REPORT
FROM THE
SELECT COMMITTEE
UPON
BALLARAT RIOTS—BENTLEY'S HOTEL,
TOGETHER WITH
THE PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

Ordered by the Legislative Assembly to be printed, 1st June, 1868.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.
EXTRACTED FROM THE MINUTES

WEDNESDAY, 25TH DECEMBER 1857.

BOLSTON Reader—Bentley's Hotel.—Mr. Hudson moved, pursuant to notice, That the Select Committee on the Bolston Reader be re-appointed, to inquire into the claims for compensation arising out of the losses alleged to have been sustained at the time of, or in connection with, the destruction of Bentley's Hotel on Bolston, with power to take evidence, and to call for and examine all books, petitions, reports, or other documents relating thereto, now in the custody of the Government; and that the following Members be appointed to act on the Committee, viz., Mr. Hole, Mr. Mckin, Mr. Banks, Mr. Gordon, Mr. Hart, Mr. O'Shaunessy, Mr. Harley, Mr. D. R. Campbell, Mr. Wood, Mr. Green, Mr. Hudson; three to form a quorum.

Question—put and resolved in the affirmative.

TUESDAY, 12TH APRIL, 1858.

SELECT COMMITTEE.—Mr. O'Shaunessy moved, pursuant to amended notice, That the vacancy created in the Select Committee be filled up in the manner hereinafter mentioned, viz.—

BOLSTON Reader—Bentley's Hotel.—Mr. O'Shaunessy, Mr. Harley.

Question—put and resolved in the affirmative.
REPORT.

The Committee appointed by your Honorable House to inquire into claims for losses alleged to have been sustained in connection with the Ballarat Riot of the 17th October, 1854, have agreed to the following Report:

That your Committee considered it necessary to lay down, in the first instance, some definite principle to guide it in this inquiry; and, after considerable discussion, a majority of the Committee then present adopted the following resolution, viz.:

"That as it is the duty of the Government to afford protection to its citizens, and as at the time of the Bentley Riot the state of the law was such that a person whose property was destroyed in a riot could not recover compensation from the district where it took place, the Committee are of opinion that all innocent persons whose property was destroyed in the riot are entitled to compensation."

That your Committee have classified the claims as follows:

1. Those for property destroyed in the said riot, such as consignments of merchandise deposited in the yard and outbuildings of the hotel; boxes of clothing, bank-notes, gold, and other property belonging to lodgers; saddles, horse-cloths, and sundries belonging to a livery stablekeeper, and for tents which were situated adjacent to the hotel, together with clothing, furniture, and other property belonging to the owners, and all of which were either utterly destroyed or so much damaged by the fire as to be worthless.

2. Those made by creditors of Bentley—viz., merchants and retail traders for goods sold and delivered; contractors for building and carpentering work; bankers for overdrawn accounts and dishonored bills; workmen and domestic servants for balance of wages.

3. And those by Bentley and his wife, for the value of the hotel and buildings, and stock in trade, which were totally destroyed in the riot.

That your Committee recommend payment of the claim of D. and W. Wallace, amounting to the sum of £90; also that of Michael Walsh, to the extent of £120.---(See Schedule A.)
That your Committee are of opinion, after taking into consideration the peculiar circumstances attendant upon the riot, that all the remaining claims should be disallowed.

**SCHEDULE A.**

**LIST OF CLAIMS FOR COMPENSATION FOR LOSSES SUSTAINED THROUGH THE BAILLAABAT RIOT, ON 17TH OCTOBER, 1884.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Claimant</th>
<th>Description of Property alleged to have been destroyed</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>George Watson</td>
<td>Clothing and working tools</td>
<td>£ 6 6</td>
</tr>
<tr>
<td>2</td>
<td>Augustus Reid</td>
<td>Gold, back nose, musical instruments and music books, gold rings, and two boxes of clothing</td>
<td>£ 8 0 0</td>
</tr>
<tr>
<td>3</td>
<td>D. and W. Wallace</td>
<td>Trousers and clothing</td>
<td>£ 3 0 0</td>
</tr>
<tr>
<td>4</td>
<td>Samuel Waldock,IVERY</td>
<td>Saddles, harness, cart, hay, corn, hores, &amp;c., &amp;c.</td>
<td>£ 7 0 0</td>
</tr>
<tr>
<td>5</td>
<td>Henry Harris</td>
<td>Merchandise stored in the yard of Bentley's Hotel</td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>6</td>
<td>E. F. West</td>
<td>Clothing, musical instruments, and music books</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>7</td>
<td>Charles Smith</td>
<td>Clothing and working tools</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>8</td>
<td>Michael Walsh</td>
<td>Tents, sleeping goods, clothing of self and family, and injury sustained by his wife</td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>9</td>
<td>Charles Dyre</td>
<td>Merchandise stored in the building attached to the Hotel</td>
<td>£ 6 0 0</td>
</tr>
<tr>
<td>10</td>
<td>G. C. Smith</td>
<td>Two boxes and their contents, which were stored in the Hotel,</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>11</td>
<td>Isaac Rigby</td>
<td>Chest of tools and clothing</td>
<td>£ 2 0 0</td>
</tr>
</tbody>
</table>

£ 1777 10 0

**SCHEDULE B.**

**LIST OF CREDITORS ON BENTLEY'S ESTATE.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Claimant</th>
<th>Banking Accounts and Goods Sold and Delivered</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The Bank of New South Wales</td>
<td>Overdrawn Banking Account</td>
<td>£ 8 0 0</td>
</tr>
<tr>
<td>2</td>
<td>The Union Bank</td>
<td>Discounted Bills</td>
<td>£ 10 0 0</td>
</tr>
<tr>
<td>3</td>
<td>F. F. Bailey, Esq., M.A</td>
<td>Discounted Bill</td>
<td>£ 10 0 0</td>
</tr>
<tr>
<td>4</td>
<td>Mark Polk and Isaac Leeser</td>
<td>Goods sold and delivered</td>
<td>£ 10 0 0</td>
</tr>
<tr>
<td>5</td>
<td>John Kershaw</td>
<td>Discounted Bill</td>
<td>£ 8 2 6</td>
</tr>
<tr>
<td>6</td>
<td>Stephen Biggs</td>
<td>Goods sold and delivered</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>7</td>
<td>William Anderson</td>
<td>Goods sold and delivered</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>8</td>
<td>John Biddul</td>
<td>Goods sold and delivered</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>9</td>
<td>James Turner</td>
<td>Goods sold and delivered</td>
<td>£ 5 0 0</td>
</tr>
<tr>
<td>10</td>
<td>Patrick Wilson, Esq., M.A</td>
<td>Professional Services</td>
<td>£ 7 0 0</td>
</tr>
<tr>
<td>Dr. Carr</td>
<td></td>
<td></td>
<td>£ 7 0 0</td>
</tr>
</tbody>
</table>

£ 7698 1 2

**SCHEDULE C.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Creditor</th>
<th>Servants' Wages and Moneys due on Building Contracts</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Patrick Mason</td>
<td>Carpenter's contract work</td>
<td>£ 3 0 0</td>
</tr>
<tr>
<td>2</td>
<td>Michael McDemott</td>
<td></td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>3</td>
<td>Donald White</td>
<td></td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>4</td>
<td>James Henelly</td>
<td></td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>5</td>
<td>Robert Ross</td>
<td></td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>6</td>
<td>Charles Smith, baker</td>
<td>Balance for wages</td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>7</td>
<td>George Watson</td>
<td>Balance for wages</td>
<td>£ 1 0 0</td>
</tr>
<tr>
<td>8</td>
<td>Isaac Rigby</td>
<td>Money due on contract for building</td>
<td>£ 1 0 0</td>
</tr>
</tbody>
</table>

£ 1043 10 0
The case of Dr. Carr (at present an inmate of the Lunatic Asylum, Yarra Bend) was next considered by the Committee.

That it appeared by the documents laid before the Committee that Dr. Carr alleges the Government to be indebted to him in the sums of "£126" and "1000 guineas" for professional services rendered by him to the wounded, at the time of, and subsequent to the Eureka Stockade riot, and being anxious to return to England, he is unable to do so without assistance.—(See petition of Dr. Bowie, presented to the Assembly on the 25th September, 1857, and referred to this Committee.)

That your Committee, after considering the matter, agreed to the following resolution:—

That the sum of £150 be awarded to Dr. Carr.

Committee-room,
1st June, 1858.

To the Honourable the Members of the Legislative Assembly of the Colony of Victoria in Parliament Assembled.

The Petition of Robert Bowie, Surgeon Superintendent of the Yarra Bend Lunatic Asylum,

Respectfully Sheweth,

That your Petitioner has at the present time a patient under his charge named Alfred Yates Carr, M.D.,

That the said patient has certain claims against the Government for very important professional services rendered at a period when the peace of the Colony was unfortunately disturbed

That your Petitioner, therefore, prays your Honourable House to take the claims of the said Alfred Yates Carr, M.D., into consideration with as little delay as possible, that arrangements may be made to enable him to join his family in England.

And your Petitioner, as in duty bound, will ever pray.

Yarra Bend Lunatic Asylum
September 23rd, 1857.

Robert Bowie.

D.—No. 29, v.
PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 9th FEBRUARY, 1858.

Members present:

Mr. O'Sullivan, Mr. Horan, Mr. Wood, Mr. Green.
Mr. Reden, Mr. Bows, D. Owens.
Mr. Parker, Mr. Humfrey, Mr. Owens.

Mr. Humfrey was called to the Chair.

The following documents were laid before the Committee viz.:

1. A petition from Charles Norgun, requesting that the prayers of his petition might be heard before the Committee.

2. A petition from James Francis and Catherine Bagley, on behalf of themselves and their family, praying that inquiry may be made into the circumstances attending the destruction of their property, at the Roseack Hotel, Ballarat, and that such compensation as they are justly entitled to may be awarded to them for their loss.

Motion made—that as it is the duty of the Government to afford protection to its citizens, and as at the time of the Ballarat riot the state of the law was such, that a person whose property was destroyed in a riot could not recover compensation from the district where it took place, the Committee are of opinion that all innocent persons, whose property was destroyed in the riot, are entitled to compensation.—(Mr. Wood.)

Question put.

Committee divided.

Ayres, 7.
Mr. O'Sullivan, Mr. Reden, Mr. Parker, Mr. Humfrey, Mr. Wood, Mr. Green.
Mr. Owens.

And so it passed in the affirmative.

Adjourned to Friday next, at two o'clock.

FRIDAY, 12th FEBRUARY, 1858.

