

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27th. day of October in the year of our Lord One thousand eight hundred and fifty-four.

*Residence or place of abode.

Maurice Frederick Kemmings of Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria* Sub-Inspector of Police personally came

*me or us, one or two.
*City of Melbourne in the,
*Town of Geelong in the

before me one of Her Majesty's Justices of the Peace for the

*himself or herself.

said Colony, and acknowledged *himself to owe to our Sovereign Lady the Queen the sum of One hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said Maurice Frederick Kemmings shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at

Ballarat

in the said Colony before me*

[Signature]

J.P.

The Condition of the within written Recognizance is such, That Whereas

Henry Westoby alias Yorkley

~~was of~~ ~~the Parish of St. Andrew~~ *was on this day charged before† me, a

Justice of the Peace within mentioned, for that he the said ~~Henry Westoby~~

~~Henry Westoby~~ Henry Westoby alias Yorkley
on the Seventeenth day of October 1854.

at Ballarat in the Colony aforesaid,

As in the caption of the Deposit did with other Persons, riotously and tumultuously assemble and did then and there, feloniously, burn, pull down and destroy, The Dwelling House of James Francis Bensley.

he or she. †the Witness. if therefore he the said†

Maurice Frederick Henning shall appear at

*Gao Delivery, Circuit Court, or Court of General Sessions, as the case may be.

the* Supreme Court of Criminal Sessions to be holden

at Melbourne in and for the Colony of Victoria, on the Fifteenth

*he or she.

day of November A.D. 1854 and there give such evidence as he* knoweth upon an

Information to be then and there preferred against the said

Henry Westoby alias Yorkley.

for the offence aforesaid, to the Jurors who shall pass upon the trial of the said

Henry Westoby alias Yorkley then the said Recognizance to be void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27th day of October
in the year of our Lord One thousand eight hundred and fifty.

*Residence or place of abode.

John Dagherty of* Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria* Constable personally came

*me or us. one or two.
*City of Melbourne in the, or
Town of Geelong in the

before* we one of Her Majesty's Justices of the Peace for the†

*himself or herself.

said Colony, and acknowledged *himself to owe to our Sovereign Lady the Queen the sum
of one hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said John Dagherty

shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at Ballarat

in the said Colony before me*

W. J. P.

J.P.

The Condition of the within written Recognizance is such, That Whereas

*Henry Westoby alias Gorsley** was or were this day charged before† *me* a Justice of the Peace within mentioned, for that he the said *Henry Westoby*

alias Gorsley on the *Seventeenth* day of *October 1854* at *Ballarat* in the Colony aforesaid,

As in the caption of the Deposed did *with other Persons, unlawfully and tumultuously by* assemble, and did then and there, feloniously burn, pull down and destroy *the dwelling house* of one *James Francis Dentley*

†he or she. † the Witness. if therefore he* the said†

John Bagheby shall appear at the* *Supreme Court of Criminal Sessions* to be holden at *Melbourne* in and for the Colony of Victoria, on the *Fifteenth* day of *November* A.D. 1854, and there give such evidence as he* knoweth upon an

*Gael Delivery, Circuit Court, or Court of General Sessions, as the case may be.
*he or she.

Information to be then and there preferred against the said

Henry Westoby alias Gorsley
for the offence aforesaid, to the Jurors who shall pass upon the trial of the said
Henry Westoby alias Gorsley then the said Recognizance to be void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27th day of October in the year of our Lord One thousand eight hundred and fifty.

*Residence or place of abode.

Gordon Evans of* Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria*

Inspector of Police

personally came

*He or she, one or two, City of Melbourne in the, or Town of Geelong in the

before* me one of Her Majesty's Justices of the Peace for the†

*himself or herself.

said Colony, and acknowledged *his owing to our Sovereign Lady the Queen the sum of one hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said Gordon Evans

shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at

Ballarat

in the said Colony before me*

[Signature]

J.P.

