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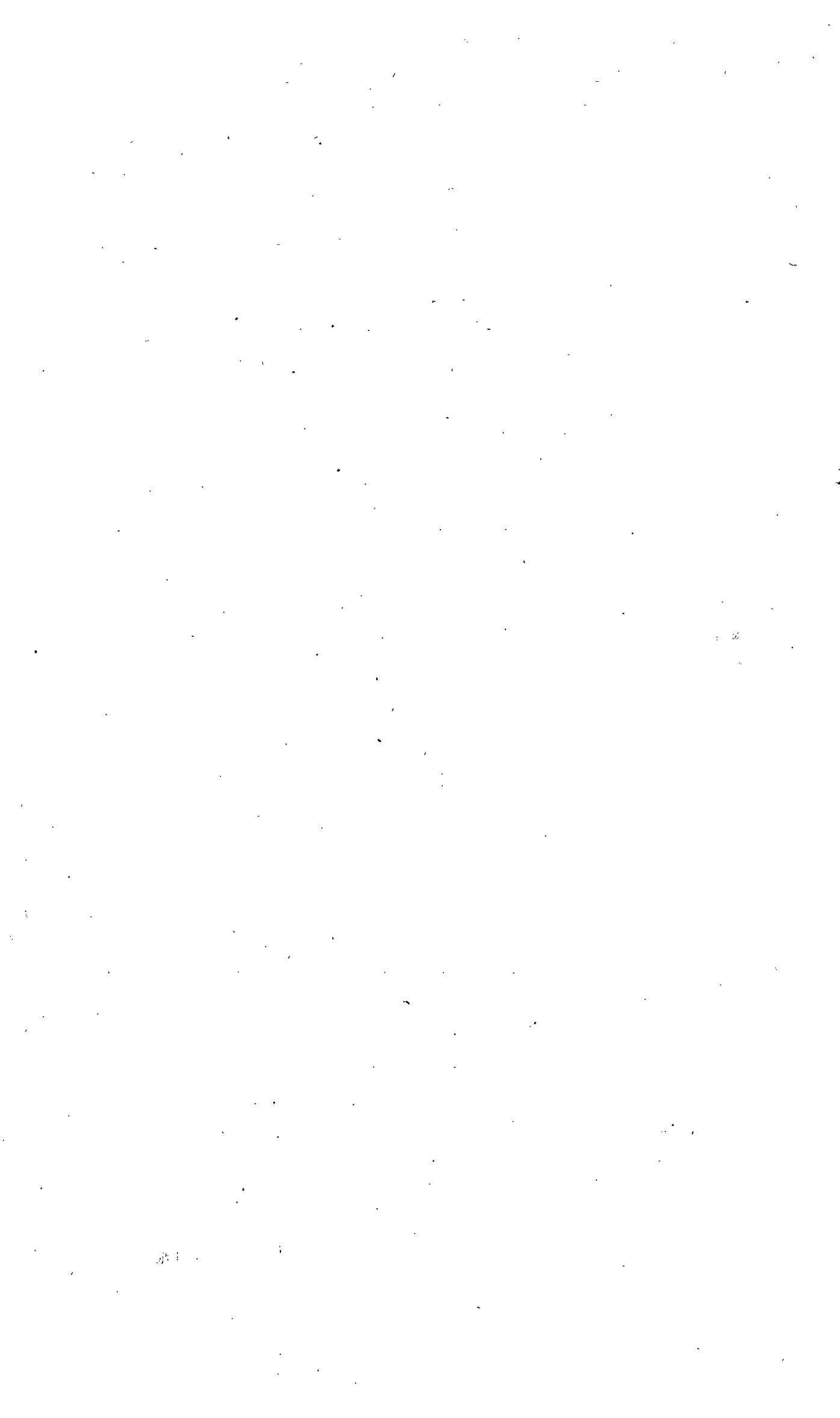
Victoria.

