

/I do not believe it in toto. W.H Archer

15 Sep/55

By the minute of the Stipendiary Magistrate for the city it will be seen that this claim has not been brought before the Bench but I do not think it is of that nature which would lead the claimant to bring it before that Bench as I suppose he presumed that if it was taken from him there would be no difficulty in obtaining it. I have already made every possible inquiry from Inspectors Foster and Evans & as they are to blame for their carelessness by which this loss was occasioned I can only suggest that they should pay the amount between them

C MacMahon

Entd 9/67/5

5/9/55

The fact that it is rendered impossible to ascertain the amount of property taken from Raffaello, by the loss of the memorandum made by the Officer of Police should not prevent the Government from making a reasonable compensation to him the only question to be settled is the amount, and I confess that I see differently in making any deduction from the claim made by Raffaello, unless there is some good reason for believing he is making an unfounded demand.

WCH 8/9/55

A Board sat for the purpose of investigating the claims arising from riot at Ballarat.

Raffaello did neither apply to the Board or to the Magistrate before whom he was brought.

Unless clear evidence is produced Govt. is not justified in making compensation.

CH

Sept 18/55