The Condition of the within written Recognizance is such, That Whereas

Henry Westoby alias Yorky was or were *Henry Westoby alias Yorky* this day charged before *me* a Justice of the Peace within mentioned, for that he the said *Henry Westoby alias Yorky* on the *Seventeenth* day of *October* 1854 at *Ballarat* in the Colony aforesaid,

*As in the caption of the Depositions. did *with other persons* ~~and~~ *voluntarily and tumultuously assemble, and did then and there, feloniously burn, pull down and destroy* *the dwelling house of James Francis Sinsley*

he or she. † the Witness. if therefore he the said† *Gordon Evans* shall appear at the* *Supreme Court of Criminal Sessions* to be holden at *Melbourne* in and for the Colony of Victoria, on the *Fifteenth* day of *November* A.D. 1854, and there give such evidence as he* knoweth upon an

*be or she. Information to be then and there preferred against the said *Henry Westoby alias Yorky* for the offence aforesaid, to the Jurors who shall pass upon the trial of the said *Henry Westoby alias Yorky* then the said Recognizance to be void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27 day of October
 in the year of our Lord One thousand eight hundred and fifty-four.

*Residence or place of abode.

Robert Pulley of* Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria* "Constable" personally came

*me or us, one or two.
 *City of Melbourne in the, or
 Town of Geelong in the

before* me one of Her Majesty's Justices of the Peace for the†

*himself or herself.

said Colony, and acknowledged *myself to owe to our Sovereign Lady the Queen the sum
 of one hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *my goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said Robert Pulley
 shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at Ballarat.

in the said Colony before me*

J. P. [Signature]

J.P.

The Condition of the within written Recognizance is such, That Whereas

Henry Westerby alias Gorsley^w as his day charged before† me a
Justice of the Peace within mentioned, for that he the said Henry Westerby
alias Gorsley on the Seventeenth day of October 1854
at Ballarat _____ in the Colony aforesaid,

did* with other Persons, riotously and tumultuously
assemble, and did then and there feloniously burn, pull
down and destroy the dwelling House of one James Francis
Bentley —

* or she. † the Witness

if therefore he* the said†

Robert Pullery shall appear at
the* Supreme Court of Criminal Sessions to be holden
at Melbourne in and for the Colony of Victoria, on the Fifteenth
day of Nov. A.D. 1854 and there give such evidence as he* knoweth upon an

* Gaol Delivery, Circuit Court, or Court of General Sessions, as the case may be.

† he or she.

Information to be then and there preferred against the said

Henry Westerby alias Gorsley
Henry Westerby alias Gorsley for the offence aforesaid, to the Jurors who shall pass upon the trial of the said
Henry Westerby alias Gorsley then the said Recognizance to be
void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27 day of October in the year of our Lord One thousand eight hundred and fifty-four.

*Residence or place of abode.

Forrester Linnell - of Ballarat

*Profession, Trade, or Calling

in the Colony of Victoria Private - 40th Regiment personally came

*me or us, one or two, City of Melbourne in the, or Town of Geelong in the

before me one of Her Majesty's Justices of the Peace for the

*himself or herself.

said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of One hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he the said Forrester Linnell -

shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at

in the said Colony before me*

Ballarat
J.P.

The Condition of the within written Recognizance is such, That Whereas

was or were. † me or us. *Henry Westoby alias Yorky* was his day charged before † me a
Justice of the Peace within mentioned, for that he the said *Henry Westoby alias*
Yorky on the *Seventeenth* day of *October 1854*
at *Ballarat* in the Colony aforesaid,

As in the caption of the Depositions. did with *John Peyton, vicarously and tinnactuously*
assemble, and did then and there, feloniously burn, pull
down and destroy the dwelling house of me James
Francis Bentley

* or she. † the Witness. if therefore he* the said † shall appear at
Gael Delivery, Circuit Court, or the *James Torrell* to be holden
Court of General Sessions, as the case may be. at *Melbourne* in and for the Colony of Victoria, on the *Fifteenth*
day of *Nov^r* A.D. 1854, and there give such evidence as he* knoweth upon an
Information to be then and there preferred against the said

Henry Westoby alias Yorky
for the offence aforesaid, to the Jurors who shall pass upon the trial of the said
Henry Westoby alias Yorky then the said Recognizance to be
void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27th day of October in the year of our Lord One thousand eight hundred and fifty-four

*Residence or place of abode.

