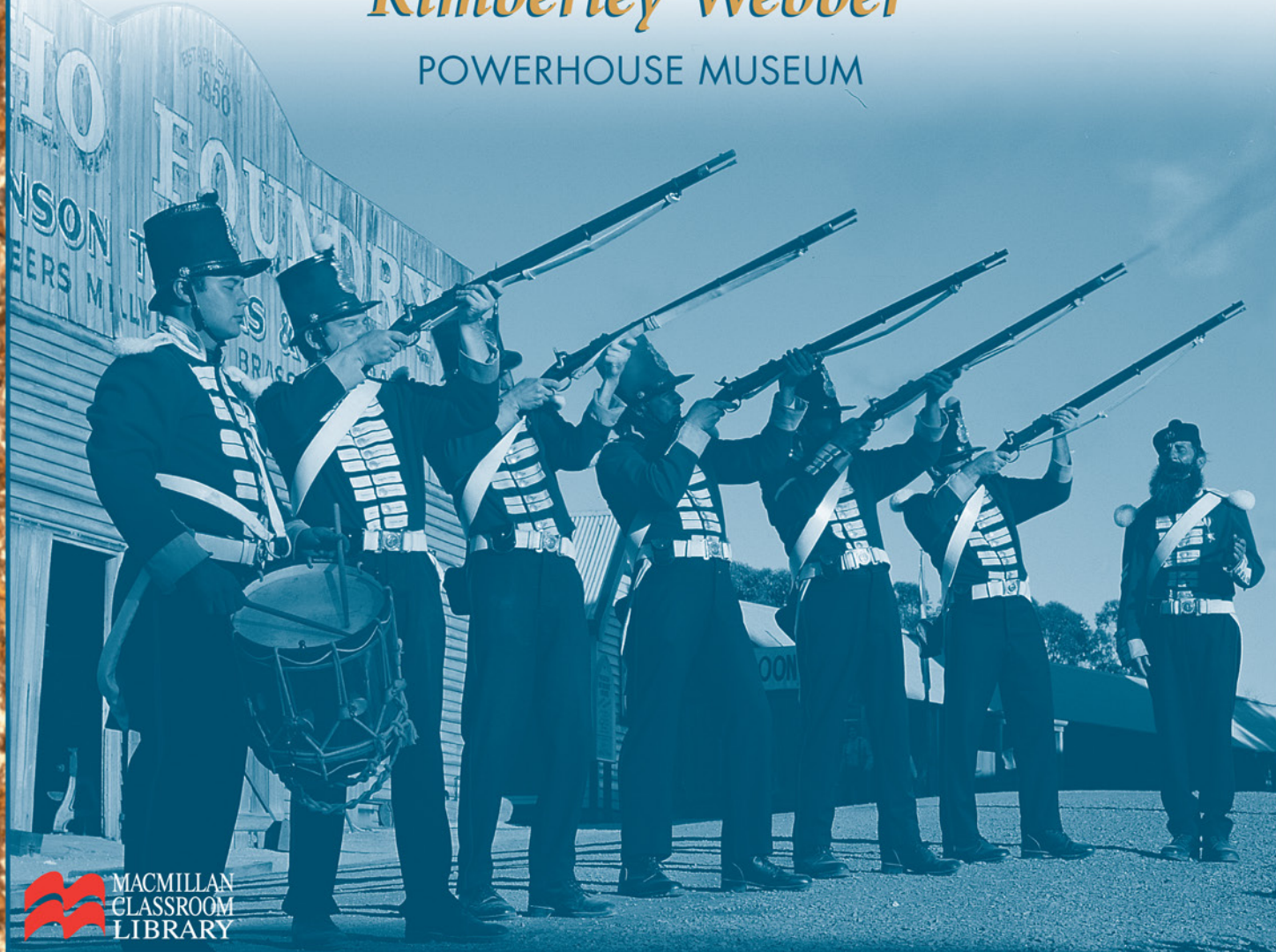


THE AUSTRALIAN GOLD RUSHES

# Law and Order on the Goldfields

*Kimberley Webber*

POWERHOUSE MUSEUM



## Contents

<i>The Australian gold rushes</i>	4
<i>Law and order on the goldfields</i>	5
<i>Maintaining law and order</i>	6
<i>Keeping gold safe</i>	12
<i>Problems with bushrangers</i>	14
<i>The licence system</i>	16
<i>The Eureka Rebellion</i>	18
<i>Chinese on the goldfields</i>	26
<i>Glossary</i>	31
<i>Index</i>	32
<i>Acknowledgements</i>	32

### **Glossary words**

When a word is printed in **bold**, click on it to find its meaning.



# The Australian gold rushes

**I**n 2001, Australia celebrated the 150<sup>th</sup> anniversary of the official discovery of gold near Bathurst in New South Wales. On 12 February 1851, Edward Hargraves found five grains of gold in mud washed from Lewis Ponds Creek.

Gold was such a valuable and desired material that for a while, the whole country was caught up in 'gold fever'. Men left their jobs, homes and families to rush to the goldfields in New South Wales and Victoria. The fever spread to Queensland, and then finally to all the colonies of Australia. Within 10 years, the population had more than doubled, as eager gold diggers from Europe, America and Asia sailed to Australia in the hope of making their fortune. Australia was never the same again.

New towns and cities grew quickly with the increase in population. More farming land was taken up to feed the diggers and their families. New industries developed to provide them with building materials, furniture, clothes and food, and equipment for the mines. But gold did not bring prosperity for all. As settlement spread, more and more Aboriginal people were forced off their traditional lands.

*Law and Order on the Goldfields* is one in a series of six books that celebrates 150 years of gold in Australia, from the excitement of its official discovery in 1851, to the large scale mines of today. Each book looks at how the discovery of those tiny grains of gold changed Australia forever.

## Law and order on the goldfields

With thousands of people arriving every day at new goldfields, it was important that some form of law and order was maintained. At first, diggers organised their own forms of justice. Then the state governments sent police and military officers to the goldfields to take control. A **Goldfields Commission** was set up to administer the diggings. Miners' licences were introduced to pay for this system.

The licence system was very unpopular and diggers refused to pay. On many goldfields there were violent protests. The most significant was the Eureka Rebellion at Ballarat in December 1854.

Some diggers also protested violently against Chinese on the goldfields. They did not like the fact that they dressed and behaved differently to them. Mostly, they did not like their success. Chinese camps were attacked, shops and businesses burnt down and Chinese diggers murdered.

### In this book you can:

- **READ** about the different men employed to maintain law and order on the goldfields
- **DISCOVER** how gold was kept safe
- **LEARN** about some of the bushrangers who terrorised diggers, robbing them of their hard-won wealth
- **READ** about the characters and events of the Eureka Rebellion
- **FIND OUT** why this rebellion is often described as Australia's first republican protest
- **READ** about the Chinese goldminers and the difficulties they faced.



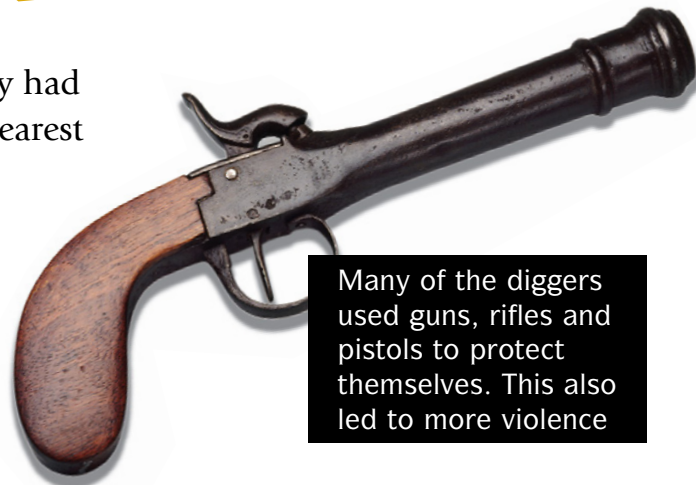
Police arrive at the Eagle Hawk diggings in New South Wales



# Maintaining law and order

When diggers opened up new goldfields they had to organise law and order themselves. The nearest police station was usually a long way away and there were no courts, judges or jails. Most people were so keen to make their fortune they had no time to be disorderly. However, the uncertainty of life on the goldfields meant that some turned to crime. In 1852, a journalist on the Victorian diggings wrote:

**M**en are robbed almost every night; tents are cut open; and on the road to town some very horrible outrages have been committed ... Now we have to sleep with loaded pistols under our pillows ... On the night before I left the diggings a man was shot at in an adjoining tent, and I passed half the night in pursuit of the rascal.



Many of the diggers used guns, rifles and pistols to protect themselves. This also led to more violence

**LARCENY.**  
Edward Geohegan was charged with stealing a gun on the 27th July last. Bartholomew Fullen deposed to being on one day in question at the Warrenheip Hotel, left his gun beside the bar in the hotel. I saw the prisoner in the hotel. By the prisoner—I did not see you take the gun. Patrick Timmons sworn—I saw the prisoner coming out from the bar of the hotel, with the gun in his hand; he went towards the water closet. I told the owner of the gun the circumstances, and brought him the gun, which was laid behind the water closet door. By the prisoner—I did not see you take up the gun, I saw you carrying the gun. (A petition from the prisoner's wife was here read.) His Honor charged the jury, who after a short consultation returned a verdict of "not guilty." The prisoner was then discharged.