CLAIMS FOR COMPENSATION
FOR
INJURIES AND LOSSES SUSTAINED
DURING
THE BALLARAT RIOTS,
WITH
REPORT OF COMMISSION THEREON.

RETURN TO ADDRESS—Mr. GRANT, DECEMBER 7, 1855.

LAI'D UPON THE COUNCIL TABLE BY THE CHIEF SECRETARY,
BY COMMAND OF
HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT,
AND
ORDERED BY THE COUNCIL TO BE PRINTED,
10th JANUARY, 1856.

By Authority:
JOHN FERRIS, GOVERNMENT PRINTER, MELBOURNE.
C.—No. 8, a.



RETURN of CLAIMS presented to Government for COMPENSATION for injuries inflicted by the Military or Police at Ballaarat, in December last, and also of Claims for losses sustained during the disturbances on the 17th of October and 28th of November respectively, shewing under each head the Claims which have been approved or rejected, and the reason which led to the decision arrived at.

FOR INJURIES INFLICTED AND LOSSES SUSTAINED AT BALLAARAT.

Name of Claimant.	Nature of Claim for Compensation.	Decision of Government.	Reason for Approval or Rejection.	Remarks.
Thomas Allen...	Destruction of property ...	Allowed to the amount of £155 ...	In consideration of his loss of property and his endeavours to maintain order and authority.	
Robert Hardie...	Amount paid for medicine and medical attendance upon his brother who was wounded by the military.	Allowed to the amount of £274 15s.	Being the actual expenses incurred by the claimant on account of his brother, who was proved to have been wounded by the military.	
Patrick Curtain	Destruction of store ...	Rejected ...	His store having been in the immediate precincts of the stockade, and he not having assisted in the maintenance of social order, it was impossible to draw any line between his case and that of so many others whose property was destroyed on the 3rd December.	
Benden S. Hassell	For gun shot wound in the leg ...	Ditto ...	It appearing that the wound received by the claimant was not inflicted by the military or police.	
Jeremiah Foster	Destruction of tent ...	Ditto ...	Not admitted by the Board ...	The reasons assigned by the Board for declining to admit these claims are as follow:—"The destruction of the tents on the morning of the 3rd of December, appears to have been a necessary consequence upon the resistance offered to the military; the order to destroy the position taken up by the rioters by fire was given by the officer in command of the military, who considered it a necessary step. It is clearly shewn that a desultory fire was kept up on the troops from tents outside the stockade, such tents were destroyed, but your Board have no proof of any wanton destruction of property or any reason to believe that such was the case."
John Donnelly ...	Destruction of store and property ...	Ditto ...	Ditto ditto ...	
Martin Ryan ...	Destruction of tent, &c. ...	Ditto ...	Ditto ditto ...	
Patrick Quinane	Ditto ditto ...	Ditto ...	Ditto ditto ...	
James Bourke...	Ditto ditto ...	Ditto ...	Ditto ditto ...	
Thomas Quinn	Ditto ditto ...	Ditto ...	Ditto ditto ...	
Lanty Costello	Ditto ditto ...	Ditto ...	Ditto ditto ...	
Anne Diamond	Ditto ditto ...	Ditto ...	Ditto ditto ...	
Matthew Ryan	Ditto ditto ...	Ditto ...	Ditto ditto ...	
J. Kennedy G'Brien	Compensation for being detained in custody ...	Ditto ...	Ditto ditto ...	
Patrick Donoghoe	Destruction of tent, &c. ...	Ditto ...	Ditto ditto ...	
William Adams	Destruction of property and imprisonment ...	Ditto ...	Ditto ditto ...	
John Sheahan...	Destruction of tent and property ...	Ditto ...	Ditto ditto ...	
Thomas Eames	Ditto ditto ...	Ditto ...	Ditto ditto ...	
Michael Noonan	Destruction of store and property ...	Ditto ...	Ditto ditto ...	
Edmund Burns	Destruction of tent and property ...	Ditto ...	Ditto ditto ...	

