REPORT

FROM THE

SELECT COMMITTEE

UPON THE

CLAIMS OF HENRY FRENCHAM

AS DISCOVERER OF THE BENDIGO GOLD-FIELD;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE, AND APPENDICES.

Ordered by the Legislative Assembly to be printed, 22nd October, 1830.

By Authority:

ROBT. S. BLAIR, GOVERNMENT PRINTER, MELBOURNE.
EXTRACTED FROM THE VOTES AND PROCEEDINGS.

WEDNESDAY, 20th AUGUST, 1890.

10. 

Henry Bannister—Mr. Bales moved, pursuant to notice, That a Select Committee be appointed to inquire into and report upon the claims of Henry Bannister of Richmond, as discoverer of the Bedlow gold-field, such Committee to consist of Mr. Bannister, Mr. Burrowes, Mr. Cameron, Mr. Foster, Mr. Gordon, Mr. A. Young, and the Mover, with power to send for persons, papers, and records, and to report the minutes of evidence from time to time; three to be the quorum.

Debate ceased.

Question—put.

The House divided.

Ayrs, 45.

Mr. Arnyvage, Mr. McIntyre,
Mr. Baker, Mr. Metten,
Mr. Beailey, Mr. Munro,
Mr. Bennett, Mr. Murphy,
Mr. Bent, Mr. Outtrim,
Mr. Broek, Mr. Peacock,
Mr. Burrowes, Mr. Shields,
Mr. Butterfly, Mr. C. Smith,
Mr. Cameron, Mr. Sterry,
Mr. W. T. Carter, Mr. Tuxbell,
Mr. Craven, Mr. Tavener,
Mr. Dixon, Captain Taylor,
Mr. Foster, Mr. Tremewen,
Mr. Gardiner, Mr. Tucker,
Mr. Gordon, Mr. Turner,
Mr. Graham, Mr. Tren,
Mr. Gravos, Mr. Williams,
Mr. Hall, Mr. Woods,
Mr. A. Harris, Mr. A. Young.
Mr. Hunt, Mr. Reay.
Mr. Kirkion, Teller.
Mr. Levin, Mr. Balles.
Mr. McColl, Mr. L. L. Smith.

And so it was resolved in the affirmative.

Noes, 30.

Mr. Anderson, Mr. Laurens,
Mr. Andrews, Mr. Maddens,
Mr. Best, Mr. McLean,
Mr. G. Downes Carter, Mr. McLellan,
Mr. D. M. Dunlop, Mr. Mountain,
Mr. Denkin, Mr. Murray,
Mr. Derham, Mr. Officer,
Mr. Duncan, Mr. Patterson,
Mr. Duns, Mr. Richardson,
Mr. Ferguson, Mr. T. Smith,
Mr. Forrest, Mr. Stoughton,
Mr. Gillies, Mr. Wixson.
Mr. Groom, Teller.
Mr. J. Harris, Mr. Clark,
Mr. Higbett, Mr. Shackell.
Mr. Langridge, Mr. Reay.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into and report upon the claims of Henry Frenicham, of Richmond, as discoverer of the Bendigo Gold-field, have the honour to report to your Honorable House as follows:—

1. Your Committee have held seven meetings and have taken the evidence of twenty-three witnesses, most of whom were pioneers on the Bendigo Gold-field. Your Committee have also received a large number of written communications bearing on the discovery of gold at Bendigo, some of which have been printed, and appear in the Appendices.

2. As soon as the fact was made public that an inquiry was being held as to the discovery of gold at Bendigo, your Committee received numerous letters from persons claiming to be either the actual discoverers of the gold-field, or deserving of consideration in connexion with the discovery. No less than twelve such claims, in addition to the claim of Henry Frenicham, were submitted to your Committee during the course of their proceedings from the following persons, viz.:—

   Frederick Fenton.
   Mrs. Margaret Kennedy.
   Patrick Peter Farrell.
   William Henry Johnson.
   Edward Peperell.
   Henry Bynas.
   William Sandbach, on behalf of William Johnson.
   William Steward.
   Robert Francis Walker.
   David Dunlop.
   John Paton, on behalf of William Steward and the widow of Christian Asquith.
   Mrs. John Barnett, widow of Christian Asquith's son.

3. At this distance of time from the eventful discovery of gold at Bendigo, it is scarcely to be wondered at that there should be great difficulty in ascertaining who was the actual discoverer, and, after carefully considering the evidence and the documents submitted to them, your Committee are of opinion that it would be most difficult, if not impossible, to decide that question now, but there is no doubt that Mrs. Kennedy and Mrs. Farrell had obtained gold before Henry Frenicham arrived on the Bendigo Creek.

4. Your Committee find that Henry Frenicham's claim to be the discoverer of gold at Bendigo has not been sustained, but that he was the first to report the discovery of payable gold at Bendigo to the Commissioner at Forest Creek.

5. Your Committee have come to the determination that the first place at which gold was discovered on Bendigo was at what is now known as Golden Square, called by the station hands in 1851 “The Rocks,” a point about 200 yards to the west of the junction of Golden Gully with the Bendigo Creek.

6. Your Committee have also endeavoured to ascertain from what source, and at what time, the name “Bendigo” arose. The evidence given leads your Committee to the opinion that the place was called “Bendige” as far back as 1840, and that it was so called after an employé on that portion of the Ravenswood station which afterwards became known as “the Bendigo Gold-field.”

Committee-room,
23rd October, 1890.
PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 4TH SEPTEMBER, 1890.

Members present:

Mr. Bailes, 
Mr. Burrowes,  
Mr. Bennett, 
Mr. Cameron,  
Mr. Gordon, 
Mr. A. Young.

The extract from the Votes and Proceedings of the 20th August, 1890, appointing the Committee, was read by the clerk.

Mr. Bailes was called to the Chair.

The Committee deliberated.

Mr. Burrowes handed in the following letters, which he had received, relative to the discovery of the Bendigo gold-field:

(1) From John Barker, Esquire, Clerk of the Legislative Council, stating that his brother, William Barker, of Bridgeport-street, South Melbourne, could give some interesting information respecting the discovery of gold at Bendigo.

(2) From P. P. Farrell, cooper, 244 Camung-street, Carlton, claiming to be the discoverer of gold at Bendigo.—[Vide Appendix A.]

The Hon. James Howitt, Graves, Member of the Legislative Assembly, asked to be allowed to make a statement and permission having been given, the Honorable Member informed the Committee that Mr. Frederick Fenton claimed to be the discoverer of the Bendigo gold-field, and that, if the Committee desired to have them, all the papers bearing on Mr. Fenchurch’s and Mr. Fenton’s claims could be at once obtained from the Mining Department, if application was made for them. Ordered—that the Secretary for Mines be requested to forward to the Committee the papers in the Mining Department relating to Mr. Fenchurch’s claim as discoverer of the Bendigo gold-field, and also the papers relating to Mr. Fenton’s claim.

The Committee decided to summon the following persons to give evidence, viz.:

H. Fenchurch, Berry-street, Richmond.  
A. W. Howitt, the Secretary for Mines. 
W. Welch, View Punt, Sandhurst. 
William Barker, Bridgeport-street, South Melbourne.  
Frederick Fenton.  
P. P. Farrell, cooper, 244 Camung-street, Carlton. 
J. Bright, Duke-street, Richmond.  
J. Mount, Eaglehawk.

Mr. Burrowes moved, That the Committee adjourn to Thursday next, the 11th September, at eleven o’clock, and that Mr. Henry Fenchurch be requested to be in attendance with such evidence and witnesses as he can bring to prove his case.

Question—put and resolved in the affirmative.

Committee adjourned until Thursday next, at eleven o’clock.

THURSDAY, 11TH SEPTEMBER, 1890.

Members present:

Mr. Cameron, in the Chair;

Mr. Gordon,  
Mr. A. Young,  
Mr. Foster,  
Mr. Bennett,  
Mr. Burrowes,  
Mr. Bailes.

Richard Bradford, clerk, Mining Department, called and examined.

Witness handed to four sets of papers containing the applications which had been made to the Mining Department from the underneath persons claiming to be the first discoverers of the Bendigo gold-field, viz.—H. Fenchurch, F. Fenton, P. P. Farrell, Mrs. M. Kennedy.

Witness also handed in a précis, prepared in the Mining Department, of the correspondence connected with the above claims.—[Vide Appendix B.]

Mr. Sandilands applied to be allowed to appear on behalf of Mr. Fenchurch.

The Chairman intimated that the Committee had no power to grant this application without the leave of the House.

Mr. Foster then entered the room and took his seat.

A letter from Mr. W. Welch, of View Point, Sandhurst, who had been summoned at Mr. Fenchurch’s request to give evidence before the Committee, explaining that he could not give any evidence that would be of value and asking to be excused from attendance, was laid before the Committee and read.

The Committee decided that the evidence of this witness would not be necessary.

A letter from W. E. Coleman, of 2 Grant-street, Brunswick West, offering to give evidence, was laid before the Committee and read.—[Vide Appendix C.]
Henry Frencham, called and examined by the Committee.

Witnesses asked that his petition, presented to the Legislative Assembly by Mr. Bailes, on the 8th July, 1850, might be laid before the Committee and read.

The petition was read by the clerk, and is as follows—

To the Honorable the Speaker and Members of the Legislative Assembly of the Colony of Victoria in Parliament assembled.

The humble Petition of Henry Frencham, of Berry-street, Richmond, in the Colony of Victoria, late mining manager, now out of business—

HUMELY SHOWN—

1. That your petitioner is now in his 75th year of age and has continuously resided in the colony of Victoria since his arrival in the year 1840. Subsequently, and up to the year 1851, he held a remunerative position as reporter on the staff of the *Port Phillip Gazette*.

2. That soon after the discovery of gold in New South Wales, your petitioner was one of the first persons leaving Melbourne to prospect for gold in this colony, having left his occupation for that purpose in the month of November, 1851.

After working at Ballarat and Forest Creek, went with two companions, whose names are Robert Atkinson and James Ogilvie Ross, to Bendigo, for the purpose of prospecting, having been induced to do so from a description of the country given by an acquaintance of his, not a miner, who described it as a likely place to find gold, and worth prospecting. Consequently your petitioner, in company with Atkinson and Ross, started to prospect the country. On arriving at Gibbon's station, they camped and after spending some time in prospecting, saw sufficient inducement to remain, having found gold in several places.

3. That on your petitioner making the said discovery he reported the same to the Chief Commissioner at Forest Creek (now Castlemaine), and applied to him for police protection, as it was known that several persons of bad repute had started for the "field," and on the 8th December, 1851 (in consequence of your petitioner's representations), Captain Horne, with three mounted police, arrived on the diggings and camped on the Bendigo Creek, and from that time the same was officially recognised as a permanent gold-field, and your petitioner was popularly known as the "Bendigo Gold Discoverer."

4. That on the 9th of December, 1851, your petitioner forwarded the particulars of his discovery to the Argus, which was reported in that journal on the 18th of the same month, as will be seen by reference thereto.

5. That on the 28th of December, 1851, your petitioner, with one of his party (Robert Atkinson), took down to Forest Creek a quantity of gold under the escort of Trooper Synnot, and on arriving at the camp handed the same to the Commissioner (Mr. Lydiard) to be forwarded to Melbourne under escort, when Mr. Lydiard expressed his surprise at seeing so large a quantity, and informed your petitioner that it was the first gold received from Bendigo.

6. That on the 11th day of May, 1867, Mr. B. G. Davies, who was then a Member of your Honorable House, lodged with the then Minister of Mines, on behalf of your petitioner, a claim for reward for the discovery, which was supported by sworn testimony, and subsequent applications have been made to the Mining Department by your petitioner with the same object, but up to the present time his claim has not been adjusted.

7. That subsequent to the discovery of the Bendigo gold-field by your petitioner, as aforesaid, he devoted many years of arduous labour in prospecting, in the course of which your petitioner discovered and named the Caledonian gold-field, in the county of Evelyn, the truth of which may be verified by the present Honorable Member for that county.

8. That your petitioner justly claims to be the discoverer of the important Bendigo gold-field, the first to report the same, and the first person to raise and forward gold to the nearest Gold-field Commissioner, namely, Mr. Lydiard, of Forest Creek.

Your petitioner, with a desire not to trespass on the valuable time of your Honorable House, has greatly curtailed the statements in support of his petition, but respectfully refers to the documents recorded in the Mining Department relating to the subject-matter of this petition.

Your petitioner therefore humbly prays that your Honorable House will cause an inquiry to be made in the matter set forth in the foregoing statements, and favorably consider his claim, with the view of granting to your petitioner such reward or compensation under the circumstances as your Honorable House may deem fit.

And your petitioner will ever pray, &c.

HENRY FRENCHAM.

Berry-street, Richmond, 24th June, 1896.

Examination of witness continued.

Mr. Burrowes here entered the room and took his seat.

Witness further examined.

Mr. Bennett here entered the room and took his seat.

Mr. Bailes here entered the room and took the Chair.

Examination of witness continued.

The clerk read a letter which appeared in the Argus of the 18th December, 1851, signed "Bendigo," containing a report of a meeting of miners held at the Bendigo Creek, on the 8th of the same month.

Witness further examined.

The clerk read the prises, prepared by the Mining Department, of the correspondence between the department and Mr. Frencham respecting his claim. — [File 27g-95x-2d]

Benjamin Hawkins Dods, engineer, called and examined.

Ordered—That the following witnesses be summoned to attend and give evidence at the next meeting:—William Barker, F. F. Farrell, J. Mount, Wm. Sandbach, G. M. Newman.

Ordered—That J. Bright be requested to intimate to the Committee, in writing, the evidence that he can give.

Committee adjourned until Thursday next, at eleven o'clock.
THURSDAY, 18TH SEPTEMBER, 1890.

Members present:

Mr. Bailes, in the Chair;

Mr. Burrowes,  
Mr. Gordon,  
Mr. Bennett,  
Mr. A. Young.

A letter from John Bright, in reply to the communication sent to him by the Committee, stating that he did not arrive on the Bendigo gold-field till August, 1852, and that he could not give any information respecting the discovery of the gold-field, was laid before the Committee.

The following documents were laid before the Committee:

1. Letter from W. H. Johnson, Longwarry, claiming to be the first discoverer of gold at Bendigo. — [Vide Appendix D.]

2. Statement from Edward Whitehead, cater, 53 Richmond-terrace, Richmond, stating that he arrived, with his mates, on the Bendigo gold-field early in November, 1851, and that he saw no one digging for gold except four shepherds. — [Vide Appendix E.]

3. Letter from T. Massip respecting the first discovery of gold in the colony of Victoria. — [Vide Appendix E.]

4. Statement of Mrs. Margaret Kennedy relating to her discovery of gold at Bendigo, in September, 1851. — [Vide Appendix F.]

5. Letter from P. H. Greene, Shirribynong-road, Ascot Vale West, respecting Mr. Freencham's claims.

6. Letter from Walter R. Sandbach, of Crown-street, Newmarket, asking to be examined as a witness.

7. Letter from Edward Peppereill, 299 Lygon-street, North Carlton, stating that he and one Thomas Wilson were the first to discover gold at Bendigo, in the middle of April, 1851, at a place known as Kangaroo Flat. — [Vide Appendix G.]

8. Letter from A. W. Bennett with reference to the parties from whom his father bought gold in 1851 and 1852.

9. From Mrs. Margaret Kennedy, claiming to be the first discoverer of gold at Bendigo.

James Moat, stationer, Engleham, called and examined by the Committee.

Cross-examined by Mr. Freencham.

Mrs. Margaret Kennedy, widow of the late John Kennedy, formerly overseer at Ravenswood station, called and examined by the Committee.

Cross-examined by Mr. Freencham.

Dr. William Barker, called and examined by the Committee.

Cross-examined by Mr. Freencham.

P. P. Farrell, cooper, called and examined by the Committee.

Cross-examined by Mr. Freencham.

Further examined by the Committee.

John Patton, retired public servant, called and examined by the Committee.

Cross-examined by Mr. Freencham.

William Sandbach, called and examined by the Committee.

Witness handed in a sketch showing the spot on Bendigo where gold was first discovered.

Witness cross-examined by Mr. Freencham.

G. M. Newman, engineer, called and examined.

Ordered—That the following witnesses be summoned to attend and give evidence at the next meeting, viz.—W. H. Johnson, Frederick Fenton, Walter Sandbach.

Committee adjourned until Thursday next, at eleven o'clock.

THURSDAY, 25TH SEPTEMBER, 1890.

Members present:

Mr. Bailes, in the Chair;

Mr. Burrowes,  
Mr. Bennett,  
Mr. Gordon,  
Mr. Cameron,  
Mr. Foster,  
Mr. A. Young.

Mr. Gordon moved, That photographs be taken of the principal witnesses with a view to having the same reproduced with the report and proceedings of the Committee.

Question—put and resolved in the affirmative.

Ordered—That the sketch made by Wm. Sandbach showing the spot on Bendigo where gold was first found be lithographed, and embodied in the report and proceedings of the Committee. — [Vide Appendix.]

R. G. Davies, Inspector of Railways Refreshment Rooms, and ex-Member of the Legislative Assembly, called and examined.

Frederick Fenton, formerly owner of the Ravenswood station, called and examined.

Witness handed in statutory declarations signed by—

1. Grace Alsop, of Church-street, Hawthorn. — [Vide Appendix H.]

2. Abraham Mottram, of Woodfield, Merton. — [Vide Appendix I.]

Examination of witness continued.

Witness handed in two station account-books showing when and from whom he bought gold in 1851 and 1852 at Bendigo.

Witness further examined by the Committee.

Cross-examined by Mr. Freencham.
A letter from Henry Byass to Mr. Frenichans in 1875 was laid before the Committee and read—

[Note Appendix M.]

A letter from Mrs. Margaret Kennedy to Mr. Foster, dated 8th August, 1888, was laid before the Committee and read—[Note Appendix N.]

Witness further examined by the Committee.

Abraham Maolner, grazier, of Woodfield, Merton, called and examined.

William Henry Johnson, called and examined by the Committee.

Ordered—That the manager of the Bank of Australasia be asked for particulars of an account said to have been opened in 1832 at that bank by W. H. Johnson, the witness.

Walter Sandbach, Crown-street, Newmarket, called and examined by the Committee.

Cross-examined by Mr. Frenichan.

David MacIntosh, engineer, Assert Vale, called and examined.

The following documents were laid before the Committee:

1. Letter from James Mackie, miner, Ballarat, with reference to the naming of Bendigo.
2. Letter from Charles Spradbery, bootmaker, Healesville, with reference to the naming of Bendigo.
3. Letter from Thomas Robinson, Post Office, Tawonga, Upper Kiewa River, stating that he and his party went from Forest Creek to Bendigo in November, 1851, and were directed to the place where about eighteen people were getting gold by Byass.
4. Letter from A. W. Beaumont stating, with reference to the purchase of gold by his father, that, in going through the old pass-books he found the following entry—December 20th, 1851, Kennedy, £30 6s.
5. Further letter from Edward Peppercorn relative to the statement that he and his party got gold in April, 1851, at Kangaroo Flat.
6. Further letter from P. P. Farrell with reference to his claim to be the discoverer of the Bendigo gold-field.
7. Letter from Henry Byass, urging his claim to be considered the discoverer of the Bendigo gold-field.—[Note Appendix K.]
8. Statutory declaration by Wm. Edward Coleman.—[Note Appendix L.]
9. Letter from John Mason, Port Fairy, stating that R. Atkinson, of Moyaula, Port Fairy, grazier, is in a position to give important information respecting the discovery of gold at Bendigo.
10. Letter from Hugh Hart, 351 North Brunswick-street, North Fitzroy, offering to give evidence to the Committee.
11. Letter from the Secretary for Mines, stated that the butt of licences issued at Barker’s Creek in September, October, November, and December, 1851, cannot now be traced.
12. Letter from William Sandbach, putting in a claim on behalf of William Johnson, to be the first discoverer of gold at Bendigo.—[Note Appendix R.]

Ordered—That the following witnesses be summoned to attend and give evidence at the next meeting, viz.:—Edward Peppercorn, W. E. Coleman, Grace Alsop, E. W. Bagshaw.

Committee adjourned until Thursday next, at eleven o'clock.

THURSDAY, 2nd OCTOBER, 1889.

Members present:

Mr. Bailes, in the Chair;

Mr. Foster, Mr. Burbows,
Mr. Bennett, Mr. A. Young.

William Henry Johnson, having asked to be allowed to correct a statement made by him when giving evidence before the Committee at the previous meeting, was re-called and re-examined by the Committee.

William Edward Coleman, called and examined by the Committee.

Cross-examined by Mr. Frenichan.

William Braithwaite, miner, Lauriston, called and examined.

Edward Peppercorn, Lydiot-street, Carlton, called and examined.

Edward William Bagshaw, surveyor, North Carlton, called and examined.

Alfred Elson, called and examined.

A letter from Mr. Shackell, M.L.A., asking that William Steward might be examined, was laid before the Committee by the Chairman.

William Steward, called and examined.

The following documents were laid before the Committee:

1. Further letter from Henry Byass, stating that he was not in a position to attend and give evidence in Melbourne, but offering to send a statutory declaration in support of his claim to be the discoverer of the Bendigo gold-field.
2. Letter from Mrs. Lander with reference to the discovery of gold, and naming of Bendigo.
3. Letter from William Steward, claiming to be one of the first party that ever found gold at Bendigo.—[Note Appendix Q.]
4. Letter from Mr. J. W. Taverner, M.L.A., suggesting that W. Theobald, of Birchip, "who sank the first claim on Sandhurst in October, 1851" be examined.
5. Extract from a letter from Mrs. John Barnett, of Geelong, addressed to Mr. Wm. Bickerton, Westmeath, claiming that as the former wife of Christian Asquith’s son, she is entitled to some consideration, and asking for Government employment for her two sons.

Committee adjourned until Thursday next, at eleven o’clock.
THURSDAY, 9th OCTOBER, 1890.

Members present:

Mr. Bailey, in the Chair; Mr. Gordon,
Mr. Burrows, Mr. Foster,
Mr. Cameron. Mr. A. Young.

The following letters were laid before the Committee, and read:

(1) From Robert Atkinson, one of Henry Freetham's party, stating that their party went from Forest Creek to Bendigo on receiving information of the discovery of gold, which was brought to them by Henry Ryan. — [Vide Appendix O.]

(2) From Robert Francis Walker, claiming to be the discoverer of the Bendigo gold-field. — [Vide Appendix P.]

Robert Gillies, clerk, Bank of Australasia, called and examined.
Witness produced a copy of W. H. Johnson's account with the bank in 1851 and 1852.
Joshua Norris, bricklayer, South Yarra, called and examined by the Committee.
Cross-examined by Mr. Freetham.
Further examined by the Committee.
Henry Freetham addressed the Committee.
Frederick Fenton, by letter, addressed the Committee.
Room cleared.
The Committee deliberated.

Ordered — That the evidence be printed as soon as possible, and a complete copy sent to each member of the Committee.

Resolved — That the Chairman and Mr. Gordon be appointed a sub-committee to arrange about the photographs of the principal witnesses.

Committee adjourned until Thursday, the 23rd October instant, at eleven o'clock.

THURSDAY, 23rd OCTOBER, 1890.

Members present:

Mr. Bailey, is the Chair; Mr. Bennett,
Mr. Burrows, Mr. A. Young,
Mr. Cameron. Mr. Gordon,

The following documents were laid before the Committee and read:

(1) From David Dunlop, stating that he and his two mates have better claims than anyone else to be considered the discoverers of the Bendigo gold-field. — [Vide Appendix S.]

(2) From John Fenton, asking the Committee to take into favorable consideration the claims of William Steward and the widow of Christian Asquith, in connexion with the discovery of the Bendigo gold-field. — [Vide Appendix T.]

(3) Statutory declaration from William Steward, of Bathurst, declaring that he was on the Bendigo gold-field in October, 1851, and in company with Christian Asquith, James Graham, and Ben. Ennisier found gold, which was sold to Mr. Fenton, at the Bendigo Hotel, in November, 1851, and that he never saw anyone else seeking for gold up to the latter date.

(4) Telegram from T. J. Rossiter, Spring Grove, Cannavally, Queensland, stating that he can give full particulars of the first party of diggers at Bendigo.

(5) Further letter from P. P. Farrell.

(6) Letter from Henry Freetham with reference to the statements contained in Robert Atkinson's letter laid before the Committee at the last meeting; and enclosing two letters sent to him by Robert Atkinson in July, 1888.

(7) Further letter from Thomas Robinson, of Tawonga, Upper Kiewa River.

The clerk informed the Committee that in addition to the claim of Henry Freetham, the following persons had put in claims in connection with the discovery of gold at Bendigo:

Patrick Peter Farrell. — [Vide Appendix A.]
Frederick Fenton.
Mrs. Margaree Kennedy. — [Vide Appendix B.]
William Henry Johnson. — [Vide Appendix D.]
Edward Pepperell. — [Vide Appendix G.]
Henry Ryan. — [Vide Appendix K.]
William Sarich, on behalf of William Johnson. — [Vide Appendix R.]
William Steward. — [Vide Appendix Q.]
Mrs. John Bennett, widow of Christian Asquith's son.
Robert Francis Walker. — [Vide Appendix P.]
David Dunlop. — [Vide Appendix S.]
John Patton, on behalf of William Steward and the widow of Christian Asquith. — [Vide Appendix T.]

Freetham, b.
The Chairman brought up his Draft Report, which was read:

Paragraph 1, again read, and agreed to.
Paragraph 2, again read, amended, and agreed to.
Paragraph 3, again read, amended, and agreed to.
Paragraph 4, again read, amended, and agreed to.
Paragraph 5, again read, and agreed to.
Paragraph 6, again read, amended, and agreed to.

Ordered—that the Chairman report to the House,

Mr. Cameron moved, That the thanks of the Committee are due to the Chairman, Mr. Bailes, for the manner in which he has conducted the inquiry.

Question—put and resolved in the affirmative.

The Committee adjourned.
MINUTES OF EVIDENCE.
# List of Witnesses

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<td>32</td>
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<tr>
<td>Alfred Elger</td>
<td>33</td>
</tr>
<tr>
<td>William Steward</td>
<td>34</td>
</tr>
<tr>
<td>Robert Gillies</td>
<td>45</td>
</tr>
<tr>
<td>Joshua Norris</td>
<td>35</td>
</tr>
<tr>
<td>Appendices</td>
<td>39</td>
</tr>
</tbody>
</table>
MINUTES OF EVIDENCE.

THURSDAY, 11TH SEPTEMBER, 1890.

Members present.

Mr. Cameron, in the Chair;  Mr. Foster,
Mr. Burrowes,  Mr. Gordon.
Mr. A. Young.

Richard Bealford, examined.

1. By the Committee.—What are you?—Civil servant, from the Mining Department.
2. Have you got any papers bearing upon the case we have in hand?—Yes, I produce all the papers recorded in the Mining Department on the subject.
3. Do you know anything about this question yourself?—Not as a witness in the locality, but as having dealt with the papers as they came through. I remember the different papers, the different statements that have been made, to a great extent.
4. How long have you been in the department?—About 26 years.
5. Were you in the department in 1851?—No.
6. Have you knowledge of any claims being put in by any one during the time you have been an officer of the department?—Yes. All those claims have been made since I have been in the department.
7. Can you throw any light on the question in addition to that given in the papers you have submitted?—Not from actual knowledge of the circumstances—nothing but in the course of the business as I deal with it in my particular province in the office. I was secretary for the Gold-fields Reward Board which dealt with the matter—not that one. They had no power in consequence of the matter being before the inception of the Gold-fields Reward Board. All those applications should have been made to the Parliamentary Board in due form.
8. There is really nothing you wish to state to the Committee that would help me in discovering whether the claims made by Mr. Frenchham are right or not?—No. As to the precedence or priority of the alleged discoveries I can say nothing beyond what is recorded on the papers. There is one thing—I would perhaps be able to save the time of the Committee to some extent in consequence of my familiarity with the papers. I could turn to any one particular paper at a moment’s notice.
9. By Mr. Frenchham.—Whose claim was first registered in the Mining Department?—Mr. Frenchham.
10. By the Committee.—When?—May, 1867.
11. Has any other person applied to the department claiming to be the first discoverer, besides Mr. Frenchham?—Yes.
12. Each of the others, whose papers you produce?—Yes.
13. And those are all, I suppose?—Those are all.
14. I know of no other question to ask you, but you might be present to assist us when going through the papers.—Yes, with pleasure.
15. Mr. Frenchham.—In my petition the matter is set forth.
16. By the Committee (to the witness).—How long after Mr. Frenchham’s claim was Mr. Fenton’s claim?—A few months—in 1888.
17. Whose claim was registered after Mr. Frenchham’s?—Mr. Fenton’s.
18. In 1888?—In 1888.
19. The other claims are subsequent to that?—Yes, 1889.
20. Whom by?—P. J. Farrell and Mrs. Kennedy.
21. What claim did Mr. Frenchham register in 1867?—He asked for an inquiry into the matter.
22. What is the first mining title to the ground?—I have not seen the miner’s right.
23. By the Committee (to Mr. Frenchham).—Have you the licence?—I had at Castlemaine or Ballarat; I have not it here.
24. If you had a copy of the registration of the claim it would be some evidence?—There were none then.
25. How did you hold the ground?—By possession.
26. They issued licences?—Monthly.
27. If you could find out where you got the licence; they always keep copies?—I do not know if I could.

The witness withdrew.

[Mr. Bailes entered the room at this stage, and took the Chair.]

Henry Frenchham, examined.