Court reports

Details of criminal trials were published in the newspapers. On the same day Edward Geohegan was charged with stealing a gun, others were being tried for stealing money, clothes, nuggets, tobacco, alcohol and a watch.

## Diggers made their own rules

Law-abiding citizens organised unofficial courts to prosecute these criminals. When a man nicknamed 'Mount Cole Billy' was caught stealing horses on the Mount William diggings in Victoria, he was brought before the local diggers' committee. Found guilty, he was tied to a tree and given 50 lashes. On other goldfields, diggers made fun of thieves before chasing them away. A favourite punishment was to strip the offenders, cover them with wet tar and stick feathers on them.

## Gold licences

Soon after gold was first discovered in New South Wales in 1851, the government sent police and military officers to the goldfields to maintain law and order. They also set up a Goldfields Commission to settle disputes. The costs of doing so were met by the introduction of gold licences.

## Costs of licences

Diggers in New South Wales and Victoria had to pay 30 shillings a month for a licence. This allowed them to dig for gold in a specific area of ground. At the end of each month they had to pay another 30 shillings and get another licence. It was not just miners who required a licence. Anyone who worked on a goldfield needed one as well.

At first, the colonies hoped that the expense of a licence would discourage people from taking up goldmining. When this did not work, the governments kept the tax and used the money to pay for the costs of managing the goldfields.

These expenses were high because officials had to be appointed to each field to sell licences and make regular checks to see that diggers had them. As diggers worked all day in wet, muddy conditions, they could easily lose or damage their licences. But no excuses were accepted, and if diggers could not produce them they were arrested and fined.



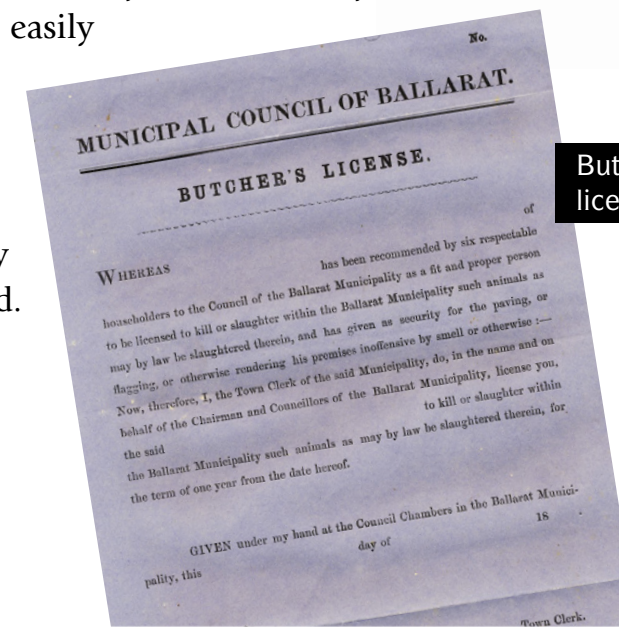
This gold licence was taken out by Aeneas MacDonnell in March 1853

## Golden stories

### Sarah Davenport's licence

Sarah Davenport went to the Mount Alexander diggings in Victoria with her husband and family in the early 1850s. She later wrote in her diary how she had avoided a fine for not having her own mining licence when troopers found her panning for gold in a creek:

*I said, 'my husband has got a licence and the Parson made us one, he will be here soon.'*  
*[The trooper replied] 'You must have one.'*  
*I said, 'the parson made us one are you going to divide us?' Mr Street was one of them, he rode off laughing and the troopers followed him.*



Butcher's licence

Everyone on the goldfields needed a licence, even the shopkeepers. This is a licence for a butcher on the Ballarat diggings.



## The Gold Commissioner

A Gold Commissioner was appointed to every goldfield. Helped by a number of assistants, his main job was to manage the licence system. The Commissioner set up camp away from the diggings, usually on raised ground so he could see over the field.



The licence tent

This sketch is by the goldfields artist, S.T.Gill. Diggers line up to buy their licences at Forrest Creek, Victoria.

### Buying the licence

The licence tent had a flagpole outside with the British flag, the Union Jack, flying. As everyone on the diggings had to buy a new licence each month, there were often long queues of men waiting in line. In the heat of summer or the winter rains, it could be particularly unpleasant. This made the diggers even more resentful of the licence system.

As well as selling licences, the Commissioners would:

- settle disputes about claims
- try to prevent **sly grog** selling
- prosecute criminals
- provide a **Gold Escort** service to collect gold from diggers and transport it safely to the nearest city.

Security at the Gold Commissioner's camp was very important. On well-established goldfields it was fenced all the way around with **sentries** patrolling day and night.

## The Native Police

The first police on the goldfields were the Native Police. These were Aboriginal men who were paid three pence (\$1.86) a day to help maintain law and order. Most had been forced off their lands by British settlers. They had no other way of supporting themselves and their families.

In 1842, the first Native Police forces were set up in Port Phillip (now Victoria), and in New South Wales in 1848. Both were well established by the time of the gold rushes. Queensland set up its police force when it became a separate colony in 1859.

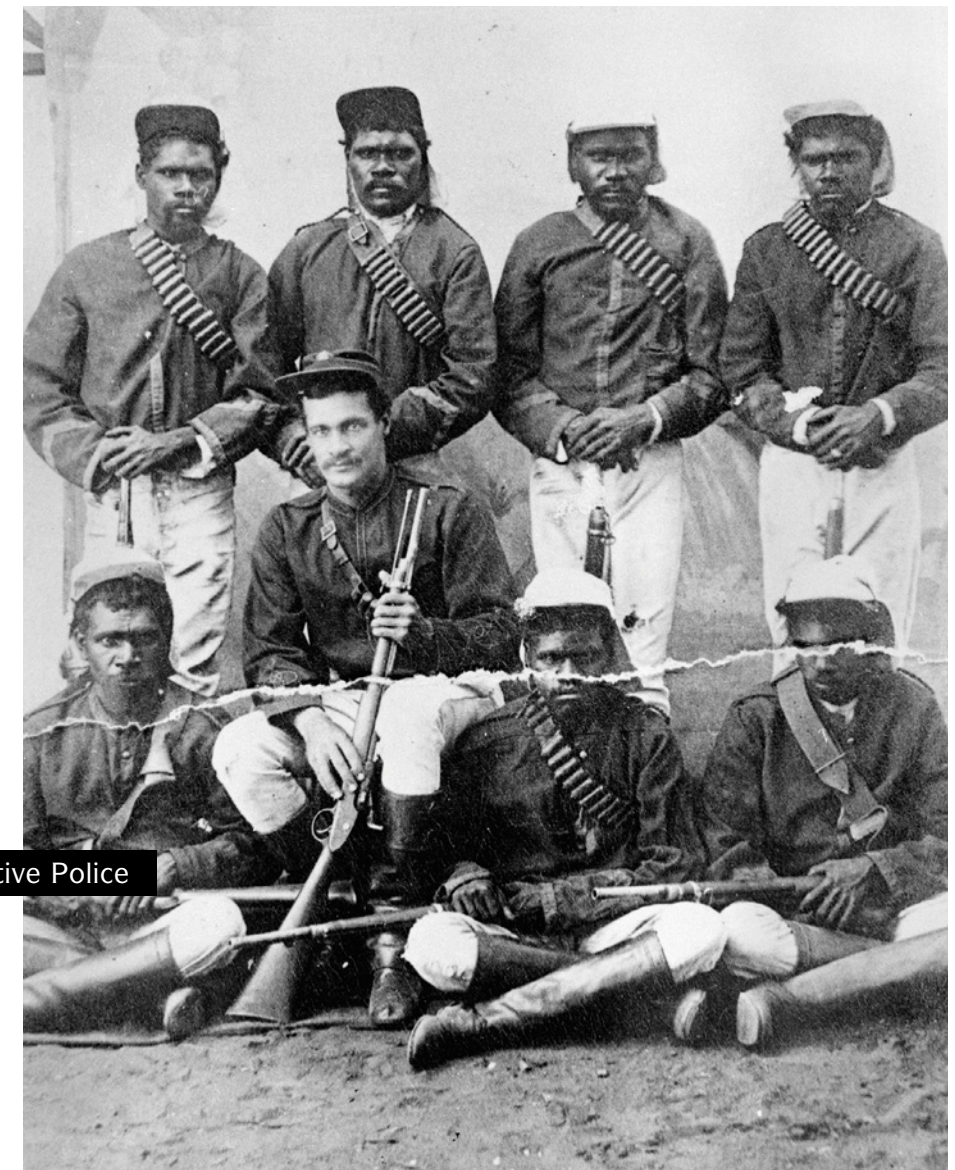
### Skilled bush trackers

Aboriginal men were valued as police because they had a much better understanding of the bush than **Europeans**. They were extremely skilled **trackers** and this was important when trying to find thieves and other criminals. Bushrangers were particularly clever at avoiding the police, holding up Gold Escorts and diggers and escaping with thousands of pounds worth of gold.