FOR LOSSES SUSTAINED BY THE BURNING OF BENTLEY'S HOTEL.

Name of Claimant.	Nature of Claim for Compensation.	Decision of Government.	Reason for Approval or Rejection.	Remarks.
Daniel O'Connor	For property destroyed on the occasion of the burning of the Eureka Hotel	Approved to the amount of £180...	Allowed by the Board, being unconnected with the Hotel.	The Board reports as follows:—"It does appear inconsistent that the Government should be held responsible for losses sustained by persons incurring the risks of trade with and by creditors of the convict."
Walter Anderson	Loss of shop and contents...	Approved to the amount of £443...	Ditto ditto.	
John W. Emery	Loss by the burning of his bowling-alley and saloon	Approved to the amount of £600...	Ditto ditto under the circumstances of the case.	
Benjamin Welsh	Destruction of tent and property	Approved for £40	Ditto.	
James Donnelly	Loss of tools and clothing...	Approved to the amount of £8	Allowed by the Board, being the actual estimated value of tools and clothing destroyed.	
Patrick Hanlan	Ditto ditto	Approved to the amount of £10		
Robert Ross	Ditto ditto	Approved to the amount of £5		
Donald Ross	Ditto ditto	Ditto ditto		
Michael McDermot	Ditto ditto	Ditto ditto		
Edward A. West	Loss of musical instruments	Approved to the amount of £35 6s. 8d.	Allowed by the Board, being the ascertained cost of the instruments destroyed.	
Rutherford and Ingram... ..	Loss of goods supplied to James F. Bentley ...	Rejected	
Union Bank	Loss of debt due by James F. Bentley ...	Ditto	
Bank of New South Wales	Ditto ditto	Ditto	Not being admitted by the Board.	
Henry Harris	Loss of Goods stored at the Eureka Hotel ...	Ditto	
Charles Dyte	Loss of merchandize stored at the Eureka Hotel	Ditto	
Thomas Bird	Loss of salary occasioned by the burning of the Eureka Hotel	Ditto	
Catherine Bentley	Loss by the destruction of her husband's property by the burning of the Hotel	Ditto	Ditto ditto.	
Robert B. Cane	Loss of store and property	Ditto	Not allowed by the Board, no claim having been established.	
D. and W. Wallace	Loss of property burnt on the occasion of the burning of the Eureka Hotel	Ditto	Not admitted by the Board.	
Daniel Swcency	Loss of property taken or destroyed by the rioters	Ditto	Ditto ditto.	
Messrs. Cummins, Spencer, and Middleton	Ditto ditto	Ditto	Ditto ditto.	
Thomas B. Day	Ditto ditto	Ditto	Ditto ditto.	

N.B.—A copy of the Report of the Board to enquire into the Claims for Compensation is attached.

REPORT OF THE BOARD.

[COPY.]

The Board appointed by His Excellency the Governor to take into consideration the claims of persons for compensation for losses sustained during the disturbances at Ballaarat, have the honor to submit their report.

2. Your Board are fully impressed with the necessity for extreme caution in dealing with this subject. They have very slight means of testing the truth of the claims set up, and there is no evidence in support thereof other than the bare allegation of the claimants.

3. In considering the subject your Board reviewed the printed proceedings of the House of Assembly in Canada, relating to the Rebellion losses Bill, in 1838. The 5th Resolution passed by the House declares that "The said losses, so far only as they have arisen from the total or partial, unjust, unnecessary or wanton destruction of the dwellings, buildings, property and effects of the said inhabitants, and by the seizure, taking or carrying away by soldiery of their property and effects should be paid and satisfied." Upon this principle your Board consider they should also be guided, but in the present instance they cannot perceive the obligation, on the part of the Government, to compensate persons who suffered by the violence of a section of the community of which they (the sufferers) formed a constituent part.