Members present: Mr. Humfrey, in the Chair.

Mr. Harker.

Committee deliberated.

Adjourned to Tuesday next, at two o'clock.

TUESDAY, 16th FEBRUARY, 1858.

Members present: Mr. Humfrey, in the Chair.

Mr. poles, Mr. Reden, Mr. D. S. Campbell, Mr. Harker.

Committee deliberated.

Reported—that Mr. Rede be summoned to attend the Committee at its next sitting, and that Captain MacMillan be requested to instruct Mr. Norns to attend the Committee as soon as possible.

Adjourned to to-morrow, at three o'clock.
WEDNESDAY, 17th FEBRUARY, 1869.

Members present:

Mr. Humfrey, in the Chair;
Mr. Eldon,
Mr. Harker,
Robert Redo, Esq., called in and examined.

Adjourned to Friday next, at three o'clock.

FRIDAY, 10th FEBRUARY, 1869.

Members present:

Mr. Eldon,
Mr. Harker,
Dr. Owen.

In the absence of Mr. Humfrey (the Chairman), it was not considered desirable to proceed with the examination of witnesses.
Committee adjourned to three o'clock on Tuesday next.

TUESDAY, 20th FEBRUARY, 1869.

Members present:

Mr. Humfrey, in the Chair;
Mr. Eldon,
Mr. Harker,
Dr. Owen.

G. S. Amos, Esq., called in and examined.
Captain Carter called in and examined.

A letter from the Chief Commissioner of Police, relative to the attendance of Mr. Ximenes as a witness, was laid before the Committee.

Ordered,—That inquiry be made of Captain MacAlister as to when Mr. Ximenes is likely to be in Melbourne, and whether he has communicated with him or not, as the Committee are awaiting his evidence.

Mr. G. C. Smith called in and examined.
Agnes Smith called in and examined.

Adjourned to Friday, 6th March next.

FRIDAY, 3rd MARCH, 1869.

Members present:

Mr. Humfrey, in the Chair,
Mr. Eldon,
Mr. Harker.

Morrice Frederic Ximenes, Esq., called in and examined.

Ordered,—That Captain Gordon Evans be summoned to attend the next meeting of the Committee.

Adjourned, contingent on the House adjourning to that day, to Tuesday next, at three o'clock.

TUESDAY, 9th MARCH, 1869.

No quorum.

FRIDAY, 16th APRIL, 1869.

Members present:

Mr. Humfrey, in the Chair;
Mr. O'Shanesy,
Mr. Eldon,
Mr. Harker,
Mr. Horne,
Dr. Owen.

Captain Gordon Evans called in and examined.

Adjourned to Thursday next, at three o'clock.
THURSDAY, 22nd APRIL, 1868.

Members present:
Mr. Humphrey, in the Chair;
Mr. Homes.
Mr. Eldon.

Committee deliberated.

Adjourner to Tuesday next, at two o'clock.

TUESDAY, 27th APRIL, 1868.

Members present:
Mr. Humphrey.

No quorum.

Adjourner to to-morrow, at two o'clock.

WEDNESDAY, 28th APRIL, 1868.

Members present:
Mr. Humphrey, in the Chair;
Mr. Eldon.
Mr. Charles, Dye called in and examined.

Adjourner to Friday next, at two o'clock.

FRIDAY, 30th APRIL, 1868.

No quorum.

WEDNESDAY, 27th MAY, 1868.

Members present:
Mr. Humphrey, in the Chair;
Mr. Homes.
Dr. Orwell.

Draft Report was brought up and ordered to be printed.

Adjourner to Friday next, at half-past two o'clock.

FRIDAY, 28th MAY, 1868.

Members present:
Mr. Humphrey, in the Chair;
Dr. Orwell.

Mr. O'Shannassy laid before the Committee certain correspondence relative to the amount of claims preferred by Dr. Carr.

Committee deliberated.

Adjourner to Monday next, at two o'clock, to consider Report and amount of claims.
D.—No. 31, b.
X

MONDAY, 31ST MAY, 1858.

Members present:
Mr. Headfort, in the Chair;
Mr. O'Shanassy.

The following list of claims was laid before the Committee:

LIST OF CLAIMS FOR COMPENSATION FOR LOSSES SUSTAINED THROUGH THE DESTRUCTION OF PROPERTY DURING THE BENTLEY RIOT.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Claimant</th>
<th>Description of Property alleged to have been destroyed.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>George Wagstaff</td>
<td>Clothing and working tools</td>
<td>£ 6. 6. 0</td>
</tr>
<tr>
<td>2</td>
<td>Augustus Style</td>
<td>Gold, dark ness, musical instruments and music books,</td>
<td>£ 87. 0. 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>gold rings, and two boxes of watches</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>D. and W. Walker</td>
<td>Text and clothing</td>
<td>£ 30. 0. 0</td>
</tr>
<tr>
<td>4</td>
<td>Samuel Wacker, servant keeper</td>
<td>Merchandise stored in the yard of Bentley's Hotel</td>
<td>£ 45. 1. 0</td>
</tr>
<tr>
<td>5</td>
<td>Henry Harris</td>
<td>Clothing and working tools</td>
<td>£ 25. 0. 0</td>
</tr>
<tr>
<td>6</td>
<td>Rah Smith</td>
<td>Cleaning and working tools</td>
<td>£ 30. 0. 0</td>
</tr>
<tr>
<td>7</td>
<td>Michael Walsh</td>
<td>Text, household goods, clothing of self and family, and</td>
<td>£ 175.10.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>linen suspended by his wife</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Charles Dyer</td>
<td>Merchandise stored in the building attached to the Hotel</td>
<td>£ 415. 1. 0</td>
</tr>
<tr>
<td>9</td>
<td>G. C. Smith</td>
<td>Two boxes and their contents, which were stored in the</td>
<td>£ 145. 18. 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>linen suspended by his family</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Civilists of Bentley</td>
<td>Aggregate amount</td>
<td>£ 1724. 0. 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Claims for wages for work from Bentley in domestic</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>arrangements and carpenter, etc.</td>
<td></td>
</tr>
</tbody>
</table>

| 11  | Civilists of Bentley | Aggregate amount                                       | £ 372. 12. 0 |

The two latter claims of claims it is proposed to be rejected in toto, and only to entertain one of the first class in support of which there may be satisfactory evidence.

And considered item by item:

2. Augustus Style, £87—put and negatived.
4. Samuel Wacker, £45—put and negatived.
5. Henry Harris, £25—put and negatived.
6. Rah Smith, £30—put and negatived.
7. Michael Walsh, £175—put and negatived.

A claim preferred by Mr. Carr (in absence of the Yarmouth Lutestring). for the sum of £229.96, was also considered.

Motion made—that the sum of £10 be awarded to Mr. Carr. (Mr. Horne.)

Amendment moved—That all the words after the word "that" be omitted, with the view of inserting the words, "in the opinion of this Committee, a Board of Inquiry into the circumstances of the case of 'To Lutestring' should be held upon your report, Mr. Carr. (Mr. Horne.)"

Questions—That the words proposed to be omitted stand part of the question—put and negatived.

Questions—That the words proposed to be inserted in the place of the words omitted be so inserted—put and passed.

Adjourned to-morrow, at three o'clock.

TUESDAY, 1st JUNE, 1858.

Members present:
Mr. Headfort, in the Chair;
Mr. Horne.

Mr. Groves.
Dr. Owen.

A Draft Report (with schedule attached) was brought up and considered.

Motion made—that the resolution arrived at by the Committee yesterday, with regard to a Board of Inquiry, be referred, on account of the expense of such a proceeding to the country. (Mr. Owen.)

Questions—put and passed.

Draft Report further considered, and agreed to.

Charman ordered to report.
MINUTES OF EVIDENCE.

WEDNESDAY, 17th FEBRUARY, 1858.

Members present:
Mr. Broom, in the Chair;
Mr. Black;
Mr. Eton.

Robert Redo, Esq., called in and examined.

1. By the Chairman—I believe you were Resident Commissioner of the Gold Fields at Ballarat in October, 1854—I was.

2. Do you recollect the destruction of Bentley's Hotel? I do.

3. Will you state in your own terms, as well as your memory furnishes you, with the recollection of the affair, what actually did take place?—There having been rumors that a large meeting was to be held in the neighborhood of Bentley's Hotel to take into consideration the fact of Bentlay having been dismembered by the Bench, I feared that there might be some disturbance, though I felt not for one moment anticipate that it would have been anything serious, nor merely with a view of precaution, and not that I really thought any disturbances would take place. I ordered the attendance of a body of police within a certain distance of the hotel were the meeting was. I also gave orders to the officer commanding the military to hold his men in readiness, and I went myself to the Ballarat Camp, so that if any disturbance took place, I might soon be on the ground. The police were sent, but my instructions were to the inspector of police, that he should not bring his men into evidence at all, that they were to be kept back, so that the crowd should not be irrupted in any way by their appearance, and so that stone throwing or anything of that sort might not occur and bring on a collision. I went to the Ballarat Camp, then held by Mr. Amos, and enquired there, I could, with a glass, see the agitation of the mob, and I also heard shoutings, but I imagined that that was merely the excitement which you very often find in a mob. After a time, however, one of the police rode in, requesting that I would go down, as there was likely to be a serious disturbance, and saying that they had already begun to smash the windows of Bentley's Hotel. I rode as fast as I could, and when I came to the spot, I found that one side of the house was almost demolished; the boarding of the house was pulled off, and there was a large quantity of goods, such as calendars and things of that kind lying about, which had been pulled out by the mob. When I rode in they desisted for a moment, and having got off my horse, I got on to a window frame where the window had been broken away, and spoke to them, believing that if I addressed them they would be quiet. They did listen to me at first, but then stones were pelleted, and eggs, and little disagreeable sort of things. Mr. Amos accosted me very warmly, and he being the officer in charge of the police, and well known to most of them, was very well received. He tried very hard to impress upon them how wrong what they were doing was; but, however, in the midst of it talking, the back of the hotel was reported to be on fire. I then ordered the military to be sent for; but, I believe, that before my arrival the office had got a message from one of the officials present to bring the military there, that they might be in readiness. I ordered the mounted police to charge round the hotel to keep the mob off it, and directly the officer who commanded the military came up, I gave him the same directions. There was a strong wind blowing at the time; and though I believe I did everything I possibly could myself, and I know that many of the police and officers did what they could, to stop the fire at the back of the hotel, we found it was useless, and there we tried we could not save the property in the hotel. I think that is, in a few words, the sum total of what I have to say. There were, of course, many little incidents which I do not remember sufficiently at the present moment to assert positively, but these are the main features of the case. I may say that I had given the Riot Act, as a matter of precaution to Mr. Amos, a magistrate at the camp, in case it might be necessary to read it. Had I had the Riot Act in my pocket so that I could have read it myself, I should have done so, but I had no time to read for it, and, therefore, I could not read the Riot Act. I was so engaged in keeping off the mob and driving the people out of the place where they were getting to the liquor, and where I felt my presence was necessary, that I had not time to look for the magistrate to read the Riot Act. Perhaps I was wrong in picking out this person, who was rather an elderly man, to give the Riot Act to; but it was from the fact of his being rather an elderly gentleman, and my therefore thinking that he would be temperate in his conduct, that I put the Riot Act in his possession.

