

Recognizance to give evidence: Henry Goodenough

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For a transcription of the recognizance to give evidence pro-forma, see the recognizances assembled against James Beattie, John Joseph, Charles Raffaello and John Fenwick.

Transcription of the depositions against John Manning, Thomas Joy, Ferdinand Joy, Joseph McKeogh and John Cahill begin on page twelve (or the twenty-third image) of this document.

Recognizance to give evidence: Charles Jeffries Carter

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Recognizance to give evidence: Daniel Haggerty Recognizance to give evidence: Daniel Haggerty

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Recognizance to give evidence: William Dalgleish Recognizance to give evidence: William

Dalgleish Recognizance to give evidence: Thomas Burn Recognizance to give evidence: Thomas Burn

Recognizance to give evidence: Michael Moran Recognizance to give evidence: Michael Moran

Recognizance to give evidence: John Sullivan Recognizance to give evidence: John Sullivan

Recognizance to give evidence: Patrick O'Keefe Recognizance to give evidence: Patrick O'Keefe

Recognizance to give evidence: Patrick Lynott Recognizance to give evidence: Patrick

Lynott Recognizance to give evidence: Andrew Peters Recognizance to give evidence: Andrew Peters

Recognizance to give evidence: Michael Costello Recognizance to give evidence: Michael Costello

No. 96.

(M.)

(11 and 12 Vic., c. 42.) DEPOSITIONS OF WITNESSES. \_\_\_\_\_ Colony of Victoria Ballarat

To Wit

The examination of Henry Goodenough, Charles Jeffrey Carter, Daniel Haggarty, William Dalgleish, Thomas Burr, Michael Moran, John Sullivan, Patrick O' Keefe, Patrick Lynott, Andrew Peters and Michael Costello taken on oath this eight day of December 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 John Manning, Thomas Joy, Ferdinand Joy, Joseph McKeogh, John Cahill who are charged this day before me for that they the said on and about the thirtieth day of November 1854 Ballarat in the said \*Colony went with the others false traitors, at present unknown, armed and arrayed in a war like manner that is to say with guns, muskets, blunderbusses, pistols, swords, bayonets, pikes and other weapons being then and there unlawfully, maliciously and traitorously assembled ad gathered together against our Sovereign Lady, the Queen and did afterwards to wit on this day of December in the year aforesaid fire upon attack and kill certain troops of our said Lady the Queen.

This deponent Henry Goodenough on his oath saith as follows\* I am a trooper at Ballarat. On Wednesday the twenty ninth day of November I saw prisoner Cahill at the public meeting. On Thursday the thirtieth I saw him again he offered himself as a volunteer; he was chosen as a commander his company were drilled by him, and armed, he marched them to Eureka and there drilled them again; on Friday I saw him again he had a revolver at his waist – he was armed when I saw him before.

H. Goodenough

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM And this deponent Charles Jeffries Carter on his oath saith I am Sub Inspector of Police. On Sunday morning the third instant I saw prisoner Manning in a tent in the stockade called a guard tent, there were a lot of arms in the tent, a black man called Joseph was with prisoner Manning. I told him to come out, he was not armed; firing was going on at the time, there were a great number of wounded and dead in the tent.

C. J. Carter

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM And this deponent Daniel Haggerty on his oath saith I am Sergeant of the 40th Regiment.

I was at the engagement at Eureka on the morning of the third instant.- I saw prisoner manning brought out of the stockade he had no hat on and was put with the remainder of the prisoners. I made Joy a prisoner outside the stockade, he was standing still. By prisoner Joy's Attorney, Joy was a few feet from the stockade. I did not see him near a tent.

Daniel Haggarty

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM And this trooper William Dalgleish on his oath saith – On Thursday the thirtieth day of November I was at a meeting at Bakery Hill I recognised Manning – he was one of twenty men being drilled with pikes and different heads at the end of them. I man I did not know had charge or command of them. I recognised him again in custody on Sunday morning the third instant. He was being drilled when I saw him on the Thursday.

William Dalglish

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM

And this deponent Thomas Burr on his oath saith I am District Surveyor. I was present at a meeting at bakery Hill on Wednesday the 29th of November. I heard Black, Vern, Kennedy, Lawler and one or two more speak – also Hayes the object of the meeting appeared to raise funds to arm and organise themselves; they burnt a number of licences and tore some others. I do not recognise the prisoner as being there. One of the speakers said he hoped the next meeting would not terminate quietly or words to that effect. The object of the meeting seemed to be to organise an armed force to cooperate with other diggings – on the Wednesday the speakers called upon the people to supply money to procure arms or ammunition.

Thomas Burr

Sworn before me at Ballarat this 8th December 1854

E. Sturt This deponent Michael Moran on his oath saith I am a Sergeant in the 12th Regiment. I was at the engagement at Eureka on the morning of the third instant. I saw prisoner Joy coming from the stockade into the main body of the prisoners – he was in custody – he was about a hundred ten yards from the stockade.

Michael Moran

Sgt. 12th Regt.

Sworn before me at Ballarat this 8th December 1854

[signature illegible] And this deponent John Sullivan on his oath saith I am Acting Sergeant in the Mounted 40th. On Sunday the third instant I was at the engagement at Eureka after firing ceased I saw prisoner Mc Keon and Cahill bought out of a tent quite convenient to the stockade and apprehended. It was a large tent outside the stockade.

John Sullivan

Sergeant M.M.

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM And this deponent Patrick O'Keefe on his oath saith I am private in the 40th Regt. I was at the attack on the stockade on the morning of the 3rd inst. – I saw prisoner Manning brought from the stockade on that morning. I saw Joy taken some distance outside the Stockade and taken to the body of prisoners. I saw no arms with him. It might be fifty yards more or less.

Patrick O'Keefe

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM

By Mannings Counsel And this deponent Patrick Lynott on his oath saith I am a Private in the 40th Regiment. I was at the attack on the stockade on the morning of the third instant As we advanced I saw prisoner Manning standing by a tent inside the stockade they then fired on us and I did not see prisoner again for about ten minutes when I saw him in charge. I saw Mc Keon arrested some distance from the stockade.

P. Lynott

Sworn before me at Ballarat this 8th December 1854

E. Sturt And this deponent Andrew Peters on his oath saith I am a mounted trooper. I saw prisoner manning on Bakery Hill on Thursday and Friday the 30th of November and 1st of December- he was drilling with a lot of other men armed with rifles. I heard Manning said we have ten against one of them, it will be very easy for us to take the camp" he said this after drill, in the evening.

Andrew Peters

Sworn before me at Ballarat this 8th December 1854

E. Sturt PM And this deponent Constable Michael Costello on his oath saith I arrested Mc Keon and Cahill on the 3rd instant about thirty yards from the stockade. One seemed as if dressing - I found no arms in the tent. They went quietly and I found no arms on them.

Michael Costello

Sworn before me at Ballarat this 8th December 1854

E. Sturt

The prisoner Manning declines to make any statement and is committed for trial at the Gaol Delivery at Melbourne in the month of January next the other prisoners are charge 16 Jan

Queen V John Manning

Treason

H. Goodenough

Charles Jeffries Carter

Daniel Hagarty

William Dalglish

Thomas Burr

Michael Moran

John Sullivan

Patrick O'Keefe

Patrick Lynott

Andrew Peters

Michael Costello

Bfd 10/1/55

Briefed 10 Jany 1855

26 Feby 1855 A'Beckett CJ Not Guilty