In England the county or hundred wherein the disturbances are committed is made liable by means of a rate levied thereon, as in the case of the Bristol riots, thus each individual of a community is interested in the maintenance of good order; but it would be a dangerous precedent to compensate persons out of the general revenue for losses sustained through disturbances of which they may have been the instigators, nor would it be an easy matter to say where such claims might cease.

Protesting, therefore, against the principle, but influenced by the fact, that to the Police Magistrate, and the misconduct of that public officer, may be attributed, in a great measure, the riotous assemblage which led to such unfortunate results, your Board are willing to recommend certain of the sufferers by the burning of Bentley's Hotel to a consideration of their claims. It appears that heavy claims have been put in by Bentley's creditors, as instance that of Messrs. Rutherford and Ingram £569 16s. 8d., for goods supplied several months previously; Ross, McDermott and others for work performed on the buildings, &c. Your Board cannot see how such claims can possibly be supported.

Convicted of a crime, the perpetration of which was the primary cause of the unfortunate disturbance, it does appear inconsistent that the Government should be held responsible for losses sustained by persons incurring the risks of trade with, and by creditors of the convict. The Board have therefore only estimated for the loss of actual property destroyed disconnected with the hotel.

The Board have given each claim their consideration, and have the honor to refer to the accompanying appendix for the decision arrived at.

With respect to John Emery's claim, amounting to £1043, the Board are aware that the Bowling Alley, for the destruction of which compensation is sought, was more or less attached to, and connected with, the business of Bentley's Hotel, and under all the circumstances, they consider that the award of £600 meets the justice of the case.

Rutherford and Ingram's claim consisted entirely of a liability due by Bentley—disallowed.

Henry Harris.—The Board have ascertained that the property for which compensation is claimed was lying exposed in the hotel yard for a length of time totally unprotected—disallowed.

Charles Dyte, £415 1s.—The claimant had a small store at Ballaarat, where, it is natural to suppose, his own property would be stored. He was in the habit of acting for Bentley and others as an agent, and the Board have reason to believe that the goods, for the loss of which compensation is claimed, were for the use of, and appertaining to the hotel.

With regard to Thomas Allen's claim, it appears that he was, apparently, the only individual who displayed any loyal disposition towards the maintenance of order and authority.

Acknowledging Mr. Hasleham's claim to consideration, the Board have a difficulty at arriving at any conclusion. It would be necessary that Mr. Hasleham should see the chief medical officer, and explain to the Board the nature of compensation suitable to his circumstances, for at present there is no data whereon to form an opinion.

The losses sustained by the depredations of the rioters cannot for an instant be entertained. As well might the Government be called upon to compensate persons for the acts of highwaymen.

The destruction of the tents on the morning of the 3rd appears to have been a necessary consequence upon the resistance offered to the military. The order to destroy the position taken up by the rioters by fire, was given by the officer in command of the military, who considered it a necessary step. It is clearly shewn that a desultory fire was kept up on the troops from tents outside the stockade; such tents were destroyed, but your Board have no proof of any wanton destruction of property, or any reason to believe that such was the case.

Circumstances have come to the knowledge of the Board which induce them to believe that many of these claims were made in a vague and reckless manner, without any definite expectation of compensation, but with an intention of trying how far the outbreak might be turned to the individual advantage of the claimants, the reputed owners of the tents, out of which the Government force was fired on, having boldly sent in their claims without any other proof to support them than their own declarations, and certificates signed by a number of persons who lent their names so indiscriminately that your Board cannot attach any value to them.

In conclusion, your Board lament the losses sustained by individuals, but cannot forget that if the sufferers were not actively engaged in an overt act of rebellion, they displayed no disposition to support authority.

(Signed)

E. P. S. STURT, S.M., Chairman,

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W. McCREA,

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F. A. POWLETT.

To the Honorable the Colonial Secretary.