These men were described as 'the best Native Mounted Police **detachment**' when this photograph was taken in Queensland in 1870.



Native Police were issued with special uniforms with buttons like this



Native Police



## The Gold Police

There were not enough Native Police to patrol all the goldfields. New South Wales and Victoria both formed special forces of Gold Police and tried to persuade men to join.

As most able men hoped to make their fortune prospecting for gold, it was hard to find good men. Those most interested were men whose age or illness made them unsuited to digging, or who had failed at digging and were desperate for work. As a result, the Gold Police were not particularly hard-working, reliable or honest. Not many had a real interest in the job. In 1852 at Sofala in New South Wales, all the men in one detachment had to be sacked for drinking alcohol on the job. This meant there were even less police available.

The Victorian Government looked overseas, and in 1853, **recruited** volunteers from the English police force. At the end of 1853, Inspector Samuel Freeman, three sergeants and 50 constables from the London Metropolitan Police arrived in the colony and were sent to the diggings.

## The Mounted Police

As well as Gold Police there were Mounted Police who patrolled the main highways on horseback. This was particularly important in dealing with bushrangers who regularly held up diggers and other travellers on their way to and from the goldfields.

This is Constable Alexander Walker who captured the bushranger known as Captain Thunderbolt

## Golden stories

### Captain Thunderbolt

Captain Thunderbolt's real name was Frederick Ward. An escaped prisoner in the 1860s, he robbed travellers in the New England region and around Bourke, New South Wales. Captain Thunderbolt was known for his excellent horsemanship and gentlemanly behaviour. Where possible, he tried to avoid violence. He evaded the law for seven years until in 1870, he was spotted by Constable Alexander Walker outside Uralla. On 25 May, Ward was shot and killed. He was later buried in Uralla Cemetery.



The 40th Regiment

Dressed as soldiers of the 40th Regiment, these men are re-enacting a formal salute at Sovereign Hill in Ballarat, Victoria.

## The military

The difficulty of finding enough police to patrol the goldfields meant that the army was also called in to help. Army officers and soldiers who had retired to Tasmania were brought to the Victorian goldfields to protect the government camps. Paid only two shillings and sixpence a day, they were not particularly effective. Most were over 50 years old, and many had a problem with drinking too much alcohol.

## The British 40th Regiment

The Victorian Government also asked for more British troops to be sent to help keep law and order. At the time, there were no Australian military forces. In October 1852, 170 men of the 40th Regiment arrived in Melbourne and formed a Gold Escort to protect gold shipments from the diggings to Melbourne. Two years later, members of this Regiment crushed the Eureka Rebellion in Ballarat, Victoria.

## What is it worth now?

Two shillings and sixpence would buy as much as \$15.50 would today. Since the average wage for workers was between £1 and £2 a week, the retired soldiers were very poorly paid.





# Keeping gold safe

Most of the gold found by diggers was like a fine dust. Once they had dried it out, usually by warming it over a fire, they put it in a matchbox for safekeeping. These matchboxes were quite large. Filled to the top they could hold between eight and 14 ounces (226 to 396 grams) of gold.

## Hiding places

Diggers were always anxious about keeping their hard-won gold safe from thieves. When they had too much gold to carry about in their pockets, they buried it under their tent or hid it in another secret place. However, as most diggers did the same thing, those wanting to steal the gold knew where to start looking! Some goldmining groups left one person behind as tent keeper to protect their finds. Others chained up a ferocious guard dog in front of the tent.

Instead of trying to find safe hiding places, diggers could hand over their gold to the Gold Commissioner. Diggers paid one per cent of their gold's worth to have it taken to the nearest major city.

A good day's work

These diggers are admiring their finds at the end of the day. The next problem was to keep it safe from thieves.



## Golden stories

### A safe hiding place

Ellen Clacy came to the Victorian diggings in 1852 with her brother. She kept house in their tent and later wrote about their experiences. One day they returned home to find everything turned upside down. Robbers had been looking for their gold. Fortunately, Ellen had taken the precaution of sewing her brother's gold finds into the lining of her dress.

## Sending gold to the city

### The Gold Commissioner

To send their gold for safekeeping to Melbourne, Geelong, Sydney or Adelaide, diggers first stood in line at the Gold Commissioner's Tent. Handing their gold to the Commissioner, it was then weighed and the amount carefully written down on a numbered receipt. The gold was put into a pouch, which was sealed with wax with the receipt tied to it. A copy of the receipt was given to each digger. When they went to the city, they handed this receipt to officials at the Treasury and got back their gold.

### The Gold Escort

The diggers' pouches of gold were stored at the Commissioner's Tent in large iron boxes. When the Gold Escort arrived, these boxes were loaded onto the carriages which travelled regularly between the goldfields and major towns. These Escorts transported huge amounts of gold. In 1852, over nine and a half tonnes of gold were sent from the Victorian diggings to Adelaide.

### Highway thieves

The regular gold transports attracted the attention of highway thieves called bushrangers. Although every effort was made to protect the gold, there were no guarantees that it would be delivered safely. If the Escort was held up and robbed, the owners of the gold lost the lot.



A gold pouch

This pouch came from the Truron goldfields in New South Wales. You can still see some of the red wax, which was used to seal the pouch shut.



Gold scales and metal tray

These gold scales were used in Bathurst, New South Wales. The small pieces of metal are weights used to calculate the exact amount of gold. The metal tray was used to tip the gold into a pouch.



A box for carrying gold

Because gold was so valuable, it was transported in these specially made boxes. They were very heavy and secured with tight locks to make sure no one broke them open and stole the contents. This box carried gold from Braidwood and Kiandra in New South Wales to the Sydney Mint.



# Problems with bushrangers

Bushranging had been a problem since the early days of European settlement in Australia. The first bushranger, an escaped convict, held up travellers as early as 1790.

With the success of the Victorian and New South Wales' gold rushes, many more men became bushrangers. Thousands of pounds of gold were being transported from towns like Sofala and Ballarat to Sydney and Melbourne every week. Ex-convicts, criminals and those who had failed at the diggings found that holding up these escorts was an easier way to make a fortune than digging for it. In Victoria, the most famous bushranger was Frank Melville who stole gold from travellers between 1851 and 1854.

## Ben Hall's gang

The 1860s was the worst period for bushranging. In New South Wales in 1862, a gang including Ben Hall, Frank Gardiner and John Gilbert held up the gold escort at Eugowra, near Forbes, and escaped with £14 000 of gold and banknotes. The following year, the gang, now headed by Hall, took over the town of Canowindra, outside Bathurst. The whole town was rounded up and forced to stay in the hotel. However, as the bushrangers treated their hostages to as much food and drink as they wanted and put on displays of target shooting for entertainment, there were not too many objections!

### What is it worth now?

Today  
£14 000 would  
buy as much as  
\$1.75 million.



Ben Hall's gun

Ben Hall put his name on the breech or handle of this gun. Hall was one of the most successful in avoiding capture of all Australian bushrangers. His admirers boasted that he had never killed anyone during his many robberies.



Ben Hall's belt and ammunition pouch

The belt has been cut in half by a bullet fired during his final shoot-out with police.

## Arrests, rewards and hangings

In New South Wales and Victoria, officials increased their efforts to stop bushranging. In the 1860s, many bushrangers were killed or arrested. In 1862, Frank Gardiner was arrested and sentenced to 32 years' jail for the Eugowra robbery. In 1865, the government introduced the *Felon's Apprehension Act*, which meant that known bushrangers could be shot on sight. Anyone hiding them could be arrested as well.

### Ben Hall shot dead

On 4 May 1865, Aboriginal trackers and Mounted Police found Ben Hall's bush camp, 30 kilometres out of Forbes. After keeping watch overnight, they surrounded the camp and shot Ben Hall dead. Three days later they found his two partners. Gilbert was killed and Dunn escaped, only to be captured a year later. Taken to trial in Sydney, he was sentenced to death and hanged at Darlinghurst Jail in March 1866.