28. By the Committee.—Who was the Gold-fields Commissioner at Castlemaine at the time?—Mr. Frenchham, Mrs. Wright was one, and Mr. Lydiard. Mr. Wright was the Chief Commissioner.
29. Are either of those gentlemen alive now?—Mr. Wright is not alive, but was alive when I made my application respecting this. He was alive in 1867.
30. Is Robert Atkinson still alive?—I believe he is dead. I saw the name Robert Atkinson in the Probate Court. He was an older man than I.

Frenchham.
31. Is Trooper Symnot alive?—I heard of Trooper Symnot from a trooper at the Supreme Court some months ago. I happened to mention the name of Trooper Symnot, and he said he was settled down at Toorak. I happened to speak to him about Symnot.

32. You mention Mr. Lydiard?—I think, retired. I do not think he is in Melbourne. I do not think he is in the colony. He was an active young man, and I think he went out of the colony. Of that I am not certain.

33. You do not say the date you reported your discovery to the Commissioner?—I have in my declaration.

34. Have you any other statement to make to the Committee in addition to what you have stated in the petition?—That is the chief part.

35. You have no other statement?—As to the time I arrived there, it might be as well to mention this letter which I submit to you to enable me to fix the time; it is from the late Mr. Edward Wilson, the editor and proprietor of the *Argus*. He sent it to me as I was his agent in Ballarat. I had the *Argus* flag over my tent, and, leaving the place, I told him I would not be able to attend to the business except to correspond.—*Handing a letter to the Chairman*.

36. What does this show?—I was on the Bendigo gold-field at the time; I had left Ballarat, and it had come there directed to me at Ballarat.

37. What date was it when you left the agency at Ballarat referred to here?—I gave notice nearly a week before I got that.

38. That would be about the 7th of November that you left Ballarat?—Yes.

39. What date did you report the discovery to the Commissioner at Forest Creek?—I think about the 1st of December; and I applied to the Commissioner, and reported it, and applied for a warrant and police protection.

40. How long after you had found what you thought payable gold did you report the discovery?—Almost directly.

41. What do you call "almost directly"?—I had found gold, but not sufficient to justify me in bringing my party down. I found payable gold on the 27th of November.

42. And you reported it about the 1st of December to the Commissioner?—Yes, about that.

43. You asked for papers to be produced—the *Argus* of the 19th of December 1851; do you wish them produced?—Yes. I published an account of a meeting we had to do away with the licence fee of £3.

44. Did you go alone to Sandhurst?—No, I had two companions.

45. Did you find any other parties there when you went?—No; but I saw some of the station hands in a day or two after. We were moving about in all directions.

46. Where did you find the first gold?—Down near the White Hills; and then prospected along the banks of the creeks, and into the gullies.

47. Was anyone else working in Golden Gully?—No.

48. You would have to pass Golden Gully?—Yes. I took a horse and dray.

49. You do not know of any person working, or looking for gold?—No, only two females washing in the creek.

50. For gold?—I suppose so. They would not show me anything.

51. When did you see them?—A few days after I went up.

52. You do not know of your own knowledge what they were washing for?—No. I asked them what they were washing, and they would not show me; they threw it into the creek. They were Mrs. Kennedy and Mrs. Farrell; their husbands were working for the station.

53. Where was this?—In a waterhole.

54. Near the White Hills?—No; far up the creek.

55. Have you been in Sandhurst lately?—No, not for years.

56. Do you know where the gasworks are?—No.

57. Do you know Bendigo Flat?—Yes.

58. Whereabouts in the creek, near the flat, was it?—It was at a large waterhole where, I suppose, there is still the bar existing. There was a broken slate reef.

59. Can you give the Committee any idea whereabouts it is between Golden Gully and the White Hills. It is about two miles from one to the other?—I travelled up.

60. Whereabouts on the creek were the women washing?—Not a very great distance up from Golden Gully. There were two bars across the creek.

61. Would it be half-way between the two places—half-way from Golden Gully, or more, or less?—No, not so much. It was far up from the White Hills.

62. The only person you saw there on that occasion were the two women; did you have any conversation with them?—They would not speak.

63. You do not know whether their husbands were on the field?—I saw one of the husbands after that, because we bought a sheep from him.

64. Which one?—Kennedy.

65. The dates seem to me to follow very closely one upon the other. You were in Ballarat about the 7th of November of 1851?—Yes, I think about that time.

66. And on the 14th of November you stated you received a letter from Mr. Edward Wilson?—Yes.

67. You reported the discovery of gold to the Commissioner at Castlemaine about the 9th of December, 1851?—About the first.

68. And on the 19th of December a report of your discovery appeared in the *Argus*?—Yes; I wrote it on the 9th.

69. What means of conveyance had you from Ballarat to Bendigo?—There was no mail. That letter that I submitted to you came up in a parcel to Mr. Howard, my successor in the *Argus* agency, a reporter on the *Argus*.

70. At Ballarat?—Yes. He was sent up by Mr. Wilson to Forest Creek, and he ran the mills down some distance; and Mr. Wilson sent that enclosed in a parcel to me, and he forwarded it to me.

71. How many days were you on Bendigo before you made the discovery?—I was not a day before I got gold, but not enough to make it worth while for me to bring up my party. One of the party went back and brought them up.
72. Was it immediately after your arrival that you met Mrs. Kennedy and Mrs. Farrell washing? — Two or three days.
73. You are not aware whether they had discovered payable gold?—I suppose they were washing for gold.
74. Some one must have found gold to make them set about that work? I do not know.
75. Did you meet any of the station hands?—I met a couple of men in the creek after this incident with the woman.
76. How long after?—A day or so. We were moving about a good deal to satisfy ourselves.
77. What do you mean by "moving about a good deal to satisfy ourselves"?—To see if there was sufficient gold to bring up my party.
78. If you were moving about you could not have done much prospecting or sinking?—We were pretty active.
79. How far was it from where you discovered the gold to the Commissioner's place where you had to report?—The Commissioners were at Forest Creek.
80. How far would that be?—I could not tell the exact miles.
81. I suppose you had to walk that?—We had a horse and dray and a bullock dray.
82. Were they good roads?—Yes, the roads were good; they were dry.
83. You say on the 27th of November you found payable gold, and the day after you reported to the Commissioner?—I did.
84. Do you know who was Commissioner of Crown Lands at Forest Creek at that time?—No.
85. Did you get your licence from the Commissioner?—I think I brought mine from Ballarat, or else we got it from Forest Creek: we knew it would not be safe without it.
86. Did you not get the licence from the Crown Lands Commissioner?—I always got them from Mr. Scott and Mr. Armstrong at Ballarat.
87. About how much gold did you take down when you reported the discovery?—About 50 lbs. It is there in my declaration. That was shortly after the first application was made that the declaration was put in.
88. At that time was that field or locality known as? You were speaking of it to the Commissioner, or among your party—what was it called?—Gibson's station.
89. Was it known by any other name after gold was got?—I asked from Kennedy what the name of the creek was, and he told me it was Bendigo, and you will see I signed from Bendigo in theArgus.
90. Do you know why it took that name at that date?—I did not inquire into that.
91. It was known as Bendigo before gold was got?—Yes. It was called so before I spoke to Kennedy.
92. You are here, on the 9th of December you reported the discovery to the Argus, and it appeared in the issue of the 13th of the same month—Captain Harrison was associated with me in getting up the meeting to resist the 23 licence. I was appointed as a delegate, as there was to be a large meeting at Forest Creek, but I declined to go.
93. Appointed a delegate by the diggers?—Yes; this was the 9th. Captain Harrison was going; he was always a man for knocking about, and he said he would go. My party did not care for my going, but I stepped up that night with Ross, who was the reporter of the Daily News, and we prepared the report to forward to Howard at Castlemaine to forward to the Argus.
94. At this meeting that you spoke about, were there many there?—I think it will express itself in the paper.
95. Cannot you remember how many were present at the meeting held on the 9th of December?—I think a couple of hundred.
96. That was not more than ten days after you reported the discovery?—After I sent for my party they spread it abroad,
97. Were there many on the ground when you discovered payable gold?—No.
98. About how many?—Only the station hands.
99. No one prospecting for gold but the women?—No.
100. Was there any cast station?—Yes.
101. Was there a man and his wife living there?—There was a hut. Kennedy and his wife, and Farrell. He was the cooper when they were melting down the sheep.
102. That was known as Bendigo?—Yes.
103. It was after you brought your party that the meeting asked you to go as a delegate?—Yes.
104. What did your party consist of?—Five or six. A bullock-driver joined our party, and then we had the use of his dray.
105. Do you know where any of them are?—Ross is dead. Atkinson is dead. One is at Point Gable, and one at the South Sea Islands.
106. What was his name?—Frank McDonough. He had a brother, a solicitor here in Melbourne.
107. He was the man who gave you the advice to go to Bendigo?—Yes.
108. But, for him you would not have gone?—No. He suggested it.
109. Do you remember hearing of a man named "One-armed Byars"?—Yes, in Melbourne.
110. Did you meet him there?—On the station.
111. Was he there prior to your discovering gold?—Yes, he was on the station.
112. Did you ever hear of him at Forest Creek?—I never knew him at Forest Creek.
113. How long were you at Forest Creek?—Not long. I struck out for a new field.
114. You came from Ballarat to Forest Creek to go on to Sandhurst for the purpose?—I heard from McDonough.
115. How long were you at Forest Creek?—About a week or so.
116. You do not remember any excitement about this One-armed Byars?—Never until I saw it in the Bendigo Advertiser commenting on my communication to the Independent.
117. That is of recent date?—Yes.
118. There has been some reference in the press to One-armed Byars about the discovery of gold?—I never mentioned him.
110. You say you saw something about him in the *Advertiser* in 1888?—Yes; it was mentioned by Mr. Fenton in his letter, of which I have a copy.

112. How long did it take you to go from Bendigo to Castlemaine in those days?—It was Atkinson who went.

113. You still remained on Bendigo?—Yes; and Ross remained, and Atkinson went down and reported, and brought the party up. The party came up with the bellow day and a horse day, and we also had a rainy day. We could go anywhere we liked.

112. Did you ever meet a man of the name of Newman?—I might have met him, but we did not know people by their surnames in those days.

113. You saw his letter?—Yes, but we did not always know people by their surnames, but as Dick, Tom, or Harry.

124. I suppose the man who was supposed to be the discoverer would be known by his proper name?—I never knew him.

126. Who occupied the adjoining claim to yours?—I do not know the names of the parties. We were getting excellent gold.

127. How deep was the ground?—Breaking down the banks of the creek; sometimes 6 feet.

128. You pegged your ground first?—Yes, we took care of that.

129. Did not those women whom you saw wasting say anything, or their husbands?—No; they did not meddle with anyone. They were quiet people.

130. They did not say you were interfering with them?—No, I lent them a candle; to Mrs. Kennedy and Mrs. Farrell.

131. They were experienced gold-gotters. Did you see any signs of working where those women or their husbands had been working?—I saw a break in the slate reef.

132. Was there much work done?—No.

133. How long do you suppose they had been at work?—I should judge, from the appearance of the place, they had only been a short time.

134. They were just washing in a dish?—When I saw them.

135. A milk dish?—Yes.

136. What depth was the slate you speak of from the surface?—Breaking out from the surface.

137. I suppose a sort of bank?—A broken reef.

138. What was the bottom of your claim?—Slate, sand, or gravel?—We got a good depth of wash, 6 or 8 inches.

139. What was the bottom of the claim where you got the gold?—Gravelly stuff and clay.

140. No pipeline?—Not where we were working; but we got some in other places.

141. If you visited Bendigo now do you think you could point out the place where you first discovered the gold?—I think I could. It is near where we settled down.

142. Was it anywhere near the first, second, third, or fourth hill?—About the third hill. I worked at a little rivulet near the third hill and got good gold, and in the creek also.

143. And your bottom there was of a gravelly nature?—At the White Hills, pipelay. There was 30 feet of cement to get through.

144. Did you sink a shaft 30 feet deep?—In the third White Hill.

145. About that time?—No.

146. Within a year?—It would be the end of 1822 or the beginning of 1823. Of that I cannot speak confidently, but we got excellent gold.

147. Which was the first place at which you discovered gold?—In different parts of the creek.

148. Can you name any place near the White Hills?—I said we prospected in that direction, and worked up.

149. Within half-a-mile of what?—Of where those women were washing at a big waterhole.

150. The creek was full of waterholes. Was it within a mile or half-a-mile of the White Hills?—Half-a-mile, at all events, I dare say it would be.

151. You knew Farrell afterwards, the husband of one of the women?—Yes.

152. Did he start mining too?—I think he went to work afterwards at surface work.

153. Do you remember anyone named Powell?—Not by that surname.

154. Was there not a gold commissioner there of the name?—No. Mr. Horne was the first. It was on my recommendation that he was sent up.

155. You did not know Powell as a gold commissioner?—No; he was Commissioner of Crown Lands. I get very rich gold at Golden Gully.

156. After?—Yes.

157. What time did you commence digging in Golden Gully? in 1829 or 1827?—No, 1851.

158. In December, you say, you were working at White Hills?—Yes.

159. How far is Golden Gully from this place?—I cannot bear in mind the exact distances.

160. You did not get payable gold at the creek at the White Hills?—No; it was very fine.

161. Working down the creek to Golden Gully, you discovered payable gold there?—No, it was some time after.

162. I understood it was in 1851 you were working in Golden Gully?—We had a large party, and we divided ourselves.

166. Five or six of you?—Yes. I saw some reference to the discovery of Golden Gully. It was Ross, the reporter, who told me that they had a mounted trooper, a black boy who had been on the station with him before. The black trooper knew him, and he showed him where he got gold in the grass.

167. The black trooper did?—Yes; he picked it up in the grass before him.

168. What was that?—About the middle of December, I think.

169. Then this black boy found the gold before you did?—He showed it to my partner.

170. We are to understand that in December, 1861, you were working, your party all together in the White Hills?—Some of the party; but we scattered about.

180. Did you originally stick together?—You went into the creek at the White Hills?—No, Atkinson, and Ross, and I.
369. Where did the others go? — We did not bring them up till after.

170. You were in the creek at White Hills in December, 1857 — November? Before we got the payable gold.

171. When did you get the payable gold in the creek? — On the bank of the creek, just up near where Mrs. Zorrell and Mrs. Kennedy were.

172. One of the party went back? — Yes.

173. How long did it take? — He rode down and came back the same night, bringing some things we required, and the party packed up and came back the next day.

174. They were there on the 29th? — Yes. My partner reported it, and then it spread about — on the 27th or the 28th.

175. When your party all came up? — Atkinson did not report it to the Commissioner. He reported to our mates and those about.

176. Then your party got back, and the whole of you were in the creek at the White Hills about the 50th of November? — Yes. We met together, let not at the White Hills.

177. Where? — We shifted our camp. When they came up we shifted our camp.

178. I am assuming you all not at the place where you got the good gold. That was in the creek?

— We did not bring the dreg down. We turned out the bullocks.

179. Your party were getting good payable gold in the creek at the White Hills? — No. It was too fine.

180. Did the party continue as a whole and prospect up the creek, towards Melbourne? — Yes.

181. The whole of the party? — Yes.

182. How far should you think you went up the creek from the White Hills before you found payable gold? — I could not see the whole distance from Golden Gully.

183. About how far? — About half-a-mile.

184. How many days elapsed before you got the good gold with the whole party? — We got it before the party came up. That was what made us bring them up.

185. The whole of the party were there on the 29th of November? — Yes.

186. That would be about half-way between the two places? — Yes.

187. Did the party all work together, or spread out? — United when we got the good gold.

188. You get good gold is the creek and send down to the party, and, instead of working together, you spread out? — They spread out until they got the information from the blackfellow.

189. The whole of the party are in the creek on the 30th of November, in good payable gold? — Yes.

190. Absolutely, you say you spread out in different parties prospecting—that is what you told us? — I think I must have been misunderstood.

191. The whole of the party stayed with you except Ross, who went to be shown the gold by the blackfellow? — We were all working together till he went away to be shown the gold.

192. Was that the first breaking up of your party? — No. There were a couple of them away out searching for more.

193. When you had the party on the good gold in the creek some of them went away searching? — Yes.

194. Subsequently to these men going out searching the black trooper told Ross that he could show him good gold? — Yes.

195. Can you remember what date it was that the trooper took Ross to Golden Gully? — I do not remember now.

196. Was it a few days after the whole of the party were there? — I think about a week.

197. That would bring us to the 7th of December? — Yes, about that.

198. Was it the gold you got in Golden Gully or the gold that you got in the creek that you reported to the Argus? — I reported in the Argus that Frerichs's party were doing the best on the Gold, and none of the party getting less than half-an-ounce a day.

199. Which gold did you refer to—the Golden Gully gold or the creek gold. What gold was it that you were getting which caused you to make that report? — What we were claiming in the creek. We had the greater portion there.

200. Was that before the 7th that you reported that? — I reported on the 29th of the good payable gold. That is in the declaration.

201. The report of the gold to the Commissioner at Forest Creek was made about the 1st of December. I want to know about the Argus; is it appeared in the issue of the 13th. Is that discovery the same as you reported to the Commissioner? — Yes, referring to what we obtained.

202. No reference to the Golden Gully then? — No. It was all comprised in what is in the paper.

203. Are not the others who were with you at that time equally entitled to the credit of having made the discovery? — We could not entitle them to it as they were not with us. There were only four of us that made the discovery.

204. The others who were with you are as much entitled to the credit of the discovery as you are, and to any reward? — Yes.

205. You put in your claim in your own name without specifically mentioning the others? — I think you will find they are there.

206. The claim is made for yourself as the discoverer? — Yes; in the declaration I mention the whole of them.

207. Mr. Gordon wants to know do you not think the others are entitled equally to the reward as yourself? — I never thought of a reward.

208. If the Government give £1,000 do you not think they should each have one-third as well as yourself? — They are dead.

209. It is a fact that will be handed down to history and we want to record it, and we want the names of those who were with you as such? — Yes.

210. Your petition says 'that soon after the discovery of gold in New South Wales your petitioner was one of the first persons leaving Melbourne to prospect for gold in this colony, having left his occupation for that purpose in the month of November, 1851. After working at Bellairn and Forest Creek,
went with two companions whose names are Robert Atkinson and James Ogivie Ross to Bendigo for the purpose of prospecting, having been induced to do so from a description of the country given by an acquaintance of his, not a miner, who described it as a likely place to find gold and worth prospecting; consequently two partners in company with Atkinson and Ross started to prospect the country. On arriving at Gibson's station, they camped, and after spending some time in prospecting saw sufficient indication to remain, having found gold in several places. That on your petitioner making the said discovery he reported the same to the Chief Commissioner at Forest Creek. 2. Are the other nationals entitled to have their names associated with that discovery as you are? — Yes, if they were living. I might state that I also sent it to the Geelong Advertiser and the Daily News. The files are there.

211. Who owned the Herald then? — Mr. George Cavanagh; he was the proprietor of the Herald.
212. Was the Mr. Welsh who wrote to you then at the time? — No. He could give no evidence, but I thought by bringing him here he could substantiate what Mr. Wilson said.
213. Are you desirous of calling anyone on your behalf? — No, they are all dead. I rely on the documentary evidence now.
214. You registered your claim in 1857? — Yes.
215. At the Mining Department? — Yes.
216. What is the reason of your allowing it to lie in abeyance from then till the present? — It was not dormant on my account. I urged it on several Ministers. Mr. Mackay told me I should petition the House.
217. Did you bring the claim to the Commission that sat on the discovery of gold? — No.
218. Why? — Because I was prospecting somewhere else and I had purchased a cattle station on the Yarra and I was attending to it.
219. How came you to keep it for sixteen years. You discovered it, you say, in 1851, and made an application in 1857 — One reason was I could not find Atkinson, and I did not like to put it in myself.
220. You are aware that a Commission was appointed by the House to make inquiries and to take evidence and give rewards? — I was aware of that beforehand.
221. You made no claim to them? — No.
222. You did not, as a matter of fact, stir in the matter till sixteen years after the discovery was made? — No. That was three years after the proclamation. It was in 1854 that the proclamation was made. I had discovered another goldfield in the meantime.

The witness withdraw.

[The Clerk read a precis of the applications and the correspondence thereon furnished by the Mining Department.]

Benjamin Hawkins, Esq., examined.

223. By the Committee. — What are you? — An engineer.
224. Can you give us any evidence in connection with the Frenchman claim? — Such as I have got.
225. It would be about the latter end of November, 1851, when I was working on the head of Barker's Creek, near Forest Creek, at what we called Specimen Hill. My mates' names were George Greer and Robert Walker. Walker was very intimate (through being a member of a secret society) with other gentlemen who had made their way to Bendigo, and one gentleman came into the inn one Saturday night, I think, and told us that we must get off to the Porcupine as soon as we could and ask for Frenchman's claim, that he had forgotten the name of the creek. We heard the news (there were no whisky shops and there was no drinking over it) and the next day being Sunday we discussed the whole matter. We stayed at home and discussed it.
226. Which is 'home'? — Specimen Hill; and we thought the best thing to do was to lose to time, but find out where the Porcupine was. We did not know at that time that it was a public-house. We found out where it was, and made up our minds to make tracks on the Monday morning for the Porcupine. That was Walker, who was a married man with a wife and two children, and Green, and myself. We made for the Porcupine, and when we got there, there were no diggings, but they showed us the marks of two or three days. The address we had was Frenchman's, and they had gone on to Frenchman's. That would be the end of November or the beginning of December; it was either the last Sunday in November or the first in December. We got there early and got breakfast, and we took the road again and camped for dinner about halfway between that, the Porcupine Inn, and Bendigo.
227. The Buckeye — About half-way between Harcourt and the Buckeye. We got into Bendigo about half-an-hour before sundown; we had time to shoot some pinnocks for our tea. We made for Frenchman's claim. We were directed to the rocks at the mouth of Golden Gully.
228. About where the Shamrock claim is? — Yes. That was pretty well turned up by the time, and they called that their claim. I had to go in next to what was called the Black-boy's claim.
229. You mean the black trooper? — Yes. They were always called boys if they were 50 years old. Tom Morrow and four or five Melbourne men were working this claim, and they showed me where they got 36 lbs. in one dish. There was a little trench running down off their ground, and I pegged out a claim below, what was called the Box-tree claim. I had to grub the tree. I know Frenchman was working at the rocks at the time.
229. You made your way to Mr. Frenchman? — Yes.
230. Can you fix where Mr. Frenchman's claim was at that time? — At the mouth of the Golden Gully.
231. There is a discrepancy between your statement and Mr. Frenchman's statement. Your statement is at the mouth of Golden Gully? — I have looked at the place many a time. They were the party who were supposed to be turning over the rocks. You could see them working all day long.
232. Did you see Mr. Frenchman there on or about that date yourself? — Yes, I was introduced to him. He was a much younger man then than he is now. I was taken and particularly introduced to Mr. Frenchman; and I saw him again at the meetings held in the hall.
233. That is the meeting a report of which was read? — Yes. I was at both of the meetings. I think there were three.
234. Is the report correct about the number present?—I think there were twice that number.

235. How long did you take going from Barker’s Creek to Bendigo?—We started about six in the morning; allowing for getting breakfast at the Porcupine, and dinner on the road, I should think it was about four o’clock when we drove up to the rocks on the creek.

236. The same day?—Yes.

237. You found Mr. Frensham’s party working at the rocks?—Yes.

238. Did you walk, or were you driven?—With a dray, containing the two children and Mrs. Walker, the men walking.

239. Who had the next claim?—The creek was on one side. I never knew of gold being got on the other side of Frensham’s.

240. Who had the next claim?—I had the claim next to where the boy found the gold.

241. Who had that?—Thomas Morrow.

242. They were working?—Yes.

243. They got 36 lbs.?—Yes, 36 lbs. gold out of one dish of stuff.

244. According to that there must have been other people on the field as well as Mr. Frensham?—I was not there before Mr. Frensham. He sent word down for me.

245. According to your statement you left either the latter end of November or the Ist of December. You got on to the field in one day. You found that Mr. Frensham’s party was working, and another working who told you they had taken 36 lbs. of gold out of one dish?—At the time I got there you must understand there were half-a-dozen parties surging.

246. You must have gone away immediately on hearing from Mr. Frensham. Some of his party went down on the 27th or 28th of the month, and you came away at the same time and got there in a day; surely other people might have been there getting gold to wash the claim that gave them 36 lbs. weight of gold?—They did not work a claim.

247. What was the name of the party who got the 36 lbs.?—Thomas Morrow’s. There was no more room at the rocks, and we gold at the other side of the creek.

248. Mr. Frensham told us that a blackboy took Ross, one of the party, and showed him the gold at Golden Gully?—I never heard of Ross by name.

249. It appears to you it was another party, and that it was the creek gold that was reported by Mr. Frensham to the Commissioner, at Castlemaine, on the 27th or 28th of November?—Yes.

250. He also told us that the black boy took Ross, one of his party, and showed him the gold at the Golden Gully, and you came away immediately?—I told you there was one day talking over it. We got the news on the Saturday, and we started on the Monday morning. I never traveled on the Sunday.

251. When you got to the field you actually find another party working on the field?—I should think there were half-a-dozen parties. People moved very quickly. I suppose there were 2,000 people there before the question was settled with the Commissioner.

252. Mr. Frensham tells us he discovered the creek discovery prior to the Golden Gully discovery which was by the black boy taking away Ross, and showing him?—You must understand that it is no distance from the Golden Gully to the rocks. They were working right out from there in a line with the rocks, nearly as far as the head of Spring Creek. There was another hut, which I think was the Bendigo hut. I think this used to be recognised by the old diggers as the Porcupine Creek hut.

253. Mr. Frensham tells us that the discovery he reported to his mates was at the creek where the whole party came back after, and where they spread out and Ross is taken away by the black boy to show the gold; it was the distance only what you describe a prospector could have found it. It is not possible that the golden rocks was in possession of someone besides Mr. Frensham?—Not the slightest chance. They were all stewart “orangemen,” and you could not peg out a claim. I could not have got pegging out but for knowing you Morrow.

254. What was Bendigo Creek named after?—Barker’s station.

255. Was Bendigo Creek known as Bendigo Creek?—No, it was the Porcupine run; and Frensham’s claim was the great claim getting the gold.

256. To tell the Committee how far the Porcupine is from the rocks; do you suppose the distance?—

257. Fifteen or eighteen miles?—Fifteen miles; I should say at least fifteen miles to the Buckeye.

258. The Porcupine is between fifteen and eighteen miles from the rocks at Bendigo?—Yes.

259. Mr. Frensham told us that when he came up to Bendigo he found some women washing; he did not know what they were washing; that was exactly the spot where the Golden Gully came in?—There was a hut not far from there.

260. Did you see any signs of those women working about, when you arrived there?—At that time I did not care much about going after the diggings; but I know there was a shepherd’s last near.

261. You did not see any women?—No; I could see washing hanging about, and stuff like that.

262. By the Committee (to Mr. Frensham).—That was the spot where you saw the women washing?—Yes, about.

263. By the Committee (to the witnesses).—At that time was there anyone acknowledged as being the finder of the gold?—They did not look at that at that time.

264. Mr. Frensham’s was the first claim marked off on the diggings?—I understand that there were none of the present regulations then.

265. You never heard any other person’s name mentioned, as the discoverer of the gold?—No.

266. You know where Mr. Frensham’s first claim was in the creek?—Yes.

267. How far would you consider that from the first White Hill?—From the first White Hill I think in a general way, would be about three miles and a half.

The witness withdrew.

Adjourned to Thursday next, at eleven o’clock.
THURSDAY, 18th SEPTEMBER, 1850.

Members present:
Mr. Beckett, Mr. A. Young, Mr. Burrowes, Mr. Gordon.

James Mounl.
18th Sept., 1850.

