

TRANSCRIPT OF LETTER DATED 29TH MARCH 1855 - BAKERY HILL

Dear Brother

I have no doubt I may have got many cursings from you and others, for not answering letters, now long past due and perhaps doubly cursed when you learned the cause of them not being answered, to plead justification to you at the present time is not my intention, but merely to make a statement of the facts of case and then you may judge for yourself.

The General facts are now all over the world, and no doubt you will have learned them long ago, but still a few particulars as regards myself may not be altogether uninteresting to you. I don't think it necessary to enter into the details of the gross Maladministration of the offices of the Colony generally, these are also are patent to the world, but as regards the Gold Fields, and particularly Ballarat where I have had the best opportunity of judging[,] I would say a few words.

From the construction of the Legislative Assembly of this Colony we have had the worst laws in the world palmed upon us and from the same cause still worst carried out, we had a lot of Boys[,] half military[,] half school Boys as Magistrates[,] JP's (not at all inaccessible to "Tip") to carry out what were in themselves "Bad Laws"[.], Such Individuals had been the lords of Ballaarat up to the time when I appear on the stage. "Tip" was the ruling passion with the Ballaarat Camp Officials from the highest to the lowest. The chief Magistrate of Ballaarat had shares in nearly all the Hotels on Ballaarat, which he had for granting them Licences. But he was more particularly interested in Bently's[.] In the Hotel has been committed a great many Robberies and several people found dead near the Place[.], all of which was somehow or other hushed up, Bently himself was known to be a doubly convicted felon, although a great companion of the Commissioner's[.] in whose house they were nightly[.]

On the morning of the 7th October last a Scotchman named "James Scobie" from Auchterlarder was murdered near the Hotel, and on the inquest it was discovered that Bently was one of the Murderers, he of course was examined at Ballaarat and you can guess the result, The chief Magistrate (Dewes) presiding, with sufficient evidence to committ him for trial[.], he was discharged, and at the Sametime told he left the Court without the slightest imputation on his conduct or Blemish on his character.

this was considered by the people of Ballarat as a direct insult, and a meeting was called for[,] to be held on the 17th October, on the spot, where the man was murdered. I intended to have

attended the meeting, but my mates would not go unless all the holes around about dro[p]ped work and went, they all agreed[,] but one or two, so it was knocked on the head. After Dinner I went down the Hole but found it was giving way. I came up to the top for timber to repair it, just as I reached the top I heard a fearfull noise, and went with the crowd towards Bently's Hotel[,] about 1/2 [half] mile from my hole[,] it turned out that [the] cause of shouting was Bently flying off on one of the Commissioner's horses, I reached the Hotel when there was about 1,000 persons present, [but] the meeting was over[.]

all the Military and Police were stationed around the Hotel to guard it, the Commissioners were up in one of the Broken windows trying to pacify the people, telling them they had been diggers themselves, and they would see justice done to the diggers and a lot of Other "Bosh", I mounted one of the windows alongside the Commissioners, and was cried upon by the diggers to speak, I spoke for a few minutes against the conduct of the officials on Bently's examination, but never said, nor never had any intention to advise them to take the law into their own hands,

In the confusion and noise, they may have misunderstood me, however before I got done Bottles, stones, Books and all sorts of missiles came flying at the commissioners' heads, Resident Commissioner Reed then handed me his whip and requested me to try and get them to desist. (the whip was his scepere or Baton of Office.) I did not believe at the time in destroying the property as Bently had a good many creditors that must become sufferers, I tried to get them to desist [from] destroying the property, but in a minute a cry of fire was raised, and I went round with Mr Reed, The fire had just been lighted and I drew down the lining from the Bowling Alley (Paper and Canvas) no water being handy, and threw [it] on the flames and trampled on it, till I burnt myself, but failed in extinguishing the flames, I was expecting some of the Police or Soldier might say that I had been hastning on the flames, and came back and told Mr Reed so, his answer was ["there's no danger[,] I can swear you have done your duty like a man,["] I assisted in saving property and gaurding it when saved[.]

in half an hour the whole affair was in a heap of ashes (valued £27,000) Mr Reed and Captain Carter, and I had a nibbler of rum when all was over and I [was] going off to my work, as I proceeded, I was arrested by two sergeants of Police. [They] arrested me and I said I would go[,] but wanted to see their Warrant for my Apprehension[,] they said they had none[.] then I said I would be damed if I would go till they got one[.] the moment I said that the Diggers round about rushed and the police and shuded me away, I went home,

next day I intimated to parties about the Hole, my intention of proceeding to the camp, to see what they wanted with me[,] they volunteered to go with me in a body but I only took one[,] My

mate, and went up and asked Mr Reed if he Remembered his words[.] he did not deny it, he and us went to Captain [-----s] and he had nothing to say against me. Reed told me I might go, saw the parties that arrested me but they said nothing. [During the] next two days there was reinforcements of troops arriving from Melbourne and on friday night one of the detectives came to inform me as a friend to get out of the way as I was going to be arrested in the morning.