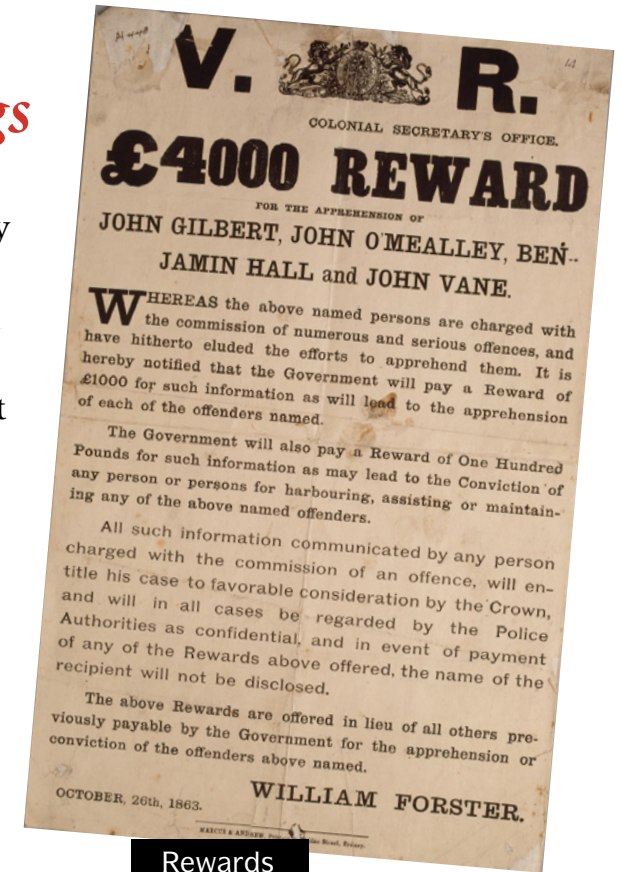
### The Clarke brothers arrested

Another notorious goldfields' gang, the Clarke brothers, was captured in 1867. Thomas and John Clarke had been robbing people on the roads around Braidwood, New South Wales for over two years. They were tried, sentenced to death and hanged at Darlinghurst Jail on 27 June 1867. Reporting on the Clarke brothers, a Sydney newspaper described the contrast between the brothers':

**S**heepish country-boy looks ... and their life of violence.

(sheepish – shy)

Bushrangers were popular heroes and their activities followed with great interest. People even bought postcards of bushrangers after they had been killed.



Rewards

Huge rewards were offered for assistance in the capture of bushrangers. A £4000 reward would be equal to about \$500 000 dollars today.



Postcard of Captain Thunderbolt



# The licence system

To ensure that diggers, storekeepers, publicans and other goldfields' workers had licences, the Commissioner and his assistants carried out regular checks. These often took on the appearance of a hunt as mounted police and troopers chased diggers who were trying to slip away.

As soon as the police were spotted, people called out 'Joe! Joe!' (the nickname for the police) warning diggers without licences to run away. Diggers disappeared down into mine shafts in the hope of finding an escape tunnel, or ran away into the bush.

When diggers were caught without licences they were often tied to a tree or chained together. Then when the hunt was over they were taken back to the Government Camp. They had to pay a fine of £5, and if they did not have the money, they had to stay in jail.



A portable cell on the Victorian goldfields

There were few jails. Portable cells reinforced with iron rods provided a secure lock-up for prisoners.

## Golden stories

### Joe and Josephine

Returning to his tent at the end of the day, a digger saw a licence hunt starting. He knew that his mate, Joe did not have a licence, and could not see how he could avoid being caught:

*Two of the police were marching straight into the doorway ... when to my surprise [they] were confronted by a smart, genteel looking female. [They] turned on their heels in search of more easy prey, while I proceeded to introduce myself to my new-found sister ... In the course of the evening, Joe intimated that he had resolved never to take out a licence, he should ... continue to wear his new style of attire and that in future his name was to be Josephine.*

(attire – clothing)

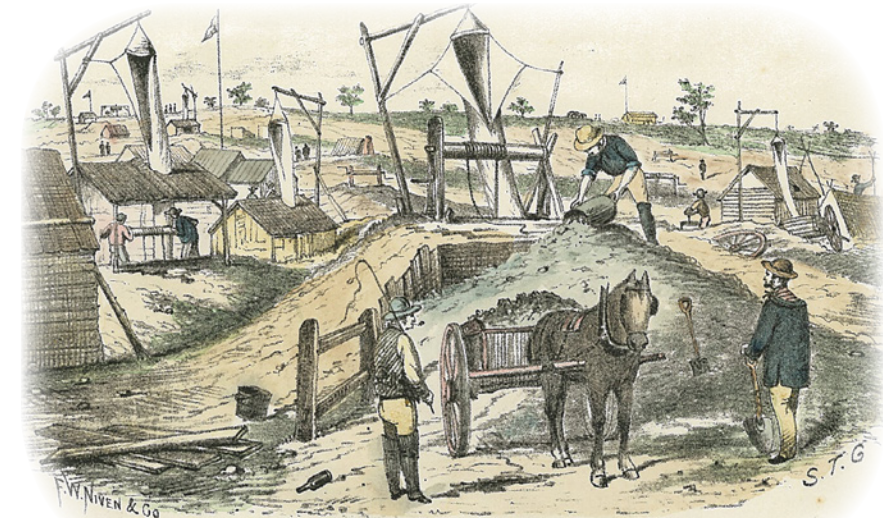


Artist S.T. Gill's sketch 'License inspected, Forrest Creek'

Diggers run for cover, diving down holes or running into the bush as the cry 'Joe! Joe!' rings out.

## Diggers refuse to pay for licences

As the gold rushes continued, diggers hated the licence system more and more. It seemed particularly unfair that everyone had to pay this monthly tax whether they were successful or not. Diggers' protests against the system became increasingly violent.



"DEEP SINKING" BAKERY HILL, BALLARAT - 1853.

S.T. Gill's 'Deep sinking' Bakery Hill, Ballarat - 1853

This is the area where the first major protests were held in the lead up to the Eureka Rebellion.

## Protests at Sofala and Bendigo

In 1852 at Sofala in New South Wales, over 600 miners refused to pay the gold licence fee. They held meetings, smashed mining cradles and sent a **deputation** to the Gold Commissioner. In 1853, diggers at Bendigo refused to pay and wore red ribbons to show their protest against the system.

## Diggers' anger grows at Ballarat

The most famous rebellion was in 1854 at Ballarat in Victoria. A combination of circumstances brought the diggers' frustrations to a point where they felt they had to act. This became known as the Eureka Rebellion.

The winter of 1854 was particularly hard in Victoria. Ballarat was a field where miners had to dig deep shafts before finding any gold. This was slow and expensive, and meant months could go by before they made any money. The Italian miner, Raffaello Carboni, who would later take a leading role in the rebellion, described Ballarat as 'a ruinous field of hard labour'. The Ballarat miners were therefore slow in paying licence fees. Less than half the diggers on the field had them.

The Victorian Government was also short of money at this time. As a result, licence 'hunts' took place as often as twice a week to raise funds. This only made the Ballarat diggers more resentful of the Commissioners and the government.

## Did you know?

In May 1852, a newly discovered area of the Ballarat diggings was named Eureka. This name is a Greek word meaning 'I have found it'. Many of the diggers who tried their luck there were Irish. Over the next two years, there were some rich finds of gold on this field.



# The Eureka Rebellion

## Violence and arrests

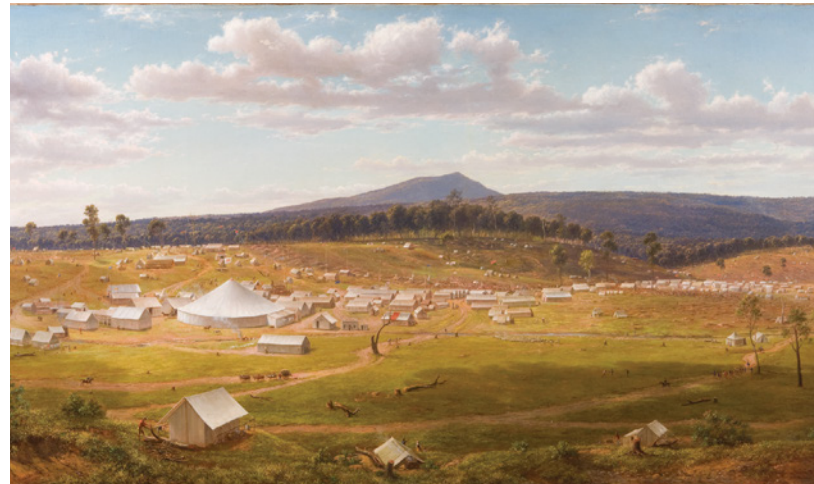
By October 1854, people on the Ballarat diggings were very angry about the licence hunts. They also thought the administration of the goldfields was disorganised and even **corrupt**. The men and women who sold 'sly grog' paid **bribes** to the police so they could continue their illegal businesses. At the same time, diggers were constantly harassed about their licences.

Then two things happened to show the corruption of the goldfields' administration.

On 7 October, a man called James Scobie was walking past the Eureka Hotel in Ballarat when he decided he wanted a drink. Even though it was very late and the hotel was closed, he insisted that he should be served. In a fight with the hotel owner, James Bentley, Scobie was killed. Bentley was arrested but later found not guilty of murder. The diggers were outraged. They claimed the only reason Bentley was not charged with murder was because the police magistrate was his friend.

## Diggers decide to take action

A few days later, Irish diggers were further angered when a Catholic priest's servant was beaten up and wrongly arrested. Both incidents indicated to the frustrated diggers that the goldfields' administration and police force were often corrupt and unjust, and they became determined to do something about it.



Artist Eugène von Guérard painted *Old Ballarat as it was in the Summer of 1853–1854*

This painting shows what the diggings looked like immediately before the Eureka uprising. Bakery Hill is on the left. On the right, towards the front of the painting, a group of miners have been rounded up and are being taken to the Government Camp. The large tent belonged to a circus.