Michael Murphy of Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria* Private - 40th Regiment personally came

*me or us, one or two.
*City of Melbourne in the, or
Town of Geelong in the

before* me one of Her Majesty's Justices of the Peace for the

*Himself or herself.

said Colony, and acknowledged *himself to owe to our Sovereign Lady the Queen the sum of One hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said Michael Murphy shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at in the said Colony before me*

Michael Murphy
Ballarat

W. Sturt J.P.

The Condition of the within written Recognizance is such, That Whereas

Henry Westoby alias Yorkley *w as his day charged before *me* a Justice of the Peace within mentioned, for that he the said *Henry Westoby alias Yorkley* on the *Seventeenth* day of *October 1854* at *Ballarat* in the Colony aforesaid,

did* with other Persons, riotously and tumultuously assemble, and did then and there, feloniously burn, pull down and destroy, the dwelling House of one *James Francis Beasley* — if therefore he* the said†

* As in the caption of the Deposition.

† he or she.

Michael Murphy shall appear at the* *Supreme Court of Criminal Sessions* to be holden at *Melbourne* in and for the Colony of *Victoria*, on the *Fifteenth* day of *Nov^r* A.D. 1854, and there give such evidence as he* knoweth upon an Information to be then and there preferred against the said

* Goal Delivery, Circuit Court, or Court of General Sessions, as the case may be.

† he or she.

Henry Westoby alias Yorkley for the offence aforesaid, to the Jurors who shall pass upon the trial of the said *Henry Westoby alias Yorkley* then the said Recognizance to be void or else to stand in full force and virtue.

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

RECOGNIZANCE TO GIVE EVIDENCE.

BE it remembered, that on the 27th day of October in the year of our Lord One thousand eight hundred and fifty-four.

*Residence or place of abode.

Edward Layton of* Ballarat

*Profession, Trade, or Calling.

in the Colony of Victoria* Pencil Maker

personally came

*one or two, one or two, City of Melbourne in the, or Town of Geelong in the

before* me one of Her Majesty's Justices of the Peace for the

*himself or herself.

said Colony, and acknowledged *his duty to owe to our Sovereign Lady the Queen the sum of One hundred pounds, of good and lawful money of Great Britain, to be made and

*his or her.

levied of *his goods and chattels, lands and tenements, to the use of our said Lady the Queen,

*he or she.

her Heirs and Successors, if he* the said Edward Layton

shall fail in the condition indorsed.

Taken and acknowledged the day and year first above mentioned at

Ballarat

in the said Colony before me*

[Signature]

J.P.

The Condition of the within written Recognizance is such, That Whereas

*Henry Westoby alias Yorkey**w as his day charged before† me a Justice of the Peace within mentioned, for that he the said *Henry Westoby alias Yorkey* on the *Seventeenth* day of *October 1854* at *Pullman* in the Colony aforesaid,

did* with other Persons, riotously and tumultuously assemble, and did then and there, feloniously burn and pull down and destroy the Dwelling House upon *James Francis S. Butler*

* or she. † the Witness.

if therefore he* the said† *Edward Layton* shall appear at the* *Supreme Court of Criminal Sessions* to be holden at *Melbourne* in and for the Colony of Victoria, on the *Fifteenth* day of *November* A.D. 1854 and there give such evidence as he* knoweth upon an Information to be then and there preferred against the said

* Gaol Delivery, Circuit Court, or Court of General Sessions, as the case may be.

† he or she.

Henry Westoby alias Yorkey for the offence aforesaid, to the Jurors who shall pass upon the trial of the said *Henry Westoby alias Yorkey* then the said Recognizance to be void or else to stand in full force and virtue.

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

DEPOSITIONS OF WITNESSES.

Victoria
Ballarat

To WIT.