4. He did read the Riot Act, did he not?—No, he did not.

The Riot Act was never read.—The Riot Act was never read at Bentley's. After the house was destroyed at the back, and the wind set in in that direction, there was no hope of saving it; all the fire engines possible would not have saved it after it was once set on fire. It burned like paper.
6. By Mr. Elden.—Was it the day before the meeting or the same day that Bentley was acquired?—There was a meeting to be held; it was an advertised meeting, to be held in the neighborhood of Bentley's, in consequence of his having been acquired. I do not think it was the day after his acquisition. It being three years and a half ago. "Adopt the same date, but I think it was two or three days after Bentley was acquired that the meeting was to be held.

7. It was accounts of your apprehending some disturbance that you took these measures?—I cannot say that. I took these measures wholly as measures of precaution. I had never seen anything of that kind of outbreak to the extent to which this was carried, and felt perhaps a degree of false security, but I took these measures merely as matters of precaution, as I do at any time.

8. Had you been applied to by Mr. Bentley at all for any protection?—I think, at the very last moment, Bentley did send down to request that I would put some police into his hotel—"I think it do remember that.

9. The police were not under your immediate control, were they?—They were not, for it was after those fires at Bentley's that I received a letter from the Government stating that I was to control myself the head of the police, and if I was to have both the power, civil and military, under my control. That letter came to me after Bentley's affair; before that I could tell the inspector of police what I liked, but it was very much at his option whether he obeyed me or not.

10. By Mr. Heron.—Do you think it is possible that the inspector of police had had any communication from Bentley, requesting the use of the police?—I would not like to declare the fact, but I have a very strong idea that Bentley did send down just at the very last moment, just before the police left the camp. I imagine that he sent down requesting that there might be police put into his houses—that is the impression upon my mind.

11. By Mr. Elden.—Before the police went up?—Yes; and if I mistook that request it was addressed to the police magistrate, not to me.

12. Who was Mr. X1mes?—He was sub-inspector of police.

13. By the Chairman.—In what position was Capt. Brown?—Mr. Brown was inspector of police; he was the head of the police on that goldfield.

14. Are the Committee to understand from you that Capt. Brown had the chief command of the police on Ballarat at that time?—Yes.

15. By Mr. Elden.—Did you yourself give any orders to the police which they either obeyed or disobeyed?—My orders were not carried out with regard to the distance at which the police body should be kept from the meeting. Mr. Brown brought his men much more into conflict than I intended. I said, "Keep them back, so that there may be no collision; but at the same time be prepared to act in case there should be a闹e." He certainly came nearer than I intended; but whether he thought by placing himself there he was carrying out my wishes, or whether he judged himself that it was a better place, I do not know.

16. By the Chairman.—Are the Committee to understand that, supposing Bentley had sent you for protection, you were not in a legal position to give him protection?—If I could possibly have known before that such took place I would have taken planks, I would have taken very good care that he had protection.

17. Did you take charge of Bentley's place?—No; I had no reason to suppose they would attack Bentley's fence and hearing that there was to be a meeting in the immediate neighborhood. I only knew that their gerrys were rather excited against Bentley, and that there was to be a meeting held near his house. Bentley did not apply to me for protection; if he did send to the camp, which I believe he did, I think the application was made to Mr. Down, saying that he wished to have police in his house, as he was afraid the mob would do him an injury; but in my own mind I never anticipated anything amounting to the violence which took place.

18. By the Chairman.—Are the Committee to understand that, supposing Bentley had sent you for protection, you were not in a legal position to give him protection?—If I could possibly have known before that such took place I would have taken planks, I would have taken very good care that he had protection.

19. But the latter meeting the power in, so to speak the military, only arrived subsequently to this affair, did it?—Yes, giving me absolute power; but previously the power of a resident commissioner on the goldfield was something very uncertain; you were supposed to take all the responsibility, but you had not the power to give either the police or the military any direct orders.

20. Then if you had ordered the police to do anything, they might have refused to do so if they thought proper?—They could have refused, but at the same time they would have been liable to the charge being represented to their superiors if anything happened; but it could not be said, and I never could make it felt at any events, that the police were directly under my orders until after that.

21. Is it not a fact, that whenever you thought the protection of the police force necessary in the administration of the law upon the goldfield, you did send orders to that effect to the police authorities, and they obeyed them?—If I thought it necessary to have police in a certain position I would say, "I request you to send such a body of police as you and," but it was entirely at the option of the inspector as to whether he would obey or not; and he would say, "I cannot do it without orders from my superior," and he would send down to Captain Macdonald for authority.

22. Supposing that you had to send out to search for unlicensed miners during those days, would not the position for you to send and say you wanted a certain body of police for that purpose to go out with your subordinate officers?—It was.

23. And they invariably acted under your instructions?—Yes, always in that case.

24. Do you not therefore think that if you had given instructions to the police to have protected this hotel, or taken any other proceedings that you might have thought necessary, they
would have felt themselves alike bound to obey you as on other occasions?—If you wish to arrive at whether I think that if I had given orders that police should be placed in Bentley's Hotel they would have been so placed, I will say that I believe they would have been, but Bentley never applied to me wishing that police should be put in his hotel; if he applied at all, which I believe he did, it was either to the inspector of police or the police magistrate, and that only came to my knowledge afterwards.

26. What indeed you go up to Bentley's Hotel yourself on that occasion?—In the first place I went into the neighborhood itself from a feeling of precaution, in order that if anything took place I might be on the spot to assist in putting it down.

27. In your capacity as Resident Commissioner at the time?—Yes.

28. And that you went there and found the police in possession of the hotel? —No, that was the very thing I complained of when I came up, the police were not in the hotel, they were standing in a body at some distance off. When I rode up the people ceased pulling the hotel to pieces, and for a few moments they listened to me; however, after a short time a number of missiles flew about my head, and they cried me down. They listened for a short time to Mr. Ame, when a boy rode out at the back of Bentley's Hotel, and then was a cry that Bentley had escaped. This made them more furious, and they would neither listen to Mr. Ame nor to myself, but they began to demolish the hotel again, and it was at this moment that I ordered the police to charge round the building; I also called for the military, and I myself with some of the police went in and cleared the house, and we cleared the house two or three times until the fire got hold of us and we could do nothing more.

29. By Mr. Belden. —When you came up to ascertain whether your services were required, there were no police then in charge of the building, but the police were under Mr. Evans at some little distance off?—Yes, they were drawn up waiting for me to come, as he said would not act until I was there.

30. By the Chairman. —Would this statement, if made by Mr. Evans, be correct, "I could get no orders from him," meaning yourself, "the house might have easily been saved."—Supposing Mr. Evans to have said that, would that be correct?—No, it could not be correct at all, for this reason, that Mr. Evans was perfectly consistent, as a magistrate himself, and having two or three other magistrates on the ground, to have cleared the mob away from the house, which he ought to have done, and if he had done so at the very first onset, when he had plenty of force at his disposal, and just ridden his troopers round the hotel, I believe not a single thing which afterwards took place would have happened and he had the full power to do it.

31. Then are the Committee to understand that if Mr. Evans had discharged his duty the destruction might have been prevented? —I believe if the police had been more energetic, the whole thing would have been stopped.

32. By Mr. Belden. —From your not having been there at the time, it would be impossible for you to speak from your own knowledge, whether he did or did not exercise at the moment a sufficient control?—I can only say from what took place afterwards. I know at the time I went up, the police, instead of being inactive, ought to have been active.

33. By the Chairman. —What leads you to suppose that Mr. Evans could have saved the building if he had exercised due diligence?—From what I heard from other members of the Legislature here, he who were of opinion that if energy had been shown in the first instant, when only a few boys began pulling stones at the windows, and if then the police had quietly worked in between the hotel and the crowd without any further demonstration the building would have been saved. I could not say that positively myself, because I was not there at the time.

34. By Mr. Horwitz. —Would you be good enough to give the Committee the names of those persons who so informed you?—I think one was a person of the name of Mr. George Weber who was at the time commissary at the camp; I think I may safely say that he was, I am certain he was present because I saw him; and I may mention another, who I think I have about here that is Mr. Ame, the present warden at Green ville, in fact I am more certain of him than of Mr. Weber.

35. As regards the activity or otherwise of the police you are speaking from information gathered from those gentlemen?—Not on any of those gentlemen, but I speak from what I generally saw.

36. There are the two prominent parties? —No, it could not have been so with regard to Mr. Ame, because he rode up with me, but that was his feeling and mine too, that the police stopped in, in the first instance, the mischief could have been prevented.

37. Your own opinion is but an impression, but you stated to the Committee that you were confirmed in that opinion by the remarks of others who were on the spot; my reason for asking for the name of those gentlemen is, that the Committee will be able to call them and get their evidence will reference to the affair because years amount only to heresy evidence?—I think I may safely say that one of the police officers, Captain Carter, now the Adjutant of the Gogdon Rifle Corps, expressed himself in the same way, and I know he was present.

38. By Mr. Belden. —When you arrived and found that the work of destruction was actually in progress, were the police at that time quite inactive?—My impression is so, and I believe I am perfectly right in saying that they were drawn up in a body rather to the right of where the building, that is rather to the rear of the building on the right side.

39. By the Chairman. —Then, are the Committee to understand that what you complained of with regard to the police, is twofold, first that they put themselves too precociously forward before the row commenced, and that when it did commence they did not exercise that necessary vigilance which they ought to have done for the protection of the property?—I remember my saying
"I wish they had not come so near," but then nothing resulted from their coming so near. I merely mentioned this when I was speaking of the precautions I had taken, but no harm resulted from their being so near, and the fact of their being so near ought to have served for the better protection of the place as it turned out.

39. What you complain of in the second instance is not that they were too near, but that when you mentioned it they did not see sufficient safeguards to protect the property.—That was not sufficiently assertive.