268. By the Chairman. — You are a stationer, residing at Eaglehawk? — Yes.
269. I believe you came to the Bendigo district many years ago? — I have been in the Bendigo district, in and out, since 1837.
270. Do you know what the creek was called at that time? — It was originally named by the owner, Mr. Searl, who named the station Mount Alexander North—Bendigo, after his bullock-driver.
271. Do you know what date that was? — About the beginning of 1840. It was after he took possession. He was an overlander, and the first occupant.
272. You were in the district when gold was first reported to be discovered? — Yes. I was the owner of Yarrambard station. I knew Bendigo Creek well. The road from Melbourne entered over the Big Hill and into Myer's Creek and into Yarrambeg.
273. You were there in 1851? — In the district; not in Bendigo. I was amongst the first occupant, a boy shepherding at the time.
274. Just tell your own story in your own way, as it will be more convenient to yourself and to the Committee? — I recollect being on Bendigo when there was no hut, and I recollect when the hut was put upon the Bendigo Creek.
275. By Mr. Burrowes. — Do you know by whom? — Mr. Myers, of Grice and Hemp's station.
276. By Mr. Gordon. — That has reference to the station hut? — Yes.
277. By Mr. Burrowes. — About the same time as this station hut was erected was there any other hut erected? — No; there was not any other hut erected. People looking for gold? — None, except one at Burniedown. I was on the creek in the middle of October.
278. Bendigo Creek? — Yes, Bendigo Creek; before the gold discovery.
279. By Mr. Gordon. — The gold discovery was in 1851? — Yes. The hut was there. I camped there with two sheeps of sheep in October, before the gold was discovered. I had previously seen the gold opened out on Barker’s Creek, Mount Alexander.
280. By Mr. Burrowes. — Known as Castlemaine? — Yes, in September, and before that I had seen and knew the people personally, and saw a quartz reef opened and got a specimen.
281. Prior to October? — In September, 1851.
282. That was called Barker's Creek? — Yes, called Barker's Creek. The gold reef was opened just under Dr. Barker's hut. Mr. Pierce was overseer, and he was present at the time.
283. Owners of the station? — Yes. When I left in October there was no shepherd at the hut. The station was what we called "having a spell" for the winter. As I passed Mr. Fenton's they were busy shearing; we had to give notice about travelling sheep. I understood he was going to send a flock of sheep to the hut on the Bendigo Creek to Burniedown station, commenced a good six miles below this hut, originally occupied by Captain Button, end of 1838.
284. That was in October, 1851? — I was not back again till about the 1st of January, 1852. I had met Captain Harrison, whom I had known for many years before, and after talking over the gold discovery, he said it was Mr. Fenton’s shepherd, but I cannot recollect his name, who discovered it.
285. If you heard the name, would that assist you? — The years have passed, and the men were roughabouts. I could not recollect.
286. By Mr. Gordon. — What position did Mr. Harrison hold? — He had been digging, and was going away. I then rode to Bendigo and saw the diggings, and I saw that the gold was discovered at Golden Point.
288. Could you fix in the position of Golden Point? — Somewhere about Golden Square. It was pointed out on the western side, where the shepherds found the gold.
289. About the bridge? — I could not tell you that; I have not been there for some time.
290. Did I understand that the date you got that information from Captain Harrison was January, 1852? — Yes.
291. Did he state to you about the date of the discovery? — No, he spoke about the discovery in general terms.
292. He did not tell you when it was discovered? — No.
293. By Mr. Burrowes. — The conversation that you had with him would lead you to believe it was some time previously? — Yes.
294. By the Chairman. — He said it was the shepherd? — Yes; his words were, “The damned shepherds discovered the gold.” Mr. Stewart Gibson never made any claim as the discoverer, to my knowledge.
295. By Mr. Burrowes. — You do not know the name of the first discoverer? — No. I know the first name.
296. Was it Kennedy, Farrell, or Frenchman? — No. I have heard his name mentioned, but not as the discoverer.
297. By Mr. Gordon. — You cannot tell the same, but you can tell the date? — About November, 1851. I was there in October previous, and was camped there. There were no shepherds there there.
298. By Mr. Burrowes. — You were on the creek before any gold was discovered? — My first licence for Yarrambeg was taken out in 1846. I may say I knew the Gibsons and Mr. Byars for years.
299. By the Chairman. — Was he on the station at the time? — Yes; they never made any claim to be the discoverers.
300. By Mr. Frenchman. — Did Byars presume to know anything about the discovery? — Only in general terms. It is a long time since to remember.
301. Did he mention the name of anyone as the discoverer?—I scarcely think so.
302. Will the names of the station owners suggest themselves to you as having been mentioned?—No.
303. You say in October there was no mention of gold?—No, no idea.
304. No appearance of any men working?—No; my men were on the creek, camping there at night.
305. How soon after October did you see signs of working?—I had finished shearing when I met Captain Harrison.
306. By the Chairman—Have you anything further to add?—I may mention there was a statement appeared from Mr. Sandbach representing himself as the shepherd; that statement approaches nearer to what I believe to be the fact than any other that I have seen, but there is a discrepancy between us as to the possibility of his being there.

The witness withdrawn.

Margaret Kennedy, examined.

307. By the Chairman.—You are the widow of John Kennedy?—Yes.
308. Who was overseer of the Ravenswood station?—Yes.
309. Will you kindly tell the Committee what you know about the discovery of gold at Bendigo?—Do you mean in connection with the gold finding?
310. By Mr. Burrowes.—Your husband was in the employment of the station owner?—Yes, Stewart Gibson, in March, 1851. In August, or the beginning of September, 1851, he went in search of shearsers, and was given gold at Hiscock's Hill, and he brought the gold to Ravenswood, and showed it to Mr. Gibson.
311. By the Chairman.—Gold got at Hiscock's?—Yes.
312. Where, in the Barinaungan district?—Yes. It was a native at the time. In the summer, at Barker's Creek, there was gold found in a sapit, and soon afterwards Mr. Gibson commenced carting matton; the sheep were diseased, and they were not allowed to be travelled, and my husband was in the employment of Mr. Gibson, and he found where the gold was found in the gravel. The disease was found in Ravenswood thus at Bendigo, so the clean sheep were sent to Bendigo to keep them away from the diseased sheep; and it was in the gravel that he saw something exactly the same as what was given to him at Hiscock's. He was under engagement, and there was a notion of going, in charge of a man named John, I believe, a shepherd, and I went with him on a Thursday in September, and I remained. I found gold on the Thurslay, and my husband came at night, and he went to the shepherd's hut further up the creek; he went with the intention of getting me some hot tea. He was a shoemaker, and he told him what I was doing, and showed him gold; and I believe next day, or soon afterwards, they found gold. I remember the shepherd getting gold.
313. Do you know the shepherd's name?—No; I knew the man, but was not acquainted with him, and he gave the gold to my husband to secure it—to hide it at Stewart's Gibsons. I think the Commissioner was stationed at Barker's Creek. They would not buy the gold, but they would take gold for the licence, but he got money for the gold for the shepherd. I remember that. When they got the gold money he left the shepherd to get mixed; I do not know whether it was carelessness but I think it was through drink. I removed there from September, and there were two gentlemens came there—one was Mr. Passmore.
314. By Mr. Burrowes.—Had you got gold yourself up to that time?—I went there and found gold myself personally, before I saw anyone there at all, either white or black.
315. About what date?—Early in September, or the latter part of September or the beginning of October. Mrs. Farrell went with me, and we put up a mitie in the scrub close to a waterhole; and it was then a gentleman, I believe Mr. Frenchman, a reporter of the paper, came. We were rather afraid, being alone, and we were advised to get a licence, and either my husband or Mr. Farrell got a licence for Margaret Kennedy. I believe Mr. Horse was the Commissioner at Barker's Creek. I remember the mention of the words, “Licence to be taken from Bendigo.” Soon after that there were circulars written out by a one-armed gentleman, named Boyce. I think he did not work at the gold; but he said in the circulars that there were two women getting gold in quartz-pots full. There was a quartz-pot there, and I put the gravel and gold into it. I did not conceal it. I know when Mr. Frenchman and someone else came up one of them spoke to me in Gaelic, and I answered him. I was not aware that any sheep were allowed to travel at that time. I know my husband was very strict about it.
316. I understood you to say it was in September you camped on the creek and got gold?—Yes; I am positive it was in September. I believe it was in October that the licence was taken out.
317. By the Chairman.—And later on Mr. Frenchman and the man with one arm came?—It was in October—I am almost positive it was in October—and it may be a day or two afterwards the licence was taken out.
318. By Mr. Burrowes.—We want to fix the date of getting the gold. How long were you there before the gentlemen called on you?—As well as my memory serves me—
319. How many weeks—two weeks?—More than two weeks. I remember the Sundays, because I knew the provisions were brought out.
320. It was weeks afterwards?—Yes.
321. By Mr. Gordon.—Did you get a considerable quantity of gold?—Yes; there was a good deal in my possession. We did not know how to get it from the gravel; it was fine gold, but at the waterhole it was in a clayey sort of soil. It was course gold. It was in the banks of the creek in the sands of the grass.
322. You got sufficient to prove it was payable?—Mrs. Farrell and myself. In applying for the licence they would not take a cheque. He wanted £5 for the licence, and we gave an essence of gold each for the licences.
323. By Mr. Burrowes.—You gave an essence each?—Yes.
324. One essence for you, and one for Mrs. Farrell?—Yes.
325. Were those licences taken out before Mr. Frenchman called on you?—Before.
326. By Mr. Gordon.—You are sure that the gold was got before you met Mr. Frenchman?—Yes; I was there days alone, and then Mrs. Farrell came with me. I presume it was Mr. Frenchman and the one-

FRENCHMAN.
William Barker
15th Sept., 1850

By the Chairman.—Where do you reside?—At Albert Fork now.

341. We have had a communication from your brother, and now you would kindly tell the Committee anything you can about the discovery of gold on Bendigo; just tell what you know in your own way?—I think in September or October, after the diggings had been in existence in Forest Creek for some time, Byass came to tell diggers, then at Forest Creek on my run, that gold had been found at Bendigo. My station was adjoining Mr. Fenoton's.

342. You were the owner of the station known as Barker's Creek Station.—Mount Alexander Station.

343. That creek running through got the name of Barker's Creek from your name?—Yes; it got its name from mine.

344. Tell us what you are doing now?—I am practising still.

345. By Mr. Burrowes.—As a medical man?—Yes. For nearly twenty years I was squating on that station.

346. By the Chairman.—You got as far as that One-armed Byass came up and took the diggers, and you say that was in September or October, 1851?—I think it must have been the end of October or in November. The first party who went up with him could not find any gold, and they threatened that if he came back with any more such tales they would chuck him into the river, or the creek rather.

347. Have you any knowledge of your own about the discovery of gold in the Bendigo district?—Not further than that.

348. You did not hear who was reputed to be the discoverer?—No.

349. By Mr. Burrowes.—Were you there at the time?—Yes.

350. Was the creek called Bendigo?—It was known by the name, and that part of the country as Bendigo. I was short of feed one time, and went to Mr. Myer's over a run to Heath and Greive to see if I could get it.

351. The overseer of Gibson's?—No, Heath and Greive's at the time. I was looking for feed, and I went to him, and I was told by the overseer that I could get it at Bendigo, at Heath and Greive's; but they would not agree to it, consequently I did not get it.

352. Before gold was got?—Yes.

353. By the Chairman.—In what year?—Two or three years before.

354. By Mr. Burrowes.—Known then as Bendigo Creek?—Bendigo district.

355. By Mr. Fenoton.—You say that Mr. Byass, the one-armed man, took up a party?—He did not take them up; he told them, and they went.

356. He induced them to go?—Yes.

357. You say that party did not discover gold?—The first party, I understood, did not.

358. What time was that?—About 1851. It is so many years ago I cannot tell exactly; I think in September or October.

The witness withdraw.

Patrick Peter Farrell, examined.

P. P. Farrell.
16th Sept., 1850.

By the Chairman.—What are you?—Cooper.

359. Where do you reside?—444 Canning-street, Carlton.

360. Some years ago you were in the Bendigo district?—Yes.

363. Did you go direct to Bendigo?—I went to Keweenaw.

364. Do you recollect the month?—Either the latter end of August or the beginning of September.

365. What position were you in?—Pilework, making caulk.

366. Have you any recollection of the circumstances surrounding the discovery of gold?—I received a letter from Mr. Fenton to shake the caulk, and I was idle, and strolling round in various directions looking for timber to make 200 caulk. I might say I went from Mitchell's across the Gap. I remonstrated with Gibson keeping no idle. He said he did not know what to do with me. While I was rummaging about I picked up a piece of coarse gold and thought it was brass. I showed it to Mr. Kennedy, he said it was gold. He was earning caulk for motion to sell them to the diggers. We got up early.

367. To what point?—Golden Point. He said, "We had better keep it to ourselves," and he said, "You have no money," and I said, "Not a shilling." I remonstrated with Mr. Gibson. The best thing was to go to Forest Creek, and if he gave me a week's notice I would come back. I said, "It is a good idea, and the overseer's wife and children want to go, and you can go to the same place in the dray." I said, "You will give me rations," and he said "Certainly," and we got tea, flour, sugar, and meat.

368. By Mr. Barrows.—The Mrs. Kennedy who gave evidence?—Yes; we walked back to Fenton's, who would not see us, and came the same afternoon.

369. About what date?—About September.

370. By the Chairman.—You mentioned "Golden Point?" it is unknown in our locality now. Have you been to Saniford lately?—No.

371. Of late years?—No.

372. Could you describe where Golden Point is?—Not at the foot of Golden Gulch, but about 200 yards away.

373. Where it joins?—Yes, there was the reef.—[Standing in a paper]—which Frencheam and party blasted away.

374. You have got past the station, with the caulk and rations, and got to Golden Point?—Yes.

375. What took place then?—The women tied some sheets together and put them over poles, and I went and got a tomahawk and made a minia, and stripped bark from trees.

376. A resting place?—Yes, and lived in 2 pretty well two months; we were there a fortnight getting gold. Afterwards Gibson came and saw us. He remained on his horse and had five minutes; he was so surprised he could not speak nor move. He got off his horse at last and said, "Mrs. Kennedy, will you let me have your dish?" "Certainly, you can have it." He said, "Give me dishful from the same place, Cooper." I said, "Certainly"; and I gave him a dish that would not go above a pennyweight to the dish. He said, "That is not fair," I said, "Try yourself," he got a little bit and dropped it in his waistcoat-pocket to give to the ladies. And about a week after a one-armed man came out. I was told he was a domestic; and he rode to Forest Creek and told several gentlemen—young McGrath, Dr. Russell, Captain Harrison and sons, and Mr. Frencheam. They all left, I believe. They came up with red shirts and knee boots, and we thought they were Commissioners or troopers, and would take the gold from us, having no licence.

377. By Mr. Barrows.—How long was this after you camped?—It might be five or six weeks.

378. By the Chairman.—That would bring you into September?—October, I would not be sure. Mrs. Kennedy's husband used to be back and fro on horseback, and one day he whispered to me that it was said about that a couple of women had got gold, and said he, "You will be murdered some fine night." I said, I had a little pistol and I had some rice (cooper's rice), in my pocket; and I remember there was one night, in particular, I heard a sound of trampling on bushes, like as if men were trampling over dry grass and leaves; and I said to the women, "Listen," and they said they knew something would happen, and I get my pocket pistol and put a couple of rivets into it, and got an old rusty bayonet and gave it to Mrs. Kennedy. She turned almost faint, and I gave the other lady a tomahawk, and we said, "We will fight for it." They were paralyzed with fright, and I thought if I fired off the pistol it would have the effect of frightening whoever was about, and so I fired it off, and I think that saved our lives. I got Mrs. Kennedy's husband to stay in the hut while I went to Forest Creek for licences.

379. About what month was this?—Some time in September. I walked all night, and I saw Mr. Powlett, the Chief Commissioner of Crown Lands, and took out three licences, for myself and my wife and Mrs. Kennedy.

380. Did you pay for those in money?—In money; we sold gold.

381. By Mr. A. Young.—Where did you sell the gold?—In Forest Creek I sold gold. On one occasion Mr. Gibson wanted me to sell gold on credit, and I would not; and Mr. Gibson tried to get a warrant for me for not going back to my work.

382. By Mr. Barrows.—When you first arrived with the cart and the ladies did you try washing for gold. You say the ladies washed, and did not you yourself?—Mrs. Kennedy washed one dish. I first picked up the ground.

383. Did you wash?—Not for the first two days.

384. Did you then?—Yes.

385. For some time? till Bias came up?—Yes.

386. How long nights it be from your arrival till the parties came up that you disposed of with the shot of the pistol?—I was five or six weeks.

387. From the time you first arrived?—Yes.

388. Was Mr. Frencheam with that first party?—Yes.

389. Was that the first occasion on which you saw him?—Yes; that was the first occasion on which I saw him.

390. By Mr. Gordon.—You say you were there about six weeks; working, I suppose?—Yes.

391. Before the arrival of Mr. Frencheam?—Yes.

392. Were you getting gold all the time?—Yes, every day. You could shut your eyes and get gold in a district anywhere. There was no such thing as getting blanks and duffers.

393. Have you any idea of the amount you get before Mr. Frencheam came?—Five or six pounds weight.
394. Quite enough to establish the payable nature of the country?—Yes.
395. That was between the 1st of September and some time during November?—Early in September.
396. By the Chairman.—What did you do with the gold?—To tell the truth, I laid it out to advantage.
397. Did you sell it?—Yes.
398. By Mr. Burrows.—You have not got it now?—No.
399. By the Chairman.—What did you get?—Various prices. It was £2 4s. I sold Mr. Cane several ounces.
400. Where did you sell the four or five pounds?—In Bendigo.
401. You kept it till the Commissioner came?—Yes.
402. Do you remember a man named Wilson?—No.
403. Do you remember a man named Johnson?—No.
404. By Mr. Gordon.—Did you know any man following the occupation of bullock-driver who made a discovery of gold?—Never heard of it. There was not the picture of a man getting gold but myself and my wife.
405. No one else there but yourselves?—No, not that I could see. Respecting the gold I would say I had no intention of applying for the reward, but seeing a gentleman applying who had no claim more than a blind man in the street, I asked Mr. Frenchan to let me know the address of—
406. Who was the first Commissioner of Police?—Mr. Hone, and next, I think, Mr. Gilbert. Mr. Hone had black troopers.
407. By Mr. Frenchan.—Do you recollect the time you saw me first?—Yes, well.
408. About what time?—About it might be in August or September, or about November.
409. Your memory does not seem good. Did you show me any gold?—Not a speck.
410. Did you show me anything you were washing?—Not that I am aware of.
411. Was it kept a secret with the station hands?—I was not one of them. I was on piecework.
412. You were a station hand?—I do not call it a station hand. I never was a station hand.
413. You were working on the station?—No, I was working piecework.
414. Were you there?—Yes.
415. You say I came up with others; how many others would you suppose?—Five or six altogether.
416. Would it assist your memory at all to say that I brought a dram?—There were two drays come up afterwards.
417. After the first horse dray two drays came?—Yes. Two drays came together.
418. Do you think I had charge of that first dray. Did you describe me as having a red shirt and knee boots?—I could not say.
419. Did you see me accompanying that dray?—You were in a party of two drays.
420. You are not able to fix the date?—No. You thurst the reef to lower the water.
421. You associated my name with that of Mr. Bliss; did you see me at all in Mr. Bliss's company?—No. I might say he went down to Forest Creek, and he got five or ten shillings apiece.
422. What for?—For the information about the women and me getting the gold.
423. You say I looked at the woman washing?—Yes.
424. How could I give anything to Mr. Bliss?—This was afterwards.
425. Do you establish this fact, that I was there early?—About six weeks after my wife and Mrs. Kennedy.
426. Was I there before the rush?—You were one of the first parties.
427. By the Chairman.—I do not wish to trip you up, but you stated it was in November, 1861, that you went with Mrs. Kennedy and your wife and were getting gold?—About September, early.
428. And some six weeks afterwards Mr. Frenchan and others arrived, and when he asked you said it was in the month of August; that must be a mistake?—Yes.
429. Do you adhere to your first statement that it was six weeks after your arrival that Mr. Frenchan came?—Yes, fully.
430. How long after Mr. Frenchan came was the big rush?—A few at a time; every day afterwards a dray would come up.
431. After Mr. Frenchan's arrival did any length of time elapse before people came?—No.
432. Every day fresh people arrived?—Yes.
433. By Mr. Burrows.—Did you know that place by the name of Bendigo. Was it called Bendigo then?—Yes.
434. Generally known as Bendigo?—Yes.
435. Do you know of any reason why it was called Bendigo?—No.
436. The witness withdrew.

437. By the Chairman.—[to Dr. Barker].—Have you any idea what gave rise to the name of Bendigo?—Not the slightest.

John Paton, examined.

438. Where do you reside?—Albert Park.
439. Will you give the Committee any information you can about the discovery of gold?—Yes. I was one of the earliest diggers in the colony. I worked on Anderson's Creek before the Ballarat diggings, and I was mining to the end of 1855. In October, 1853, I was at work on Forest Creek. I may mention, in 1849 I went up with Mr. Fenton with his first flock of sheep to Bendigo. I can satisfy you about the name of Bendigo; in 1849 I inquired of some of the old inhabitants about it, and they said it was known as Bendigo. In 1849 I travelled over the run, and when they came in October, 1851, I was on Forest Creek. There I met an old couple named Murphy, who had been employed by Gibbons's in the early days; he was a carpenter and his wife housekeeper; they had been on the Ravenswood station in Tasmania. I got into conversation with them. I was working on Golden Point. A few days after this
my mate and I went to look at Specimen Gully, and I was one of the first to knock out the specimens on the gully. A day or two afterwards I was in conversation with Murphy, and Mr. Byass came over and informed us that they had found gold on the Beaulieu Creek. After this hope of mine I cannot be positive as to when I last saw him. I am positive that I was working there Forest Creek, in October, 1851, and that was either the end of October or the beginning of November. I said to my mate, "I know the whole of the run, and it is possible there may be something worth looking after." We were always looking for an "Eldorado," though we were taking an ounce a day whealing a bawbee. I said, "I will go, and if I do not return to-morrow night you come with the boat." When I got there some of the station hands were at work in the creek.

440. By Mr. Byass.—What date was that?—I could not tell. I think I saw Stewart Gibson there and some of the station hands.

441. By the Chairman.—Did you see Farrell?—I have no recollection. I remember Mrs. Kennedy.

442. By Mr. Byass.—Is that the witness who gave evidence here this morning?—I have not seen her since that time. I know the shepherd and the butcher; the shepherd's name was James Graham, an old man from Tasmania, an old man who took charge of the flock in the winter of 1859. He was in the employment of Mr. Fenton up to the time of finding the gold, and he was a short Scotchman. The butcher was Chris. Asquith. I knew the children; two of the daughters were married; one of Asquith's daughters married a man named November; he was a wheelwright; he married one of the daughters of the butcher. I have not seen Slocombe for over 30 years—I have been in the public service over 30 years.

443. By the Chairman.—It was a son of his who met with the accident at Prince's Bridge the other day?—I did, but not into a conversation, and camped there that night. The spot where they were working was in the bed of the creek. There was no room for me; there were several working about, and there was no more room to put in a chimney. I worked on my claim on the left bank of the creek. I kicked a bit of dirt on the opposite side. I looked a spade and got gold in the grass, and marked out a claim. I believe it was the first claim marked out—the first payable claim. My mate came over the second day, and after them came a number of other miners who followed them. I believe, in consequence of Byass' information, that caused the first rush after one Bullock day from Backer's and Forest Creek. People said, "We will go away and have a field away back," and they thought it was something good. I may mention, I remember the people with the drays; they did not like the appearance of the place; it was a nice water tail, and from its appearance not what we thought, at that time, a gold-field should be, and a number of them turned round— they did not even take the horses out of the drays. As I found good gold, we pitched our tent on the right bank of the creek, and it remained there the whole time, one month, the early part of the opening of the field.

444. By Mr. Butters.—What month was that?—November. I see Mr. Fenwick says, in this piece of paper, he makes out that the payable nature of the gold was not declared until about the 25th of November. I may mention, to show the payable nature of my claim, that there was a married couple come on to the field; they had a horse and dray; they sent up they had left the station and were laid up. I felt sorry for the woman, and said to my mate, "Suppose we give them something," and we gave them a load of earth from the surface and they washed it, and I know they got 30 lbs. of gold, amongst which was a 16 oz nugget, b the shape of a crescent; that was in November. We took out of that claim, afterwards, 30 lbs. weight of gold from the reef; we got it from the grass and down to the reef—it was a continuation of the reef, not more than about a foot deep. We took up the first cradle that worked on Beaulieu Creek.

445. By the Chairman.—You worked there in the month of November?—Yes, I am positive about it. How many were working there then?—It did not appear to me to be above a dozen.

446. By Mr. Butters.—Do you know if Mrs. Kennedy was working there, and Mrs. Farrell?—Mrs. Kennedy was.

448. By the Chairman.—Do you know the name of Morrow?—No, I cannot remember names. I had a cradle on Anderson's Creek, and took it there.

449. Was Mr. Fenwick there at the time?—I did not know him at the time. I was present at the great meeting—I was there when the Commissioner put up his first camp, and also there when the black trooper found the gold in Golden Gully. Knowing the blacks very well, I could talk to them. They crawled up on their knees and knelt on the grass. What was called Golden Gully was a misnomer—their found the gold. There was a sailor man came upon the same night the black children found the gold; he shoes were worn out, and I had a pair of kangaroo leather boots, and I gave him to this man. He was going down to Melbourne; he showed me some gold; he wanted me to have the boots, but I would not take it. We struck to that claim during the whole time, over four weeks. I remember distinctly going up in November, and we went down with our bullock dray, and arrived in Melbourne on Thursday, the 15th of December, 1851. We were on the road nearly a week; and we sold the gold to Mr. Benham, the father of the present Sir Benjamin Benham. We first took it to Hepp and grieve, in Flanders-lane; they offered £2 15s. an ounce for it; we declined, and we got £2 16s. an ounce from Mr. Benham.

450. By Mr. Butters.—You were there early—what is your opinion about the first person who discovered the gold?—In conversation with the shepherds and Asquith they claimed to discover it.

451. No Kennedy?—No, he was the overseer at the head station.

452. By the Chairman.—Were Asquith and Graham searching for gold?—Yes; they then managed the two flocks. The name of the owner was Fenton.

453. You saw one working there, also Mrs. Kennedy?—I am not certain about Mr. Kennedy.

454. Kennedy was as early as Graham?—No.

455. By Mr. Butters.—You found Kennedy and his wife there when you went there?—Yes.

456. By Mr. Gordon.—Had the appearance of being worked?—No; finding people were finding gold in the creek anyone would naturally settle near them, and not go down two or three miles to the White Hills—there was no much place. I worked all through Beaulieu. They were not called the White Hills until we got into the deep working, and getting to the pipeline. I do not feel confident there the gold cropping up is on the creek anywhere between the present position of Parr Mall. As the first worked down the creek the holes went deeper. Where it was found at first it was on the surface.
457. There was nothing but prospecting before you came?—No. I was through Eaglehawk and Sailor's Gulch.

458. Will you fix your arrival on Bendigo?—The first week in November (about the 10th). I know we were a whole month on the gold-fields, and we arrived in Melbourne on the 18th December.

459. Having arrived early in November, you say you saw Mr. and Mrs. Kennedy amongst others?—Yes. I am not certain about Mr. Kennedy.

460. You have no doubt that from the appearance of the work they had been there some time?—It did not give me that impression at all; the impression I had was that they had not been there a week.

461. By Mr. Burrows.—There was no work done?—No. The waterholes where we worked was perfectly clear.

462. By Mr. Gordon.—Would that bring them well into November?—Yes.

463. By the Chairman.—You arrived in November and the fact of their being there would lead you to believe that they were there in October?—Yes, I question whether there was anything done on Forest Creek in September—I was working on Golden Point in October.

464. By Mr. Burrows.—They might have been there in October?—Yes.

465. By Mr. Gordon.—Did they show you gold on your arrival?—Yes, in a tin dish.

466. By Mr. Burrows.—Who showed it to—Mr. or Mrs. Kennedy?—I could not say; there were several about there.

467. You saw a considerable quantity?—No.

468. A payable quantity?—Yes, of payable gold found in the creek.

469. By Mr. A. Young.—You say when you arrived there were several claims marked out?—I was the first. I saw no marked out before mine.

470. Several parties were working there, and you could not get a claim near them, and you marked out a claim on the banks of the creek?—Yes; the bed of the creek where they were working was not as wide as this room, and the waterholes to the right and left were particularly deep; they were simply pottering with their knives.

471. By Mr. Burrows.—Fossicking?—Yes.

472. By Mr. Frensham.—Are you quite satisfied it was the first week in November you were there?—Yes. It may have been as late as the 10th.

473. From recollection or documentary evidence?—As I mention, I know we were there about five weeks from the fact of arriving in Melbourne on the 18th December. I am certain I was not there before the beginning of November; it may be the 1st of November or later.

474. Were there any but the station hands working in the creek?—Not that I am aware of. From what I saw of the few people who were working there, and the information from the shepherds, there were no organized party working there.

475. Might there not have been parties working in the White Hills?—I think it very unlikely anyone would have left the neighborhood of where the shepherd and stokekeeper were getting gold.

476. Do men do strange things at times?—Yes, I am old enough to know that.

477. Might not parties have been prospecting in different posities?—They could not do it without the knowledge of the shepherds.

478. They were not shepherding the men?—No, the sheep. I say it is very improbable that anyone could be working on the creek within five or six miles of them without the knowledge of the shepherds. The sheep were grazed on the banks of the creek; there was very little food to the right and left—it was the custom to feed on the banks of the creek. I know it would be quite impossible for anyone to have been prospecting without the knowledge of the shepherds.

479. Was it not possible that persons might be prospecting in different directions and not come under your notice?—Yes. I stated before I could not be positive who were on the creek lower down, or who were not.

480. You camped, you say, convenient to that waterhole?—Immediately opposite. My tent was made of blankets, and it was immediately on the right bank of the creek. The claim was on the left bank.

481. On the north side?—Yes; then we put our tent immediately on the right side opposite, and there it remained.

482. On the south side?—Yes.

483. Was there any other tent put up there, to your knowledge?—Afterwards.

484. About that time—November?—No doubt; parties came immediately after from Barker's Creek—the next day.

485. You seem to have a pretty good knowledge of the owners of stations; do you remember a Mr. Bennett, on the Campaspe?—Yes.

486. You say you are the first person who brought a cradle?—Yes. I believe so.

487. You are not sure?—No.

488. Did Mrs. Kennedy wash with a cradle?—I do not know.

489. She did; I lent it to her. You seem so confident that you were the first party after the shepherds?—I do not say so. I said I believe I was the first to mark out a claim on the left bank of the creek.

490. Did you know a party named McGrath?—He was there after me.

491. Was he there before you?—No. I remember the name, but cannot call the person to mind. McGrath is not a very distinctive name.

492. You seem so confident about the matter?—I am positive about the claim.

493. Do you lay claim to being the discoverer?—No. I say, according to my information, the shepherds found it.

494. Do you lay claim?—No, not as the discoverer; but at the time I believe I was the first to work a substantial payable claim after the discovery of the gold by the shepherds and the station hands. That is my claim.