## Diggers burn down the Eureka Hotel

The event that brought the diggers closer to rebellion was the burning down of Bentley's Eureka Hotel.

This happened on 17 October, when diggers organised a meeting to protest against the release of James Bentley. The meeting was well organised and orderly. A committee was appointed to take their complaints to the Governor and money raised to cover expenses. But when it was over, a group of men decided to march to the hotel. Angry and out of control, they smashed windows and furniture, threw curtains and carpets outside and lit fires inside. Soon the hotel, stables, bowling alley and auction rooms were alight.



Eureka riot

Swiss artist and miner, Charles Doudiet was in Ballarat during the rebellion and painted *Eureka riot 17 October 1854*. The Eureka Hotel burns, while angry miners confront police and soldiers.

## Diggers are arrested and jailed

The police arrested the men responsible and eventually jailed three: Fletcher, McIntyre and Westerby. Once again, the diggers protested and tried to persuade Governor Sir Charles Hotham to release the men, and again they failed. Over the next few days, the diggers' anger increased until rebellion was inevitable.

1854

7 October

James Scobie is murdered by James Bentley at the Eureka Hotel. Bentley is arrested.

10 October

The Catholic priest's servant is badly beaten and wrongly arrested.

12 October

Bentley is found not guilty.

17 October

Diggers burn down Eureka Hotel. Three men are later arrested.

22 October

Over 10 000 diggers meet on Bakery Hill to protest.

11 November

Ballarat Reform League proposals are adopted.

23 November

The men arrested for burning down the hotel are tried and convicted.

23 November

Members of the Ballarat Reform League demand their release.



## Events leading to the diggers' uprising at Bakery Hill

### Government calls for military help

27 November, 1854

Members of the Ballarat Reform League presented their demands to Governor Sir Charles Hotham.

They were refused. Commissioner Rede, concerned that angry diggers might march on the Government Camp, asked for police and military reinforcements.

### Miners attack soldiers

28 November

Miners attacked the military reinforcements as they passed near the Eureka diggings. A drummer boy was killed and two civilians injured.

### Diggers burn their licences

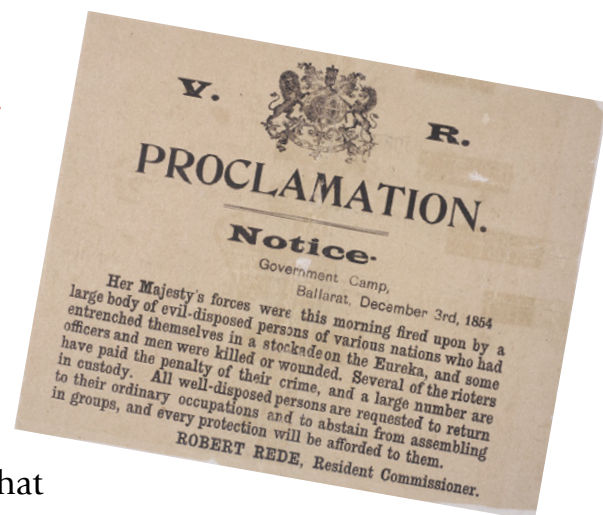
29 November

At Bakery Hill, a huge meeting of diggers was held that the Governor had refused to release the prisoners accused of setting fire to the Eureka Hotel. Some diggers burnt their licences in protest. The Eureka flag was flown for the first time.

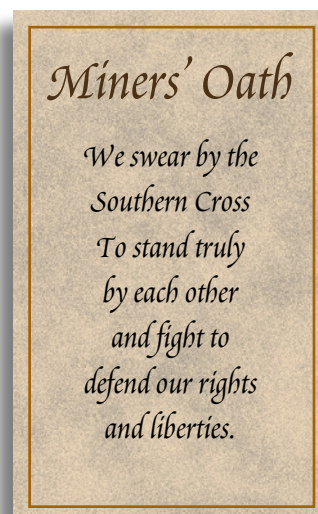
### Diggers called to fight

At 10 o'clock, 30 November, eight men were arrested during a licence hunt on the Ballarat diggings. Commissioner Rede quickly read the official *Riot Act* to the increasingly hostile crowd. Diggers met again at Bakery Hill. The Irishman and Eureka digger, Peter Lalor called for volunteers to form companies of men prepared to fight. They set up camp at Eureka and built a stockade around it.

About 500 miners swore an oath to fight to defend their rights.



Proclamation Notice announcing the storming of the stockade



## The battle

On 2 December, some miners left the stockade to get food and ammunition. Only about 200 remained. At dawn on 3 December, the police and military attacked the Eureka Stockade. Led by Peter Lalor, the diggers put up a brave fight but it was all over in about 10 minutes. Five soldiers were killed and 12 seriously wounded. Thirty diggers were killed or died later from their wounds. Hundreds more were arrested.

## After the Eureka Rebellion

On 4 December, the rebels were buried in a common grave. The soldiers were buried separately. The next day, General Major Robert Nickle arrived from Melbourne with 800 troops. **Martial law** was declared. About 130 diggers were brought to trial. Of these, 13 were sent to Melbourne for trial on charges of **high treason**. The remaining diggers were released.

On 7 December, the Governor appointed a **Royal Commission** to look into the events of the past month. On 22 February 1855, the trial of the 13 miners began. All were acquitted by juries of Melbourne citizens who disapproved of the government's actions which had led to the rebellion.

### Royal Commission report

On 27 March 1855, The Royal Commission handed down its report.

The new Miner's Right was introduced in May 1855. Later that year, Peter Lalor and John Basson Humffray were elected to the Victorian Parliament.



Miner's Right

### Royal Commission Report

- the abolition of licences
- exports of gold to be taxed instead
- the Miner's Right to be introduced. At a cost of £1 a year, this secured claims and entitled the owner to vote
- **Crown Land** to be opened up to small landholders
- the Legislative Council to have eight representatives from the goldfields
- the Goldfields Commission to be abolished
- the regulation of mining to be controlled by local courts made up of people elected by the diggers.

1854

27 November

The Governor refuses their request. Commissioner Rede asks the government for police and military reinforcements.

28 November

Miners attack the military reinforcements as they pass near the Eureka diggings.

29 November

Diggers meet at Bakery Hill. Some burn their licences in protest. The Eureka flag is flown for the first time.

30 November

A licence hunt on the Ballarat diggings meets with great opposition and eight men are arrested. Commissioner Rede quickly reads the official *Riot Act* to the increasingly hostile crowd.

30 November – 1 December

Diggers set up camp at Eureka and begin building a stockade.

2 December

Some diggers leave the stockade to get food and ammunition. About 200 remain.



## The Eureka Stockade

A stockade is a fenced area. Often stockades were built to keep cattle or horses safe overnight. They could be made from branches, slabs of wood or anything that came to hand. When the diggers began to build a stockade at Eureka, they did not see it as a fort but as a place to meet, to drill and to resist the licence hunts. Only later did it become a fortress in which to defend themselves.

The Eureka Stockade covered about an acre. It was built from slabs of wood that came from mines in the area. A blacksmith worked in the centre of the stockade, making simple weapons like pikes.

### The site for battle

It became a battlesite on 3 December 1854. As one local man later wrote to his friend:

*It was plain enough on Saturday evening a collision would occur, as the armed party had erected a barricade on the Eureka ... and we were not much taken by surprise when this morning about half past four the troops filed past. Immediately after the firing commenced, and did not last over ten minutes, when the few who were collected in the stockade ... were either killed, dispersed, or taken prisoners ... Thus ended, with the battle of Bakery Hill, the rebellion of Ballarat.*



Eureka Rebellion

Charles Doudiet was an eyewitness at Eureka and drew what he saw in *Eureka Slaughter, 3rd December*. The soldiers are firing at the Stockade where an enormous Eureka Flag flies above the diggers' tents.

## Men of Eureka

### Governor Sir Charles Hotham

Hotham arrived from Britain in 1854 to take up the position of Governor of Victoria. At the time, the colony was heavily in debt and Hotham was ordered to 'make the colony pay its way'. Against the advice of the Goldfields Commission, he ordered licence hunts twice a week. This was a major cause of the Ballarat diggers increasing their protests.



Governor Sir Charles Hotham

### Robert Rede

Robert Rede was appointed Ballarat's Gold Commissioner in May 1854. Rede was at the Eureka Hotel when it was burnt down. He arrested some of the men involved and insisted they be tried. He also enforced licence hunts. Robert Rede was one of the men who decided to attack the stockade.

### John Basson Humffray

A Welsh digger, he was one of the founders of the Ballarat Reform League. The League wanted a peaceful protest against the licence system. It called for an end to the Goldfields Commission and changes to legislation to give all men the vote. These requests were put to Governor Hotham who rejected them.



Peter Lalor

### Peter Lalor

Peter Lalor was an Irish mining engineer who worked on the Ovens and Ballarat goldfields. During the Bakery Hill protest, Lalor called for volunteers to fight for 'liberty'. He organised the defence, was badly wounded in the battle and left for dead. A Catholic priest, Father Smyth, took him to his home where Lalor's arm was amputated.