40. By Mr. Eldon.—Did you stay there long enough to see the activity displayed by the police?—I was there until the place was burst down.

41. What did the police do during that time?—When I came up and called upon the police to come over, the plane house was completely burnt and the police and firemen were filling the street and bringing up blocks of wood and taking other measures to extinguish the flames, which was entirely nothing else but to save the furniture and effects brought out. The building was on fire and was completely gone by the time the police came up. I had, with the assistance of Mr. Ames and two or three others, cleared the bar, coming in some cases to rather personal encounter—the soldiers cleared the place afterwards, but it was impossible to put out the fire. As soon as I called upon the police to come on they went as willingly enough, but what I complained of so, I was of what they did, and of what which they did not.

42. By the Chairman.—Is it alleged that Mr. Evans stated to Bentley, "Do not blame me Bentley, Mr. Bass was the magistrate; I could get no orders from him; the house might easily have been saved." That is alleged by Bentley in his written statement put before the Committee as worth having come from Mr. Evans to him at the time?—Then I think with regard to that, it is sufficient to say, that Mr. Evans was there as being the inspector of police; and as a magistrate and having the police immediately under his orders, he ought to have put the thing down in the very first instance without any orders; supposing he had none, but I distinctly deny that he waited orders from me, because he was placed there for the express purpose—for what else could he have been placed there but to prevent the demolition of the property.

43. By Mr. Horns.—In your judgment, and it appears that you were on the ground during the whole time, is the destruction of this property in any way to be attributed to the ineptness or negligent action of the police?—I was on the ground the whole time; when I came up the house was partly demolished; but I must say, that my impression was, from what I saw and what I heard afterwards, that had the police acted with energy in the first instance, when the mob began pelting the hotel with stones, the hotel would have been saved.

44. Then is it your opinion that if the police had discharged their duty, what ultimately took place would not have taken place?—That is my opinion certainly.

45. Was this property at any time within your knowledge in charge of the police, or in charge of any party belonging to the Government for preservation?—It was by my instructions the property was brought out of the hotel.

46. My question refers to the building which was destroyed, was that at any time under the charge of the police, or in the charge of the Government for protection?—Not before it was attacked, or if there were police in the place, I was not aware of it.

47. By Mr. Hacker.—There might have been police there without your knowledge?—I hardly think there would have been police in the house without my knowledge.

48. By Mr. Horns.—My question was simply to this effect, whether at any time this property was in the custody of the Government, either by the police, or the military, or in any other way, previous to its destruction by fire?—Previous to the destruction by fire it was not.

49. But after certain property was brought out, which was saved from the fire, was that retained in the custody of the police?—It was.

50. By the Chairman.—Do you know of your own knowledge that Mr. X—was, as sub-inspector of police at the time when the direction of Mr. Evans, was in charge of the hotel, or was there with a police force?—I am not aware of that at the present moment. I have a glimmering idea that there was some talk of some of the police being present in the hotel; but my impression is, that there was a wish expressed as to none being placed there, but that they were not there. I can almost positively declare that there were no police in the house when I came up.

51. You found them drawn up as you have previously described.—What I saw of the police was, that they were in the right and rear of the building.

52. You can state positively that there were some brought there by your orders?—There were none placed in the hotel by my orders.

53. And if they were so placed there it was done, without your knowledge or authority?—If they were so placed there I have no reminiscence of it as present.

54. Did you order Mr. Evans to be on the spot with his men?—In the neighborhood certainly.

55. Do you not think from the practice which obtained on the gold-fields at that time, that Mr. Evans would wait for subsequent directions from you?—Mr. Evans was perfectly aware at what act it should be done; he knew I had gone to the Hurry Camp to be in the neighborhood. My only reason for going there was, that I might be there; and, at the same time, I did not want any officers to be sent there in order for fear of bringing them into confusion with the mob.

56. Under the course of proceeding then obtaining on the gold-fields, do you think it likely that Mr. Evans would act without instructions from you?—I am very sure he should not have done so. He had no right to wait for any instructions from me when it was to keep the public peace.

57. Then you are of opinion, that he not only had authority to act, but that it was his
duty to have acted?—It was his duty to have acted, decidedly. If he was going to apprehend a man he would not send to me to know if he should do it.

58. By Mr. Elden.—You say that you have an impression, or a sort of recollection, that you heard at the time that Bentley had sent me to the camp, asking for protection to be sent down, can you say to whom that application would have been made?—I think the probability is that it would have been made to Mr. Owen, as being the inspector of police.

The witness withdrew.

Adjourned to Friday next at three o'clock.

TUESDAY, 30th FEBRUARY, 1858.

Members present:
Mr. Humphry, is the Chair;
Mr. D. S. Campbell,
Mr. Elden,
Mr. Horns,
Dr. Owen.

Gilbert Andrew Ams, Esq., called in and examined.

59. By the Chairman.—The Committee are anxious to hear from you all that you can. But, Mr. Ams, do recollect what took place at the period of the riots at Bentley's Hotel, as to what circumstances came under your observation and within the range of your notice, more especially with regard to the police, as to what part they took in the matter?—Somewhere about three o'clock in the afternoon of the day on which the affair took place—I forget the date—

60. The 17th October?—Mr. Red, who was the officer in charge of the Borough district, came over to my camp—I was in charge of the Euxeda district, subdivision of the Borough district—and told me there was a disturbance expected to take place at Bentley's Hotel. There had been considerable excitement brewing for some time in connection with a case of manslaughter there, supposed to be murder at the time. I had a telescope which I lent to Mr. Red, for the purpose of seeing what was taking place at the hotel. My camp was situated nearly a quarter of a mile from Bentley's Hotel, but we could see distinctly, and we saw there was considerable excitement going on. We mounted our horses and proceeded towards the crowd, and on our arrival there we found a number of fluctuating diggers; the precise reason not transpiring. There was a great deal of clamour and excitement going on, and the diggers seemed to be of opinion that a decision had escaped justice, and that he was arrested in the hotel, and they wished to get hold of him; I think, as far as I recollect, either for the purpose of handing him over to justice, or to inflict summary justice upon him; it is three years and a half ago, and it is rather difficult to remember precisely. Mr. Red, in his capacity as chief magistrate of the district, took a position at one of the windows, being an elevated position from whence to address the mob, in order to try and quiet them, and pacify them. On this, they listened for a short time, and then began to pull him with quartz and other things; and I seeing this, having been an older inhabitant of the district than Mr. Red, and being personally known to a number of the miners, I jumped up by his side, thinking my presence might protect him, who was less known. It had the desired effect. I then addressed the mob, and told them exactly, as far as I knew, what was the case, and that justice, of course, would overtake Bentley—who was the proprietor of the hotel. They appeared very quiet for some time. I could remember one man among them, who was particularly energetic about that time, and who, I think, would afford the Committee a great deal of evidence, a Mr. McLaytoy; he was afterwards tried for having been there at the time of the disturbance. At the time I was addressing them some person came out of a court-yard, apparently from the back of the hotel—but being rather behind me I could not see exactly from where he came—and fired off a pistol; there was a shout to the effect that this was Bentley endeavoring to make his escape. The number assembled in front of the hotel was about 4,000, as far as we could make out, and about half left to see if this was Bentley or not, and great capture him; the remainder stopped; but this half got into the court-yard at the back of the hotel, and the course of five minutes there was a cry that the hotel was on fire. A portion of the mob had evidently set fire to this hotel, which was a wooden building, and very susceptible to take fire, and capable of burning with great ease if anything inflammable were put near it. I remember little more positively. For the space of the next quarter of an hour there was great excitement, and the next thing that I remember doing was trying to save some of the property of the hotel. I found a great number of people very excited indeed; the miners not contented with the mere process of fire, were also hurling huge pieces of quartz into the hotel, which was very well fitted up, the furniture being very good, there was a handsome chandelier, and altogether it was well fitted up. I endeavored to stop this, and exposed myself in front of the bar, till four of the miners took hold of me, and carried me bodily away. They said they did not wish to hurt me, nor any other person, but they were determined to destroy the hotel. Mr. Green, who was a magistrate and sub-treasurer at that time, was instructed by Mr. Red to be on the ground in his capacity of Justice of the Peace to act in case any disturbance should take place, and he was instructed to provide himself with a copy of the

BEALLABY RULES—4.
Riot Act to read in case of necessity. This I remember having been told. I do not know it from my own personal knowledge.

53. Do you know whether Mr. Green did read the Riot Act?—Mr. Green did not read the Riot Act to my knowledge. Fresh excitement followed as fast upon that which had previously taken place that he had no time, and constitutionally he was not at all a person who would have been up to any great emergency under such circumstances.

54. Had you charge of any of the police for that day?—Mr. Evans was the inspector of police at Ballarat and the sub-inspector of police of my division was Captain Carter.

55. Then do you happen to know of your own knowledge what police arrangements were made, if any, to protect the hotel that day?—There were a great number of police riding backwards and forwards, but I am inclined to think, speaking of my personal impression, that the police did not show great energy on the occasion.

56. From what you saw?—From what I saw, that was a point of condemnation at that particular time.

57. Provided they had shown more energy what do you think would have been the result?—I cannot possibly say, for the simple reason that I was not the officer of the police, I was merely assisting. Captain Carter is in the next room and can give the Committee information from what he saw himself.

58. I merely wish to ascertain from you, so far as your own observation guided you on the occasion and your recollection, whether you think the police might, in fact, have prevented the destruction of the hotel, had they displayed more energy?—Or one or two occasions I have seen similar instances of great excitement amongst the multitude, unfortunately once since that, and on one or two former occasions, and it is almost impossible to form an opinion of how many men might resist an excited multitude. The number of available police could not have come to fifty, and the number of the mob was 4000, and it depends on the state of excitement the mob saw in.

59. By Mr. Eldon.—Are you aware of any message having been sent to the Eureka Camp, by Bentley, asking for the assistance of the police?—No.

60. By the Chairman.—The Eureka Camp was Mr. Red— the Commissioner’s Camp?—Yes.

61. Provided any application had been made by Mr. Bentley would he have sent there or to the chief camp?—I cannot answer. There is no doubt the largest police force was at the Ballarat Camp and the smaller one at the Eureka. I should have sent to both perhaps, but I do not know what the arrangements were that day. I can tell you further about the military who were called in shortly afterwards; after the hotel was inevitably on fire the military came. Some had been stationed, or had come up, very recently within a short distance of the hotel. So far as I can remember, in the course of about twenty minutes from the actual firing of the hotel, military were placed in the front approaches to the hotel, in the front rooms to the hotel, and encircled the hotel as far as the people supported at all, I might say, that would have had the effect of stopping the fire, for the simple reason, that the fire was put out several times during the time they were there, in some places, but act fire to in others; they were a small body, not above eighty at the extreme, and through their ranks men passed between and added fresh fuel to the fire and they took parts that were blazing from one place and put them to another; one man I saw run up to a soldier and wrest his musket out of his hand. A great many fires I put out myself, but as fast as they were put out they were lighted again. I remember some buildings near that were saved.

