

Recognizance to give evidence: Ladislav Kossack

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

Transcription of the depositions against John Phelan begins on page (or the seventh image) of this document. Recognizance to give evidence: Ladislav Kossack

Recognizance to give evidence: John Culkin Recognizance to give evidence: John Culkin Recognizance to give evidence: Samuel Slackwell Furnell Recognizance to give evidence: Samuel Slackwell Furnell

No. 96.

(M.)

(11 and 12 Vic., c. 42.)

DEPOSITIONS OF WITNESSES. _____

Colony of Victoria Ballarat

To Wit

The examination of Ladislav Kossack, John Culkin and Samuel Slackwell Furnell of Ballarat in the Colony, of Victoria taken on oath, this ninth 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 Phelan, who is charged this day before me for that they the said John Phelan on the third day of *December 1854 at Ballarat aforesaid with others did feloniously, wilfully and treasonably fire at, attack and kill certain troops of Our Sovereign lady the Queen. This deponent Ladislav Kossack on his oath saith as follows*

PTO This deponent Ladislav Kossack on his oath saith I am Inspector Lieutenant of Police. On Sunday the 3rd instant I saw prisoner John Phelan inside the stockade with a gun in his hand. I think it was a double barrelled gun our men fired at him a few shots were being fired at the time. Lieutenant Hall of the 40th brought prisoner out of the stockade.

L. Kossack

Sworn before me At Ballarat this 9th December 1854.

E. Sturt PM This deponent John Culkin on his oath saith I am a Trooper. I saw prisoner Phelan in the stockade with a double barrelled gun in his hand. Some of our men fired at him and he ran across

the stockade and one of the officers took him out. He had a kind if a sword belt and a sort of cutlass. I struck him down and hand cuffed him I fired at him first. I saw Mr. Furnell close by and I believe he took the sword away.

John Culkin

Sworn before me At Ballarat this 9th December 1854.

E. Sturt PM And this deponent Samuel Slackwell Furnell on his oath saith I am Sub-Inspector of Police. On the morning of the third instant I was at the stockade in company with Trooper Culkin. Some shots were being fired a man very much like Phelan surrendered and gave up his sword. I threw it away and gave him into custody. The Sergeant Major was present. I understood him to be a leader. He had a scabbard at his side. – corresponding with the sword.

Samuel S Furnell

Sworn before me At Ballarat this 9th December 1854.

E. Sturt PM 16 Jan

Queen

v.

John Phelan

High Treason

L. Kossar

J. Culkin

S. F. Furnell

Bfd 9/1/55

Briefed 3 Jan 1855

The prisoner John Phelan declines to make any statement and is committed for trial at the Gaol Delivery at Melbourne in the month of January next.

Evelyn Sturt PM