THE Examination of *Maurice Frederick Remones.*
John Dougherty, Gordon Evans, Robert Fulley, Cornelius
Sorrell, Michael Murphy and Edmund Layton of in the said Colony, of Victoria
Ballarat

taken on oath, this *27th* day of *October*, in the
Year of our Lord one thousand eight hundred and fifty-four at
Ballarat in the Colony aforesaid, before the undersigned
Jno of Her Majesty's Justices of the Peace for the
said Colony, in the presence and hearing of

Henry Westerby alias Yorkley

who is charged this day before us for that he the said
Henry Westerby alias Yorkley on the *Seventeenth* day of *October 1854*
at *Ballarat* in the Colony of Victoria aforesaid.

* Describing the Offence, as in a Warrant of Commitment.

together with other Persons, did tumultuously
and Riotously assemble, and did then and
there, burn pull down and destroy "The
dwelling House of one James Francis
Bentley."

This deponent *Maurice Frederick Remones* on *h 4*
saith as follows*

* Signing the Deposition of the Witness as nearly as possible in the words he uses.—When this deposition is complete, let him sign it.

Serjeant Sub Inspector of Police

at *Ballarat*.

On the *17th* *October* Instant *Jno* as

ordered to proceed, to Bentley's
Hotel. a meeting had
taken place in the neighbor-
hood - a crowd assembled
in the front of the Hotel
They were shouting and
shouting, Prisoner. Henry Westoby
advanced to the front
of the House by himself
he struck the house
with his clenched hand.
He addressed the people, and
proposed that Bentley's
House should belong to
the Riggers - immediately

after the trial commenced
throwing stones.

Married Fred ¹⁴James
Sub Inspector

From before us at
1 Ballarat this -
27. Octob 1854

Witness
Charles P. Ricketts

And This Regiment
John Daylight enters
with the San Casstano
on Tuesday the 17 October Inst.
I was on duty at the Casstano
Hotel at the time the house
was burned. I saw the
prisoner Westley there, acting
as a Ring leader to the mob,
in destroying the Hotel, he
made answer to a request
made by Mr. Redd - Resident
Commissioner, ~~for~~ ^{that} he
was as good an Englishman
as him, that they had looked
long enough to be sorry
for Tubefactor

that they did not get
it - but now that they
would take it. he proposed
pulling down the House
and called to those who
were of the same opinion
to hold up their hands
he then advanced towards
the Hotel and commenced
pulling off the Boards
By my Counsel. I saw, soon
thereafter, he was
standing along side the
prisoner. I saw his men
pull the Boards off the
House. I distinctly saw
that prisoner did

pull the Bands off the
Horse, - I did not see
him strike the Horse. I
saw him pulling the bands
off the Horse and heard him
say that the Horse should
belong to the Diggers. Mr.
Reede was near to prison,
at the time. -

By the Bench

Shown before us by John Dougherty
at Ballinacorney
27 October 1854

Witness Mr.

Charles F. Rankin Esq.

Deponent Gordon Evans on
his oath swears as follows
I am Inspector of Police
at Dallas—

I was present at a trial
at the Cook Hotel on
the 17 Inst. I saw
prisoner Westoby there
he was trying to disturb
the proceedings of the
meeting, he was very
noisy. I think he was
silent at the time,
when the crowd advanced
to the Hotel prisoner
always to ask an apology
when my back was
turned to excite

the mob. I heard him
say Diggers I profane
that this House belong
to us. I saw him
in the afternoon he was
around his conduct
throughout was
such as tended to
excite the people
I saw prisoner strike
the House. —

By prisoner's Atty He might
have pulled the boards
of the House without
my seeing it. I saw
prisoner, from the Comm^{ent}

of the Row there

Eastern News

Trondheim us at - 2
Ballant Street - 2
27. October 1884 - 3

Attended by Mr
Charles P. Barker Esq

This Deposition Constable

Robert Sully on his oath
saith as follows. —

On the 17th Inst I was
on duty at the Court House

there was a great crowd
assembled there, the people
commenced to pelt at

the Building with missiles
of various sorts the prisoner

Westoby was one of the first
I observed doing so I saw

him throw several times

stones bottles and ^{and} old boots
he picked up he was

encouraging the people

round him to throw

also

When a missile struck the
house He said "Well now
lays." Shortly after this
I saw him pull the
Weather banding off the
haze at the side and
Commenced Smashing
the Windows with one
of them, I observed him
a full hour destroying
the place and encourag-
ing others to ~~get~~ ^{do the} of
Layne
Cruelty.