1854

#### Dawn, 3 December

The police and military attack the Eureka Stockade. Five soldiers are killed and 22 diggers. Many more are wounded. Over 100 diggers are arrested.

#### 4 December

The rebels are buried in a common grave. The soldiers are buried separately.

#### 5 December

Martial law is declared. About 130 diggers are brought to trial. Thirteen are charged with high treason. The remaining diggers are released.

1854

#### 7 December

The Governor appoints a Royal Commission.

#### 22 February

The trial of the 13 diggers begins. All are acquitted.

#### 27 March

The Royal Commission hands down its report.



## The Eureka flag

The Eureka flag was flown for the first time on Thursday 29 November. No one knows exactly who made it or why. One story is that some diggers looked up at the stars and saw the Southern Cross shining brightly. They decided to have a flag made with this design. Another story has the flag designed by a Canadian, Captain Ross, who was later killed during the fighting.

### Raising the flag

The original flag is made of fine blue wool with stars made from white lawn. Different people, possibly the wives of the diggers involved, stitched it together. The Italian gold digger and rebel leader, Raffaello Carboni, described raising the flag for the first time:

*This maiden appearance of our standard, in the midst of armed men, sturdy ... gold-diggers of all languages and colours, was a fascinating object to behold. There is no flag in old Europe half so beautiful ... The flag is silk, blue ground, with a large silver cross, similar to the one in our southern firmament; no device of arms, but all exceedingly chaste and natural.*



The Eureka flag is still on display at the Ballarat Fine Art Gallery

### The British Union Jack

The official government flag at this time was the British Union Jack. To fly any other flag was to challenge the rights of the British to control Australia and Australians. In 1854, the Eureka flag was a symbol of the diggers' fight against the government. When the soldiers overtook the stockade, John King, one of the troopers, pulled down the flag. Small pieces were cut off as souvenirs of the battle. The flag then remained with the King family until it was given to the Ballarat Fine Art Gallery in 1895.

## A rebel flag

In the years since Eureka, the Eureka or 'Southern Cross' flag has been used by many different groups as a symbol of their protests against authority, and the government.

In 1888, *The Bulletin* recognised the importance of Eureka. As one journalist wrote, it was:

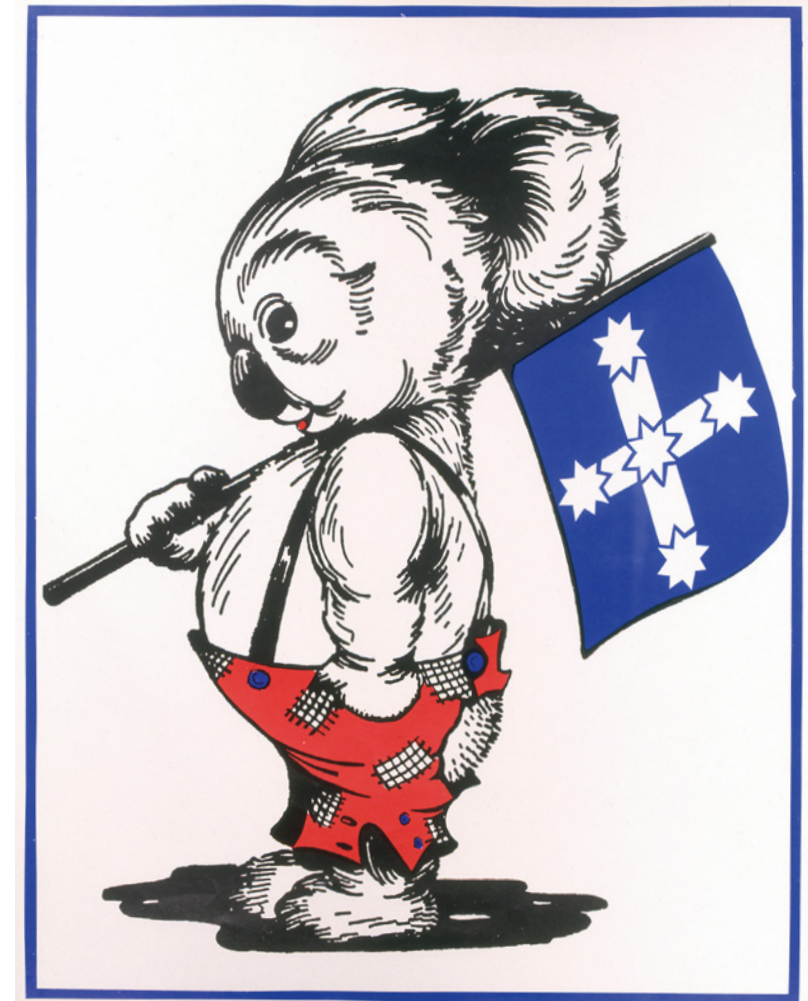
*The day that Australia set her teeth in the face of the British Lion.*

Some people argued that the day of the rebellion, 3 December, should become Australia's national day. In the 1890s, there was great unemployment in Australia. The Eureka flag was flown during the strikes as workers protested about their treatment by employers and the government.

The poet, Henry Lawson wrote about these struggles in *Freedom on the Wallaby*. He argued that Australians should fly the Eureka flag to protest against British rule:

*So we must fly a rebel flag  
As others did before us,  
And we must sing a rebel song,  
And join a rebel chorus ...  
They needn't say the fault was ours  
If blood should stain the wattle.*

When Australia suffered another major depression in the 1930s, the Eureka flag flew once again. Today, a replica flag flies on the original site of the Eureka rebellion at Bakery Hill in Ballarat. In the 1990s, the Australian Republican Movement adopted it as its flag.



Australian icon, Blinky Bill, proudly carries the flag

This poster was produced for the Australian Republican Movement.



# Chinese on the goldfields

From the early 1850s, Chinese diggers arrived at the goldfields in large numbers, mostly from an area known as Sze Yap in the province of Canton. As news was sent back to their families and friends, more and more came to try their luck. To Europeans, they seemed to be arriving at an alarming rate. In two years, the number of Chinese on the Ballarat diggings almost doubled from 5000 in 1856 to 9000 in 1858.

## Why they were different

Unlike most other nationalities, Chinese miners stood out mainly because they dressed so differently. As a Danish digger described them:

**T**hey wore huge hats, blue padded jackets, wide pantaloons, white socks, and thick rope sole shoes, each carrying a long bamboo pole over the shoulder with heavy baskets bouncing and jouncing on either end.



Artist Eugène von Guérard painted the distinctive costume of the Chinese in 1854

They also differed in the way they searched for gold. Unlike most diggers who worked alone or in small groups, one to two hundred Chinese prospected together. They also lived and ate together, and rarely had women living and working with them. Worst of all as far as the European diggers were concerned, they were very successful! Consequently, in the 30 years after Eureka, the most violent protests were against the hard-working Chinese.

Chinese miners did not usually open up new mining areas. They patiently reworked old ones. Most understood how to carefully use and preserve water. These skills helped them work goldfields that Europeans had decided were too difficult.

## Restricting the Chinese

Miners' concerns about the number of Chinese on the goldfields led governments in Victoria and New South Wales to attempt to restrict their arrival and activities.