495. By the Chairman.—You mean this—before you were fossicking, and then you sunk a shaft?—No. I did no fossicking.

496. By Mr. Burrows.—You worked from the face?—In this report of the meeting in the paper, Mr. Frensham says he was working at Ballarat in November. Further on he says he went down to the
White Hills, and then that payable gold was found in the creek, 27th November. I say it was a payable gold-field in the first week in November.

497. By Mr. Frensham.—You seem to be conversant with the working of the gold-field?—I was mining up to the end of 1858.

498. Are the parties who first made known the discovery of gold to the authorities the persons specially entitled to be considered the discoverers?—That is a question for the Committee or the Government. I would say, the honour of having proclaimed it to the miners on Barker’s Creek rested with Mr. Fenton through Mr. Byass, as knowing the station and knowing the Murphys, and his old friend, Mr. Gibson. That, I have no doubt, in fact I feel certain, caused the first rush to Bendigo.

499. That is your opinion?—Yes.

500. By Mr. Burrowes.—In your opinion, the shepherds and hutkeeper were the first discoverers?

—According to their statements.

501. Do you know their names?—James Graham; I do not know the name of the second. James Graham was the one who went up in 1849. I knew Asquith and Graham.

502. They told you they discovered the gold?—Yes; in conversation they told me.

503. By the Chairman.—Did you hear, at that time, anything that would lead you to believe what gave rise to the name of Bendigo?—No. I inquired. My own impression was at the time that it was a corruption of “bandicoot,” but the old hands said it was after some old “pug” or pegullist.

504. That was some of the old station hands said so?—Yes. One of the writers in the paper questioned as to whether Bendigo the fighting man was noted at the time; but I know in 1841 I, as a schoolboy in Yorkshire, was at a fair, and saw Bendigo in a boxing tent.

505. By Mr. Burrowes.—You know him as Bendigo in 1841?—Yes.

You know the place before mining was there at all, or in 1841 as Bendigo?—Yes. I noticed in a letter of Mr. Frensham’s he said he sold first gold on the 26th of December, 1853; I sold it on 18th December, 1853.

507. By Mr. Frensham.—A wrong impression may be produced from that. I stated, and it is in the Argus and the Bendigo Independent, that on the 26th of December I went down to the camp and gave the gold up to Mr. Lydiard in company with Trooper Synnott;—I merely say I took payable gold down before that—30 lbs. weight of gold from that claim.

The witness withdrew.

William Sandbach, examined.

508. By the Chairman.—What are you?—I am writing for a party in Melbourne.

509. Where do you reside?—Little Baillie-street, North Melbourne.

510. Will you kindly tell us what you can about the first discovery of gold on Bendigo?—Just a few words about the name itself. I have a letter here from a lady who was living on Mr. Myers’ station, and whose father knew him at home. It is just as I stated about a shepherd who found gold three years before. The lady says she remembers Thomas Myers telling them that the place got the name of Bendigo from Sailor Bill, who came out as shipmate with Myers.

511. By Mr. Burrowes.—That letter says they got the name from a sailor?—A fighting sailor.

512. Where did he fight?—He lived at the shepherd’s hut.

513. On Bendigo?—Yes. He was nick-named Bendigo because he was a fighting man, and the hut was named after him.

514. By the Chairman.—What year?—Years before, when Heap and Grice laid the station. James Liston told me how it got the name, and this lady witnesses that what he says is the truth.

515. Please go on with the narrative?—I was shepherding on the station from January, 1851, till about the middle of October, 1851. My brother was then at the hut, about a mile from the home station, and we used to call there very often. After the sheep were sheared in the Bullock Creek, Johnson, who was cooking for the shearcars, and a man named O’Donnell and myself came into the home station about the 21st of November.

516. By Mr. Burrowes.—The same year?—Yes. When I got into the hut, a man of the name of John Ross came into the hut and caught me by the arm, and said, “Have you heard the news?” I said, “What news?” He said, “They have got gold at Bendigo.” I was eating there, and I had left my razors, and wanted to go for them, and Mr. Gibson and Mr. Fenton did not want me to go, and made excuses. Knowing that country was like the Forest Creek country, with the ironbark, which was a sign of gold, I was determined to go, and I found a shepherd we called Ben Hall and Chris., the hutkeeper, getting gold. We started out before daylight in the morning. We got provisions from Mr. Fenton, and there was Johnson, Ross, O’Donnell, my brother, and myself, who went with heavy swags over the Big Hill, and we came down the valley to the rocks, and we found Mrs. Kennedy and another woman there. This is the first time I heard of her discovering the gold. The shepherd and the hutkeeper were digging, and they laughed when we got up to them and said, “Boys, this is better than shepherding.” Two men now could do the work done there then in one day.

517. By the Chairman.—In what year?—On the 22nd of November, 1851. Here is the waterhole—[pointing to a plan]. They were puddling with a mud can and a dish. We went down just a few yards and we went into the waterhole. I remember I was thinking of Bishop Heber’s hymn, “Where Affie’s sunny fountains roll down their golden sand.” Johnson went right into the creek, and the shepherd told us—

518. By Mr. Burrowes.—Who was the shepherd?—One went by the name of Ben Hall; he was ten months in that hut.

519. By the Chairman.—You said, “A man named Chris.” do you know the other name?—He was a shearer.

520. Was the name Asquith?—Yes. Johnson said about the middle of October he stopped at the hut, and crossing the bar of rocks he picked up a bit of slate with a speck of gold, and asked the shepherd what it was—if it was gold—and the shepherd dropped it. He went on to the woolshed at Bullock Creek, he said, and the next day they began to root about and found gold. They had an old adze, and they
Wm. Sheehan, agreed to box the two flocks, and one shepherd was to stop with the sheep—Ben Hall might be the name of one of the men.

521. You do not know if the name was Wilson?—He was called Ben Hall. They found gold. We found the two men and the two women. There was no one on the creek but the two men and the two women.

522. You found Mr. and Mrs. Kennedy?—No, not Mr. Kennedy.

523. Mrs. Kennedy and Mrs. Farrell?—Yes.

524. Do you know where Johnson is?—No. He was a young man of about twenty-four. The two men—the shepherd and the butcherope—would be about ninety years old now.

525. Do you know when Mr. Frencham came on the scene?—We had been there about a week. We heard that Stewart Gibson let it out one night, at the Perequine public-house, when he was half-frighted, that they had gold, about a quart pot full, which brought the people.

526. About a week after you arrived?—Yes, about a week; when we were working at the next bar we had got a millen, and they had a tub, and we got a tub before anyone came, and we were working at the next bar, and Mr. Frencham came to me and spoke as a stranger, and I asked him how the gold got into the creek, and he said, "Oh, it was washed down at some future period," and he was known by that name afterwards. There was no one else there.

527. Did you know a man named One-armed Byrne?—Yes, he was working for Mr. Gibson.

528. Do you know of him spreading the news of gold at Forest Creek?—No. I knew Mrs. Kennedy very well, but did not hear till that moment anything about his finding gold.

529. By Mr. Gordon.—What was the date of your arrival?—About the 22nd of November.

530. On that day you found this shepherd and butcherope?—Ben Hall, and Chris. and Mrs. Kennedy, and the cooper's wife.

531. You heard Mr. Paton state he was there the first week in November?—Yes; but I do not think so. Mr. Fenton's books would show when we left. The cooper was on the head-station; he used to cooper the casks for the boiling down.

532. By Mr. Frencham.—You published in one of your letters that you went in the second week in November, or a little earlier?—Yes.

533. You now fix it at the 22nd?—Yes.

534. Is it from memory?—I was not positive whether it was when I went to another place, in October, 1849, or 22nd November to Bendigo.

535. You make corrections in your second letter, that you are in error about the 22nd, and also about my being there?—I do not say you were not there. About a week after I was there you came.

536. That does not fix my time?—I know nothing about your time.

537. Did you see me coming?—You and five or six men, and you came and spoke to me.

538. Had we changes?—No. You had been to the rocks first speaking to the women and the men.

539. Did we have any horses or conveyances?—Not when you spoke to me.

540. Then you cannot determine when I was there?—There was not a stranger on the creek before those five or six men came.

541. Do you fix me as one of them?—You came with the first lot from Forest Creek.

542. You admit I was one of the first parties?—Yes, but I do not admit that you found the gold.

543. I am asking you was I not the first party there in the rush from Forest Creek?—Yes, with the first party, but not before them.

544. Were you employed to keep secret about the discovery you made?—No.

545. How came you to state in your letter that Mr. Fenton did not wish his name to be known?—Because, not to let it be known on the station where we were going we started before daylight.

546. You published it. Still you say Mr. Fenton wanted silence kept?—That was only my opinion.

547. By Mr. Burrows.—You had no information from Mr. Fenton to that effect?—No.

548. By Mr. Frencham.—You said it was kept secret, the discovery of the gold by the station hands; was it not?—I say we went out before daylight so that we should not be seen.

549. You were concealing your movements, why the secrecy?—Because he would not want the other men, who knew nothing about the gold being found, to leave their work.

550. Was not the whole scope of this idea to keep it silent?—No.

551. Then why did you publish it and put it forward as a fact?—It was in brackets as my opinion.

552. You made a special mention?—We started out before daylight so that they should not see us.

553. By Mr. Burrows.—We understand you were a week or a fortnight on Bendigo before Mr. Frencham came?—Yes; I would take an oath of that.

554. By Mr. Frencham.—You would take an oath?—Yes, that you came as a stranger making inquiries to me when I was there about a week.

555. You would take an oath of what you cannot say?—I am as sure of it as that you are standing there.

556. By Mr. Farrell (through the Chairman).—Did you see me working on the station or on the gold-field?—Yes, I saw you after New Year's Day. You borrowed my pistol and I never got it back. You had to get another for me some time after.

557. By the Chairman.—Do you wish to put this plan in?—I will explain it to you—[explaining a plan to the Committee].

The witness withdrew.

George Martin Newman, examined.

558. By the Chairman.—What are you?—Engineer.

559. Where do you reside?—Clifton Hill.

560. Tell us in your own words what you know about this matter?—After visiting Ballarat and Creswick, I found my three mates started up from Melbourne, somewhere about the 4th of November, for Forest Creek.
561. By Mr. Gordon.—In 1851?—Yes. Instead of going into the Forest Creek goldfield, we went to S.M. Newman, a gentleman named Fenton—(I believe he is in the room now)—on the hill at the head of Forest Creek, and he informed us that if we were wise we would proceed on to Bendigo; I understood "Bendigo." He described the road, and we would see four men clearing off the rocks intersecting the creek. We asked on his advice and got to the said creek, and we saw three men who appeared to be station hands working off the slate rocks and fanning, and we could see they were getting gold.

562. By the Chairman.—What time was that?—It might be about the 10th of November. I have made a mistake about the date in a letter. I thought my mate was dead, but he is in the room here alive and kicking; he has corrected me.

563. By Mr. Burrowes.—You admit that correction?—Yes.

564. By the Chairman.—About the 10th you found the four men working at the rocks?—It was not known as the rocks then—the slate bars.

565. Were there any women there?—I did not see the women there on the creek.

566. Any signs of woman life?—The only animal in the shape of a woman was a man dressed like a woman to decoy us. He was a man. I do not remember seeing any woman there.

567. You do not remember seeing any women?—No.

568. Who were the men you saw working?—I do not know one of the names. I have reason to believe that Mr. Sandbach was one.

569. You found four men working there on the 10th?—About the 10th of November.

570. Do you know whether Mr. Frensham was there?—I do not know; but I am prepared to take my oath there were no men on the creek but the four men working that we could see. After we worked on those slate rocks we found it was not good enough, and we went up about half a mile up the Golden Gully, and sank a shaft 20 feet deep and good gold, and there were three claims sunk near the slate bars, but they were all failures, but our party sank the first golden hole that was about the 10th of November to the best of my knowledge and belief.

571. By Mr. Gordon.—The depth, you say, was 20 feet?—Yes.

572. By Mr. Burrowes.—You do not know the names of the four men?—No; I do not know that I ever knew them.

573. You assume they were station hands?—They had every appearance.

574. By the Chairman.—Was the claim in Golden Gully 20 feet?—Yes.

575. Alluvial or quartz?—Alluvial.

576. By Mr. Young.—You say you think you arrived the 8th of November?—Yes.

577. And you think you saw Mr. Sandbach?—Yes.

578. He says he did not appear till the 24th?—I think he is wrong.

579. By Mr. Frensham.—You heard the evidence of Mr. Sandbach?—Yes.

580. Do you think he is correct about time?—I think he made a grievous error; I think he was there many days before. I am speaking what I believe to be the truth. I do not want any rewards, because we did not discover the gold; but we sank the first payable shaft, I will take my oath.

581. How did you haul the stuff, with a windlass?—We had a bit of a whip.

582. You did not leave much of a reaunt of it?—It might be in a museum now, for all I know.

583. By Mr. Burrowes.—What was the name of your party; was it known as Newman's party?—No; no particular name.

584. Mr. Paton.—I am sure that the first claims in Golden Gully were not opened till after Eaglehawk was discovered and the rush took place. I was there.

585. The Witness.—The shaft was just below two little tributaries that went into the Golden Gully.

586. Mr. Paton.—No whip was to be seen.

587. By Mr. Fawcett (through the Chairman.)—Where did you cut the stuff to wash it?—Down to the creek.

588. Was there no waterhole at Bendigo Gully?—I did not see it.

The witness withdrew.

Adjourned to Thursday next, at eleven o'clock.

THURSDAY, 28TH SEPTEMBER, 1890.

Members present: Mr. BAILIE, is the Chair;
Mr. Burrowes, Mr. Bennett;
Mr. Gordon, Mr. Foster;
Mr. Cameron, Mr. A. Young.

Benjamin George Davies, examined.

589. By the Chairman.—What are you?—Railway inspector.

590. Would you give us what information you can in connection with this question?—My evidence will not be much to the point, as I was not in the colony when Bendigo was discovered. In the year 1892 I was member for Avoca, and I moved that a reward be given to the discoverers of the Inglewood goldfields. It was afterwards altered to the appointment of a Select Committee to inquire into the claims of prospectors for the discovery of recent gold-fields; such gold-fields to be separate and distinct. It was not to be for the discovery of small places or gullies that had not turned out important gold-fields. The report was published and presented to the House of the discoveries of several important gold-fields, such as Inglewood and Arrarat, and they were paid the sums recommended by the Committee. During that inquiry the Committee came to the conclusion that only those should be rewarded who had made the discoveries public; not those who had found a gold-field and kept it secret. Several applicants said they knew of the existence of gold,
but they kept it secret, for fear their interest in one or two runs might be prejudiced by the appearance of the miners upon the runs, and we resolved that only those who had discovered and made the discovery known to the authorities or the public should be rewarded, and that was carried out in the House. The rewards were not very great; they ranged from £500 each paid to the two brothers Thompson and Honey for Inglewood. At that time I made the acquaintance of Mr. Frenchen; he appeared as a witness before the Committee and gave some important evidence respecting the discovery of the Emerald gold field. We had nothing to do with Bendigo, that was not in the radius of our inquiry. After that I met Mr. Frenchen several times, and he told me of his being the first explorer on Bendigo who made the discovery known. After seeing Mr. Frenchen for a few times, I was impressed with the notion that he was really the first legitimate discoverer of Bendigo. He put his claim in the form of a memorial to the then Minister of Mines, in the latter part of 1859, and gave his statement. He asked me to present it to the Minister of Mines, and leave it to the Mining Department to inquire into the truth or otherwise of his claim. I presented that memorial to the late John Macgregor who was the Minister of Mines at the time, and he promised to have a full inquiry into the case. I handed in at the time a list of witnesses who could substantiate Mr. Frenchen's statement; beyond that I have no information, further than that the Minister of Mines seemed to be impressed with the truthfulness of Mr. Frenchen's written statement, and promised a full inquiry; but what became of that inquiry, or if any inquiry was made, I am not aware.

691. By Mr. Burrells.—You do not know of your own knowledge whether Mr. Frenchen was the first discoverer or not?—No, I was not in the colony at the time.

692. By the Chairman.—Is that all you have to say?—That is all.

693. By Mr. Foster.—You say you were impressed with the notion that Mr. Frenchen was the first to make known the discovery—to officially report it?—Yes.

694. Not that he was the first to find the gold!—I could not express my opinion on that.

The witness withdrew.

Frederick Fenton, examined.

695. By the Chairman.—Will you kindly tell us all you know in connexion with this case?—On the 1st of June, 1849, the two Gibson and myself took possession of the Mount Alexander run from Hoop and Grieves, now called Ravenswood Station. Bendigo was included in that. It extended from about four miles below the Post-office on the east, and nearly out to the Bullock Creek on the north; it was about 200,000 acres, a very large run. I remained there continuously for about seventeen years, before I left it, and then only for a year or two. In August or September of that year, 1849, I came down to town and bought a flock of sheep, and I engaged Mr. Paton and a man named James Graham to help me with the sheep to Ravenswood. I put these sheep at the Bendigo end, and I had the shepherd Graham there for a considerable time. Next day I put another flock of sheep there in charge of another man, and these two men remained there then continuously; I never shifted them. Then when the diggings broke out in Castlemaine in the end of August or September, myself and Mr. Gibson rode down to Castlemaine, and noticed the similarity of that country to Bendigo, and the two of us for weeks and weeks went cracking stones on the hill sides to find gold, until we came to this large waterhole in the Bendigo Creek; we camped there in the middle of the day, and there we found some pieces of gold in the rock. At that time there were only the shepherd and the headkeeper on the place.

696. By Mr. Burrells.—When was that?—The end of September, or the beginning of October, 1851; it was stuck in the clay, only about a foot from the surface.

697. You were one of those who found it?—Myself and Mr. Gibson; we had been riding for weeks, trying to find it.

698. By Mr. Gordon.—Did you understand the value of the discovery?—We knew it was gold.

699. Were the particles of gold of any size?—They were as large as small peas some of them, all round solid gold, water-worn. Then, as shearing had commenced, we agreed to keep it quiet until shearing was over, but Mr. Gibson went down to the Porcupine Inn and let it out that we had discovered gold. It got all over the district, and I was asked by people from Forest Creek to tell where it was; among them was Mr. Harrison, a one-eyed man, known as Captain Harrison. These men, the shepherds, had been digging there two or three weeks, and I went down to see the sheep, and found the sheep in the bush and no shepherds with them. I rode to the hut, and saw my three men at this waterhole with the pan they mixed the flour for bread in. They had two or three shillings' worth of blue stuff on the bank in a dugout and said that a gold-pans put thirty shillings together under one man until the shearing was over I would be very glad. During the time they were there I visited them two or three times, and on one occasion I myself got about half-an-ounce of gold in sheep droppings by washing the clay in a tin dish. I let these men go on while the shearing was going on, but it got rumoured on the station that gold was found there, and Mrs. Kennedy, the wife of the overseer, wanted to go down there, and she took another married woman from the station with her in November, and went and joined them—that was in 1851.

699. In August or September, 1849, you went to Helbuton and employed those two shepherds, and in that year you found gold?—No, I meant 1851.

601. By the Chairman.—You engaged Paton and Graham in 1849, and in 1851 you and Mr. Gibson found gold?—Yes.

602. By Mr. Burrells.—You found no gold in 1849?—No. The Castlemaine diggings were only found in the end of August or September, 1851, and it was after that I heard of the diggings being opened in Forest Creek—some time in August, 1851.

603. By the Chairman.—It was subsequent to that that you and Mr. Gibson made the discovery?—Yes, in the end of September or the beginning of October, 1851.

604. And while the shearing was going on you were riding about the run, and you found your sheep unprotected in the bush?—Yes.

605. And the men in charge washing for gold in this waterhole?—Yes.

606. What were the names of those men?—James Graham, Christian Aeppli, and the other man I am not certain about, but I believe his name was Sanner. Then I agreed with the men to box the sheep, and one to look after them, to keep them until I could get the shearing done.
697. By Mr. Burrows.—After this you look fot gold? I went down several times while these men were digging there, and I worked for about two hours one day, and got about half-an-ounce of gold.

698. When was that?—The same year, in October. They were only there a few weeks before they were joined by the station men.

699. Was there a man named William Smith in your employment at that time?—He might be here—[referring to a ledger]. This old ledger has not got the names of all the men, because there was another ledger—this commence in April, 1831, and there might be some men engaged in the old book whose names are not carried on it. There is the name William Smith here—December 29th, 1840; William Smith, hired for six months at the rate of $22 per annum. Then on the 30th May, 1851, “Settled”—he was discharged on May 31st.

700. By Mr. Burrows.—Did you know a man named Gardiner who used to trade in sheep?—No.

701. He used to bring large lots of sheep to the diggings.—That was long after—when this gold was first discovered there was no one taking sheep at all. Mrs. Kennedy and another married woman went down there and worked beside these men, and afterwards four or five station hands went also.

702. Was that in October?—October or the beginning of November. Here is Norris’s and Stewart’s name on the 23rd of November, I paid them by gold at 50s., an ounce, £1 2s. 6d., the number of ounces is blank.

703. By the Chairman.—Was there any other tent or hut, with the exception of the station hut and the mail-rooms of Mrs. Kennedy’s there?—After the 23rd down there some of the other station hands went down there and joined them; there would be about five or six other men.

704. Prior to the station hands going down there was any other tent or hut?—No other.

705. The hut was not very far from the spot where the gold was discovered.—One hut was near the back of the present Shamrock Hotel. The Golden Gully is about one mile or one mile and a quarter on this side of that; those men were in the habit of going up and down the creek with the sheep each day.

706. Who was the butcher there?—Christian Asselth.

707. Was William Sandilander in your employ?—Yes, both of them.

708. Where was he at that time?—On the Loddon River. This station was 35 miles across. The two Sandilanders were in charge over there, one shepherd and one butcher. They brought the sheep up to be sheared, and they were discharged on 22nd or 23rd November, and then they started digging on their own account.

709. When did they bring the sheep to be sheared?—A few days before they were discharged. They started digging on the 25th of November, and got a lot of supplies from us to go on with.

710. By Mr. Burrows.—Where did you hear that?—I had two sheaths, one at Ravenwood, where the sheep were sheared, and I put a temporary shed about nine miles from home for the other clean sheep.

711. Were those sheep on the Bullock Creek run sheared at Ravenwood?—Those sheep sheared at the temporary shed were sent back to the clean country.

712. By the Chairman.—That will account for the Sandilanders being here at the time of the discovery, because they had brought the Loddon sheep to be sheared?—Yes, that was about the 25th of November. I have an entry here—[referring to the ledger]—of those men after they gave up the sheep, “William and John Sandilander and Co., gold diggers. November 25th. Flour, sugar, tea, pams, and pannicks.” These men went down and joined the rest of the people there. Previous to this all, when Mrs. Kennedy and the other women went down there, and five or six station hands, I got Mr. Brass to ride down to Castlemaine.—This was in the beginning of November—and tell Captain Harrison and other parties about the discovery of gold, and also make it public, which he did.

713. By Mr. Burrows.—At your request?—Yes; that was some time in the beginning of November. Here is a declaration given by Mrs. Albin, who was there at the time—producing the same. There is also another declaration made by Mr. Albin, Morehurich, which contains my having sent Mr. Byes down there. After Mr. Brass made that known in Castlemaine several parties came up, and then there was a general rush in the beginning of December, and there were soon thousands there.

714. By Mr. Burrows.—Can you say whether at the time you sent the information down to Forest Creek Mr. Frenchman had reached Bendigo?—He says himself he did not get to Bendigo until 27th November. I have here a purchase of gold from these men on 20th November—[showing the book].

715. By the Chairman.—Will your book show from whom the 3 lbs. of gold was bought?—It is not entered there. Here in this book is “Christian Asselth, Nov. 24th.”

716. By Mr. Gordon.—At that time did you purchase by auction or at private treaty or did you?—I cannot remember; I think it was a sugar scale. I used to take this gold and come down to town and sell it 3s. or 4s. an ounce.

717. By the Chairman.—Have you any other evidence to give us?—No, unless you would like to see some of those purchases of gold here.—[The witnesses pointed the same out in his ledger.]

718. By Mr. Burrows.—You say you were there in 1849.—Is that right?

719. That was Ravenwood?—Yes, where the house is now it was a wooden house.

720. Speaking of that creek which you describe where the gold was found, and where you had your sheep, what was that locality known as at that time?—It was called Bendigo hut and Bendigo Creek. I never heard Raveswood mentioned.

721. Do you know why it was called Bendigo?—I was informed it was after a fighting man. The out-stations all had different names. There was one called Heffernan’s hut, and another Happy Jack’s hut, and the Bendigos hut; they all had different names.

722. By the Chairman.—Are you claiming to have discovered the gold in the month of September, 1851?—The end of September or the beginning of October, 1851.

723. By Mr. Gordon.—You stated that in the beginning of November you sent information of the discovery to Captain Harrison?—Yes.

724. When you sent the information did you state who made the discovery, or did you claim yourself to have done so?—Mr. Byes was living with me in the house and knew all about it.

725. Did you send down the name of the actual discoverer?—Yes.

726. Who was it?—Myself and Colson; Brass was there all the time, and he brought up word from Harrison and several other parties, asking if I would let them know the locality.
By Mr. Frencham.—You acknowledge the letter which you published in the Bendigo Advertiser, on the 12th March, 1888—Yes.

Was it correct?—Yes.

In that letter you mentioned that you spent some time breaking quartz about the ranges, and your getting five or six spoons of gold?—Yes.

Did you enquire sooner of each other on that occasion?—Yes, for a short time, two or three weeks, until the shearing was over.

We then decided to keep it a secret till our shearing was over, but Gibson told some friends of us that we had found gold, but did not mention the locality?—Yes, that is what I say all through.

Then you say it was rumoured about?—It was, by Gibson saying so.

But you declared it to make it known?—At that time.

About a fortnight afterwards, you go on to say, "I rode to see my two shepherds, who lived in a hut opposite to the camp, and on my way found a flock of sheep without a shepherd"?—You read one part of the letter, and not the whole. I declined then to tell Harrison and three other parties, and also to make it public, which he did.

Did you make it known?—I sent Mr. Byass down in the beginning of November to tell Harrison and three other parties, and also to make it public, which he did.

Mr. Byass lost one arm?—Yes.

Which arm?—The right arm.

Was he able to write with his left hand?—Yes.

Would you know his writing now if you saw it?—I doubt if I would.

There is a letter from Henry Byass to me in the hands of the secretary that I would like produced—"The clerk produced the same."—I should think that was his handwriting, as far as I remember. I could not say positively, but it is the way he used to write.—[The clerk reads the letter.— Vide Appendix.]

Does that seem contradictory to the statement you have made?—I do not see any contradiction in it at all.

What was the date of the declaration you put in from Norris?—I have no declaration from Norris.

You say Mr. Byass was your authorized agent to make known the gold discovery?—I told him to go to Castlemaine; he was staying with me in the house as a friend; he knew all about the gold. I told him to go down and tell these parties who had asked me to let them know the locality.

You authorized him to make it known?—I did.

Why did you single out Captain Harrison?—He was one of a party of four who asked me to let them know among the first—to let them know of the locality.

As regards Mr. Byass' letter that he has read, he states he is willing to give evidence for a money consideration as to how that corresponded with his faithfulness to you?—I do not see that it affects the case at all. You put an application in for the reward I suppose, and got Mr. Byass to assist you.

I ask you as to the time you sent Mr. Byass, and what you think of that letter he has written saying he would give evidence for a money consideration?—He was evidently hard up.

Does he not appear that he was an unreliable man?—I do not know about that.

You cannot rely upon that, as he was playing a double part between you and me?—That is your assumption.

Is it not evident that he is unreliable, if he is unfaithful to you?—No merely delivered a message I sent him down, and he did go down long before you name them.

Did you know Captain Harrison intimately?—I knew him long before he got on the gold-fields were discovered.

He had one arm?—Yes, he had one arm shuttered with a gun; he had a station on the Avoca, in 1850 or 1851.

You have seen the letters that are published by one of your men, Sandbach?—Yes; I saw them.

He distinctly states in two of his letters that you kept secret lest the run should be destroyed?

He may say so.

Did you read them?—Yes.

Were they correct?—No.

Then he is giving false evidence?—I do not say that, it is 10 years ago; he may make a mistake.

Was he correct in saying that you wished to keep it secret because the run might be destroyed?—No.

What time did he leave your employment?—I cannot without looking at the book. I settled with him on November 25th.

Was he in your service up to that time?—Yes.

He was not gold-digging previous to that?—No.

Has he not stated in his letter that he was? I cannot help that. I read his letter, and in a great many facts he was right and in some he was wrong.

Did you permit him to dig for gold prior to November 25th, 1851?—No, he was not doing so; he was twenty miles away from the homestead.

When was the shearing over?—I think it was over in November some time, but I cannot say exactly.

Was the station yours or Mr. Gibson's?—At this time I was in partnership with Mr. Gibson.

Do you remember when Captain Horne arrived here?—Yes.

About what time?—After the rush of diggers, some time in December.

Was he on visiting terms at the head station?—I do not remember seeing him at all, he might have called on his way up.

Did you ever meet him there?—Very likely; I could not remember.

Do you remember his stopping there for a night?—I cannot remember.

Did you not come out of the door with Mr. Gibson to speak to him?—I cannot remember; it might have been the case, but I cannot remember.
682. You do not remember any intimacy with him?—So many people came there; my station was on the road side, and there were people going backwards and forwards every night nearly. He was the first Commissioner sent up with some black troopers after the rush.