By Mr. Atty. Joras Continually
moving about Joras
sometimes rubbing against
the prisoner in the Crowd

I was two or three yards
from the Prisoner when
he shouted 'Well done' boys
I swear he said so: I
am quite sure he did say
so. I swear that during
one hour I saw him
half that time

There was a great Crowd
assembled there and
they burned the house
to the ground of

Robt. Pally

Lombefreus

Ballinacraig

27 October 1834

W. P. M.

Charles P. M.

And this Regiment
Cornelius Tarrel on
his oath Quish - I am
a private of the 110 Regt
On Tuesday the 17 Oct.
When under the command
of Capt D Coakburn -
I was marched to Dentley
Emmet Hotel, I arrived
there about 7 o'clock
in the afternoon - I saw
a great crowd collected
there, a portion of the
number were in possession
of the Hotel, the windows
were broken. I saw
in a Red Regimental Command

111

with a man without
shirt standing close
to the window. Shortly
after Capt. Cray came
to Gen. B. D. D. D. D.
stating it was I saw
prisoner at the Hotel
amongst the crowd he
was I saw the prisoner
try to make the fire
blaze when the police
were extinguishing it
he was also heading
in the sides of the room
he seized my musket
and tried to take
it.

111

from me he did not do so
I heard him say he could
beat us such as were
there

Prisoner, although I never saw
him before. I distinctly
swear to the prisoner being
the man. I saw endeavored
to burn the house

From the
Prisoner
27 October 1834

Cornelius Lowell
1st Regiment

Charles P. Harker

Charles P. Harker

In d This Regiment
Michael Murphy, ^{only} ^{with} ^{the} ^{unit}
I am a Private of 40 Regt.

On the 17 Inst - by Command
of Lieut Proakrest I
was marched to Busby
Hotel. We formed
round the Hotel I
saw the prisoner Westoby
seize the Trunk of
Private Jarrel and
try to take it from
him - he was pushed
away by Mr. Conn ^{or} ^{the} ^{officer}
By his ^{own} ^{order}
Door closed

with the prisoner at the time
I was only the length
of my feet & from his
Michael ^{his} Murphy
mark

I made friends at
Ballinacris
27 October 1854

Attest M

Charles P. Parker M

And this repentance
Edward Layton on his death
said I am a Tent Keeper.

On the 17th Inst I went
up to the meeting at
the Oneida Hotel when
the crowd was dispersing
I went into the Hotel
premises ~~to~~^{was} in, and
raised up his hands
and proposed that
this ^{house} be pulled down
I begged of him to
go out. he went out.
Immediately after, a
storm struck the city

face through the Window
afterwards I saw prisoner
with a Rail which he used
to strike the House with
it I saw him throw
several Stones at the
house

By prisoner's story It was something
like a Rail which he had in his
hand, & I saw him strike
the House - he assisted
to knock the House down

In obedience to
at Ballarat Plus
27 October 1854
Edward Lytton
Charles & Charles
Mr Prisoner Henry Westoby declining
to make any Statement and is committed
for trial at the Supreme Court of Criminal
Sessions at Melbourne on the
15th Day of November 1854
Charles & Charles

Queen

Post

Opening Secretary

alias

Working

Business

Edward Taylor
Richard Thompson

Cornelius Small

Robert J. Kelly - constable

London Evans - Supr. Police

John Deopherty - con: -

Manuwa Frederick Lemire - 111

Robert J. Kelly

a horse

To be included in
information spot

Washington