62. Do you remember the case of Welsh, I think I saw you assist the poor woman whose house was burnt down over her head?—I recollect the woman.

63. You do not recollect the name?—No.

64. Those parties have sent in a claim, and I recollect distinctly seeing you assist that poor woman away when her house was burnt down?—That house was gutted entirely. I carried her and the children I think, just as the house was burning; I thought she was dying at the time.

65. She was in the pains of labour?—Yes. I could tell about another building—kept by a chemist I fancy.

66. Anderson?—It was a corner house. Dr. Carr’s house was not burnt, there was no damage sustained; I was then present, and I saved the house myself and no damage whatever was done to it. We got wet blankets and put them on the top.

67. By Mr. Eldon.—Are you aware from your own knowledge, whether the police were at any time in charge of this building?—I am not aware of my own knowledge.

68. When you came up where were the police at the time?—I cannot tell you.

69. Were they inside the house?—I cannot tell you; I came up in a time of great excitement, and the first thing I did was to get up to the window and address the people.

The witness withdrew.

Charles Jefferys Carter, Esq., called in and examined.

70. By the Chairman.—What official position did you occupy during the time of the riot at the Birdwood Hotel?—Sub-inspector of police.

71. Would you be kind enough to state as shortly as possible what you recollect of the police arrangements for that day with regard to Birdwood’s Hotel?—We were given to understand
a meeting would take place of the diggers in consequence of the death of one supposed to have been killed by Mr. Amos, and we were ordered to attend.

90. Who ordered you to attend?—Mr. Evans, my inspector, who was the inspector of police. I attended, and after the meeting had taken place and some of them had harangued the mob they went over towards Bentley's Hotel and I followed.

91. Did you state what instructions were given to you when you went down with the police force?—I was not told to bring any man with me, I only had five or six. I went down there and saw the whole of the riot from the very commencement. After the people had been throwing stones and breaking the windows, and attempting to pull down the house, in fact, I rode up to Mr. Evans and asked if he intended to allow the men to pull down the house. I got no reply, and I think three or four times I asked him the same question. "Are you going to allow these fellows to pull down the house," and I could get no answer. I am firmly convinced that had the police been ordered to do their duty, the house would not have been burned down. We had plenty of police there to prevent it. It wanted a little determination on the part of Mr. Evans.

92. And notwithstanding you pointed out that he had absolutely refused?—I could get no order. Mr. Ximenes was there; he stood in the doorway while the stones were being thrown, and the windows smashed about him, but of course he could do nothing, because Mr. Evans was on the scene and we waited for orders, and got none.

93. You were not authorized to act except under his orders?—Not while the senior officer was present.

94. Then in your own words you are fairly convinced that had the police used sufficient energy the house would have been saved?—Yes, for the time.

95. By Mr. Eldon.—Are you still in the police?—No, I am adjutant of the Geelong Volunteer Rifles. I am still in the public service.

96. You say you were not in charge of any portion of the body of police at that time mentioned?—No, I had no men under me.

97. You were stationed at the Esquire Camp?—Yes.

98. Was any application made to you from Mr. Bentley for protection?—I received orders from Mr. Evans to have my men patrolling, but I myself was in front of Bentley's Hotel during the whole time that the riot was taking place.

99. Were the police in charge of the building?—Yes.

100. How?—Mr. Ximenes was standing in the doorway.

101. Where were the police?—A portion of the first police were inside under Mr. Ximenes' charge, and the mounted police were outside. I sat on my horse, and was powerless to do anything, and Mr. Evans being there.

102. Were you on the ground before Mr. Amos arrived?—I was. I saw him arrive, and Mr. Beed got up into the window and attempted to pacify the mob, and first an egg was thrown, and then after that stones, and bottles, and bricks were thrown, so that he was obliged to leave that; and shortly after the house was set on fire, and the military came up.

The witness withdrew.

Mr. George Cleasby Smith called in and examined.

93. By the Chairman.—This document which you have laid before the Committee Mr. Eldon, is made to purport to be a statement of the goods which you alleged were lost on the occasion of the riot at Bentley's Hotel—Is it doos.

94. Could you supply the Committee with any corroborative evidence as to the fact that you disagreed? Mr. Ximenes at the time?—I can.

95. What is the nature of that evidence?—One of the domestics of the house, whom you can have to examine.

96. Has she here now?—She is.

97. How did she know that you had those things?—She did not know the specific number of articles, but she was present when I was selling some articles of this description—electro-plated sugar tongs and other things—to Mrs. Bentley. She was unremissed, and she was the party who had my two portmanteaus in her charge, in Mr. and Mrs. Bentley's bedchamber.

98. By Mr. D. S. Campbell.—She cannot exactly prove that these things were in the portmanteaus as set forth in that list?—That is an impossibility; but I have the inventory, which I made at the time, of the movable property; I left there, which I can produce.—The witness produced the same and handed it to the Chairman.

99. When were you at the time this first lack place?—I believe I was on the Avoca. I went out prospecting, and I left this property with Mrs. Bentley, and took the inventory which I have produced. The only evidence I can give in the matter are Mr. and Mrs. Bentley, and thedomestic, who was unremissed there.

100. By the Chairman. What does this paper produced by you purport to be?—It is an inventory of the things.

101. What prices put here?—(Ref to the other document)—are what I paid for them; but, unfortunately, every paper was burnt, the invoices and everything.

102. By Mr. Eldon.—What business were you following then?—I was then going out prospecting.
Mr. A. C. B., brother; and as I was going up to the Oval I had the misfortune to have my left arm smashed all to pieces, and I lay at Mr. Bignell’s for some time. My brother and myself bought £500 worth of jewellery in Cornhill, London, and this is the reason.

103. You brought those things out for the purpose of trading?—Yes, with the exception of the clothing.

104. Have you any person here who could support your statement that you brought those things out from England?—I have not.

105. No person who is at all acquainted with the facts of having such property in your possession here before you went up to Ballarat?—I do not know whether I could get evidence of that kind I am sure.

106. By the Chairman.—What state, that this servant girl can prove, is simply, that she saw you have such articles exposed before Mrs. Bentley, and that the portmanteau was in her charge?—She knows I kept the portmanteau there, and that they were taken into Mr. and Mrs. Bentley’s bedroom; and she was the only person who was allowed to go there, and she tells me she placed those two portmanteaus under Mr. and Mrs. Bentley’s bed.

107. By Dr. Owen.—What Bignell’s were you stopping at?—The old Bush Hotel in Elizabeth-street.

108. Had you those goods with you when you were there?—Yes.

109. Is Mr. Bignell, or anybody connected with him, in a position to support your statement that you had that property in his house?—They could not tell what property I had; they knew I had goods there.

110. What was the bulk of those goods?—There were two leather portmanteaus of a large size, which I paid seven guineas for in London.

111. Were those leather portmanteaus at Bignell’s?—One of them was and the other was stored down at Nix’s, I think.

112. Did you make any statement to Mr. or Mrs. Bentley as to the contents of your box?—I did.

113. Did you take any memorandum from them for the goods you left in their hands?—No, I did not, the only thing I took was the inventory I have now handed in to the Committee, and after making that inventory I sold forty slips to a person of the name of Thomas Jones, who had been bidding me a price for some; I sold them for £29.

114. By Dr. Owen.—Are you a sportsman?—Yes.

115. And a judge of a gun?—Yes.

116. Did you buy this gun?—Yes.

117. Did you buy this gun—(referring to the inventory)?—For your own sport?—My cousin, John Halptton, bought one for me and one for my brother also, which he gave £25 for; my brother sold his to Lieutenant Pudliccooke for 10 guineas.

The witness withdrew.

Agnes Smith examined.

盛世, 29th Jan., 1871.

117. By the Chairman.—Are you any relation to Mr. Smith, the last witness?—No.

118. What do you know about him or recollect with regard to him?—I recollect him being at the Eureka Hotel—Bentley’s.

119. Do you recollect seeing any goods with him of any description, if so, just describe them?—He had two leather boxes.

120. Did he leave them behind him when he went away?—Yes.

121. How do you know?—They were kept under Mr. and Mrs. Bentley’s bed.

122. Did you see them?—I removed them backwards and forwards.

123. Were they heavy?—Yes, one was much heavier than the other.

124. Have you any idea of what was inside them?—I saw one of them opened and I saw some knives and forks sold to Mr. Bentley.

125. Anything else?—I could not see anything except knives and forks and some spoons.

126. It was only one box you saw opened?—That was all.

127. You did not see any jewellery at all?—I do not recollect any.

128. By Dr. Owen.—How long were the boxes?—About that length—about 2 feet 6 inches—they were small.

129. You are sure they were small boxes?—Yes.

130. By Mr. D. S. Campbell.—Were they leather?—Yes.

131. By the Chairman.—What kind of leather—were they black or brown or what?—A kind of calico.

132. The natural color of the leather?—Yes.

133. Were they well made or were they common boxes?—I could not say. I believe they were what they call American portmanteaus.

134. Were they deep?—Do you know about what the depth of them was?—I think they were about that height—about 16 inches.

135. By Dr. Owen.—You know what a gun case is?—Yes.

136. Were either of those portmanteaus long enough to put a gun case in?—I do not know.

137. By the Chairman.—You did not take that particular notice perhaps to enable you to say it?—I did not.

The witness withdrew.

Adjourned.
FRIDAY, 5TH MARCH, 1859.

Members present:
Mr. Hemphray, in the Chair;
Mr. Ebeden, | Mr. Hacker,

Maurice Frederick Xixmen, Esq., examined.

188. By the Chairman.—Would you state what was your official position on Ballarat & F. Xixmen, at the time of the destruction of Bentley's Hotel?—I was sub-inspector of police.

189. Would you state to the Committee what instructions you received that day relative to Bentley's Hotel?—On the day in question I was at sea, for by Mr. Evans, the officer in charge of the police in the district, with directions to take ten men unarmed, and proceed to Bentley's Hotel, and remain there until after the meeting which was called.