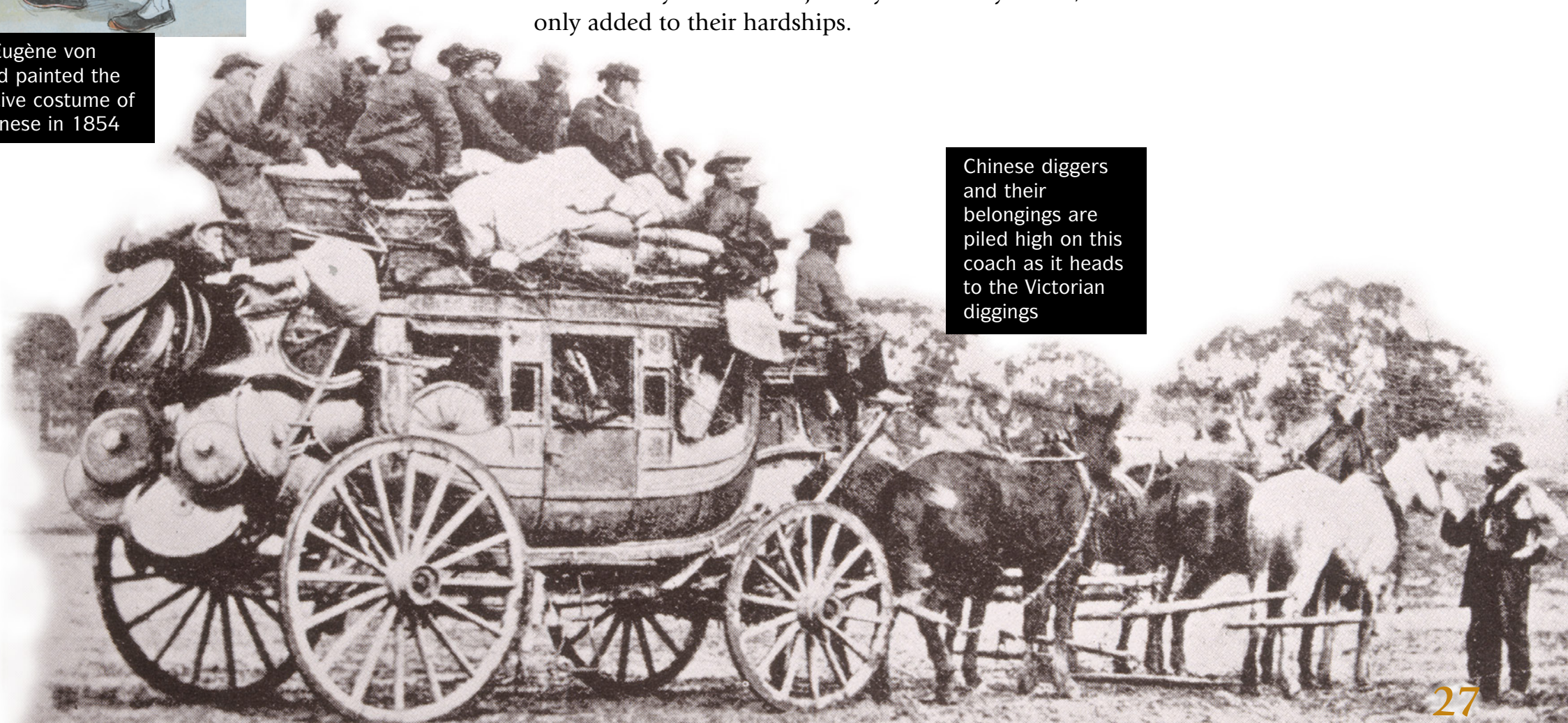
This was done by:

- limiting the number of Chinese each ship could land in the two colonies
- asking ship owners to pay £10 for every Chinese passenger arriving in New South Wales and Victoria
- making the Chinese pay a 'protection fee' of £1 a year on the goldfields
- forcing the Chinese to live in special villages apart from other miners.

To avoid these restrictions, Chinese diggers landed at the seaside town of Robe in South Australia. They then had to travel hundreds of miles to the Victorian diggings on foot or by coach. This journey took many weeks, and only added to their hardships.

What is it worth now?

Today, £10 would buy as much as \$1240.



Chinese diggers and their belongings are piled high on this coach as it heads to the Victorian diggings



## Violence at Lambing Flat

Despite laws limiting the number of Chinese who could arrive in Australia, European diggers continued to resent those already here. In Victoria, angry diggers destroyed their camps and attacked them. Rarely were these men arrested or convicted for what they had done.

The worst riots were at Lambing Flat (now Young) in New South Wales. On 30 June 1861, over 2000 European diggers marched to Lambing Flat. They viciously attacked the Chinese camp, destroying their homes and possessions and setting fire to their shops and businesses. With a brass band playing and clutching bludgeons and pick handles, they chanted 'no Chinese'.

### No arrests

These miners were not satisfied with simply destroying the camp. They rounded up about 1000 Chinese men and beat them and whipped them. Many were badly injured and an unknown number killed. Although they were breaking the law, not one of the European miners was arrested.

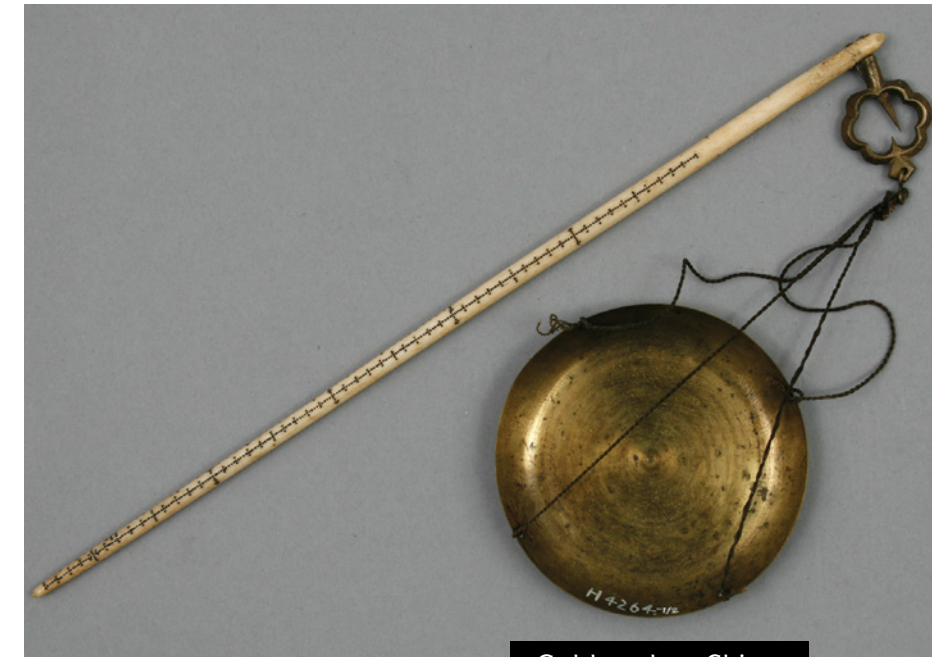


'No Chinese' banner

This banner was painted by diggers protesting against the Chinese at Lambing Flat. With the stars of the Southern Cross in the centre, miners were invited to 'Roll Up' to the cause of 'No Chinese' on the goldfields.

## Chinese in the Northern Territory

When gold was discovered in the Northern Territory in 1870, people thought that the conditions were too harsh for Europeans. In April 1874, 186 Singaporean Chinese were brought to Darwin to work as labourers in the mines. In exchange for wages and their fares to Australia, they had to work there for two years. At the end of this time, most stayed on to work independently as prospectors. More Chinese joined them, coming from Hong Kong, southern China and the Hsi Chiang River region of Kwantung.



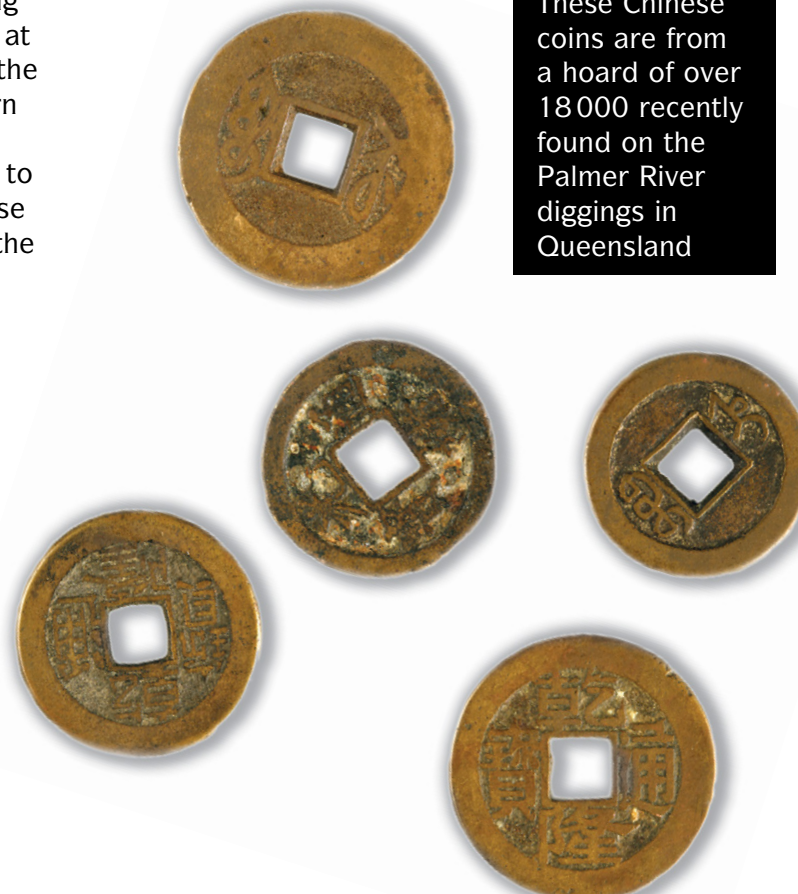
Gold scales, China, 1850-1900

### Pine Creek goldfields

Gold was discovered at Pine Creek in 1871. But the isolation and harsh conditions of the goldfields meant that few European diggers were willing to try their luck. In 1879, there were eight times as many Chinese at work there. By 1888, there were 8000 Chinese miners at Pine Creek.

### Tax on Chinese

Northern Territory Chinese never experienced the same level of violent protests as those at the Victorian and New South Wales goldfields. Even so, in 1888, the government introduced a £10 tax on Chinese entering the Territory. This led to fewer Chinese wanting to mine there. Many of the diggers already in the Territory returned to China. By the end of the 1800s, there were only 1000 Chinese left in the Territory and most of these had moved to Darwin.