683. You say in your letter "a great many diggers returned to Clonmel," saying they were loused?—A great many did.

684. What time was that?—After the proclamation took place—when the rush took place.

685. You have not fixed the time exactly that you sent Byssus down?—It was some time in November.

686. Did he return to the station again?—The same night; it is only fifteen miles. He got a horse from me, and came back the same night.

687. Did you ever send him to Barker's Creek?—Often.

688. For this specific purpose?—No, I sent him to Forest Creek.

689. Did you send him to Barker's Creek?—No, to Forest Creek.

690. Some evidence was given here about Barker's Creek that Mr. Byssas made the announcement there, but you did not send him there?—On the way to Forest Creek you have to pass Barker's Creek. He must cross Barker's Creek to get to Forest Creek.

691. By the Chairman.—Did you instruct him only to give the information at Forest Creek?—Where the diggers were; there were no diggers at Barker's Creek; there was not a man there; there was no gold there.

692. By Mr. Frencham.—You say you were intimately acquainted with Captain Harrison—what time did he come to Bendigo?—After I sent Mr. Byssas down to Forest Creek, a few days afterwards Harrison and his party came up.

693. By the Chairman.—In the beginning of November you sent Byssas down to inform Captain Harrison, and a few days afterwards he came upon?—Yes, and a great many others with him.

694. By Mr. Frencham.—You said that I might be one of that party?—You might have come down with the rush for all I know. I never saw you before; in fact I never saw you at all, to my knowledge, till I saw you last Thursday.

695. By Mr. Cameron.—Was Mr. Byssas in your employment when you sent him down?—No, he had been living on the station and had been there for months as a friend. About two years and a half ago I was trying to find out people who I thought might be living and knew of the discovery of gold. Among others I found the address of Mr. Kennedy. She was the overseer's wife, and was living at the home-stead during the whole time from March 10th, 1851. I wrote to her in Stawell, and here is her reply—(reading the same.—Vide Appendix.)

696. By Mr. Sandbach (through the Chairman).—The first day we appeared upon that creek was on 22nd of November. We had not been there above two or three hours when Mr. Fenton came over the rise on horseback. He made his horse fast and came down to the creek, and one of our mates was getting gold out of the sand in that waterhole and emptying it into my dish. Mr. Fenton came alongside of me and got another dish. Can you say positively there were no people on that creek but those who came from your station?—There was not a soul on the creek but the station hands and the shepherd.

697. Do you include the Sandbachs?—The Sandbachs came there later on.

698. By the Chairman.—On the 22nd November you say there were none but station hands there getting gold, do you include the Sandbachs as station hands?—Yes.

699a. Then they may have been there?—Yes, they were there.

699. By Mrs. Kennedy.—When I went to Bendigo you were on Ravenswood station?—Yes.

700. Did you go to town in the beginning of October, 1851, and remain several months?—No, I never remained months in town; I might have gone for a day or two and come back again.

701. Do you know Green, the servant?—Yes, she is Mrs. Alope.

702. Did she go with Mr. Gibson to Melbourne?—I believe she did.

703. You remember the first gold you saw in Ravenswood—did my husband bring it from Hiscon's Gully near Bendigo?—I never heard of it.

704. You remember he was bringing the carcasses of mutton to Barker's Creek, where the gold was first found?—It was Forest Creek where the gold was found.

705. Used he to take mutton in November?—Yes, your husband was taking down mutton in October.

706. In November early you erected a temporary slaughteryard in Bendigo itself to supply the mutton to the men?—Yes.

707. By the Chairman.—Was that in the early part of November?—I cannot say.

708. Never to you as being improbable that you would go to the expense of putting up a place to sell mutton to your station hands?—I had a flock of sheep there. We used to slaughter a few sheep and sell to the people. Then when the rush took place those men continued slaughtering sheep and selling to the diggers as they came up.

708a. This was in November?—Yes.

709. How many diggers would you think would be there?—Within a week there were hundreds.

710. In the second week of November there were hundreds of diggers?—No; at the end of November the rush took place.

The witness withdrew.

Abraham Motherwell, examined.

711. By the Chairman.—What are you?—A grazier.

712. What year were you on Bendigo?—1851.

713. What part of the year?—I went first in March, 1851.

714. Were you employed there?—No, I went up as a friend of Mr. Gibson's.

715. Were you on Bendigo when this discovery of gold took place?—Yes, I was digging at Ballarat about a fortnight after the Ballarat diggings started, and continued there until there was a rush to Creswick Creek. I went in September to Ballarat, and from there to Creswick Creek.

716. By Mr. A. Young.—How long did you stop at Ballarat?—A fortnight or three weeks.
717. *By the Chairman.*—When did you go to Crowick?—About the end of September or the beginning of October. I worked there for about three weeks. I got a letter from my brother, Mr. Motherwell, stating that Fred. Fenton had been down and that gold had been discovered in their district, and if I was going well I had better go across them.

718. *By Mr. Burrowes.*—Do you know the date of that letter?—No; it was some time in October. There was a man in our party of the name of Tiersman, who had a horse and cart, and he took charge of our things to bring them across to Mount Alexander—that was the name of the diggings at the time—that was at the end of October, I think.

719. *By the Chairman.*—When did you reach Mount Alexander?—I came down to Melbourne. I had my wife and mother living in Melbourne. I spent two or three days in town and then rode up to Mount Alexander, where I expected to meet Tiersman.

720. When did you reach Mount Alexander?—I thought about the end of October.

721. How long did it take you to come down to town?—I came down in a day. I had my horse in Steiglitz, I walked from Crowick to there and lost myself in the Bullerook Forest. I came down and rode in from Steiglitz to Melbourne in a day; that was about the end of October.

722. You stopped two or three days in Melbourne?—Yes, and was anxious to get up to Bendigo.

723. Then it was near the 1st of November when you got to Mount Alexander?—I think it would be about that time.

724. *By Mr. Gordon.*—How long did it take you to go from Melbourne to Mount Alexander?—About a day and a half; I think the second day I was at Forest Creek.

725. *By the Chairman.*—What took place when you were at Mount Alexander?—I could not hear anything of Tiersman, and I went on to Rainbowwood station to Gilson and Fenton. I came in on one or twice, or oftener, to Forest Creek, and could get no account of Tiersman. There was a general report on the station that there was a diggings found down there. I was living in the house by the way; it was only mentioned inside the house that the diggings were found; they did not want it known because they were among the sheep. Gilson used to go down to the post-office, and he was rather free of speech, and he let it out in some way that gold had been discovered. Mr. Fenton went down one day to Bendigo, and he found two blocks of sheep in one, and he could not find the shepherds. That would be about the first or second week in November.

726. *By Mr. Burrowes.*—Where were you at this time?—At the station house waiting to get my things up by this man Tiersman.

727. *By the Chairman.*—Did you accompany Mr. Fenton?—No; but when he came home at night he would tell me rather much put out. He said he found the sheep in one flock, and no person in charge of them, and in hunting along he came across those men, the two shepherds and the mule-keeper, at work at a place known since as Golden Point.

728. *By Mr. Gordon.*—Did he say what the work was?—Gold-digging; he mentioned it.

729. *By the Chairman.*—Did he say anything about the quantity of gold they were getting?—As well as I recollect he said there was a good prospect of gold in it.

730. *By Mr. Burrowes.*—Did he say who the men were?—Yes, I went down a day or two after and saw them.

731. Who were they?—Banister was one and Asquith was the mule-keeper. Banister was a stout, oldish, red-faced man, with no whiskers. There was another shepherd whose name I do not know; I believe he was the man in charge of the sheep.

732. About what date was that?—I think about the middle of November. The first time I went down there I found Asquith and Banister digging, and Mrs. Kennedy and a man I did not know, who was cooperating on the place; working down there with his wife. The people began to rush then before I got my things. I saw them coming in hundreds. They had to come by the homestead and through the stockyard. That was the only track to Bendigo Creek. A great many of them never went over the "Big hill," as it was called.

733. *By the Chairman.*—You are positive that in the second week of November the diggers were flocking to this place in hundreds?—Either the second or the third, and they were going back as fast as they were coming; they did not like the appearance of the country, and said it was a dodge of Byass going down, and they would Lynch him if they got them. They said he wanted to sell the scaly sheep on the station. We could not send the sheep in an account of the seals, and had to kill them at home and send them in to the diggers on Forest Creek.

734. *By Mr. Cameron.*—This being at any rate in the third week, if not before, of November, can you tell us how many diggers were there on the 25th of November?—I do not think there were 100 diggers; I think they were going away as fast as they were coming.

735. *By Mr. Gordon.*—You said that after you had heard from Mr. Fenton that he had discovered the gold prospect on the creek you went down yourself?—Yes.

736. And you saw those men at work there?—It might have been a week after, but it was not more than a week.

737. Will you state definitely that that was before the 25th of November?—As far as my memory can carry me back, I think it was. Of course, at certain periods dates get fixed in a man's mind and you cannot get rid of them.

738. *By the Chairman.*—You said your reason for going to Bendigo was the receipt of a letter from your brother, who had received information from Mr. Fenton?—Yes, he had come down to town on business before steaming.

739. When you got to Mr. Fenton's place, it was some time before you went to look at the diggings?—I was looking out to get my mining plant before I went to the diggings. We heard inside the house there was gold discovered on Bendigo, but it would not be made known until the steaming was over.

740. The cause of your delay in starting operations was not because your plant had not arrived but because you wished not to interfere with Mr. Fenton?—No, if my plant had arrived I would have gone on to dig.

741. In those days was it a customary thing for the diggers to insist upon having their plant; did they not sometimes trust to what they could fossick?—I had a cradle and tin dish, but I had no mate with me. I thought I and Tiersman, who had a wife and family, would go to work.
745. Fenton did not tell you he had found a great deal of gold; it was not the result of the good or bad luck of the day itself; it was merely the work of the place, that delayed you?—Yes, that is all.

746. Did Mr. Fenton tell you anything about the prospects of the place?—It is such a length of time since. It was general conversation in the house between Gibson and Byass and Fenton as to the gold.

747. By Mr. Burrowes.—Did you know if that was after Mr. Fenton had found gold there himself?—He said he had found gold there himself before that.

748. By the Chairman.—In your opinion was the rush to the place the result of the gold that Mr. Fenton found, or was it merely the work of the place, that delayed you?—I think it was the result of Fenton sending Byass down to proclaim that gold was discovered.

749. Was Mr. Fenton's proclamation of gold being discovered caused by his discovery of a few specks or by a good discovery, and the gold he was purchasing from the shepherd?—I think it would be the gold he was purchasing from the shepherd. I do not think a man finding a few specks would cause a rush.

750. By Mr. Cameron.—You believe it was known on the station only in October that gold was found in the creek?—No, I do not.

751. Do you believe they found gold early in October?—No, I do not. I can only go by what I heard.

752. Were you not in Creswick early in October?—Yes.

753. Did you not receive a letter from your brother then?—I think I said the end of October.

754. You received a letter from him asking you to come down, and you came down to Melbourne, and you went up there, that was in October?—Yes.

755. It was known up there that there was gold found in October?—The letter I got was that there was gold found in the Mount Alexander district, Bendigo was not stated.

756. Mr. Fenton was your brother's informant?—Yes.

757. I understand you to say it was on the station?—I did not mean that.

758. Before you left Creswick you ordered this other man to take your tools and go up there and look for him?—I went to Forest Creek and did not find him, and then I went to stay at the station. There was no accommodation to be had at the diggings; it was only about twelve or fourteen miles to Forest Creek.

759. By Mr. Burrowes.—Did you hear of Mr. Frecham on the diggings at this time?—He came there after I had been digging there with a Mr. Berteaux. The man turned up with my mining tools and the reason he gave was that he stopped at Fryer's Creek, which is some miles down from Forest Creek; he stopped there as long as the water lasted, and he came on to Ravenswood.

760. By the Chairman.—When did he arrive at Ravenswood?—Some time in November.

761. He left Creswick in October?—Yes, he was working all the intervening time at Fryer's Creek; the water soon gave in when the people came about. I went to work then, and Mr. Berteaux, who was a dentist, came up, and he and I went down to dig; we camped in the shepherd's hut and Mr. Gibson came down with us.

762. We were there fossicking for about a week, when we heard the Commissioner had come on the ground, and Mr. Horne, he was a Tasmanian, and Mr. Gibson and I walked up one night to see him, and we were not getting much prospect, and Mr. Horne said, "There is plenty of gold, for the black troopers picked it up on the surface."

763. By the Chairman.—What time did Mr. Horne arrive?—I think about the last week in November or the beginning of December.

764. Where were you fossicking?—It was on a reef that ran in at the Rocks, where gold was discovered by Banner and those others.

765. How far was the hut from the Rocks?—Perhaps three-quarters of a mile down the creek.

766. By Mr. Burrowes.—How long did you remain at Bendigo?—I was there until the week before Christmas, of the same year. I went in the morning with Mr. Berteaux to Mr. Horne's tent and the blackfellows were camped with their feet to the fire. I saw a cart that was just at the foot of Golden Gully, and while the blackfellows were getting ready Berteaux and I went over, and Berteaux found that one of the parties with the cart was Jimmy Robinson, of Robinson and McCracken, in town. He had his horse in the night before; they did not like the appearance of the place, but we told them the blackfellows were going out to show us the gold; they came and brought a dish with them, and we went about half-past nine; I think it was on the left-hand side of the creek—from the Commissioner's camp: the blackfellows went along and picked up little specks about the size of a pin's head; we carried a dish full down to four creek, and washed it and found gold, and as Robinson and his man had a horse and cart, we had the utensils, we joined together, and we stopped there digging until a few days before Christmas.

767. Did you leave for good then?—No. Mr. McCracken wrote up, saying he would have to close his brewery if Robinson did not come down; all the men were leaving; Berteaux wanted to come down to see his wife, and I wanted to see my wife and bring her up. I arrived in town two or three days before Christmas, and did not get up until a fortnight after. When I got back, I could not find where my ground was, there were so many people.

768. By Mr. Gordon.—Did I understand you had not met Mr. Frecham on Bendigo?—Yes, while we were working at the shepherd's hut he came along there.

769. Was that the time of his arrival?—I could not say that he might have been up the creek hundreds of people might have been there.

770. You cannot form any idea whether gold had been discovered before he arrived there?—I could not say so to that.

771. By Mr. Frecham.—You are pretty well acquainted with Mr. Berteaux?—Yes.

772. Was he associated with me at Ballarat?—Yes.

773. Was he associated with me at Bendigo?—No, he was digging with me.

774. Did he ever tell you the party had been organized and was working on his own hook?—I have no recollection.

775. Whom was he with when he met him?—He came to the station.

776. Would it surprise you to find that Mr. Berteaux worked with me at Bendigo?—It would, very much.
773. He did; I can make a statutory declaration to the fact:—I can make a statutory declaration to the fact that, as far as I remember, he never worked on the creek except with me—your camp was on the opposite side of the creek to the shepherd's hut.

The witness withdrew.

William Henry Johnson, examined.

774. By the Chairman.—What are you?—I am living privately now at Longwarry.

775. You were on the Bendigo station prior to the discovery of gold, I believe?—Yes.

776. Will you tell us what you know of the discovery?—About the 23rd of September, 1851, I discovered gold in what was afterwards called Golden Gully, about 200 yards from the shepherd's hut. The hut was the property of Mr. Bennett, who was a settler on the Campaspe river, this was his out-station first. The sheep that were there were Hepp and Grico's; they were on this side of the mountain.

777. By Mr. Burrows.—Did the station belong to Mr. Bennett?—It was an out-station of his; it formerly was an out-station of Hepp and Grico's.

778. Did that station come into the hands of Gibson and Fenton afterwards?—I do not know.

779. By the Chairman.—What were you doing there at that time?—I was in the Lands Department. I was assessment assistant, and I was with an assessment of his stock every year. I had been Government orderly to Governor La Trobe.

780. By Mr. Burrows.—Did you reside there any time?—No, I never resided on Bendigo until I discovered the gold.

781. Your first visit was in September?—No, not my first visit. I went through repeatedly; I went through in 1849 and 1839.

782. What was that place called then?—Bendigo; it was called Bendigo in 1839; Drutton and Darlow had the station then.

783. Do you remember it then?—I do. I came from Sydney in 1828.

784. By the Chairman.—Have you any recollection of what gave it the name of Bendigo?—Only a native name; it was always called Bendigo Creek.

785. Will you tell us how you came to discover this gold?—I went from Ballarat to Mr. Donald Campbell, on the Bullock Creek, after sheep. I went the next morning, with my tin dish, and in this gully, which is called Golden Gully, about 200 yards from the hut, I dug a dishful of soil. I think I went down as low as 10 inches; I got into clay; it was gravel quartz and hard yellow clay. I took three dishfuls altogether, and I got over an ounce and a half of gold, and there was some of it that I washed that was not as large as split peas.

786. What caused you to look for the gold?—They were digging at Ballarat. I went to Ballarat purposely to see how they washed the gold, and the system they washed it by. I saw them washing it in cradles. I saw one man with the body of his cart, washing it in that.

787. What caused you to go to Ballarat?—I went to see the system of getting it.

788. Had you any idea or information as to the probable discovery of gold in Bendigo?—Yes. In December, I was passing from O'Keefe's to Mr. Bennett's station on the Campaspe, and on the ranges I saw some white looking stone like glass, and I picked up some of it, and underneath it I got a small piece of quartz, and there was gold in it, though I did not know it was gold. I sent it to Mr. Powlett, the Commissioner of Crown Lands. He said, "I am just on my way to England," and I never got to know the result of it until I came back in 1852, and gold was discovered all over the colony; that was my reason for going to Bendigo. I wanted to see particularly how they were getting gold in Ballarat, and the kind of soil. I knew when I saw Ballarat it was the same style of country at Bendigo.

789. This was at what we call Golden Gully?—Yes.

790. Which part of Golden Gully?—It is on the right-hand side of the creek.

791. Near its conjunction with the Bendigo Creek?—No, the gulley comes right into the creek, about 200 yards up the gully from the Bendigo Creek. I brought my gold to Melbourne, and showed it to my wife and her mother, and we made up a party to come to Bendigo.

792. Of whom did the party consist?—Johnson, Wilson, and Robert Kennedy.

793. When you got to Bendigo on your return did you find any other person getting gold there?—No; the people were one seeking gold there until the last week in October.

794. It was in September, 1851, when you first got it?—Yes.

795. When did you return?—About the last week in October; we got a tent, and a cradle made, and rationed, and so on.

796. How long after your return in the last week of October did anyone else come getting gold?—There was some person came from Kyreton in the last week of October, I think his name was Rogers; he was a splitter in the mountains.

797. Did he start gold-diggings?—Yes.

798. Whose was the next after Rogers?—A person of the name of Jarvis. He was a Sawyer by trade.

799. Have you read the evidence of this inquiry at all?—No; only the first examination.

800. You have heard the evidence to-day?—Yes.

801. Do you remember when Mrs. Kennedy came on the scene?—I did not see her at all. I never saw any female there until my own wife came, and she came with me. There was no station on that creek but that of Mr. Bennett, or whoever bought Mr. Bennett's after him.

802. When was it that the great influx of diggers took place?—There was a great number came in November, but any man that was fond of work, and looked for work, never went back again. I never knew a man to go back that came there unless he got enough gold.

803. You say in your letter to me that you sold your gold to Mr. Bennett?—Yes; the jeweller in Collins-street.

804. Did all of you sell your gold to him?—No, only myself.

805. Do you remember the date?—No, I do not; it might have been a little after Christmas, 1851
806. Did your party remain altogether, or did any leave?—There were none left until we broke up the party.
807. When was that?—The latter end of January, 1832.
808. Did none of them return to Melbourne?—Yes, my brother-in-law, James Wilson.
809. Did Kennelly come too?—Yes, he went home to Ireland.
810. Do you know to whom he sold his gold?—No; I heard that he sold it to the Bank of Australasia.

811. By Mr. Borrow.—You say on the 23rd of September you first began mining on Bendigo?—Yes.
812. Was there no other person working there at that time?—No one.
813. Did you travel round the creek?—I went down the creek as far as two brothers of the name of Myers; they were the only persons who had shone upon that spot except those that Mr. Bennett had.  
814. You say on the 23rd of September you commenced mining in Golden Gully?—Yes.
815. And you are satisfied that there was no other person mining in or about there at that time?—I am sure there was not; there was no person got gold in Bendigo in the month of September except myself.

816. The distance you allude to is only a very short distance from those rocks: if there had been any one there you would have seen them?—I would have; there was a rock not more than 100 yards from where I got my gold, twice as big as that mirror—[painting]—and it was full of gold.

817. By the Chairman.—Do you recollect who lived in the hut?—No, I do not. I knew the hut quite well; my brother-in-law lived in the same hut; he was a shepherd for Mr. Bennett.
818. By Mr. Gordon.—Your first discovery was an ounce and a half of gold?—Yes; I got £5 something for it.

819. You sold the gold?—Yes.
820. Was that included in the quantity you sold to Bennett, the jeweller, in Melbourne?—This was before I went there finally.
821. When did you sell it to?—Mr. Bennett, or some jeweller in Collins-street.
822. Did you report your discovery to anyone?—When I went through Kyrenia I told those people there, Roberts and Jarvis.
823. When you returned there was no one on the place?—No, there was no one in October, but in November they began to come in scores. I never saw any person leave the diggings at that time.

824. By Mr. Burtown.—How long did you remain there when you first began to dig, before you went down for your wife?—I returned with my wife and party the last week in October.
825. By Mr. Gordon.—When you went up with Mrs. Johnson what sort of house did you live in?—In a large tent close to the waterhole, the first waterhole on the creek.
826. There was no one camped there at that time?—No, no one but my own people.
827. How far was that from the hut?—About 200 yards; the hut was on the west side of the creek.
828. How long did you allow that large tent to remain?—It stopped there until we broke up the party. I never went out of the gully.
829. How long was that?—From the time of the 23rd September, I only went to town the last week in October to fetch my wife, and I remained in that locality until the latter end of January.

830. Any persons who came there subsequent to your putting that tent there must have seen it?—Yes.
831. They must have seen you working?—Yes, this gentleman, Mr. Frencham, I am certain I saw, but he was further down to the White Hill, but that was after I had my wife there; some time in November.
832. By the Chairman.—Was that place known as the White Hills?—Yes, it was called White Hills after the diggings were opened.

833. In your communication to me you stated your party took 9 lbs. each besides a quantity of nuggets, which was sold to Mr. Bennett and some to the Bank of Australasia. I made efforts to find Mr. Bennett, and he is in business now in Ballarat East. I wrote to him and got this reply—reading the same. Vide Appendix). That appears to be the only entry Mr. Horneet has of that party. This was made on November 26th, 1831, and you say you were selling 3 lbs. weight?—Yes, nine pounds weight.
834. How were you paid?—I got a cheque and placed it in the Bank of Australasia.
835. The cheque could be traced, but he says "No."—It cannot be the same person. I am sure Mr. Bennett was in the habit of buying gold is more than that quantity.
836. Can you fix the date when you sold that gold to Mr. Bennett?—I could not say the date; some time about January, 1832.
837. By Mr. Burrow.—What did you do with the cheque?—Placed it to my credit in the Bank of Australasia.

838. By the Chairman.—What was the amount of the cheque that you got?—I cannot recollect it now. I bought some things from him at the time—I spent some £30 or £50 with him.
839. Was the cheque in your own name?—Yes; it was some £80 or £50.
840. That would be immediately after your return from the diggings?—Yes.
841. By Mr. Frencham.—When do you recollect seeing me at Bendigo?—I think sometime in November.

842. Was it early?—I do not know. I was digging at the time I saw you—you must have passed my tent if you went to the White Hills.
843. Was I there before the gotten rush of people?—That I do not know; the general rush was principally in November. I think I saw in November I saw you, I would not be sure.
844. Do you remember the meeting about the £3 licence?—Yes.
845. Did you attend that meeting?—No, I did not.
846. By the Chairman.—Do you remember the time of that meeting?—I do not. I know it was some time after Christmas.

847. By Mr. Frencham.—You said you found this gold upon Mr. Bennett's run?—Yes, it was called Mr. Bennett's run; it was his before it was anyone else's.

Frencham.
848. Do you know anything about the boundaries of the run?—Yes. It was about seven miles from Hep and Groce’s station, and it was within sight of the Lower Murray road.

849. By the Chairman.—The position you occupied in the service of the Government entitled you to settle positively as to which run this gold was found on?—Yes.

850. Do you recall the boundary between the two runs?—We called it seven miles from Hep and Groce’s station down the Bendigo Creek to where Bennetts station went off.

851. In what year was this run Bennetts?—It was Bennetts in 1839 up to the time of the diggings.

852. At that time who owned the adjoining station south of it, coming towards Melbourne?—Hep and Groce and Mr. Cobb.

853. Where was Dr. Barker’s station?—That was further down towards Castlemaine.

854. Do you recall when Hep and Groce parted with their station?—No.

855. Was that what station called?—I do not know, unless it was Alexander; there was no head station there of Hep and Groce’s; it was only an out-station.

856. What was it called?—Mount Alexander. I do not know it in any other way.

857. You are positive that this hut was on Bennetts’ station?—Yes, I am certain. My brother-in-law lived in the same hut.

The witness withdrew.

Walter Sandbach, examined.

858. By the Chairman. — What are you?—I am a retired sea officer.

859. Where are you residing?—Newmarket. I am not here from any mercenary purpose, but simply to speak the truth, and, if possible, prevent the Government being imposed upon.

860. You were on the Bendigo country?—Yes, before going to Gibson and Fenton’s Ravenswood station my brother and I had been employed near Seymour, bridge building. We left there in December, 1850, and arrived on Ravenswood station some time in January; about the middle, I think, or nearly so. My brother was engaged as shepherd, and was sent to the Loddon. I was stationed at a hut a mile and a half a mile nearly on the track from the head station to Bendigo, about a mile and a half nearer to Bendigo than the head station.

861. Which was that?—Gibson and Fenton’s, Ravenswood. I had been there about a couple of days when an elderly man called at my hut with a pair of boots, or something of that kind, and told me that he was the hutkeeper at the Bendigo hut; also that he was a shoemaker, and made boots and repaired them for the different men about the station. I gave him an order, and he made a pair for me. He told me his name was Christian Asquith, and he used to call frequently as he passed out taking leather out from the station and boots in. On one or two occasions he brought a shepherd, a man of his stationed at the hut, whom he introduced to me as “Ben Hall,” an elderly man also, possibly older than Asquith was. I was stationed at the same hut on Black Thursday. The fire came up in the morning, and I advised a shepherd to take the sheep in to the home station for safety, and I remained there alone, battling with the fire all day. A day or two after the hutkeeper and the shepherd, Ben Hall, came to my place in the evening. I asked them how they were off in the fire; my place was nearly burnt down. They told me the fire did not touch them. I then asked them how they were off for water. They said they had plenty of water. They got it from the creek in the first instance. They told me the name, “Bendigo.” I said, “It is a strange name, how did it come to get it?” They said, “Well, some years ago, some sailor man was the hutkeeper, who was a bit of a fighting man, and he was nicknamed ‘Bendigo,’ after a fighting man in the old country, and the hut was known as Bendigo hut; the creek they never gave a name to. I never heard a name given to it. Some time after that I was transferred at my own request from that hut to the Loddon to join my brother; we remained there until shearing time. Our flock being clean was brought in to be shorn at the Bullock Creek woolshed—not the homestead, because there were scabby sheep there. I was only there a few days when my brother and self, and a man named Johnson, a Sydney native, a man named O’Donnell, went up to the head station, having finished work. We were not long there when another man, Ross, came who had been earning matroon from the station to the Forest Creek diggings; he had heard they were getting gold on Bendigo; he told us, and we were discussing this point—we had decided to go to Forest Creek before that, but when it was so near at hand as Bendigo we were discussing the matter when Mr. Fenton arrived at the door, and hearing what we were talking about, he said, “Yes, they have got gold at Bendigo.” That was the evening of the 21st November. We made up our minds—all of us, Johnson, Ross, O’Donnell, and myself—to start first thing in the morning. There has been some exception taken to a paragraph in the paper in the first letter of my brother—I never knew anything of this until I saw that paper. We made it up to start first thing in the morning, and Mr. Fenton being nearest the door—said, “For goodness sake, do not let it be known on the station, or we shall not have a man left.” They were very busy boiling down sheep and shearing scabby sheep. I believe that was his name for keeping the secret. I said, “We wish to keep it secret, and we will endeavour to do so if you will supply us with rations and what tools you have got about the station.” He said he would, but how would we get them away from the station? We said we would take them away before daylight in the morning. On the 22nd of November—it is daylight early—consequently it must have been very early before it was dark when Mr. Fenton arrived with a light, and we picked the things out of the stores, and started for the creek. We arrived on the creek somewhere, I should fancy, between eight and nine in the morning.

862. By Mr. Bunyip.—Where did you start from?—The home station. We came to the first bar of rocks; we found two women and two men. Those two men were Christian Asquith and the man known to me as Ben Hall the shepherd. Those were the two who visited my hut in January, and the two females were Mrs. Kennedy and Mrs. Farrell, the cooper’s wife. The whole four were working so close together that you would fancy they were one party. This John Ross, one of our men, left us and joined the shepherd and hutkeeper. We did not even wait to put away our tools, but we commenced on the same rock of rocks for a time. In the forenoon Mr. Fenton arrived on horseback. William Johnson, the man who went with us, was then in the waterhole up to his knees. We found the gold running towards the edge of the waterhole, and he was shovelling up the mud out of the hole into my dish, and I
was washing it out and getting gold. Mr. Fenton came down and got a dish and came beside me, and the man put mud into it too. I say there was no person on that creek but those four when we were there, and that was all in—all seven men and two women. As for a tent being erected anywhere about there, I did not see it.