190. Did you further to the police that should they would hang him at the lamp post. A large body of the mounted men, about twenty or thirty, came up with Mr. Evans, and the mob then proceeded to acts of violence, such as tossing stones, which smashed the building in every direction.

141. The Committee wish to know from you what instructions you received from Captain Evans subsequent to those you have stated—I never received any further instructions.

142. Not after Mr. Evans came up?—No.

143. Will you state to the Committee what you did?—I kept the men under my own immediate command out of sight till the mob tried to come into the house, and I then brought them down stairs, they kept the mob out for a considerable time. The mounted men under Mr. Taylor were holding round the house and the mob polishing them. I once or twice did go up to Mr. Evans and Mr. Taylor both, and suggested that they should keep a space round the house by keeping their men up, but they declined to act unless the magistrate read the Riot Act. The mob got worse, and the soldiers came up and then the mob set fire to the house, and not one plank was left upon another.

144. Are the Committee to understand you to say that Mr. Evans declined to interfere without the Riot Act being read?—I went up to Mr. Taylor, who was in immediate command of the mounted men, and whilst he was polishing the house I could do nothing with the men unarmed, and I suggested that they should clear the place round the house, and the impression on my mind is, that if they had acted when first they came up the riot would never have taken place; but after it had continued some time it might have required bloodshed to have stopped it.

145. Did you have any conversation with Bentley when you first went up?—I did.

146. By Mr. Hacker.—When did you go up?—Ten in the morning, long before the meeting took place.

147. At what hour was the meeting to take place?—Twelve o'clock, if I recollect rightly. I had some conversation to this effect. Bentley came to me when they were smashing the house.

148. By the Chairman.—But in the first instance when you went up did Bentley speak to you?—We had some conversation which I cannot exactly recollect the nature of. We had some conversation; I was obliged to address him in the first instance.

149. Did Bentley make any complaint to you of having the policemen disposed in view? Not during the riot because they were entirely out of the place.

150. Did you say anything to Bentley to the effect that you had taken charge, is the name of the house, of his house?—No, I did not.

151. By Mr. Ebeden.—If you say that you had taken charge of the house, did you inform Mr. Taylor of that fact?—I would not undertake to say that I could with those men, but when Captain Evans came my power ceased, I said, I had come to protect his property, and Bentley expressed his opinion that there would be no riot at all. I went to the meeting myself and as soon as it was over came back; I did not take my men; the police were out of sight, and, in fact, the mob did not become violent until the main body of the police arrived.

152. Do you recollect saying to Bentley, "Bentley, do not you interfere with me, I have taken charge of this house in the name of the Government."—No, I do not recollect that; I recollect telling him that I was sent up to protect his property, and his expressing his opinion that there was not the slightest fear.

153. Did you then assure him that you would take care of his place?—This was after the main body of the police arrived; the mob were becoming very violent, and I thought serious consequences would arise to Bentley, and I suggested that he should go to the Camp. He said he had no horse. I said, "I will let you have my horse. You had better shew yourself to the people in front and it will draw them off the house, and they will follow you up to the camp," and I believe I said I would take care of his property.

154. Did you guarantee its protection?—No, I cannot say that I guaranteed its protection, I said I would protect his property, or the Government would protect it, the policemen, I did not mean myself personally.

155. By Mr. Ebeden.—And you urged him to go for his own safety?—Yes.

156. You were afraid they might lay hold of him and yach him?—Yes, I saw the mob.
had got to that pitch that I thought if they did get hold of him they would Lynch him, and that it was best to get him out of the way.

107. By the Chairman.—If the police had used due diligence and vigilence when the row commenced, do you think the destruction of that bond might have been prevented?—What I mean to say is this, that when the armed police came up, I think it might have been prevented. I think it was more cast as a sort of lurk, in the beginning, than anything else, and if it had been handled with decision in the first instance, it would not have required the Riot Act to have been read. We could not fire on them without its being read, but we could have disposed the mob.

108. By Mr. Eldon.—Were the armed men there before any actual violence commenced?—Yes, they did not attempt any violence against me. I was standing in the door way until the armed police came up.

109. By the Chairman.—The first attack upon the house was commenced by stones and stones thrown through the window and glass and stones against the wall, was not it?—Yes, and breaking the windows.

110. Have you any further statement that you can recollect that you would wish to make?—I know the whole circumstances of the case.

111. What was the reason that induced Mr. Evans to order you there in the first instance, as it was in consequence of any complaints of four made by Bentley himself?—Yes, Bentley came up, I was told.

112. By Mr. Eldon.—You were told?—I know he did. I saw him come up and he said it was reported that they intended to burn his house, and Mr. Evans said to me, "I wish you to take up ten men and remain there, you can take one trooper with you and if there is any considerable disturbance the rest of the police will be at hand and will come to your assistance." I suggested that the men had better be armed, but he said there was no occasion for it.

113. By the Chairman.—Were you present when Bentley made this complaint to Mr. Evans?—No, I was not, but Mr. Evans told me himself that he had applied to him.

The witness withdraws.

Adjourned to Tuesday next at three o'clock.

FRIDAY, 16TH APRIL, 1558.

Members present:

Mr. Hume, in the Chair; Mr. O'Sullivan, Mr. Trollope, Mr. Gresley, Mr. Gresley, Mr. Hume.

Gordon, Evans, Esq., called in and examined.

164. By the Chairman.—Will you be kind enough to state what office you hold under the Government at the period of these disturbances at Ballarat, and the destruction of Bentley's Hotel?—At that period I was Inspector in charge of the police in the Ballarat district.

165. Had you the conduct and control of the force at that time?—I had, subject to the control of Mr. Redo. I had the immediate control of my own force.

166. Had you any control over the force independent of the instructions of Mr. Redo?—Mr. Redo could give me orders, and I was bound to obey them.

167. Was it not optional with you to refuse to comply with Mr. Redo's orders, if you thought proper?—I should not have attempted to do so unless I thought they were entirely in opposition to instructions received from the Chief Commissioner of Police, and in that case I should have communicated with the Chief Commissioner on the subject. There was an order sent up, either previously or subsequently to that affair, that the resident commissioner was to give the field officers.

168. Will you state what position you held prior to that order, and subsequently to its being received?—I do not consider that there was the slightest altercation in my position. I always received orders from Mr. Redo. I never sent the police out except I received instructions to do so.

169. In case of riot or disturbance, would you not have acted without consulting him?—In that particular case I was instructed to send the police out to Bentley's, but not to have them in view of the meeting.

170. By Mr. O'Sullivan.—Was there not a divided authority between the police when they were executing their ordinary duties as more police in criminal cases and when employed in collecting the licence fee—was there not two authorities in existence, the first in reference to the collection of the licence fee, which was then the law of the land, and the other authority in relation to mere ordinary transactions, such as they now perform?—In this way. So far as the discipline of the men was concerned, none could interfere but the Commissioner of Police.

171. Supposing that you wanted to arrest a man for murder would you not have done it independent of Mr. Redo?—Certainly.

172. By the Chairman.—Will you be kind enough to state what induced you to take your men up?—I did not take the men up, they were sent up by different parties.
173. By your instructions—I received instructions from Mr. Rodo to do so, and I gave the necessary orders to the different officers in charge to keep them out of view. I saw Mr. Rodo afterwards come up the road, and he said I was to go up there, and if anything unusual took place I was to report it to him. I told him I had been previously and that I was fearful, that Bentley having been dismissed, there would be some unpleasant disturbance and in case of necessity he should send up a magistrate to read the Riot Act. First he thought of sending Mr. Johnson, but he was on the bench at the time of Bentley's speech. He therefore sent up Mr. Green, and he said I was not, in any case, to act without orders. The Riot Act must be read before I could do anything. The police were at first posted out of sight of the meeting and all went on orderly enough at first, but afterwards they commenced looting and throwing stones, and they said they were determined to have Mr. Dewar or Mr. Bentley, one of the other, they would not be satisfied without one of them. They began to throw stones at the windows and snapped their bands and commenced tearing down the railing. I then sent the magistrate and told him I thought the place would be destroyed unless the police went out. He said, 'Very well, call the police up,' and they went according to his instructions.

174. By Mr. O'Shaunessy.—Bentley had swayed at this time—I cannot say.

175. Did you see the destruction of the property take place?—I did.

176. Under the eye of the police?—Yes; the police came up, as I said, and when I saw we could do nothing without the Riot Act being read, I rode up to Mr. Green and begged of him to read the Riot Act.

177. Were the police armed?—They were, but not loaded.

178. What number of police had you?—I think about twenty-four mounted police and about thirty-four footmen.

179. By Mr. Elden.—Under arms?—Yes.

180. By Mr. O'Shaunessy.—At what did you estimate the strength of the populace?—When the disturbances commenced there appeared to be about 1,500 people, but at the end of the riot there might be 7,000 or 8,000 people.

181. At the time you were on the ground, and could not preserve the place, how many were there?—4,000 or 5,000.

182. You consider that without the Riot Act being read it was impossible to arrest the destruction of the building?—Totally impossible.

183. Did the whole population seem to take part in the destruction of it?—Yes; that is, the greater part.

184. And there was great excitement?—Not against the police.

185. Did you drive off the police to any distance?—I went a second time to ask Mr. Green to read the Riot Act.

186. Was it Mr. Green?—He was the Gold Commissioner. I told him I held him responsible for the consequences of the disturbances, for I could not save the property without he read the Riot Act.

187. Did you draw the police off to any distance from the building, so as not to be entangled with the crowd?—The people pressed us up against the building.

188. So that you did every thing you could without the Riot Act being read?—I did.

189. By Mr. Elden.—Had you any application from Bentley for the protection of the police or did that application was made for police protection.

190. But Bentley did not make application by a messenger of his own?—I cannot say.

191. Know application was made for the police to go to Bentley's.

192. By Mr. Horne.—But not by Bentley himself—I cannot say.

193. By the Chairman.—Are you positive that you received your instructions from Mr. Rodo?—He had the whole planning of the thing.

194. Then if Mr. Rodo had not instructed you to take the force up there, would you have gone?—At Bentley's own request I should have gone;—I always did to any person applying for police protection, and he asking for protection, invite his house was.

195. Do you recollect when you went?—Mr. Ximenes went.

196. Do you recollect Mr. Ximenes applying to clear away the crowd round the hotel?—No, I do not, I recollect Captain Carter asking what I was going to do. He said, 'Are you going to sit here and do nothing?'