These Chinese coins are from a hoard of over 18000 recently found on the Palmer River diggings in Queensland



## Chinese experiences after the gold rushes

Like many of the people who rushed to Australia to seek their fortune, most Chinese miners went home once the rushes were over. Those who stayed often found work as market gardeners, supplying their region with fresh fruit and vegetables. In Darwin, where almost half the non-Aboriginal population was Chinese – they bought shops, set up laundries, and later became teachers, lawyers, doctors and politicians.



Margaret and Mei Quong Tart photographed in their robes

## Golden stories

### Mei Quong Tart

A famous Chinese Australian was Mei Quong Tart. He came out to Australia in 1859 to the Braidwood goldfields in New South Wales. By the time he was 18, his goldmine shares had made him a rich man. Moving to Sydney, he opened a number of tea shops which became very fashionable and successful.

Mei Quong Tart married a Scottish woman, Margaret, and played an active role in Sydney society. He was particularly concerned about the Chinese practice of opium smoking and worked hard to have it abolished. In 1902, he was badly beaten by an intruder in his office and never really recovered, dying the following year.



### Surcoat

Mei Quong Tart was thanked by the Chinese Emperor for his services to Australian Chinese and appointed a fifth rank civil official. He and his wife, Margaret, had robes made with the badge of his rank. This coat, called a surcoat, was worn by Margaret.



# Glossary

---

<i>bribes</i>	money or favours given to ensure illegal behaviour was overlooked
<i>colonies</i>	the six British settlements of New South Wales, Victoria, Tasmania, Queensland, South Australia (including the Northern Territory) and Western Australia
<i>corrupt</i>	something that is done in a dishonest way
<i>Crown Land</i>	land that belongs to the government
<i>deputation</i>	a group of people asked to represent everyone's interests
<i>detachment</i>	group
<i>drill</i>	training in precise military movements such as marching
<i>Europeans</i>	settlers from Europe. This term is often used to distinguish between Aboriginal and non-Aboriginal (or European) Australians
<i>Gold Escort</i>	troopers who accompanied official shipments of gold
<i>Goldfields Commission</i>	people appointed to administer the goldfields
<i>high treason</i>	to behave in a criminal way against the government
<i>lashes</i>	a form of punishment; a swift strike with a whip
<i>lawn</i>	fine linen or cotton fabric
<i>martial law</i>	the military takes control when civil authority breaks down
<i>pikes</i>	a long metal pole with a dangerously sharp head
<i>£(pounds)</i>	currency introduced to Australia from Britain and used until 1966 when pounds, shillings and pence were replaced with dollars and cents
<i>prosecute</i>	to enforce the law against someone
<i>recruited</i>	people invited to join an organisation, e.g. army or police force
<i>Royal Commission</i>	special people appointed to report on a particular matter
<i>sentries</i>	soldiers keeping guard over people entering and leaving the camp
<i>sly grog</i>	alcohol sold illegally
<i>tar</i>	a dark, sticky substance that is very hard to remove
<i>trackers</i>	people skilled in following the tracks left by humans or animals in the bush
<i>Treasury</i>	a place where money and gold were deposited for safekeeping



# Index

- A** Aboriginal peoples 9, 15  
Australian Republican Movement 25
- B** Bakery Hill 19, 20, 23, 25  
Ballarat 5, 7, 11, 14, 17–26  
Ballarat Reform League 20, 23  
Bathurst 13, 14  
Bendigo 17  
Bentley, James 18, 19  
Bourke 10  
Braidwood 13, 15  
British flag 8, 24  
British 40th Regiment 11  
bushrangers 5, 9, 10, 13–15  
bush trackers 9
- C** Canowindra 14  
Carboni, Raffaello 17, 24  
Chinese miners 5, 26–30  
Clarke, Thomas and John 15  
courts 6
- D** Darwin 29, 30  
Doudiet, Charles 19, 22
- E** Eagle Hawk 5  
Eugowra 14  
Eureka flag 20, 22, 24, 25  
Eureka Hotel 18, 19, 20  
Eureka Rebellion, 5, 11, 17–24  
Eureka Stockade 20, 21, 22
- G** Gardiner, Frank 14, 15  
Gilbert, John 14  
Gill, S.T. 16, 17  
Gold Commissioner 5, 8, 12, 13, 17, 23  
Gold Escort 8, 9, 11, 13, 14  
gold hiding places 12  
gold licence 5, 7, 16, 17, 18, 20, 21, 23  
Gold Police 10, 16  
Goldfields Commission 5, 7, 23  
guns 6, 14
- H** Hall, Ben 14, 15  
Hotham, Sir Charles 19, 20, 21, 23  
Humffray, John Bassoon 23
- K** Kiandra 13  
King, John 24
- L** Lalor, Peter 20, 21, 23, 24  
Lambing Flat (Young) 28  
Lawson, Henry 25  
licence hunts 16, 17, 20
- M** military 11, 20, 21  
Miner's Right 21  
Mount Alexander 7  
Mounted Police 10, 15
- N** Native Police 9
- P** Pine Creek 29  
portable cells 16
- R** Rede, Robert 20, 21, 23  
Robe 27  
Royal Commission 21, 23
- S** Scobie, James 18  
sly grog 8, 18  
Sofala 10, 14, 17  
Sovereign Hill 11  
Sydney Mint 13
- T** Tart, Mei Quong and Margaret 30  
thieves 6, 12, 13  
Thunderbolt, Captain (Frederick Ward) 10, 15  
troopers 7
- U** Uralla 10
- V** Von Guérard, Eugène 18, 26
- W** Walker, Constable Alexander 10

## Acknowledgements

The author and the publisher are grateful to the following for permission to reproduce copyright material:

Cover: Re-enactment of a formal salute by soldiers of the 40<sup>th</sup> Regiment, Sovereign Hill, Ballarat, Victoria, reproduced courtesy of The Sovereign Hill Museums Association.

Photos supplied by the Powerhouse Museum Collection except as follows:

Page 5 *Police at Eagle Hawk diggings* reproduced courtesy of the Mitchell Library, State Library of New South Wales; page 7 'Butcher's licence, 1858' reproduced courtesy of the Gold Museum, Ballarat; page 8 S.T.Gill, *Diggers licensing Forrest Creek* reproduced courtesy of the National Library of Australia; page 9 'The best Native Mounted Police detachment 1870' reproduced courtesy of Collection: John Oxley Library, Brisbane; page 10 'Constable Alexander Walker' reproduced courtesy of State Library of New South Wales, Mitchell Library (P1/1889); page 11 'Soldiers of the 40th Regiment' reproduced courtesy of The Sovereign Hill Museums Association; page 12 'A good day's work' reproduced courtesy of the National Library of Australia; page 16 S.T.Gill, *License inspected, Forrest Creek, 1852*, reproduced courtesy of the National Library of Australia; page 17 Lithograph by F.W. Niven after S.T.Gill, 'Deep sinking' Bakery Hill, Ballarat – 1853 reproduced courtesy of the Collection: Ballarat Fine Art Gallery; page 18 Eugène von Guérard, *Old Ballarat as it was in the summer of 1853–1854* reproduced courtesy of the Collection: Ballarat Fine Art Gallery; page 19 Charles Doudiet, *Eureka riot 17 October 1854* reproduced courtesy of the Collection: Ballarat Fine Art Gallery; page 20 'Proclamation Notice' reproduced courtesy of The Gold Museum, Ballarat; page 22 Charles Doudiet, *Eureka slaughter, 3rd December* reproduced courtesy of the Collection: Ballarat Fine Art Gallery; page 23 *Governor Sir Charles Hotham and Peter Lalor*, reproduced courtesy of the La Trobe Picture Collection, State Library of

Victoria; page 24 'The Eureka flag' reproduced courtesy of the Collection: Ballarat Fine Art Gallery; page 25 'Blinky Bill and the Eureka flag' reproduced courtesy of The Australian Republican Movement; page 26 Eugène von Guérard, *Chinese person, Melbourne 1854* reproduced courtesy of the Mitchell Library, State Library of New South Wales; page 28 'Anti-Chinese banner' reproduced courtesy of the Young Historical Society Inc.; page 30 'Margaret and Quong Tart' from *Quong Tart: how a foreigner succeeded in a British Community*, compiled and edited by Margaret Tart, printed and published by W.M MacIardry "Ben Franklin" Printing Works, Sydney, 1911.

While every care has been taken to trace and acknowledge copyright the publishers tender their apologies for any accidental infringement where copyright has proved untraceable.

The author would like to acknowledge the following sources of information: Annear, Robyn, 1999, *Nothing but gold: The diggers of 1852*, Text Publishing, Melbourne

Bate, Weston, 1978, *Lucky city: The first generation at Ballarat, 1851–1901*, Melbourne University Press, Melbourne  
Blainey, Geoffrey, 1969, *The rush that never ended: a history of Australian mining*, Melbourne University Press, Melbourne

The calculation used in this book to convert 1850s pounds to today's dollars is only approximate as prices fluctuated wildly during the gold rushes.

Please visit the Powerhouse Museum at [www.powerhousemuseum.com](http://www.powerhousemuseum.com)