

Minute 41

Council Chamber Melbourne Monday, 4 Decr. 1854 Present His Excellency the Lieutenant Governor The Honble. the Colonial Secretary. The Honble. the Attorney General The Honble. the Auditor General. Absent. The Honble. the Colonial Treasurer on leave. The Honble. the Collector of Customs.

The Council having assembled in accordance with summons, His Excellency announces that he has caused them to be assembled for the purpose of taking vigorous measures for the suppression of a reported outbreak at the Ballaarat Gold Fields.

Official intelligence has not reached Melbourne to the effect that a fatal collision between the troops and the insurgents has taken place in the manner which is detailed in one of the public prints of this days date; but the account so published bears many marks of authenticity about it, and it is in great measure confirmed by some official documents which are placed upon by the table by His Excellency.

Moreover a Despatch has been received from Major General Sir Robert Nickle who on Friday night the 2nd December left Melbourne with considerable re-inforcements in order to strengthen the position of the authorities at Ballaarat, in case the rumoured resistance should be made to the enforcement of law on that Gold Field. Major General Sir Robert Nickle announces the route he proposes to take so as to arrive at Ballarat on Thursday the 7th instant and in a separate communication (dated at Bacchus Marsh 5p.m 3 Decr. 1854) he apprises His Excellency that Mr Ximenes Sub-Inspector of Police has arrived at Bacchus Marsh from the Camp at Ballaarat which he left at midnight.

He was sent to join the troops and to shew the best route of approach to the Camp; and was obliged to travel in complete disguise as every person connected with the Camp has now to do, on entering or leaving the Camp. On being questioned by the General, he recounts the following acts of insurrection, most of which he himself witnessed within the last few days. He has repeatedly seen men marching military order bearing arms, and a blue flag, with a white cross which they are said to swear to defend. Yesterday, he saw a body of armed men go to the gravel pits, close to the Camp, and apparently compel the men working there to cease. The spies reported that this was the fact. Yesterday about 5 o'clock a body of about four hundred (400) armed men went up to Mr. Amos's station at the Eureka, and took him prisoner and seized his horse. The proprietors of shooting galleries and storekeepers have stated that they have been forcibly deprived of their firearms and ammunition. A disguised trooper, with a borrowed horse, carrying a Despatch, was repeatedly stopped last night by armed men both mounted and on foot, and examined as to his business, and his horse was examined to see if it had the Crown brand. This happened about fourteen (14) miles from Ballaarat. The Major General remarks that surely those are overt acts sufficient to call for a Proclamation from the Government calling on all good subjects to separate themselves from the disaffected and to depend on the support of the Government.

His Excellency then determines with the unanimous consent of the Council to proclaim Martial Law on the disturbed District, and a Draft of the Proclamation is prepared and approved of, proclaiming the district of Buninyong under Martial Law, and authorising all Officers commanding Her Majesty's Forces, to employ them with the utmost vigour and decision for the immediate suppression of any acts of rebellion, treason, treasonable or seditious practices, and to proceed against and punish any persons acting, aiding, or in any manner assisting in the said rebellion or offences, according to Martial Law, as may seem expedient, it being provided, however, that no sentence of death shall be carried into effect, without the express consent of His Excellency the Lieutenant Governor.

A further Proclamation is ordered, prohibiting arms and supplies from being taken within the proclaimed District, Martial Law taking effect from after twelve (12) of the clock at noon on Wednesday the 6th instant. His Excellency announces to the Council that a Deputation of Members of the Legislative Council, and other influential persons has arrived with reference to the occurrences at Ballaarat, and that he is desirous to put them in possession of the general intentions of the Government.

The Council thereupon at His Excellency's desire, accompanies him to his office through the ante-chamber, where a deputation comprising the Right Worshipped Mayor of Melbourne I.J Smith Esq. M.L.C; the late Mayor J.Hodgson Esq. M.L.C Messrs. W. Nicolson M.L.C, A Greeves M.L.C, F.Murphy M.L.C, H.Miller M.L.C, Thomas Fulton - Smith: Langwill: M. Price: C.MacMahon: is awaiting His Excellency informs the Gentlemen present that as they are aware on a late occasion he received a deputation of three persons professing to represent the mining class Ballaarat, who demanded the release of three prisoners convicted of taking part in burning a house rioting threat at Ballaarat: - His Excellency at once pointed out that by no means entertain a demand of such a nature; but with regard to other grievances which the delegates alleged, he had appointed a Commission of Enquiry concerning the management of the gold fields and that he was fully prepared to recommend any such changes of the enactments on the subject as might be reported by that Commission to be advisable .

With this assurance the delegates so far as His Excy. Could ascertain, found no reason to be dissatisfied. The reports of the day, however although not officially confirmed, are believed to be authentic, and point to a state of things not founded upon any dissatisfaction with a law concerning the continuance of which a Commission of Enquiry has been appointed. It is well known that there are many idle and disreputable persons, not a few of whom are foreigners, who have armed themselves with a design to resist the operation of the law. His Excellency therefore has determined to proclaim Martial Law in the disturbed District, not allowing sentences of death to be carried into effect without his sanction, and he asks the gentlemen