I went home and went to bed in the expectation of being roused in the morning, in which I was not disappointed. About two in the morning we heard them marching around the tent[.] I allowed them to remain there for two hours, then went out and asked them in to have a nibble, there was 10 Detectives and the Sergeant Major of Police, but before we went in the diggings we were joined by three troops of Mounted Police (a fairish escort). all the police and Soldiers had been under arms all night in case of a second rescue, I was brought up for examination at 9 O'clock and committed to take my trial in Geelong on the following Thursday (this was on Saturday)[.] as I was taken prisoner at 4 O'clock few knew anything about it, but as they day advanced they collected, then held a meeting, where they agreed to go and demand Fletcher and I out on Bail and if refused to have us out by force (they had previously refused Bail for me).

the Committee then formed tried to prevent the crowd from approaching too near the camp while the deputation was making arrangements with the authorities for to get us out on bail, but they were so long that the crowd rushed up to points of the Bayonet and swords of the troops[.] there was about 7,000 diggers present[.] most of them armed[.] one Irishman had 6 six Barrelled revolvers in his breast[.] in all 36 shot. there was one man wounded through the accidental discharge of a pistol. I was ultimately Bailed out in £1,000 by parties whom I had never seen before,

When I came out the people wanted to carry me shoulder high and had a German Band there but I got them advised to desist such a Demonstration, amongst the first Committee was Fred Vern (now Colonel Vern)[.] you will recollect of me writing to you when he was a mate of mine of 'Lord God knows who' he was a witness to all my actions at the Hotel and as such he was subpoenaed to Geelong as well as "Captain Ross" of whom I will speak afterwards,

we had benifits at the Theatre, Assembly Rooms etc and in the interim on Wednesday. Fletcher and I and 12 witnesses started for Geelong in the conveyances with silk flags (that were presented to us at starting) flying with the words on them Liberty and Justice for All[.] on the thursday we appeared at Geelong for trial, but they would not try us there but Remanded us to appear at Melbourne on the 15th Nov. I had to find new securities, and I got a Jew in Geelong for one and Mr Holyoake, a brother of George Jacobs as the other, who was also a witness in the

case, We came back to Ballaarat [and] had other meetings where the diggers determined that we should not go of[f] Ballarat and but for ourselves would have taken us prisoners and kept us ourselves[.]

we however started for Melbourne on 13th Nov but were not tried till the 20th[.] it took from Ten in the morning till 9 at night to try us. I could have easily got out of it, but for the counsel taking too political a view of the matter, and pleading Justification and not examining my principal witness[.] I had one of the Commissioners swore I was the most efficient man for saving the property that was there, the other would have cleared me of the matter, but the counsel just made a fool of him, so that I was brought in guilty - with a special recommendation to mercy on account of my praiseworthy conduct while the place was burning[.]

we were sentenced the following morning[.] me three months, Fletcher 4 + Westerby 6 months Imprisonment[.] the Judge remarking that as he believed were all men of good character he would not degrade us by giving us labour[.] When the news reached Ballaarat that we had got sentenced they sent down a deputation to the Governor to "demand" our release, the Governor would not accede to the word 'demand' (a very absurd word) so the deputation went back to Ballaarat where a meeting was held on 29th Nov[.] Strong resolutions were put and carried and at the windup they made bonfires of their licences and vowed they would take out no more, in the meantime the Governor sent all the policemen and soldiers in the country to Ballaarat[.] The marines[.] sailors and cannons were taken out of the men of War and dispatched also,

the day after the meeting they sent around troopers with drawn swords and soldiers with loaded muskets in skirmishing order to collect licences[.] the diggers Joe'd and threw bottles & stones at them when the troopers fired on them[.] one or two of the diggers that had firearms on them fired back on them[.] the diggers met again in the afternoon and agreed to arm themselves. [They] went round all the stores collecting firearms etc, horses, saddles + Bridles and retired to the Eureka and erected a stockade[.] meantime they had Barricaded all round the Government Camp, even the Gaol in Melbourne was all Barricaded with sand bags and troopers gaurding it,

at first there was about 1500 men of all arms in the insurgent mob but by saturday morn the most of them[.] thinking nothing was going to be done[.] went home and in the evening there was not over 200 in the stockade[.] of course the Government spies reported how things stood at the camp so they dispatched about 500 mounted troopers + Soldiers before day-break on Sunday morning (3 dec). few of the diggers were [-----] They showed the stuff they were made off