863. That is on the 22nd November, 1851. Yes; afterwards we were in company with the shepherds and held conversations about the finding of the gold there first. They told us that William Johnson, this Sydney native, had stopped one night at their but during the month of October, and on going out in the morning with the shepherd, Ben Hall, they were crossing that ridge of rocks and William Johnson saw a speck of gold as he thought. He picked up the piece of slate with the speck of gold on it, and said to the shepherd Hall, “Is not that gold?” But the shepherd in taking it from him dropped it. They went on their hands and knees for a considerable time looking for it, but found no more. The shepherd said that next day he himself found some more. This man Johnson went on to the head station and became cook to the shepherds on Bullock Creek.

864. Did you stop on the creek yourself?—I remained there from the 22nd November to the 19th December I was never away from it.

865. During that time do you remember in what order the different witnesses we have had here arrived?—We were there on the 22nd, and I would say it would be fully a week after that that a few strangers arrived. They came down the creek as most people would, and they stopped with these women and men. One of those parties came down where we were working; the four of us, and he commenced to ask my brother all sorts of questions, the same as any stranger might who wished to get information about the locality. I was within 3 feet of my brother all the time, and when he finished asking his questions my brother made the remark that he wondered how the gold first got into the creek. The gentleman replied that he supposed it had been washed there at some future period; that gentleman was Mr. Frencham. I did not know his name then, but it came out at the first meeting we had. Since that time I have been many years away from Australia as chief officer of large sailing ships, and I have travelled about the world, and have made the same statements in many parts of the world, both in the eastern and western parts of America, but principally in California.

866. You found Mr. Kennedy and his husband, and Mr. and Mrs. Farrell working there?—Not her husband, I found two women working there together.

867. That was before you began digging yourself?—Yes, they were there when we went. I never saw the husband and Mrs. Kennedy on the diggings while I was there.

868. Did you hear the last witness giving evidence?—Yes.

869. Did you see his tent there?—I did not.

870. Did you ever see him there?—Never.

871. Could he have been there without your knowing it?—He could not; and not only that, the first Sunday I was idle, I went down the creek for a considerable distance, examining it, and I could see no trace of scratching, digging, or anything else about the creek, and the water was as clear as crystal.

872. Did you know anything about Golden Gully?—There was no such place named as Golden Gully when I left. The only place that was beginning to get a name was the rocks, where the women were; that was beginning to be known as Golden Point; no other place and name.

873. By Mr. Cameron.—(Can you fix the date of Mr. Frencham’s arrival there?)—I should say it would be fully a week after.

874. That would make it the 26th or 27th November?—About that. As to there being payable gold, Ben Hall, when he arrived upon the creek, welcomed us there. He put his hand in a panmin, took out a couple of ounces, and said, “This is better than shepherding, boys,” and threw it back into the panmin.

875. When did the first meeting take place?—A few days after the rush came from Forest Creek, that was after I had seen Mr. Frencham the first time. I was helping to carry the stuff to make a fire with.

876. Was there anyone else with Mr. Frencham?—Yes; there were a number of people then there.

877. I knew Captain Harrison.

878. Were there any of them?—No; I did not know Mr. Frencham as connected with any party.

879. Do you know whether he dug for gold or not?—Yes, I saw him digging for gold after this place was a rush; when the people came up Mr. Frencham and his party if he was with a party, came up at the creek, and the numbers increased rapidly, and I should say before that night there were more than a 100 people on the creek, and many of them started a day or two afterwards to dig. They reported to us that Mr. Gibson had stopped at the Porcupine Inn, where there were always a number of diggers, and got to drinking, and had made the boast that gold was found on his run, and that his shepherds were getting it out in quarter-pots full. This caused the rush, but a great many of them went back again, swearing vengeance on Mr. Gibson for misleading them.

880. By Mr. Burrowes.—Did you know anything of the boundaries of Mr. Gibson’s run?—I did not.

881. You looked upon that portion of Bendigo as a portion of Messrs. Gibson and Fenton’s run?—I did.

882. By Mr. Young.—Did you know men named Norris and Stewart, who sold gold to Mr. Fenton or the 23rd of November, one day after you started?—The man Ben Hall had another name, but I knew him as Ben Hall. The finding of the gold first by Mr. Fenton was in this way. Mr. Fenton was riding across the run, and he met the one shepherd with the two flocks boxed. He inquired where the other shepherd was—that was Ben Hall—and the man told him where he was, and that they had found gold. They told us that Mr. Fenton then allowed them to remain as they were, provided they sold their gold to him.

883. By Mr. Burrowes.—Do you know if Mr. Fenton himself had got any gold there prior to that time when you went there and found Mr. Kennedy the first time I do not know.

884. By Mr. Jordan.—You have stated the names of the first discoverers?—Yes, William Johnson and Ben Hall, alias Graham.

885. Will you state what discovery they made?—They commenced to work upon the ground, at the place where the first rush was made, and the next day Ben Hall and the hunter commenced rooting about, and they found gold. I was not there at that time, but they told me.
885. By the Chairman.—You found the two women and the two men at work when you got there?

886. But which of them was first you do not know?—No.

887. By Mr. Gordon.—To the best of your knowledge, who was the actual discoverer?—I believe William Johnson, the Sydney native, was.

888. By Mr. Burrowes.—How do you come to say that?—I was told so.

889. It was hearse?—Yes, but this was immediately after it was done. The statement was known all over the place, and was never contradicted.

890. By Mr. Gordon.—Who was the first person you saw with a quantity of gold?—Ben Hall.

891. What quantity?—A couple of ounces is his hand, which he had taken out of a pamphlet, where there was more of it. That was the first gold I saw in Bendigo.

892. By Mr. Cameron.—You say on the first Sunday you travelled down the creek, and saw no person?

—No one.

893. Could there be no more than the nine persons?—No. Down the creek I saw no sign of scratching, or discoloration of the water.

894. Could there be any working in that creek without your seeing it?—Not without being seen.

895. Higher up or lower down?—Higher up or lower down.

896. By Mr. Burrowes.—Gras Creek in Golden Gully?—There was no such place named at that time as Golden Gully.

897. By Mr. Frascham.—Can you fix the time when you saw me first?—I should fix it as possibly about six or seven days after the 22nd of November.

898. That is only guess work; have you anything to guide you?—I say it was a week after the 22nd.

899. It appears from Mr. Fenton’s book that you were discharged from his service on the 22nd or 3rd?—The 22nd.

900. Where were you prior to the 22nd?—I ceased work on the 21st. I was working day-work; I was not working under engagement.

901. Where were you working day-work?—At Bullock Creek.

902. Then how could you tell I was not there when you were at Bullock Creek?—I say you were not there when I arrived there on the 22nd, nor until a day after.

903. I might be in some other place?—Yes, you might.

904. Did you not see me when you arrived?—I say you were not there.

905. I might possibly be there before you arrived in some other part of the district?—You might or you might not, but I say you were not there when I arrived, nor for nearly a week afterwards.

906. Would it not be safer to say you did not see me?—No, I say you were not there.

907. And you were at Bullock Creek at the time?—I was not at Bullock Creek at the time; I was at Bendigo.

908. Might I not be there, and you not see me?—Yes; you might not.

The witness withdrew.

Adjourned till Thursday next, at eleven o’clock.

THURSDAY, 2ND OCTOBER, 1890.

Members present:

Mr. Railies, in the Chair;

Mr. Bennett, Mr. Foster,

Mr. Burrowes, Mr. A. Young.


909. By the Chairman.—I believe you wish to make some additional statement to the Committee?

—Yes.

910. Will you please do so?—I wish to make a statement respecting the sale of my gold.

911. By Mr. Burrowes.—In what year?—In what month?—In the latter end of January or February.

912. By the Chairman.—The statement that you sold gold to Mr. Bennett?—Yes. I had nearly lost my eye-sight, and I sent my wife and her mother, and told her to go to Mr. Bennett’s and sell, and when they came back they told me they met Mr. Brown, of Stewart and Brown, and they had sold the gold to another party.

913. Not to Mr. Bennett?—Not to Mr. Bennett. The 1st came afterwards in Mr. Stewart’s hands as I purchased a hotel, I think what is known now as the Royal Exchange.

The witness withdrew.

William Edward Coleman, examined.

914. By the Chairman.—What are you?—Employed at Lewis and Whitby’s, at Fitzroy.

915. Where do you reside?—Grant-street, Brunswick.

916. You were on Bendigo in what year?—1851.

917. In what month?—November.

918. Tell the Committee, in your own words, about the circumstances of that time?—I suppose about the middle of November—I could not stay a day—after being at Barkers’ Creek, myself and my mate, George Nairns and Edward Sulijerrey, were dissatisfied with the prospects at Barker’s Creek, and debating whether we should return to Ballarat, when a person came by on horseback. I noticed that his sleeve was hanging loose; he appeared to have lost an arm, and we got into conversation, and
he asked how we were doing. We said we thought there was no chance about there, and we would go back to Ballarat, where we had left our tent; and he said there were a couple of women at one of the out-stations on the Bandicoot Creek, who had found good gold, and he thought it would cause a rush, so my mate and I then consulted together, and we determined to go up that same evening to this place, provided we could get a conveyance.

919. What month was this?—November, 1851.

920. What part of November?—I imagine about the middle. I daresay, if Mr. Fenton has any record of when he met Byass, he could tell it. We talked together, and decided to go that same night, provided we could get a conveyance. There was a bullock-driver living near, and one of my mates went to him and let him into the secret, and said that if he would go with us, we would put our things on his dray. He agreed, but said that his wife was very bad, and he did not know how she would get over the journey. About eleven or twelve that night we set off, and when we got on what was called the Big Hill, we fell in with some people coming back, and we made inquiry of what they thought of the rush, and one of them had a theory of his own that the place did not look barren enough for gold; there was too much grass; but we could not be prevented from going on, on account of the bullock-driver’s wife, and therefore we continued the journey. Just as we were leaving, Captain Harrison came up—he was a man with a deformed hand—and he accompanied us on to the rush. We got there, and inquired our way down to where the gold was getting, and the creek was pointed out to us. We went down and saw perhaps 20 or 30 people turning over the rocks or stones, and the two women were pointed out to us—I think they had a boy with them—as the prospectors. In consequence of the bullock-driver’s wife being bad we could not remain with the dray, and my mates and myself took a stroll up the creek, looking for a place to put up a canvas, our tent was left at Ballarat. We went up a few hundred yards, when one mate, Salisbury, saw like a little watercourse from surface water, running down into the creek, and saw a piece of gold, it might be half-a-pennyweight, or a pennyweight, and that was sufficient to induce us to go back to the bullock-drays and get our tin dishes. Nuttress was stripping back and getting leaves, but all that afternoon Salisbury and I were trying prospecting, and eventually it was decided we could get gold. Even if we took up a shovel of mud, and shook the shovelled out the gold would remain in the shovelled, so we thought the best thing was to get up our cradle, and so we did. The next day we got an ounce. I know it was an ounce or more, for Nuttress was an eccentric man, and would not work for less than an ounce. We laked the water out of the beds from one to the other, and a few days after the bullock-driver came up and took up the next waterhole—the wife was getting better—and the consequence and we could not take the water out of that hole, so we had to cut a tail race, and as long as we possibly could we worked there. One day we got eight ounces. The way I know we had eight ounces was because at a future time I got an eight-ounce nugget, and we were comparing the weight. We thought we had better come down to Melbourne, and get other appliances and an outfit.

921. You have no doubt that the two women were pointed out to you as the discoverers?—Yes, all the time I was there. At the same time the information we derived was from Gibson and Fenton’s overseer.

922. That is the one-armed man?—Yes, who has since been described as Mr. Byass.

923. By Mr. Burrowes.—Did you see the two women at work?—Yes, I saw the women at work, and I believe, a boy.

924. Now, did you stop to work close to them?—A few hundred yards up the creek.

925. Farther north?—It was towards the station.

926. By Mr. Bennett.—What month was that?—November. I stated something of the same kind to the Herald in 1886, I think.

37. By the Chairman.—You have a licence in your possession, have you not?—Yes.

928. Of what date?—I was going to say, when the remark was made by the one-armed man that it was on the Bandicoot Creek, “Oh!” I said, “you must be well off for native animals there, having bandicoots and porcupines.” Another reason is that, a few years before we came out to the colony Bendigo was a prominent fighting man at home. He came into notoriety through fighting Ben Cunnt three times, and in 1848 there was a great exhibition of boxing in London for the benefit of the distressed Irish and Scotch, through the failure of crops, and Bendigo came up to London for it. Salisbury was a clerk in the Bank of England, and I was a clerk for Sir Charles Price, Bart., and Co., bankers, and in the course of our business we got acquainted with Bendigo, and if I had heard the same used out here we should have thought it singular that he was become known in the colony.

929. What date is the licence?—December the 10th, 1851; the thirty-first issued on Bendigo.

930. Where did you take it out?—I took it out in Bendigo. It is signed by Mr. Horne, I think.

931. By Mr. Foster.—How long were you there from the time you first went till you came down to Melbourne?—We came down to be in time for Christmas. That would be about the 22nd of December.

932. By Mr. Burrowes.—You left soon after you got the licence?—Yes.

933. I would like to call attention to the fact that all the witnesses up to the present, who have given evidence before the Committee, have called it “Bendigo,” and you seem to call it “Bandicoot.”—Yes. I think I am right from subsequent events. There was likely to be a row through some obnoxious regulation of Mr. Horne, and Captain Harrison.

934. Do you know any reason why it should be called “Bandicoot” Creek?—Only from the native animal.

935. There were no bandicoots seen at that place?—[No answer.]

936. By Mr. Foster.—Do you know what a bandicoot is?—Yes.

937. Did you ever see any there?—No; but I think the name “Bendigo” was given from the fact of Captain Harrison saying we should fight the Government.

938. By Mr. French.—You were there in the early part of December.

939. Where you there when the police and the warden arrived?—Yes.

940. Whereabouts did they camp?—Within sight of our waterhole.

941. I do not know it.—A few hundred yards from the women.

942. Was there a large meeting there?—Yes.
943. Was I a speaker? —I know Captain Harrison and another name to our militia.

944. Would you know that other person if you saw him? —No.

945. What sort of a person was he? —I do not know now.

946. Do you think it would be like me? —It might be. Your name is familiar to me, but not your features.

947. Did I take any part? —If you were there you would recollect the circumstance of Salisbury saying, if we were to fight the Government we should change the name from "Bendigo" to "Bendigo." We were there my idea of fighting the Government—Captain Harrison said we should not fire off the guns as often.

948. What was the object of our calling at your tent, was it to influence you to make a protest? —To make a protest. That was the first time I ever heard it called "Bendigo" Creek.

The witness withdrew.

William Braithwaite, examined.

950. By the Chairman. —Where do you reside? —Lauriston.

951. What are you? —Not much particular now: working at the mines till three weeks ago.

952. Were you on Bendigo in 1851? —Yes.

953. Just tell the Committee what you know about the locality, at that time? —I have seen different letters in the papers, but I think they are untrue. When I went into Bendigo in 1851, the 10th of November, I saw nobody there. I met two parties that had been there. I went from Forest Creek; I met them opposite the Kangaroo station that is. I had been at Bendigo ten years before that.

954. By Mr. Barrow. —Before 1851? —Yes.

955. What doing? —Looking for the out-station. I was looking for Mr. Grice; the head station was Lockwood.

956. Coming yourself to 1851? —Yes.

957. By the Chairman. —When you were there ten years before was it called Bendigo then? —No; we christened it Bendigo. Going down the creek they were going to draft sheep to send on to what is now called Bendigo; we went down Bullcreek, below the Whipstick, till we came to a little ripple of water, and we went on till we came to the Campana. I said, "This might be a likely place," and we followed up to what is now Golden Square, and when we came to Kangaroo Flat we came to the part that they call the Kangaroo station, and Thomas Myers took out his compass and we took the bearings, and said, "We are within six miles of home." We had travelled ten hours. Mr. Grice said, "What shall we call this," that was the out-station. He said, "I think the best name is "Bendigo.""

958. That was in 1841? —I went gold digging in 1851.

959. Tell us what took place in 1851? —I left Forest Creek on the 15th of November, 1851, and arrived as Bendigo on the 16th, and we put our tent at the foot of Sheep's Head.

960. By Mr. Barrow. —You never heard it called Bendigo before? —No. It was Thomas Myers gave it the name.

961. From the sermon time charactor of the creek? —Going round the bend of six miles "and now," he said, "we will call the out-station, Bendigo."

962. That was in 1841? —That was in September, 1841.

963. —Did you find anyone working there on the 16th November, 1851? —No; not a person. There has been two parties from Forest Creek; they left three days before we did; I should have been there as soon as them, but I could not buy a horse, I had a dray, but could not buy a horse; when I did, we went over, and met them coming back. I looked at my watch, and I said, "It is a quarter to twelve; we will slug the sally, and give the horse a feed," and they told us they could not get gold.

964. By the Chairman. —What was that particular place; was it the Rocks? —The hut.

965. When you got to Bendigo you say you camped at the foot of Sheep’s Head? —Yes.

966. There was no gold-digging going on? —No.

967. Did you hear of a place called the Rocks? —We put the tent at the Sheep’s Head, and went down as far as Sandhurst, and came back. The next day I said, "Before we start we will have a regular survey of the place," and we went down as far as the White Hills and came back again, up to the Kangaroo Flat, and turned back again, and when we got near the old hut I said, "Skooko oh!" and we sat down to have a smoke, and as I was lying on my side, and scratching with my finger, I turned up a bit of a nugget about the size of my nail, and they made a joke as if I had brought it with me from Forest Creek, and I said, "No, I always turn out my pockets," and we looked about for more, and we got an ounce and a quarter.

968. By Mr. Barrow. —Where? —If any one know Sheep’s Head.

969. Surface diggings? —Yes. I got up the next morning and found some and it went about four ounces to the head.

970. By the Chairman. —You seem to know the locality pretty well, do you remember a big water-hole where Golden Square is now? —Yes; just opposite the Victoria Bank. We camped there.

971. At Golden Square? —We left after the water got a bit thick at Sheep’s Head.

972. Did you hear of a place called the Rocks, by the people there? —There were rocks opposite Golden Square and a water-hole there, and another down where Bridge-street is. I never worked on the rocks.

973. At Sheep’s Head? —Yes.

974. Was there plenty of bush between the Sheep’s Head and Golden Square? —We worked there till I went over to Richmond.

975. Was there plenty of bush between Sheep’s Head and Golden Square? —Of course, you know, a little, a few gum trees by the creek; no particular bush.

977. Would it be possible for people to be working at what is now Golden Square and you not know it? —No. We were there for three weeks.

978. By Mr. Barrow. —If any one was working at Golden Square you would have seen them? —Yes; my horse used to go on Kangaroo Flat and I used to go for him.
By the Chairman.—What was the first time you knew of people working at the rocks, at W. Bruthwaite's, and at Golden-square? I could not say. There was a tent when I went back from Melbourne. I came down for rations on the 11th of December, and on the 31st of December there was a tent opposite to the rocks, where I put up the Metropolitan machinery.

By Mr. Burrowes.—Could any one have been washing for gold at Golden Square and you not know of it, in November?—No.

In November, on that creek?—No.

Who were the first person you know?—I did not know the parties. They were there when I was away for rations. That was the only party I saw. When I shifted, the Moorheads came, John and Davey.

That was long after?—Yes.

By the Chairman.—Did you ever know any women washing there for gold?—No. Mrs. Bruthwaite, my wife, was the first white woman I saw in Bendigo, and she arrived on the 31st of December. Bendigo was christened by Thomas Myers.

By Mr. Burrowes.—Is he living?—No, he is dead.

The witness withdrew.

Edward Pepperell, examined.

By the Chairman.—What are you?—A fruitier, formerly a digger.

Where do you reside?—Lyon-street, Carlton.

Were you on Bendigo in 1851?—Yes.

It what month?—April.

What were you doing then?—We went prospecting for gold.

What part were you prospecting in?—I call it Kangaroo Gully myself.

You said "we"; how many were there?—Myself and Thomas Windsor and Henry Thompson.

Tell us what took place then?—We were trying up there, and we were taking a survey of different parts of this creek, and my mate said, "I think there is plenty of gold about this quarter, on account of seeing quartz and ironstones," and we went and tried and prospected, and the first prospect we got seven pennyweights to the dish. The reason we called it Kangaroo Gully was there was kangaroo grass there, and we saw kangaroos likewise.

Did you stop there long?—I should think from the middle of April up to the 27th of April.

By Mr. Burrowes.—What year?—1851.

By the Chairman.—Did you ever see any signs of human beings there then?—Not a single soul.

Where did you go after the 27th?—Down the gully and sunk three holes, and the first I should think was from an omeo to three omeos to the tin dish.

How far down?—Fully a mile down Kangaroo Flat.

Following the main creek?—Following the main creek and prospecting.

How long did you stop at that place?—I should think a week.

Where did you go to after that?—We put our tools in a hole, and the tent too, and came away to Melbourne.

How long did you stay there?—A week.

What came after your return to Melbourne?—I came into Simmonds' eating-house in Queen-street.

Harry Thomson was in Sydney, and we sent for him to come round.

You say your mates in 1851 were Thomson and Windsor?—Yes.

When did Thomson leave you?—He had not arrived, but in 1851?—He came after.

He was not with you in April, 1851, in Kangaroo Gully?—No.

Only Windsor?—Yes. Windsor said, "I am writing round to Sydney to get my mate round."—He was at the Toorak. He said, "I think we had better get up the country again." We stopped in Melbourne a week, and walking down Elizabeth-street when we set to see but Thomson.

Did you return to Bendigo?—Yes; we returned to Bendigo about the middle of May.

By Mr. Burrowes.—That was in 1852?—No, 1851.

By the Chairman.—What part did you go to?—About a mile further down. We went to the hole and took out the tent and tools; they were just as we left them.

Where did you go to?—Down the gully, and sunk two more holes.

You are getting close to Golden Square, do you know that?—Yes, there was no Golden Square then—nothing but bush. We sunk two holes and got two to three pennyweights to the tin dish.

How long did you stay there?—Four days.

Where did you go to after that?—We went over the range to have a look at that part of the country, and my mate said, "I think this is a good quarter for gold," so we went sinking there.

By Mr. Burrowes.—What do you call it?—Ironbark Gully, and the reason was there was nothing but ironbark there. We sunk three holes about 4 feet and got from three to six omeos to the tin dish.

By the Chairman.—How long were you there?—During that time there were two or three people began to come round.

In May, 1851?—Yes, in May, 1851, I should think about the 27th.

Are you sure it was 1851?—I am certain it was 1851, and during that time, I should think up to the 6th of June, there were about 150 people in Ironbark Gully.

By Mr. Foster.—You seem very certain. What makes you remember 1851 so well?—I have a good head on me.

By the Chairman.—By no possible means could it be 1832?—1851. I arrived in Sydney in 1850, and the Sydney diggings opened in 1849.

You rely on your memory?—No other means but my head.

You say you were coming down the creek in 1851 from Kangaroo Gully?—Yes.

By Mr. Burrowes.—Did you see any signs of sheep about?—Not a single sheep. The only thing we saw was kangaroo grass and a couple of kangaroos.
1038. No but!—Nothing of the kind.
1039. By Mr. Burrowes.—You never worked at the place known as the Rocks, near Golden Square?—Never. We just sunk a few holes.
1040. Do you know a place known as Golden Square?—Yes, I was there about four years ago.
1041. Your work was on the Castlemaine side of Golden Square?—On the east as we come down.
1042. Yes, you say you know Golden Square—was it west of Golden Square?—Yes.
1043. You never went up as far as Golden Square?—Not to my mind.
1044. You went from Kangaroo Flat to Ironbark Gully?—Yes. The reason it was called Long Gully was it was such a long gully, and the same with English, because they found a great eaglehawk at the head of the gully, and Sailor's Gully the same.
1045. By the Chairman.—Do you remember any excitement among the diggers about the licence fees?—Yes, I had to take out two myself, but I did not take out any more.
1046. Do you remember any meeting?—No, I never bothered my head about meetings. We were bettering about looking for prospecting.
1047. What time did you leave Bendigo?—November, 1851.
1048. Was there any digging going on at Forest Creek?—Previous to that.
1049. How long before this was the digging being carried on at Forest Creek?—I cannot mention anything about it. The reason Thomas Windsor came round from Sydney was to find out the report in Melbourne about the diggings on this side.
1050. What road did you take to go to Bendigo?—Up by the Deep Creek, and over the Big Hill.
1051. Did you touch on Forest Creek?—No.
1052. You heard of no diggings on Forest Creek?—It was mentioned in Melbourne. We were going to Forest Creek, but my mate said, "We will travel up further."
1053. You left Melbourne to go to Forest Creek in April, 1851?—Yes.
1054. By Mr. Burrowes.—What was Bendigo known as then?—We called it Kangaroo Flat.
1055. What was the name of the place you were going to—was any name given?—No.
1056. Yes, I did not know it was called Bendigo.—No.
1057. By the Chairman.—I suppose you would be astonished to know that Forest Creek was not discovered till July, 1851?—It must have been, or how should I be on Bendigo at that time.
1058. By Mr. Frennham.—Are you a relative of Hargreaves?—No.
1059. Did you hear about the discovery of gold?—No, I knew nothing of the gentlemen. We went on our own footing.
1060. Did you hear of him making the discovery?—No, only what we made.
1061. I mean on the Sydney side, did you hear of him making the discovery?—No.

Edward William Bagshawe, examined.


1074. By the Chairman.—What are you?—A surveyor.
1075. Where do you reside?—156 Amess-street, North Carlton.
1076. Were you in the Bendigo district in 1851?—I was; and if you will allow me to make my statement as brief as possible, I will not detain you more than ten minutes. I knew the Mount Alexander run, which belonged to Nesbitt and Greco. A subdivision portion went to Dr. William Barker, whose manager was John White Pearoo, whose widow is still living here at Essendon. I was camped at that time, on 21st July, 1851 (this is not from memory). At that time I saw samples of gold produced by William Campbell, of Campbell's Creek, or Yaseen.
1077. By Mr. Burrowes.—On what date?—The 21st of July, 1851. That is taken from my diary.
1078. Where was the gold got?—This gold was got down somewhere about Campbell's station. I was assistant to Mr. Surveyor Urquhart in August, 1851, when a party whose name has figured under the name of Byres, but whose name I have in my diary as Byers, came down to Barker's Creek, and gave information to one Fitzmorris, a police constable stationed at Cariobrock, that Mr. Fenton, some of his people, and himself had found gold there.
1079. By the Chairman.—Had found gold at Bendigo?—Yes, and Mr. Fenton or Mr. Stewart Gibson had spread this information. Whether it was Mrs. Smith, or Asquith, or Graham, I know nothing about. I know Mr. Fenton or Mr. Gibson promulgated it.
1080. By Mr. Burrowes.—What do you know, of your own knowledge, of gold being discovered in 1851?—1852, if you go to 1852—
1081. By the Chairman.—We want to confine ourselves to 1851. You say that Byres brought the information to Forest Creek that Fenton and his people had discovered gold at Bendigo?—Yes.
1082. You did not go up to the spot yourself?—Not till about a year afterwards. I have the plan of the whole place—[producing the same].
1083. By Mr. Burrowes.—When was this picture taken?—In 1852 to 1853.
1084. Can you describe where it was?—New Chum Gully. It was a remarkable rock, and I was the cause of having it taken.
1085. By the Chairman.—Were you present when Byres told the constable about the gold?—No.
1086. You heard it?—Yes.
1087. By Mr. Burrowes.—This rock was up on the range?—The point of the gully.

The witness withdraws.

Alfred Elger, examined.