197. By Mr. O'Shaunessy.—Who was Captain Carter?—He was one of my sub-inspectors. After that I went, as I told you before, to ask a second time that Mr. Green would read the Riot Act, but it was useless. He seemed almost beside himself, and did not know what to do, and I was only to act under him. Mr. Rodo said I was not to unite the two offices, judicial and executive.

198. By the Chairman.—I was going to ask you if you were not a magistrate and in a position to have read the Riot Act yourself had you chosen it?—If I had not known that Mr. Green was on the ground for the purpose of reading the Riot Act I might; but under the circumstances I do not think it would have been right.

199. By Mr. O'Shaunessy.—Is there not a regulation to a contrary effect?—There is; at the same time if the Riot Act had been read we could have dispersed the crowd. There would have been less of life, but no more of property taken place afterwards.

200. By Mr. Elden.—Do you remember having any conversation with Bentley on that occasion?—No.

201. Do you consider yourself actually in charge of the premises?—Never.
201. Did you ever say to Bentley: "he might consider himself perfectly safe, you were in charge of the house"?—Not on my occasion. I saw Mr. Rede give the riot Act to Mr. Green.

202. By the Chairman.—Then there is no truth in that statement if made by Bentley himself—did you ever make any expression of that kind?—Not at all. He was up in my quarters, and I just asked him a night's lodging—rooms in the barrack, a part of my house. He was taking them, and he went away and said, "Why did you not act—why did you not act?"—I said, "Bentley, I must obey my orders." Nothing further passed.

203. Did you lead him to believe, by any expression of yours, that the house might have been saved if proper energy had been used?—I cannot say—he might have understood so.

204. Did you say, red the Riot Act been read, to authorize you to have armed, it might have been saved?—No, I did not.

205. You do not think you led him to believe so by any expression you made to—?—No, I think not; but my impression is that we could have saved the house if the riot Act had been read, but I cannot say what the people might have done after we left the ground. I have had occasion to disperse mobs before, and I judge from my previous experience.

206. Would you have acted differently in what you did if you had had the instructions required from Mr. Bode?—If Mr. Green had read the Riot Act, we could have acted; as it was, I drew off the men.

207. You did not wait for any further instructions from Mr. Red, then?—No, I did not.

208. By Mr. O'Shaugnus.—How long did this violence continue in your presence—while you had the force on the ground; how long did it take to destroy the buildings, from the time they commenced the demolition of the building until they finished it, the police being present?—I cannot say; it was more than an hour and a half, perhaps.

209. By the Chairman.—I would like to know from you whether you do not think that the house might have been saved from destruction with proper energy on the part of the police without going to extreme measures?—It was not possible; it was one force against another.

210. But reasoning from the first evidence you had of an intended disturbance, do you think, if energy had been used, it might have been saved?—I do not think it could have been, I believe that a great many people knew that the police could not act, which rendered them bolder.

211. By Mr. O'Shaugnus.—Were any of the crowd armed, or were any shots fired during the disturbance?—I did not see any arms, but it was reported to me by some of the police that a great many had fire-arms about them.

212. By the Chairman.—You add a few minutes ago that you got no orders—?—I got no orders from Mr. Red before leaving the camp, excepting what I stated.

213. Will you state what your orders were prior to setting out from the camp?—It was to send the police, and to keep them out of view during the meeting.

214. Were there no contingent orders?—That I was to take instructions from Mr. Green. He had the riot Act, and before I retired he was to give me instructions; so that my orders were completely tied.

215. Did you see Mr. Rede and take instructions from him after you came to the ground?—The same was half burnt when he came.

216. Having stated what kind of instructions you had from Mr. Red, what instructions did you receive from Mr. Green?—I could get any from him, excepting I was to use more forbearance.

217. By Mr. O'Shaugnus.—What do you mean by more "forbearance"?—What force were you using at the time?—I was doing all I could to keep the people back.

218. And he thought that the riot Act not being read you were going too far?—I did go, and tried to speak to the crowd, they listened at first and then began to laugh.

219. By the Chairman.—I will read you an answer given by Mr. Red to the following question:—"Did you, yourself, give any orders to the police which they either obeyed or disobeyed?" He replied, "My orders were not carried out with regard to the distance at which the people should be kept from the meeting." Mr. Evans brought his man much more into evidence than I intended. I said, keep them back, so that they may be in collision, but at the same time be sufficiently near to act in case should be a row. He certainly came nearer than I intended, but whether he thought by placing himself there he was carrying out my wishes, or whether he judged himself that it was a better place, I do not know."

220. Does the same thing occur to you?—I believe there was a single instance to be seen in the grounds, and the exception of one or two horses now of the police were shown up by myself, or came up by my instructions, until I considered portion of the house was destroyed.

221. By the Chairman.—Did Mr. Red order you to place men at all?—No. It was at the request of Bentley.

222. By Mr. O'Shaugnus.—Did you see any portion of the building on fire on approaching it, on coming from the camp to Bentley's hotel in the first instance?—I was there before the meeting commenced.

223. I am speaking of your marching the police from the hotel?—They had just commenced to set fire to the fence round the house.

224. Before you approached the building?—The meeting was held close to where the hotel was.

225. You were first to the meeting and after that was over they went to the hotel?—It was only a distance of about 207 yards.
223. Then no portion was on fire at starting?—I was there at the meeting, and they went from the meeting to the hotel at its termination.

224. By Mr. Ashburn.—Did you give instructions to Mr. Ximenes to have his pistol in the house?—No.

225. Did you know that he had placed them there?—I know they were inside of it.

226. I should like to have this point cleared up. I know you have stated that Mr. Red's authority superseded yours on the occasion?—Yes.

227. I will read your question No. 21, and the answer.—[The Chairman read them accordingly.].—I wish to know that answer is correct?—If I received order from Mr. Red, I should certainly have obeyed them; but at the same time, if I thought they were orders that ought not to be carried out, though I should have obeyed them, I should have communicated with the Chief Commissioner on the subject.

228. By Mr. O'Shannon.—Did Mr. Red practically ever interfere in your management of the police, when you had only the civil business to carry out?—He used to order them, so many men to such a station, and so many men to another station, and so on.

229. So that his order was sufficient in both capacities?—Yes.

230. By Mr. Horns.—Was not such order on such an occasion insubstantial, if you thought it necessary to disobey it?—No. He gave me orders to send the police out, and I sent them.

231. By Mr. Heine.—Did you ever receive orders from Mr. Red, or any orders of which you disputed the propriety?—No.

232. By the Chairman.—I would like to know from you, whether, providing you had considered yourself in a position to have had the whole disposition of the police in that affair, you could not have saved that hotel on that occasion?—I should have conducted it very differently.

233. Will you describe the different manner in which you would have acted under your own authority, not under the orders of another party?—The course that Dewes followed was entirely different from my view of prosecuting Rowley on that occasion.

234. By Mr. O'Shannon.—I think you are telling the preternatural steps before the affair took place, but what would you have done on that occasion?—I would not have sent the police out at all. I would not have gone on the ground until there was a necessity for it; and when I saw no meeting was likely to have serious consequences, I would have gone with a magistrate who would have acted, and if I am certain we could have cleared the place.

235. By the Chairman.—Then is the Committee to understand you, that you could not have cleared the place by any other means, except by firing upon the crowd?—Not at that time; but had not the police been sent out at all, it is questionable whether the people would have acted in that mace, their presence irritated the people.

236. By Mr. Horns.—In answer to question 47, it is stated by Mr. Red, "I was not on the ground the whole time; when I came up the hotel was partly demolished, but I must say that my impression was from what I saw and what I heard afterwards, that had the police acted with energy in the first instance, when the mob began pelting the hotel with stones, the hotel might have been saved."—Is that the statement that you refer to?—Yes. I do not differ in toto from Mr. Red; I was not on the ground the whole time, and I was very much pleased with the way in which the police behaved.

237. If I understand you rightly, you state that you believe that from the first to the last you could not have saved that hotel, except the Riot Act had been read?—I could not except there had been a different line of conduct pursued. If Mr. Green had not gone out at all, and if there had been a meeting, and I had been allowed to act according to my own discretion, I might have saved the hotel.

238. Do you think the presence of the police contributed to the riot?—I think it is possible the presence of the police might have irritated the people.

239. By Mr. O'Shannon.—You think they were determined to show their power over the police?—I think it possible.

240. By Mr. Horns.—I want to know whether it is possible according to your belief that nothing better could have been done than, in the absence of the Riot Act being read, and in the absence of further instructions?—No; I think not.

241. By the Chairman.—Then you literally followed your instructions and considered that Mr. Green was to give you orders?—Yes.

242. By Mr. O'Shannon.—What time elapsed between your receiving your first instructions from Mr. Red and his coming to the ground himself?—Almost two hours.

243. What was he doing during that time?—I do not know. I thought he might have come on the ground himself, and in fact I went on the ground to search for him all round the buildings.

244. Was there any general feeling on the part of the whole of the people of Ballarat with regard to that meeting—any uneasiness in the minds of the population that day?—They seemed to be very much excited; they said we cannot have justice from the magistrates we will take it ourselves. There was something, I do not know whether it was of Mr. Red or of Mr. Dewes, they said we will get him up here and hang him on that tree.

245. What was your rank then?—Inspector of Police.

246. By the Chairman.—It was you who sent Mr. Ximenes on the ground?—Yes.

247. Would you state what special instructions you gave him in the matter?—I cannot say whether I gave the order to him personally or whether it was given by the police, Mr. Taylor.

248. By Mr. O'Shannon.—What was Mr. Ximenes's rank?—Sub-Inspector.

The witness withdrew.

Adjourned to Thursday next at three o'clock.
WEDNESDAY, 28th APRIL, 1859.

Members present:
Mr. HENRYFA, in the Chair;
Mr. Edeyon;
Mr. Horne.
Mr. Charles Dyke, called in and examined.

251. By the Chairman.—You are an auctioneer and commission agent at Ballarat, I believe?—I am.

252. Do you remember the destruction of Bentley's Hotel?—Yes, I do.

253. Will you describe what loss you sustained from that event?—As near as I could ascertain I lost £4,015, the particulars of which were sent in to a Committee, by order of the late Governor.

254. What was your occupation at the time of the riots?—I was a trader and commission agent.

255. Were you resident at Ballarat at that time?—I was resident anywhere. I was generally up in Ballarat a fortnight, and in Melbourne a fortnight.

256. By Mr. Horne.—Were you up there for the purpose of purchasing gold?—No; for trading as a general merchant.

257. By the Chairman.—Will you state the particulars of the loss you complain of?—I was about having a store at Ballarat, and I directed the carriers who carried my goods to leave them at the only likely place then known, which was Bentley's Hotel. They arrived there on Monday night, about six o'clock, and on Tuesday they were all burnt. On Tuesday, about two o'clock, the riots took place.

258. What description of goods was destroyed?—General merchandise. A statement of the loss was sent in to a former Committee. There was a general assessment of everything: combs, brushes, pickles, &c. Everything that a storekeeper would have to keep.

259. By Mr. Horne.—Consommable articles, then?—Yes. There were also some musical boxes and two or three plated waiters. I may say I had done business with Mr. Beaven before.

I had sold him goods at various times, and there was a balance of £70 or £90 owing to me.

260. A balance between you and Mr. Bentley?—Yes, I never put that in any claim that I made, until one petition I sent in to the Governor, when it was put in. For I do not consider it a debt due from the Government.

261. By the Chairman.—How did your goods happen to be at Bentley's Hotel?—If the draymen had arrived at twelve o'clock in the day instead of six o'clock in the evening they would not have been there at all. At that time, when Bentley lived, it was a dangerous road for anybody to travel on.

262. By Mr. Horne.—You do not mean on account of being stopped and robbed?—No; it was an impassable road at night.

263. By the Chairman.—And that was your reason for the goods being allowed to remain there?—Yes. In the first place they were directed to Bentley's Hotel as the only place that carriers would know.

264. By Mr. Horne.—Did I understand you to say they arrived at six o'clock?—Between five and six o'clock.

265. By the Chairman.—How many days prior to their being destroyed was it that they arrived?—Only the night before.

266. By Mr. Horne.—The affair took place when?—On Tuesday.

267. By the Chairman.—Why did you not remove them from the Hotel in the morning?—I should have had plenty of time to remove them had it not been for the Commissioner of Police, who took every thing into his custody.

268. Who was that?—Mr. Ximines.

269. In what way did he interfere with your taking your goods?—I may say, that on the Monday my goods arrived I took a letter from Mr. Bentley, I believe to Mr. Dewes, complaining of a meeting that was to take place, and stating that he feared the consequence if the meeting were to take place the next day. I am not sure whether it was a message or a letter. Capt. Evans was then called in—I believe he was called in—I am referring to names in which I may not be correct. The purport of the letter or message was given to him. His answer was something similar to this:—"Thus a handful of policemen would put down any disturbance that might take place." The only thing that I can actually say is, he said there was nothing to be feared, but that a handful of policemen would put down anything that might take place. What struck me more forcibly respecting it than it would otherwise have done was, that it reminded me of a remark made under similar circumstances by the Duke of Wellington, but I cannot exactly say the words that were used.

270. After you got that answer what did you do?—Nothing on all till next morning. I slept on my way to the camp and came down to the hotel in the morning.

271. You say you would have taken away your goods had it not been for Mr. Ximines?—When I went there about ten o'clock in the morning Mr. Ximines and a party of police came there, and then he said to Mr. Bentley, "I take charge of the premises and all that is in them is in my custody."
272. How do you know he said so?—I was there. I may be allowed to say one thing—
I cannot say that I have the exact words, letter for letter, but I give the full sense of what was said.

273. And are the Committee to understand that in consequence of what Mr. Ximenes said you did not take away the goods?—In consequence of what he said to Mr. Bentley, I took no care of them. They were not in the hotel, but in a store separated by a passage from the hotel.

274. Was it the ordinary store-room?—Yes.

275. About what time did the meeting take place?—I think about eleven o'clock as far as I can recollect.

276. By Mr. Horne.—In the morning?—Yes.

277. By Mr. Horne.—What month was it in?—In October I think, or November; I was at the meeting. The papers that I furnished to a former Committee were, the carrier's note, the account certified, and the carrier's way bill.

278. By Mr. Horne.—Are they now not before us, and therefore cannot become evidence to this Committee? You stated that when Mr. Ximenes came there, he stated that he took charge, and that for that reason you did not move your goods. Now, were you under the impression that when Mr. Ximenes said he took charge that was a prohibition against your taking them?—I understood it so; I should say that Mr. Bentley wished to remove some goods, and it was in answer to that that Mr. Ximenes made that remark.

279. What was the proposition?—I believe it was something about removing goods.

280. Cannot you state definitely?—I do not know exactly. I think it was some suggestion about it.

281. It amounts to this—was Mr. Ximenes aware of a prohibition?—I considered it in a great measure a prohibition.

282. Was it answered in such a way as to lead you to consider yourself in an over-reaching position?—After taking the police leave, I should.

283. By Mr. Eldon.—Did you make any offer to remove them?—No.

284. Then you were not prevented?—No, I was not. You must understand that if I had wished I could not have removed them, for I could not get carts whenever I pleased, although I do not consider I was prevented, yet I should not have considered myself justified in removing them after what Mr. Ximenes said. There were some things of nice value, and I made application for them, and could not get them. There was a musical box saved, and I made application for it and could not get it. I was told they were all in the hands of the police.

285. Then the police retained a portion of your property which was not removed?—Yes.

286. Did you make application for it?—I made several applications, but could not get it.

287. Did you report the goods you put in—£415?—I did.

288. Of what does that consist?—Of different descriptions of merchandise and goods that arrived there on Monday night.

289. Do you mean to say that on those two days there were goods to the amount of £415?—Yes, there were more than so that amount.

290. By the Chairman.—In the report of the Board appointed to take into consideration, the claims of persons for compensation for losses sustained during the disturbances at Ballarat, it is stated respecting your claim as follows:—"Charles Dyne, £415. In the claimant had a small store at Ballarat, 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 claim is made, were for the use and appertaining to the hotel." What have you to say as to that statement?—I am prepared to prove that I had no store at Ballarat, and that I was never there more than from fourteen days in fifteen days at a time until the time of the fire.

291. By Mr. Horne.—What about those goods?—They were intended for opening a store, or for sale to any person who might require them. I did more trade in the district than in Bentley's house. I never had anything to do with Bentley on commission, not a shilling's worth.

292. By the Chairman.—Were you in the habit of taking your goods to Bentley's for convenience?—Yes, I was. In the debtor and creditor account which I sent in for £290, I merely wanted to show that I was not Bentley's agent; but if I had pickles and he wanted them I should sell them to him, but I never received a commission from him.

293. By Mr. Horne.—Were you in the habit of taking goods there before?—Yes.

294. And treating it as a store and selling from it?—No.

295. What did you do with them?—I should remove them to the store kept by Mr. Harris, who was an auctioneer at Ballarat, but it would have been almost impossible to have got them there on the night they came up.

296. By Mr. Eldon.—You on previous occasions brought goods there and left them there for a few days, and sold them off to Bentley and others?—I have and some to Mr. Bentley, but never sold to anybody else from his house.

297. But you have had goods stored there?—Yes, but I have always taken down the goods to Mr. Harris's and there sold them, with the exception of these goods.

298. By Mr. Horne.—You helped them first at Mr. Bentley's store, and conveyed them thence for public sale?—Not for public sale. Mr. Harris was a friend of mine.

299. Then I understand that you goods went to Mr. Bentley as the most
convenient place, that you never sold any from thence except to Bentley himself, and that the residue was taken to Mr. Harris’s auction room there?—I said he was the only house known to the carriers, and they being thus able to take it out. After being there the goods would be taken to Mr. Harris’s, and not sold by auction but stored there.

300. Then I understood you there were other places where they could have been stored, but that was the most convenient place.—It was the most convenient for the carriers, in fact the only convenient place. I believe it was a system adopted by most.

301. By Mr. Yelden.—$415 was the claim made to the old Committee; claimed for goods on those days—what was the $200?—That was a debtor and creditor account between Bentley and me.

302. Did you bring that claim forward too?—I mentioned it at the first meeting at Ballarat, but not as a claim on the Government. I could give evidence in opposition to the expression of the Board respecting their belief that I was Bentley’s agent.

303. By the Chairman.—Were you present at the time that the house was burnt down? I was.

304. Will you describe to the Committee what took place on that occasion?—I went to that meeting after being at Mr. Bentley’s house, and returned to Bentley’s just as the meeting was over. I was giving my account of what had taken place on my return from the meeting to the hotel, and that I thought there would only be a few grains when a mob passed the house. At the same time that the mob came up the mounted troopers rode up, and the diggers commenced throwing at them. The police were round about the house, but they seemed to go from where the crowd was the greatest; wherever the danger was, they appeared to be the farthest away from it. Ultimately Mr. Rode came up, and while he was speaking to the mob some men commenced pulling the house down. The soldiers of the 40th came up about this time, and then some boys set fire to the back part of the house.

305. I want to know from you what the police did, if anything, in the way of preventing the destruction of the hotel?—They did nothing; they were in the house and kept there until stones were thrown (I thought at first they were thrown at the mounted troopers), and when it was dangerous to remain in the house the police came out, but they certainly did nothing—so they seemed to go away from where the crowd was the greatest.

306. Having stated what you saw, would you state what is your opinion—ought they have taken another course—could they have prevented the destruction of the house?—I think three policemen, or half a dozen, might have prevented it. There were quite sufficient to quell any disturbance at the first, from the number of persons that were there. There were quite sufficient with Mr. Yelden to quell any disturbance. Most of the people went another way from the meeting. I do not mean after Mr. Rode was there, that they were sufficient—I am talking of before he came up.

307. By Mr. Horse.—Are you well acquainted with Mr. Bentley?—I never saw him until a week or a fortnight before he commenced building his house.

308. How long had he the house open?—I think about five or six months. I made a mistake as to the period of my acquaintance with him—it was not a week before he opened it— I mean a week before he commenced to build it.

309. Then for how long were you acquainted with Mr. Bentley from the commencement of your knowledge of him to the time of the burning?—From a week before he commenced building. I can give very nearly the exact date. I think it was in December.

310. And when was the house burnt?—In October following.

311. That is six or eight months?—The first time I saw him was at Ballaarat.

312. How long had you known him?—From December to the following October.

313. Had you been trading with Mr. Bentley during the whole of that period?—No, I had not. My first trading with Bentley was in March.

314. What was your reason for saying that if the police had acted in the first instance the disturbance could have been quelled—what means of forming an opinion on that subject have you had—have you been mixed up with things of that nature?—From the fact of being so few people there when the riot commenced and there being sufficient police to do it.

315. To what height had the disturbance risen when there were stones being thrown? Stones were then first thrown.

316. Were there then only a few people?—Very few. I have always remarked that, I believe, stones were thrown at first by boys.

The witness withdrew.

Adjourned to Friday at two o’clock.