1090. By the Chairman.—What are you?—No occupation. I lately came from Charters Towers, and I reside at Hamburg-street, Richmond.
1091. Can you give us any information about this subject?—Yes.
1064. Tell us what you know about the discovery of gold at Bendigo as briefly as you can.—
At the end of 1848, or the commencement of 1849, I was on the Daisy Hill diggings, when the black police were there. I went from Burntbank, and went back again and called at McCullum’s station, and we doubted whether the gold was there, though we had seen an account of it in the Argus.
1065. Can you give us any information about Bendigo?—Yes, I saw the fact of being at Daisy Hill, and seeing the kind of stone, gave me the information about Bendigo. In November, 1850, I was on Norman Simpson’s run, adjoining Dr. Barker’s stations, and until about the commencement of July or August, I did not keep a diary.
1066. You remained on Norman Simpson’s station till July?—The end of July or the beginning of August, 1851, and during that time, at intervals, I was prospecting for gold over there; and on a Sunday, I travelled down over the ranges, and came to an old sawpit.
1067. By Mr. Burrowes.—Where?—Dr. Barker’s run. From the sawpit there was a track, and I followed that down not coming to the home station—Dr. Barker’s stations—from Simpson’s run, over the ranges.
1068. Where did you go from Dr. Barker’s?—Norman Simpson’s home station. During the time I was out on the new called Ararat, I made excursions over on to the Bendigo.
1069. By the Chairman.—What time was that?—That was from about Black Thursday time in 1851. I left there in 1851.
1070. When did you discover gold, or see any one else discover it?—I prospected for gold on Norman Simpson’s run, and did not get it. I got specimens from the rocks; that was over to the westward from the Axe Creek.
1071. Do you claim to have discovered gold?—It appears there are many claimants.
1072. Do you?—Yes.
1073. Tell us the date and where?—At the very head of what they call the Back Creek.
1074. Where?—Bendigo.
1075. By Mr. Burrows.—What date?—I could not tell you. I was all over the run.
1076. Do you know your—1851.
1077. By the Chairman.—Did you find any quantity?—I was there several times. The fact is, I had no tools, only a spade belonging to the station with a broken handle and a small tin dish.
1078. Did you follow up the search?—Yes, till the latter end of July, 1851.
1079. Were you on Back bay at the time of the rate?—I was away at Ballarat. I was on Burntbank when Jim Esmond and Hiscox discovered the diggings there. I had a claim next to Cooke and Jarvis. I went down to Melbourne, and then went back to Bendigo.
1080. What time was it when you went back—in what year?—In 1852. I was at Ballarat seven days after Esmond and Hiscox discovered gold. We got it from the main line. I knew both men, and I went down within seven days after. There was no tent upon the place; there were gunyahs made from blankets.
1081. As far as the discovery of gold on Bendigo is concerned, you say in 1851 and 1852 you prospected on Norman Simpson’s and Dr. Barker’s stations, and found gold at the head of Back Creek?—Will you advise us as to when Black Thursday was. I take it to be 1850. In September, 1850, was the time that Ballarat was discovered.
1082. You claim that you found gold in Back Creek in 1850?—Yes, and also that I found gold in the quartz.
1083. Did you make this discovery known?—Yes. I went back to the town-hall and went to the police in Luv and met a man there whom I knew.
1084. What was his name?—Harry Byrnes. That was about the commencement of August.
1085. Then you left Bendigo and did not return until 1852?—I returned in January, 1852.
1086. I thought you were there in 1851?—I left Norman Simpson’s at the end of July or within a day or two of August. I say I left there in 1851.
1087. Left where?—Norman Simpson’s, the same year as Black Thursday, the same year the man was murdered at Gibson’s.
1088. In August you left there?—Yes.
1089. When did you do the prospecting on the Bendigo run?—In 1851.
1090. When did you leave?—August, 1851.
1091. How could you do it if you were there in November, 1850. You say you were on Norman Simpson’s run?—I went there in November, and I believe that was 1850 first, as a matter of course, I must have left in July or August, it must be 1851.
1092. You did not return to Bendigo till 1852?—Yes.
1093. Then you say you left and went to where Esmond got the gold and returned to Bendigo in 1852.—The gold was found as far as my recollection goes. Esmond found the gold in 1851—
1094. And went back to Bendigo in 1852?—Yes. I have further to tell you that when I was in Ballarat in 1850 or 1851 at the time it started, the year I do not recollect, I believe it was 1851—
1096. It is absolutely necessary we should determine the exact date?—I confirm it by selling you it was when the Ballarat diggings were first discovered. I believe that was 1851.
1097. By Mr. Burrows.—Then you discovered gold in Bendigo a year before that?—I went to Norman Simpson’s in 1850.
1098. The first gold discovered in the colony was at Clunes, July 28th, 1851?—No.
1099. By the Chairman.—When did you tell Byrnes?—Early in August.
1100. Of what year?—1851, and also Commissioner Armstrong and Captain Harrison, at Ballarat. I knew both those people well. I will say that Captain Harrison never had a station on the Arsnes.

The witness withdrew.
William Steward, examined.

1103. By the Chairman.—What are you?—A brickmaker, residing at Rushworth.

1104. You are the writer of this letter?—I cannot see it.

1102. Do you remember signing a letter sent to this Committee?—Yes.

1105. You are the son-in-law of Chris. Asquith?—Yes.

1106. Will you tell the Committee all you can in your own way about the discovery of gold at Bemigo?—Early in October I arrived on what is called the Ravenswood station.

1107. What year?—1851. I had been at Barker's Creek and Forest Creek looking for gold and had no tools. I thought I could get tools, knowing that Asquith was living at Fenton's station. I understood they owned it. I had lived on the station formerly when it was owned by Hoag and Greis, in 1847, when Mr. Thomas Myer was superintendent.

1108. Was Asquith the butcher at Fenton's?—In 1851 yes. I arrived at the head station and inquired if such a man as Asquith was there. There was only an old cook in the kitchen, and he said he knew he was there but the "creeper" (thieves were Fenton) had gone out to remove him. He invited me to stop till they came in the evening—to stop to tea, and I stopped, and in the evening I saw Mr. Fenton, and he did not seem inclined to give me any information about Asquith, where he was. First he asked me had I lived on the station, I said, "Yes, when I was with Hoag and Greis." He said, "It is useless you walking ten or twelve miles, I will give you any message in the morning." I said, "I want to see him—I want to get some gold—as I worked on Barker's Creek." He said, "Are you a relation?" I said, "Yes, his son-in-law." He said, "He is at the hut, and I will be there in the morning before you." I camped there that night with a shepherd who had two dogs boxed into one. Fenton would not give me information, because I suppose he thought I might take away a hand.

1109. Did you get to the Bemigo hut?—Next day, and Jimmy Graham took me to the hut, and he showed me the ration-bag, and I had something to eat. He said, "The old man would be home directly." I wanted to know what the old man was doing. When I saw him he had a on a shoemaker's apron, and he was spattered with mud. I asked, "What are you doing?" He said, "Digging a water-hole." I said, "A fine water-hole, no doubt. Have you got gold?" —"Yes," he said. "How much?"

1110. I said, "I know Asquith and Graham had not been on the diggings before, and I know that I knew more about it than they did, and when he showed me he pulled out a small watch-box full of gold, more lovely gold. I said, "How many of them have you got?" and I would not be certain whether he said four or six of them all. I said, "You are getting grand gold; I am going to be in among it." He said, "The creeper is up there." I said, "I do not care about the creeper." He said, "He is up there, and old Ben Bacigalupi, and they will come down to dinner." They came down and had dinner, and it was arranged satisfactorily that we should get what gold we could, and he would take our gold at £2 10s. an ounce. It was in November, in the shepherd's hut, but we sold Mr. Fenton, I would not say how many pounds weight—I think five or six pounds.

1111. By Mr. Burrowes.—In November?—I am certain in November, because I had been there a fortnight or three weeks. I have never seen Mr. Fenton to speak to till I saw him the room this morning, and I should not have known him if he had not been pointed out to me.

1112. Were there any other people there?—Not for the first week or two, until Mr. Fenton bought the gold from us, and he of course reported to the mates, Boyce and Gibson. They were taking sheep from Forest Creek to Barker's Creek, and the shepherds picked it up. I was not mentioned, because I was not a hired servant. I was surprised at his having my name in his book.

1113. Where was the gold got?—What you call at the books; it was called the "Point."

1114. Golden Square.—Yes, that is where it was got.

1115. Were there any women there?—No, not till after the gold was sold.

1116. What did they appear upon the scene?—I think somewhere within a week after the gold was sold other people arrived all round. A deal of the people went back, and I believe Boyce would have fared badly if he had been found. They had left good claims, and they were alarmed that it did not come into hats full of gold.

1117. By Mr. Burrowes.—You first discovered gold in October, and in November sold gold?—Yes. Mr. Fenton has the entry in the book.

1118. You got it about October?—Yes.

1119. You were there before Mrs. Kennedy; did you know her?—Yes, she came there.

1120. You were there before her?—Yes, she was not on the creek at the time.

1121. Did you know Farrell and Kennedy—Farrell, a man who was in Mr. Fenton's employ?—There was a man of that name. I think they called him the "creeper."

1122. Did you see him?—Hum and his wife came after the reported gold.

1123. Do I understand you that you were there some weeks before Farrell and Mrs. Kennedy came?—Yes, I was, and got the gold and sold it to Mr. Fenton before the women came to look for it.

1124. Suppose you selling the gold to Mr. Fenton caused the rumour?—Yes.

1125. By the Chairman.—In your letter you apply to Mr. Paton to identify you?—Yes, he does. I suppose I did not see him for 26 years till this morning.

1126. Mr. Paton says, in November, when he came, he found Mrs. Kennedy and Farrell there?—Yes, they may have been there a day or two. He came on the report of Byass.

1127. It was the 30th of August, 1851, he made the statement to Mr. Bagshaw?—That is a mistake. I believe Mr. Fenton has the entry of the sale of the gold. He gave the report to Mr. Gibson that one of the shepherds picked it up.

The witness withdrew.

Adjourned to Thursday next, at eleven o'clock.
THURSDAY, 9TH OCTOBER, 1890.

Members present:
Mr. NAILES, in the Chair;
Mr. Burrows,
Mr. Cameron,  |  Mr. Gordon,
               |  Mr. A. Young.

Robert Gilles, examined.

1125. By the Chairman.—What are you?—I am an officer of the Bank of Australasia.
1126. Reference was made by a witness, who gave evidence before this Committee, to an account with your bank, and he wrote to the bank for information bearing on it, will you tell us what you can on the matter; it was in Mr. Johnston's evidence, where he claimed to have sold an immense quantity of gold and paid the money into your bank? In October, 1851, he opened an account. I have a statement of the account from October, 1851, to October, 1852. The payments of credit amounted to £1,210. At the inquiry he is reported to have said he received from Mr. Bennett a cheque of about £400 or £500, which he paid into our bank. During that period there is no cheque for that amount paid into the bank.
1127. Were there any large amounts paid in about December and January?—Yes, in December, £300 and £214 6s. 5d., for which the entries are "cash and bills." There is no mention of cheques.
1128. Mr. Johnston came before us subsequently and extracted the statement, and said his wife had sold the gold.
1129. By Mr. Gordon.—He says some was sold to the Bank of Australasia, you have no evidence of that being so.—No, these are the only payments to his credit about the time—[handing in a paper]. There are no means of tracing further. In Bennett's account, for that period there is no entry of an amount paid in Johnston's name.

The witness withdrew.

Joshua Neres, examined.

1130. By the Chairman.—What are you?—Bricklayer.
1131. Where do you reside?—15 Allinson-street, South Yarra.
1132. Were you on Beaudes in 1851?—Yes.
1133. Tell the Committee what you know in connexion with the discovery of gold there?—Mr. Stewart and I left Barker's Creek.
1134. What Stewart?—William Stewart.
1135. The son-in-law of Christian Asquith?—Yes.
1136. By Mr. Gordon.—What date did you leave?—I could not say, it was in October; I should say about the middle of October, 1851.
1137. By the Chairman.—You were working with Stewart?—Yes, sir.
1138. Who were in the party?—Chris. Asquith, Ben. Hannister, Graham, and myself. When we arrived we went to buy Chris. Asquith's tool box to make a cradle on Barker's Creek. When we got there they told us they had found gold and we went down to the creek; our experience was better than theirs and we got to stop.
1139. Asquith, Graham, Hannister, and yourself?—Yes.
1140. Do you remember the date?—About the middle of October, 1851.
1141. Do you remember when you first sold gold?—The first gold was when I first arrived, two ounces my brother gave me to buy a cradle with. Stewart went then to sell it to Mr. Fenton; I did not go with Stewart. I went when we got the tools and rations the following day.
1142. Was it the first fairly sized parcel of gold you sold?—I could not say.
1143. How long was it after the arrival?—About a fortnight.
1144. By Mr. Burrows.—To whom was it sold?—Mr. Fenton.
1145. Were there any others looking for gold then your party?—No.
1146. Did you see any women there?—Mrs. Kennedy and a few children. After Byass went down and saw the diggers up from Forest Creek. Mrs. Kennedy came and sat on the bank.
1147. How long after were you there?—About a month.
1148. Were you there before Mrs. Kennedy?—Yes.
1149. By the Chairman.—Can you recollect whether Asquith told you how long they had been getting gold?—They said about a week previously.
1150. By Mr. Gordon.—That would be about the 1st of October?—About that.
1151. By the Chairman.—I think you said you went with Stewart from Forest Creek?—We went to Melbourne; my brother was at Barker's Creek.
1152. What caused you to go to Beaudes?—We wanted to get his father-in-law's tool box to make a cradle.
1153. You had no knowledge of gold being there then?—No.
1154. By Mr. Gordon.—Your object was to get a cradle on Forest Creek?—Barker's Creek.
1155. After he got it, what then?—We did not make it, we went to buy the tools, and they told us they had got gold, and we stayed.
1156. On Beaudes?—Yes.
1157. That was before the arrival of Mrs. Kennedy?—Yes, Mrs. Kennedy was not there; there was no person there, not a soul. Mrs. Kennedy arrived when Byass went down and saw the diggers up.
1158. By Mr. Cameron.—How long did you remain at Beaudes?—Till the second rush came; I should say about five or six weeks.
1159. By Mr. Foreman.—During the time?—I did all the dishing for them, and a few days after that Mr. Foreman stood on the bank and said, "I am going to take possession of this hole; to prevent disputes here is my licence."
1160. When was that?—About a week after we went there; we were there about the middle of October.
1161. Mr. Frencham and party arrived there between the 20th and 25th of October?—Somewhere about that.

1162. By Mr. Gordon.—Do you remember whether Mrs. Kennedy was there at the time Mr. Frencham arrived?—No, she came just after.*

1163. According to your evidence Mr. Frencham arrived on the field before Mrs. Kennedy?—Yes.†

1164. By the Chairman.—How long after you did Mr. Frencham arrive?—About a week.

1165. You said Mrs. Kennedy?—There was a rush when Byass went down, and Mr. Frencham was first up.

1166. Who came with Mrs. Kennedy?—There were some blacks. I do not know who carried the tent and put it up.

1167. Did you hear of Farrell, the cooper?—There was a Farrell after the second rush.

1168. Did he come with Mrs. Kennedy?—I would not say.

1169. By Mr. Burrowes.—Were there any women with Mrs. Kennedy?—No, she and her four children.

1170. By Mr. Cameron.—Are you sure you are not making a mistake in the month?—No.

1171. If Mr. Frencham knew he did not arrive till the 25th of November, whereas you say he arrived in the 25th of October, would he be telling the truth?—He would not.

1172. By Mr. Frencham.—Could you make any mistake about my presence on the creek?—You did precisely what I said. I think I was dxhing, and you said, "I am going to take possession of this hole; to prevent disputes, here is my licence"—did you not?

1173. Yes, I think you are right.

1174. By Mr. Burrowes.—Was that part of the country known by any particular name at that time?—It was known as Bombigo Hut. The witness withdrew.

1175. Mr. Frencham.—As a statement was made about my arriving on the 24th of November, I think my evidence in the first instance would show it was not that time. I reported the discovery of payable gold on the 24th of November, but I was there long before that, as I stated, prospecting about, so I wish it to be clearly understood by you gentleman and the press that I was there long before the 24th of November, when I sent my partner back to report that we had discovered a payable gold-field. In doing so, I do not confine myself to the mere fact of what Mrs. Kennedy has stated—she stated the truth that she saw me there. When I went up to speak to her, she had a dish in her hand washing, and she turned the dish over and emptied it in the creek, and I had been prospecting about for several days in different parts endeavouring to find out whether there might be a payable gold-field or not, and when we found there was sufficient induration, I sent back on the 27th of November, Robert Atkinson, who has placed that letter before you; he was the party who took down the information on the 27th of November, and requested that same night, bringing the washing tools with him that we brought from Melbourne, with powder, &c., as we thought we could find use for them in the bar of rocks crossing the creek—he returned the same night. The next day the remainder of our party came up from Forest Creek, bringing a bullock dray, which I believe was the first bullock dray with any mining party. The next day, Captain Harrison, spoken of as a one-armed man, though he had two arms, but a wounded hand, came back, I think, on the 29th. We had been intimately acquainted, and he came to me. That was the first time Captain Harrison arrived there. I defy any man to contradict that. He was not there before me, nor did he ever attempt to say so to me though my intimacy was great with him. In Melbourne and on the mines; it was not the fact. Those gentlemen who made the statement that he was there prior to my coming to Bombigo are under a mistake—preconception. As regards my first finding gold, I say I was the first—I never saw a particle of gold till I got it. Those parties working there were evidently prospecting the same as I was.

1176. By Mr. Burrowes.—Might they not have found it?—I do not say they might not, but I did not see it.

1177. You do not doubt that they had—are you in a position to say there was no gold found there before you got there?—I am in a position to say that I never saw it, nor whatever, nor did any one tell me they had found it to induce me to go on; but I suppose Mrs. Kennedy was getting some, because of the fact of her washing with the dish.

1178. You are not in a position to say gold was not got till there you got it—I am not in a position, and I could not say it. I maintain that no gold was shown to me, nor was it told by any person that gold was obtained till I got it. I may refer to the extraordinary letter Atkinson put in there: I thought he was dead. What he may have heard from Byass I am not aware. The man who directed me was Frank McDornogh, with a brother, a solicitor in Melbourne. He told me he knew the country when he had been a station-manager. He told me, "I think that is a likely country for gold." I think that was before any of the parties were aware of the existence of gold. That was what influenced me, I am as much as he knew something of my disposition for prospecting. I was one of the first in the colony who started out. To show my determination as a discoverer, I opened up the Caldonian gold-field subsequently, and, with others, the Bluebell, and also the Emerald, which B. G. Davies told you I have given valuable information about. That will show you my disposition for investigating the country, and since 1860 my whole efforts have been put forward for the benefit of the colony where I have made my home, and I have not been a boaster, but I have taken a part in the affairs of the colony. There is no probability of my name being put, as irrespective of the gold-fields with which I have been connected, my children and grandchildren number 52. I do not feel much inclined to review a great deal of the evidence submitted to you. It seems so conflicting that it would take a clever lawyer to do it properly, and be me to attempt it would be a labour in vain. I am satisfied with the statement I have made that my position has not been altered. In 1867, when my claim was first put forward, it was supported by my sworn testimony, and which you have before you. I have never revered in my statement. It is the truth and nothing but the truth. That was attested by one of the clerks in the Supreme Court when I submitted it to the Minister of Mines, and for other gentlemen to attest the correctness of my statement. You will find a list of the witnesses submitted to the Minister of Mines. They were all living at that time, and had no inquiry taken place I would have had a

* Note.—This witness, after giving these answers to questions Nos. 1162 and 1163, wrote stating that he was in error, saying that Mr. Frencham arrived as the Bombigo diggings before Mrs. Kennedy. He wishes to correct this statement, and to say that Mrs. Kennedy was on the diggings before Mr. Frencham arrived.
large number of witnesses. Amongst those, the only one I can remember is R. H. Duell; the Marovas were also mentioned. They were all living at the time, but they are all gone now. I have nothing now beyond the documentary evidence, and the evidence which I published in the press. Being a member of the press, I have an opportunity of getting down such details as the observer and the Bendiyo-goldfields. I had some insight into the future and the success of the field—that there was a glorious future, as I waited on the evening of Christmas Day, standing on a heap of staff ready for working. I said, looking into the future, what I thought Bendiyo would become, and my idea has been realized beyond my expectations, as it is known far and wide throughout the world. The first time it was known was from my pen in the Argus, and read by you at your first meeting, and it was first set forth by me. That was the first time Bendiyo was known as the name written, not copied, in the Argus, the Daily Times, and Geology Advertiser. I may say myself and Ross, who took an active part in the work with me, at the whole night sitting down the glowing reports referred to here. No attention has been made in my statement, and I am satisfied you are willing to hazard all to the evidence, and I am satisfied no evidence has come up to extract from my position, which was restored by the fact that I followed out the part of bringing the police. Next I will mention the incident that led me to bring the police and the written. It arose in this way: there were some jumpers who came up and jumped into my claim. One evening Mr. Bennett, a squatter on the Campaspe, paid a visit to us to see what was going on, and he stopped at my tent near night, and in the early morning, I heard people working outside, and I went out and saw two men working diligently in my claim. I challenged them, and one of them lifted a space over my head as to kill me, and I said to the fellow, "If you strike me I will shoot you." This enraged him to a terrible extent. Afterwards Mr. Bennett told me, "I watched that man, and if you had taken your eyes off him he would have shot you." Well, after that occurred and it was terminated, Mr. Bennett, at breakfast, said to me, "Take my advice and come to Forest Creek and get police protection. There are men here who would not stop short of murder." I took his advice and went on the 1st, and I sent my letter to the Commissioner asking for the necessity for police protection, and that was followed up by the watch coming. The very first letter that was the one which Mr. Macdonald stated that I wanted to write for was Bertea's, a Frenchman, a dentist in Melbourne. He belonged to my party, and he being a light weight, and disposed to run, I gave him one of the horses, and he took down the letter on the 1st of December to Mr. Wright, and delivered it into his hands, and Mr. Wright sent back a reply that he would consider it, and in a week Captain Hornby, a staff of staff, came up, or the 8th. That was what led to my sending down; not that I did anything with the expectation of a reward. It never entered my head, but the necessity arose for police protection. It has been stated that I was not known; very probably not by name, but I was well known throughout the country as one of the explorers. I did not go about with placards on my back saying "This is the great Frenchman." I did not put myself forward, but as the public meeting I drew up the resolutions with Captain Harrison and Ross, which you have read in papers. I think that that will do away with some of the objections that have been raised about my set being present till a later period. I think there is such a mass of evidence in those documents that it will satisfy you that I have spoken the truth. Then as to those opposed to me, any man has the right to oppose another if he thinks he has a just cause, but I would draw attention to the action of Mr. Fenton. He remained for 3 years without making an application, and the first intimation I had of it was in the columns of the Argus and Age, the Bendiyo correspondent referring to it, and I once took the matter up and replied, and gave a full statement of the discovery, and then everybody could fix dates. That is how they came in for information about dates, when I published it in the press, in the Bendiyo Independent and the Age also, and Mr. Fenton then subsequently made application for the reward. I put into the hands of Mr. Messrs those documents that I referred to, and I believe they were forwarded to you. I took action immediately I saw men, as I thought, trespassing on my rights, to put the matter in a proper light. So after 37 years Mr. Fenton wakes up to the fact that he was the discoverer, and he says in a letter to the Geology Advertiser that he discovered five or six specks of gold, and he and Mr. Gibson had made a compact to keep it secret lest the men should leave the station. He says that scarcity was kept up till he learned in the Bendiyo Advertiser, but in the evidence given he says he sent a Mr. Bryan to make known the fact of gold being discovered. That is fairly contradicted by Mr. Sandwell in two letters to the Argus through Mr. McCarlin, when he says Mr. Fenton wanted it kept secret lest the men would be destroyed, and in the second letter he says in brackets, using his own phrasing, "had the man been dealt with." Now it appears that a squatter having a beautiful run and thousands of people up to destroy that run and to destroy the people, he which he required for his packs? No such thing was ever heard of before. He must have a very large heart and show a great deal more philanthropy than a man to destroy his fellow man. It can hardly be entertained that he was such a philanthropist as to bring up the people to destroy his run. If that's not a proof of his want of claim I do not know what would be. As to Mrs. Kennedy, I believe, she is a بالتال qualifying. I knew her in Melbourne before her husband went up there, and when he was there, and I never met her again till I saw her in this room. I gave her the printed paper published in the Independent, and she read that down to me a week since. There is no unfriendly feeling, but when she threw the gold into the creek you can see there was a concurrence of round by Mr. Fenton, not the people not to make the matter known. I may remark about Mr. Motherwell, who said that I came there after Berteaux. He was the man who took the letter down for the police, but he was not a man whose company we liked or cared for. He was a man who did not like work and would not work well, and as we broke up the party, and once traced Dr. Russell, was achemist and druggist; he supplied the people with drugs, and so he was called a "doctor." Motherwell is under a mistake when he says I came after Berteaux. He was with the party who came up, the second party. I do not wish to trespass further on your time. The evidence is before you and I feel satisfied that you will act fairly and truly with all concerned, and take that view of my case which I desire should be taken, not only as the first that found gold and proclaimed it but and wife, but I saw no gold till I found it myself, nor was I shown gold by any one—but I shall maintain it. 1779. By Mr. Godwin. You heard the evidence of Mr. Norris? Yes, I did. Did you observe in October, and he saw you there then? ... If you have not claimed in any part of the evidence you gave that you were there in October? I think he is labouring under a mistake.
Mr. Frencham, grandson.

1881. He is a month out?—It was in November, about the 17th. I ginned that from letters that I wrote to my late wife.

1188. By the Chairman.—You said just now that you were desirous of saying nothing but the truth, but at this distance of time it is easy to get mixed up in the matter of dates by a day or two. In asking this question I do not wish to intimate that you are not telling the truth, but in your evidence you say that you were in Ballarat on the 7th November? I think not. I have a letter which I wrote to my wife—[Handing in a letter to the Chairman]—which may show you.

1183. You said "On or about the 17th"?—At that time I had not found that letter.

1184. You said you stopped a week or two at Forest Creek?—Yes, sir.

1188. It would be about the 4th of November before you would reach Forest Creek, leaving Ballarat on the 7th. That is clearly where the mistake came in.

1186. That would make you to be there about the 17th, and then you went up to Bendigo?—The 16th or 17th of November I was as Bendigo.

1187. A Mr. Foster. You did not find gold for about ten days after you got there?—I found gold the next day, but not in payable quantities. I mentioned I was not there a day.

1188. You did not find payable gold for ten days?—Not to satisfy me that I would be justified in bringing up the party.

1190. You found payable gold on the 27th of November, 1853?—I may say I got it a day or two before.

1191. And you did not make application as the discoverer till 1867?—No.

1192. For what reason did you allow such a time to elapse?—I have stated in the papers that I was engaged in other ways. I bought a cattle-run at Warrandyte, and previously to that I looked an estate from Henry Walsh, at Witslow, and I was cutting it up; that occupied my time.

1193. I thought you might not know that there was a reward for the discovery?—I did not do anything for a reward—it was not mentioned. I now wish to mention with regard to Robert Atkinson I said I saw his death in the statement of the probate court. I thought it was Robert Atkinson who was my partner—you will see I never kept hack anything as yet; he corroborates being with the first party, but I did not know he was alive now any more than a man in America.

Mr. Frencham withdrew.

Frederick Foster, further examined.

1194. The Witness.—It has been stated by Mr. Frencham that I did not make the discovery of the gold known, but kept it secret for a long time, and he said that I kept my claim as discoverer secret for over 27 years. My reason for that is that I did not trouble myself about the matter until the matter was revived by Mr. Donovin, the town clerk of Sandhurst. About two years ago. I stated in a letter what took place that I kept it quiet for a few weeks, and then sent Byass down to the Commissioner to make it known. After that there was a rush. What took place after the rush, I want to say nothing about—that has nothing to do with the discovery. I think my sending Byass down is corroborated by the statutory declaration of Matherwell and Mrs. Alsop. I never saw anything about it. I went home in 1863, and was out of the colony some time.

1195. By Mr. Cameron.—Did you see in 1867 that Mr. Frencham claimed to be the discoverer?—

1196. That was in 1867?—As far as that goes I never saw anything.

1197. By Mr. Bourne.—It appears you took no part in it till the town clerk of Sandhurst revived the question?—No. I want to make one remark—there is evidence to show Mr. Frencham did not discover the gold. Mrs. Kennedy made a statement, and put in a claim in June, 1880. On August the 8th, 1888, I wrote to her to know if she was the wife of the overseer with me, ten months before she made claim. She says she went to the large waterhole, but does not say a word about discovering gold. That shows that Mrs. Kennedy's claim as discoverer, put in ten months after, was an afterthought. It says she went down with another married woman. There is Mrs. Alson's declaration, when she says that the two men, Christian Asquith and James Graham, often told her, some years afterwards when living near her at Hawthorn, that the reason why they started digging at the big waterhole was, that they had seen Gibson and myself working there some time before.

1198. By the Chairman.—Do you know if Mrs. Alsop is alive?—She was an old servant.—Yes.

1199. Why did she not come to give evidence?—She declined to; she made a statutory declaration about two years ago. I should have liked to have seen Mr. Byass called.

1200. He is too far away, he is at Coorandunda.

The witness withdrew.

Adjourned.
APPENDIX A.

DEAR SIR,

August 11th, 1896.

About twelve months ago I saw in the Age by mere chance Mr. Frederick Fenton’s name, selling some cattle in Ballarat. I did not think he was alive, or in that colour at all. I wrote to him, acquainting him I was in poor circumstances, reminding him he was in my debt £12 for vaccinating him at dollar-cakes, stating I could not claim it by the Statute of Limitations, but relied on his honour to assist me, as if he did some others would do the same—meaning the wealthy mine-owners of Bendigo. He would not even answer it. I knew him once to be a nice honest gentleman. Shortly afterwards I saw his name, applying for a reward for discovering the Bendigo Gold-field, which he never did—or even knew that gold was on his run until his partner found me and my wife and the overseer’s wife with me getting gold a fortnight ago. Now here is another claimant of the name of Mr. Frensham, now claiming to be the discoverer of gold on Bendigo. He, the said Mr. Frensham, did not arrive on Bendigo fully a month after me, and took up the next claim to me. I walked all night from Bendigo to Forrest Creek to obtain licence for myself, wife, and Mrs. Margaret Kennedy, the overseer’s wife. Mr. Powlett, the Commissioner of Crown Lands, gave me the three licences. I sold gold at £2 2s. 6d. per ounce to pay them. In January last I applied to the Minister of Mines for a reward for discovering the said gold-field, and was duly informed that as I did not apply to the Board which was appointed in 1880 this department cannot entertain your application. Sir, I never knew or heard of any such Board being appointed, or else I should have applied to them. In fact, I was to the best of my belief, on the Palmer Gold-field in Cocktown at the time. I am now getting old and in failing health, and Sir, I would be very thankful to you if you would bring up my case before the House, I have proved beyond a doubt that I have discovered gold first on Bendigo. Could you, Sir, give an interview with me, as I could easily satisfy you by you asking for my letters to be produced before the House, and I should always be grateful to you.

I remain, Sir, yours, etc.,

P. P. FARRELL, Cooper.

544 Canning-street, North Carlton.

APPENDIX B.

INDEX TO PAPERS IN THE MINING DEPARTMENT RELATING TO THE CLAIMS OF HENRY FRENCHAM, MRS. MARGARET KENNEDY, P. P. FARRELL, AND FREDERICK FENTON.

Mr. Frencham.

12.5.67. R.67.5478. Solicits an investigation into the merits of claim for a reward for the discovery of Bendigo Gold-field.

22.5.67. S.47.6035. Forwards statutory declaration in support of his claim.

5.6.67. M.D.67.4189. Reply of Secretary for Mines as application.

10.11.70. G.70.17574. Further letter applying for reward.

17.11.70. M.D.70.9728. Reply of Secretary for Mines.

12.11.70. G.70.15257. Explains why reward was not applied to Argus for at proper time.

13.6.88. 290.6801. He is the discoverer, not Fenton.

13.6.88. G.88.42647. Letter from R. J. White to Argus. Frencham appears to have a strong claim for reward.

16.6.88. Frencham to Age. He is the discoverer, not Fenton.

18.7.82. N.92.39312. H. Frencham. Calls attention to his application.

19.7.89. Acknowledged by Secretary for Mines.


22.8.92. M.D.92. Application cannot be entertained, as application was not made at the proper time.

Mrs. Margaret Kennedy.

—.6.89. Applies through Taylor and Russell for reward of £1,000 for discovery of Bendigo Gold-field.

22.6.89. M.D.89. From Secretary for Mines. Minister of Mines wishes to receive a statement of evidence on which claim is based.

19.7.89. N.89.13488. Taylor and Russell forward statement in support of Mrs. Kennedy’s claim.

17.8.92. N.72559. Application cannot be entertained, as it was not made at the proper time.

P. P. Farrell.

22.7.89. N.89.14966. Has a stronger claim for reward than anyone else.


12.8.92. N.89.33577. Says he is the real discoverer.


17.12.92. Q.89.28312. Further letter in support of claim.

21.10.96. M.D.96.80. An application was not submitted to the Parliamentary Board, it cannot now be entertained.

Mr. Fenton.

22.5.89. Elliot Bendigo Advertiser. Fenton and Byass were first persons who found gold.

12.6.89. A. Warrant to Bendigo Advertiser. Evidently in support of Fenton’s claim for reward.

6.3.89. “Golden Point,” to Bendigo Advertiser. Fenton was not the first discoverer. Mr. Gibson’s shepherd.

8.5.89. "Inquirer," to Bendigo Advertiser. Fenton and Gibson evidently first discoverers.

21.3.89. Leading article, Bendigo Advertiser. Fenton entitled to reward.

23.3.89. W. D. J. Devoran, to Bendigo Advertiser. Fenton entitled to reward.

9.5.89. Fenton applies for reward.

22.5.89. M.D.89. Reply of Secretary for Mines.

22.5.89. Bendigo Advertiser, leading article in support of Fenton.

6.12.89. Fenton again applies for reward.
APPENDIX C.

To the Chairman of Committee for Inquiring into Discovery of Gold at Bendigo.

Sir,

Bendigo West, 4th September, 1850.

I notice in the Standard, dated 5th inst., that there are several claimants to the above, and that your Committee may have some trouble in deciding upon the individual who was the first finder of gold at Bendigo. I have previously heard there was a controversy in this respect, but hitherto, not feeling personally interested, have refrained from coming forward with my recollections. However, as I find by the paragraph alluded to, that most people who could throw light on the subject are probably dead, I now, to aid your deliberations, beg to say I think my evidence may be of service to your Committee.

I was one of the very first on that gold-field, arriving there from Barker's Creek either in October or November, 1849. In December of the same year an agent commenced to come on the ground, and I have in my possession, and can produce, my digger's licence for that month.

I may add frequently am the real finder of the gold (or who then had the credit of being so) at work, and I should have interfered in this matter before only that I might have forfeited a couple of years' pay through absence from my employment. If you think my testimony may further your inquiries, I can only stipulate for payment of reasonable expenses, and will then present myself for examination at any time your Honours may see fit to summon me.

I have the honour to be, Sir, your obedient,

WM. EDWARD COLEMAN.

Residing at 2 Grant-street, Bendigo West, and employed at Lewis and Wally's, flour.

APPENDIX D.

CHAIRMAN AND GENTLEMEN OF INQUIRY,

LongReach, 12th September, 1850.

Having seen by to-day's paper that the Government intend giving one thousand pounds for discovery of payable gold at Bendigo, I have the honour to forward this application, knowing that I am the first who discovered payable gold at Bendigo in the year 1849, September. James Wilson, Robert Kennedy, and myself, we got it by weight each, besides a quantity of nuggets which were sold to Mr. Freeman, a jeweller, of Collins-street, and some to the Bank of Australia. If you will please let me know when the new inquiry will be held I will attend and prove my claim. I am quite sure Mr. Freeman was not the first who discovered gold at Bendigo.

I have the honour to be, Sirs,

Your obedient servant,

W. H. JOHNSTON.

APPENDIX E.

DISCOVERY OF PAYABLE GOLD AT BENDIGO.

I, Edward Whitehead, carrier, of 23 Richmond-street, Richmond, in the colony of Victoria, do hereby make oath and declare, that I did arrive on the ship 'Dreadnought' in the year 1849, and worked for James Robinson's 'La Rose' firm; then for twelve months with Levi Clark, on Deep Creek, shepherding; came back to Melbourne, and was with Captain Cole in the s.s. Marquis, which traded in Port Philip Bay in 1851. Some of the discovery of gold in New South Wales having come to my knowledge, I agreed to go into partnership with James Gardiner, blacksmith (now dead), and Jonathan Sheidak, blacksmith (but heard of ten years ago on the River Murray), both of whom were shipmates of mine, and George Newman, engineer, all of them being at that time employed at Falbark Foundry; and after holding several meetings at Cooper's Hotel, in King-street, we determined to go to New South Wales. But hearing from Mr. Cooper (at the hotel above mentioned), who had just returned from Ballarat, that gold was being found in large quantities, we proceeded to Ballarat early in September, 1851, and set to work a few months, securing good gold. We then rushed off to Croydon, but soon returned to Ballarat, and met a man on horseback who showed us a pay-piecky bottle full of nuggets which he said he had discovered from Electricity, and, after crossing a big hill, we could see four shepherds, who were getting gold on Sandrock Creek. Taking his advices, we proceeded on and found the shepherds, and pitched our camp at the foot of what was afterwards called Robinson Gully, setting up our tent; we at once acted a claim and obtained about 2 oz. to the hill. When we camped we saw one digger except the four shepherds before alluded to. This was early in November, 1851.

On Specimen Hill, a few hundred yards from where we were camped, we obtained in the course of a few nuggets, the quartz being thickly studded with the grass at the bottom of the hill I picked up some nuggets; and I also declare that I saw no one digging for gold, nor did my mates, when we arrived at Bendigo, except the four shepherds who were toddling and obtaining a small quantity of gold along the edges of the creek.

F. WHITEHEAD.
APPENDIX F.

Statement of Mrs. Margaret Kennedy relating to her discovery of gold at Bendigo in September, 1851.

My name is Margaret Kennedy. I am the widow of John Kennedy, who was overseer for S. Gibson, Ravenswood station, in March, 1851. In the latter end of August, 1851, my husband went to the Ballarat district to obtain shotguns. On his return to Ravenswood, where we were both living, he brought me some gold which had been given to him by an acquaintance at Isleck's gold-mines. The gold was a mere trifle to me, and my husband told me how the gold was got; and so that the gravel at Barker's and Bendigo Creek was like the gravel at Isleck's, and that he thought there was gold there.

The next day the station cart went out, which was on a Thursday. I went out with John Stuckey, who was the driver, accompanied by my son, John Drain Kennedy, who was then nine years old. I went down to the creek as soon as I arrived, and found gold in the creek. My husband came that night, and told the shepherd that I had found gold, and showed it to them. I remained there until Sunday, getting gold all the time. The shepherds also went in search of gold and found it in the creek. I went home to Ravenswood station on Sunday with my husband. I showed the gold to the station at Gibson and Fenton. This was the first gold they had seen which had been taken off their station. Shortly afterwards Mrs. Farrell went out to the creek, and put up a mis-sion, and stayed there getting gold. Some weeks after this Mr. Fencham and his party came. Fencham said, "Have you found any?" And I showed the party the gold, which was in a quartz pot. There were three or four men with Fencham; one only had one arm, and one was a Scotsman, who spoke to me in German, and latterly in English. The shepherds and the men, who were all working men, paid one ounce of gold for each licence. After Fencham came a lot of miners came. In November, 1851, Mr. Gibson told me that Mr. Fenton was a partner with him; before this I did not know he was a partner.

MARGARET KENNEDY.

APPENDIX G.

To the Committee of Inquiry of the first Discovery of Gold in Bendigo.

Gentlemen,

298 Lyon-street, North Carlton, 15th September, 1850.

Adverting to the above, I have the honour most respectfully to inform you that James Winder and I were the first to discover gold at Bendigo in the middle of April, 1851, at Kangaroo Flats. We obtained it daily from 9 o'clock to the dusk, and came to Melbourne. We returned on the first of May, 1851; and at Golden Point shortly afterwards got from 4 to 6 oars per day. Should you desire further information, I will be most happy to supply it, and the above facts briefly state the truth.

I have the honour to be, Gentlemen, your obedient servant,

EDWARD PEPPEBBELL.

APPENDIX H.

1. Grace Alston (formerly Grace Hallerly), of Church-street, Hawthorn, in the colony of Victoria, widow, do solemnly and sincerely declare that in the month of November, 1851, I went to the Ravenswood station (now the city of Sandhurst) and I went with Mr. Stewart Gibson (who was part owner of the station with Mr. Frederick Fenton) to a creek then known as Bendigo Creek, and found three men working, whose names were Heselhurst, Aqulith, and another who was working on the station, and his wife, also Mrs. Kennedy, the overseer's wife, all of them station hands; and I did not see any other persons there, except those above-mentioned, who were then working on the place since known as Golden Point.

During this time a shearing was going on at the Ravenswood station. The proprietors did not wish the gold discovery to be known until after the shearing was over (apprehensive of the shearsers leaving). When the shearing was nearly completed, Mr. Henry Byass, who was living on the station, was sent by the proprietors to Forest Creek to proclaim the discovery of gold at the Bendigo Creek, on the Ravenswood station, I accompanied working myself with Mr. Bertouix, a dentist, from Melbourne, and there was a rush of miners from Forest Creek immediately afterwards, and subsequently Captain Horne, the Gold Commissioner, arrived with the black pedlars. Captain Horne, then, within a day or two after he arrived, told to Mr. Gibson and myself, "There is plenty of gold about, for my black troopers picked up gold on the surface which in search of their horses in the morning," and he promised to send them out with us the next morning to show us the locality, which he did.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for willful and corrupt perjury.

GRACE ALSTON.

Declared at Melbourne, in the colony of Victoria, this 29th day of April, One thousand eight hundred and eighty-nine, before me—H. Chavannes, J.P.

APPENDIX I.

1. Abraham Motherwell, of Woodfield, near Metton, in the colony of Victoria, do solemnly and sincerely declare that in the month of November, 1851, I went to the Ravenswood station (now the city of Sandhurst) and I went with Mr. Stewart Gibson (who was part owner of the station with Mr. Frederick Fenton) to a creek then known as Bendigo Creek, and found three men working, whose names were Heselhurst, Aqulith, and another who was working on the station, and his wife, also Mrs. Kennedy, the overseer's wife, all of them station hands; and I did not see any other persons there, except those above-mentioned, who were then working on the place since known as Golden Point.

During this time a shearing was going on at the Ravenswood station. The proprietors did not wish the gold discovery to be known until after the shearing was over (apprehensive of the shearsers leaving). When the shearing was nearly completed, Mr. Henry Byass, who was living on the station, was sent by the proprietors to Forest Creek to proclaim the discovery of gold at the Bendigo Creek, on the Ravenswood station, I accompanied working myself with Mr. Bertouix, a dentist, from Melbourne, and there was a rush of miners from Forest Creek immediately afterwards, and subsequently Captain Horne, the Gold Commissioner, arrived with the black pedlars. Captain Horne, then, within a day or two after he arrived, told to Mr. Gibson and myself, "There is plenty of gold about, for my black troopers picked up gold on the surface which in search of their horses in the morning," and he promised to send them out with us the next morning to show us the locality, which he did.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for willful and corrupt perjury.

ABRAHAM MOTHERWELL.

Declared before me, at Melbourne, in the colony of Victoria, this seventh day of August, in the year of our Lord One thousand eight hundred and eighty-eight.—W. B. Lovett, J.P.

FRENCH.

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APPENDIX K

The Honorable Ballis, M.I.A., Chairman Court of Inquiry re Frenchman’s application.

I have now for some time had a prize claim, the particulars of which are as follows—Prior to the breaking out of the Bendigo diggings I was residing with my wife, Mrs. Stewart, at Bannowood station, of which Bendigo was an outstation. Numerous applications were made to Mr. Gillson for permission to mine on his station, but none of these applications were successful, and the property remained locked up until I obtained his permission to place a few parties on the ground, and consequently directed Mr. Ross, a station-owner, in the Lower Murray, to go to the ground, and he did so, and he parted accordingly did so. The party was made up of Ross, Atkinson, and Frenchman, and I told them when they would find payable dig, as I had obtained three-quarters of an ounce of gold from two tin dishes of washings which had been supplied me by Mrs. Kennedy, the wife of the overseer at Tavenwood, and a Mrs. Farrell having been digging on Bendigo Creek for several days. Another party of my friends who directed on to the ground, comprised Frank McDoough, Albert Bredford, from Western Port, who had previously worked mates with me at Wallara, Mr. Wedge, of Western Port, James Melross, afterwards a butcher in Melbourne, and several others. These two parties left Forest Creek at the same time by my direction. Some few days afterwards on my visiting the creek my life was threatened by a number of diggers who stated that I had put them in a false scent, as the diggings had turned out a failure. I may further add that some twenty years ago I came to Melbourne and respected mates sign a document; I have no support of this claim.

This I declined to do, as I considered my claim was more legitimate than the claim made by Frenchman. A little while after leaving Forest Creek I was left in South Wales, and in consequence of my young age the one was without a passport. The other in person set forward my claim against the Government, nor would I now do so, only that my attention having been drawn to Frenchman’s petition. I consider it only fair to myself and the Government to put the matter in its true light, and I feel sure that you and your Government will have little difficulty to discovering to whom recompense is due. As I am Frenchman, or myself, and in the hope that you will give this matter your best attention,

I have the honour to be, Sir,
Your obedient servant,
HENRY EYASS.

APPENDIX L

Declaration made by William Edward Coleman, of Great-street, West Brunswick, and employed at Lewis and Whitty’s manufacturing, Charlestown, Sydney—Between about the 10th and 18th of October, 1854, I resided for some time at a station in the Bendigo district, owned respectively George Naattis and Edward Salisbury, I left Golden Point, Ballarat, with the intention of trying the Mount Alexander diggings. From accounts we had on the journey, we were induced to pass through Forest Creek and go on to Ballarat. A short time afterwards, towards the end of November, we went on to Forest Creek on the spot of the former station, and represented himself as such of Gibson’s station, on the Porcupine. This person had his estate hanging loose, and apparently had lost an arm. We informed him that our employers or lessors ’ wives were living at an out-station, but on the Bendigo Creek and gold, and he expected it would cause a rush. We remarked that we must be well off for native animals in the clayey plains after the floods had been. In their person bearing us, my mate and I concluded and determined to pick up our own peace and get to the place as quickly as possible. We persuaded a bullock-driver, who had been camped near us, to shift at the same time, and place our swags, cradle, &c., on the boat, and to carry that on the 10th of that same month. We had also a man named George Naattis to do the same. We camped that night, and we had a good time on the boat. The boatman drove the bullock-driver’s wife (who was wittis) was taken ill and felt to be certified, so we went, Salisbury, Naattis, myself, left the boat and went down to the creek where it was said they were getting gold. On our way down we were joined by Captain Harrision, who arrived at the same time as ourselves. We found perhaps 20, certainly not more than 30, people, who, having brought heavy conveyances, had arrived earlier in the day. We made inquiry as to which was the prospector’s claim. Two women and a boy were pointed out to us as being those who had found the gold. They were then on the side of the creek putting some dirt in a dish for the purpose of washing, but all their tools and apparatus were so bad that a second washing would prove the greater part of their goods, but is or as is the case with gold, which they could pick out by hand. These prospectors, we found, were living in a hut a little way from the bank of the creek, mostly opposite where they were working; the rest of the people about seems to be occupied in turning over the rocks and stones about the neighbourhood, and trying the dirt. Captain Harrision joined them, but myself and two mates, under the circumstances, not having the means to carry with the bullock dray, went for a walk along the creek, seeking a place suitable for camping. A few hundred yards we selected a spot, and on the bank of the creek, in a little watercourse, Salisbury picked up a small piece of gold (perhaps half a pennyweight). He and I went back to the boat for our tin dish to try some prospect. George Naattis, in the meantime, started to strip some back for a millina. Salisbury and I tried many prospectors that afternoon, and found the gold was more plentiful as we approached the bed of the creek. The following day we fixed our cradle, and explored the dirt out of the creek and washed it. From that time till a few days before Christmas we continued to get payable gold. On one occasion we obtained eight ounces for our day’s work. By about the 21st or 22nd December the dirt became harder to get, and we came to Melbourne to buy a tent, hore, and cart, and other things. At the time, thinking that the dirt was was to be had, we proceeded to collect as could from the claims unoccupied on our return from town. There were very quiet times, and it was necessary to be cautious about giving information to improper parties, for, of course, all was a secret and knew at one was aware of our whereabouts. George Naattis and I were named Smith, who had been master of a coating schooner, took possession of the watercourse, and we heard that during our absence they had four weeks’ hold of gold. We sought to assuredly obtained a weight of about 24 ounces, weight of the watercourse, I never heard of anyone else being entitled to credit for the discovery of the gold-flake except those two women who were camped on the border near the creek. If they were not getting much gold when the rush took place, it is well known that a few hands at washing often less gold, more especially with such a dish as those women were using. At all events it was only from the report we had from the one-man army already named, to the effect that these women had found gold at a more or I was inclined to leave back for the Creek, and I only believe that all the others who arrived the same day as us, were as perfectly satisfied at that time that those women were the original discoverers as I then was, and still am. Early in December, 1851, a Commissioner was appointed, he fixed his camp within sight of the watercourse at which we were working. Certain of his regulations were not applications to the diggers; a meeting of the latter was proposed. Captain Harrision and another called considering it at our camp. Captain Harrision was so excited at the idea of saying we ought not to waste so much powder by firing our guns at night, for there was nothing how soon we might want it. My mate Salisbury told him if he proposed opposing the Government in that way, we ought to alter the name of the Creek from Bandng to Branding, the name of the English fighting man so often heard of in those days (see my letter published in the Herald, September 27, 1855). This suggestion was followed by Captain Harrision, for next day a meeting was convened by him, and the name of Bendigo Creek. A few days after the meeting had been held, everything was arranged amicably, and we took our licences (mine, which I now produce, is numbered 31, and dated 30th December, 1851).

W. E. COLEMAN.

Declared before me, at Brunswick, Victoria, this 22nd day of September, 1859—Joseph Groom, J.P., Central Ballarat.
APPENDIX M.

Dear Sir,

On leaving Melbourne I did not sign your letter, as I considered I had a right to some written guarantee from you before signing as to the quarter I should receive on the event of your being successful with the House. I therefore send you my conditions. I, being very hard up, if you send me three pounds now at once, and a written guarantee for twenty if you should gain your application to Parliament, I will sign immediately.

Yours truly,

HENRY BYASS.

P.S.—I shall feel obliged by an answer immediately as I am looking for some employment, and shall not be here long. If you should not have anything, should feel thankful.

Direct—
L. Byass,
Red Hill Post-office,
Derrimut.

APPENDIX N.

Mr. Penton,

Stawell, 6th August, 1888.

I got your letter this morning, and I am the same person. I am the wife of John Kennedy that was in your employment some years. My husband died six years ago. I went from Hermiston to Big Water-hole at Bendigo and got gold, though, in November, 1881. I will be most happy to see you and give you any information I can.

Your obedient servant,
MARGARET KENNEDY,
Stawell.

APPENDIX O.

Sir,

Fort Fairy, 2nd October, 1899.

I have the honour, in reply to your letter of the 24th ult., to state that in 1881 I formed one of a party engaged in gold-digging at Forest Creek, Mr. Henry Frenschman being one of the party. While there we received information from a one-eyed man named Byass that gold had been discovered at Bendigo, and, after some consideration, decided to remove there. On arrival, we found a man and a woman, whose names I do not remember, engaged gold-digging, who informed us they had succeeded in finding some of the metal. I, therefore, confided that Mr. Frenschman's claim to be the discoverer of the Bendigo gold-field has no foundation whatever, although the party may fairly claim to be the first to utilize the cradle on that field for the purpose of washing gold.

I have the honour to be, Sir,
Your obedient servant,
ROBERT ATKINSON.

Geo. Jenkins, Esq.,
Clerk of the Legislative Assembly,
Melbourne.

APPENDIX P.

Sir,

View Point Farm, Wettels, near Toowoomba, Queensland.

I have the honour to inform you that I have been told by a gentleman quite lately arrived from Victoria that a reward is about to be offered to the discoverer of Bendigo, that is now Sandhurst, in your colony. I beg to acquaint you that I, Robert Francis Walker and my late brother-in-law, George Green, were the first discoverers of the above diggings. I have known the country since 1845. It was the general idea after Ballarat and Forest Creek that there was plenty of quartz there would be plenty of gold, and as I know this was the case in that district we decided to start for Bendigo to prospect. We arrived there with our axes, cradles, tools, and other tools, on or about the last day of October, 1851, at 5 p.m., and camped on the left bank of the creek, close to a hut occupied by a married shepherd, his name was Kennedy. While Mr. Green was putting up our tent, I went over to a low slate ridge close to the creek, intending to call at the hut, and in going up the path that was used by the woman to bring water to their hut, I discovered gold on the track. I at once got the cradle from the dray, dug up a barrow full, and washed it at the creek. The result, when weighed, was 740 ozs. of gold. We at once marked out a claim, and I invited Mrs. Kennedy to mark one next our claim—eight feet square, being allowed in those days to each holder, no reward claim being then allowed. If required, I can go to Sandhurst and point out the very spot where we first found the gold. When I left Victoria there was a road taken right over the spot where we first found a quartz reef. If Sir Thomas Mitchell, late President of the Upper House, was alive he could confirm my statements, as I sent him when asking gold to Forest Creek (now Castlemaine). I can give further particulars if wanted so as to satisfactorily prove to you the truth of my statements. I left Victoria to come to Queensland for the benefit of my health, and would never have put in my claim for the reward only at the present time I am in trouble. Before this reaches Victoria I will be in my 64th year, and getting too old for hard work. I might also mention that before starting from Forest Creek, I was telling a man that I knew some likely country for gold, so the morning after we left for Bendigo a man followed us. He did not come to our camp, but when he saw me dig a barrow of dirt to wash he off back to Forest Creek: the result was we had a rush. Those that came on knocked about for one day, when the greater portion went back and reported the place a rush duffer. Give some half-dozen stayed to work till about the first of December, when we had another rush to the place. The first Gold Commissioner was Captain Daintree; the second was Mr. Gilbert from Forest Creek. Your kind attention to this communication will oblige,

Your obedient servant,
ROBERT FRANCIS WALKER,
Wettels, Queensland.

Honoured Sirs,

If you wish any exercise as to myself, I can refer you to the following gentlemen of Toowoomba—The Hon. James Taylor, Esq., M.L.C., the Hon. T. Smith, Esq., M.L.C., the Hon. W. E. Groom, Esq., M.L.A., the Hon. L. Campbell, Esq., M.L.C.

I have the honour to be,
Your most obedient servant,
R. F. WALKER.
APPENDIX Q.

To Chairman of Committee of Inquiry who discovered Gold at Bendigo.

Moors, Bathurst, 23rd September, 1890.

Sir,

I have the honour to submit my claim for being one of the first party that ever found gold on Bendigo, and which was sold by my father-in-law to Mr. Fenton, in the Bendigo jug. My father-in-law’s name was Christian Asquith. Our party was formed of Christian Asquith, myself (William Stewart), Tom Bonnar, and James Graham. The gold share referred to was sold to Mr. Fenton on the following terms, in November, 1851. The gold was sold for £2 10s. per ounce, and I was to be supplied with rushes as long as things were kept quiet. To prove my identity I can call upon John Paton, Mr. Fenton, or Joshua Norris to say my statement is true. I will feel much indebted to be furnished with information as to what time and place my evidence will be required and I will proceed there.

I have the honour to be, Sir,
Your most obedient servant,

WILLIAM STEWARD.

APPENDIX R.

To the Chairman of Inquiry Committee re Gold Discovery at Bendigo.

Bailie-street, North, Melbourne, 22nd September, 1890.

Sir,

As this question of who was the discoverer of gold at Bendigo has become so interesting especially to the people of Sandhurst, I beg to put it in my claim for finding the Bendigo diggings, I think I, and my two mates have a claim before anyone.

I was discharged on 2nd of October in the year 1851, at Adelaide. Came to Melbourne, first passenger from the port. At that time, the only diggings was Ballarat. When we got to the bush they heard of Forest Creek. We went to Barker’s Creek and stopped five days; I got some gold and went to Bendigo diggings. The only place known was Rocky Point. We went to work and got gold—I have no date— I think about last week in October, 1851. When we got to Bendigo there were four men blasting rock on the side of the creek, a shepherd, cooper, and their wives washing dirt. Three came a party of four men, and one man on wages, I think, share the commission. They had a round tent, which we bought. I think it was Mr. Fenton, one of the four that sold the tent. Then got into gully, and there was a fine hole of water made by nature, not by man. We found gold close to the water; we came home, stilled the tent to the gullies, and there we stopped, and no one knew till one day the shepherd came. I showed him the day’s work, five lbs. weight of gold. Soon after we had a rush, no water got done. Before we left gave to the shepherd the claim and left, and went to Melbourne. Twelve months after came back, called the gully Golden Gully. Before, it had no name when we left. Names of myself and mates, David Dunlop, John Spence, James Clark, all sailors, and never heard of them for 20 years.

Sir, I remain your humble servant,

DAVID DUSLOP.

Address, David Dunlop, care of R. Cox, Sec Oth, Heathcote.

APPENDIX S.

Heathcote, September 20th, 1890.

Sir,

I see by the papers there is a man who has put in his claim for finding the Bendigo diggings, I think I, and my two mates have a claim before anyone.

I was discharged on 2nd of October in the year 1851, at Adelaide. Came to Melbourne, first passenger from the port. At that time, the only diggings was Ballarat. When we got to the bush they heard of Forest Creek. We went to Barker’s Creek and stopped five days; I got some gold and went to Bendigo diggings. The only place known was Rocky Point. We went to work and got gold—I have no date—I think about last week in October, 1851. When we got to Bendigo there were four men blasting rock on the side of the creek, a shepherd, cooper, and their wives washing dirt. Three came a party of four men, and one man on wages, I think, share the commission. They had a round tent, which we bought. I think it was Mr. Fenton, one of the four that sold the tent. Then got into gully, and there was a fine hole of water made by nature, not by man. We found gold close to the water; we came home, stilled the tent to the gullies, and there we stopped, and no one knew till one day the shepherd came. I showed him the day’s work, five lbs. weight of gold. Soon after we had a rush, no water got done. Before we left gave to the shepherd the claim and left, and went to Melbourne. Twelve months after came back, called the gully Golden Gully. Before, it had no name when we left. Names of myself and mates, David Dunlop, John Spence, James Clark, all sailors, and never heard of them for 20 years.

Sir, I remain your humble servant,

DAVID DUSLOP.

Address, David Dunlop, care of R. Cox, Sec Oth, Heathcote.

APPENDIX T.

The Parliamentary Committee on Frencheham’s claim.

Gentlemen,

St. Vincent’s Place, Albert Park, Oct. 14th, 1893.

I venture to hope that I shall not be deemed intrusive in addressing you on behalf of the widow of the late Capt. Asquith, whose dependant her daughter, and is now in her 80th year. I am not of course aware whether you are likely to recommend an award to anyone; but in addition to the case of Mrs. Asquith, I venture also to mention the case of Mr. Stewart, son-in-law of Asquith, who gave evidence. He was, undoubtedly, working with the original discoverers before any others on the creek. He has been mining nearly ever since, having been for the last 30 years mining at Bathurst, is still engaged at the same pursuit, though nearly blind. He could not go about the streets of Melbourne without assistance. Although he has raised eleven children, most of whom are married, he, at the age of 65, and as I have mentioned, nearly blind, is still dependent on his daily labour for existence. As to reward appear to have been ever paid for the discovery of Asquith, one of the richest gold-digging in the world, I think that some consideration is due from the Government to the Asquith family, as, in my opinion, there is no doubt but that Asquith and Graham were the discoverers, state that they have no heirs to whom this mining belongs a very natural right. The Stewart, when I had not even begun 26 years, till he appeared before your Committee.

Last word re my own evidence: I am certain that I was four Sundays on Bendigo, that I went down on our bailiff’s draw which would occupy us nothing to six days. Stewart states that I gave him a lift on the Iron. He also remembers me giving away the end of waistcoat. I am still of opinion that I was there before Frencheham.

I am, faithfully yours,

J. PATON.

By Authority: R.M.S. BRAIN, Government Printer, Melbourne.