History

Eureka’s Roots: Abuse, Mistreatment, and Corruption on the Ballarat Goldfields

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Imagine leaving European life behind and heading out on an adventure to search for gold in the newly settled land of Australia. Many immigrants arrived in Victoria to search the goldfields in the years following 1850. A gamble indeed, but it could all be worth it with just one find. Visualize walking up to a Victorian goldfield in the 1850s. The scenery would for most be less than satisfactory, with dirt and dust all around. Various holes could be found across the dusty ground. The noise was unpleasant, with the sound of the miners’ tools clanking, along with the mumbles and chatting of many different men in the background. It was quite possible that the voices heard may have been completely foreign to a person’s ears. Walking to the goldfields commission office to pay the license fee and stake a claim, the new arrival hoped to work with people he knew, or at least people who spoke the same language. Arrival at a Victorian goldfield could be very intimidating, but the chance of striking gold was all some people needed to be motivated to give it a try.¹

The colony of Victoria did not gain independence until 1851. Before this time, what is now known as Victoria was a part of the colony of New South Wales.² In 1851, the non-indigenous population of Victoria numbered approximately 97,000. Within a decade, the population grew to 540,000.³ According to Dr. Geoffrey Serle, the miners in Victoria comprised just under fifty percent of the population of the colony.⁴ With new digging techniques, including panning and cradle-washing, the search for gold became much easier and more practical.⁵ Lieutenant Governor Charles La Trobe observed that when the goldfields in Victoria were found to have rich veins, the suburban areas and major cities, such as Melbourne.

and Geelong, cleared out. “It is quite impossible for me to describe... the effect which these [gold] discoveries have had upon the whole community. .... Within the last three weeks the towns of Melbourne and Geelong and their large suburbs have been in appearance almost emptied of many classes of their male inhabitants.... [Men] of every description [have] thrown up their employments” and made the journey to the goldfields.

One of the most densely populated goldfields in Victoria in the 1850s was Ballarat. At Ballarat in late 1854, there was a relatively short battle between miners of the Eureka lead and the goldfields police, which has come to be known as the Eureka Stockade. The frustrated miners erected a stockade and were sleeping in it when the police attacked very early on the morning of December 3, 1854. The unprepared miners tried to defend themselves, but had no chance against the approximately three hundred police. After the battle, many miners were found dead, one hundred and twenty arrested, and thirteen brought to trial for high treason.

Scholars have offered a number of explanations for the Eureka Rebellion and its causes. Geoffrey Blainey has argued that the miner’s rebellion at Eureka can be easily understood if one can grasp the concept of the new digging techniques that were being used in the goldfields at Ballarat. These men were digging deeper into the ground than most other places, a process known as deep sinking, making the mining more treacherous and no longer predictable. To some, this extra thrill drove them to keep digging. The land used for digging was also smaller in area because the claims could not exceed twenty-four by twenty-four feet, no matter how many men were digging there. The diggers’ failures to find gold would mean heightened tensions on the goldfields between the police and the miners. Weston Bate sees just the opposite in the deep sinking process. He argues that, “deep sinking has been associated with peace, not strife, since its beginnings in 1851.” Bate lays greater responsibility on the Governor of Victoria than any specific technology. He discusses the inconsistencies on the part of the Governor and unrealistic expectations on the part of the miners to explain why the conflict occurred.

David Goodman stresses the importance of the government’s actions. He does not side with the government in particular, but he does help us to better understand its position. According to Goodman, the Victorian government was concerned about intelligence it had received that there would be an uprising.

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of miners, particularly Americans, who were ready for a more republican govern-
ment. The government was concerned that these republican ideals would
overthrow the institutions that they had worked so hard to establish. Goodman
points out that not only did the miners see the license fee as unfair, but also that it
was levied on them whether they were successful or not. He also argues that the
government did the best it could with so many people rushing to the area.

Geoffrey Serle argues that there is no single event that caused the battle
at Eureka, but rather multiple causes, including license fees, police abuse, and
administrative blunders. David Hill argues that mistreatment of miners by the
police during license checks was a critical trigger for the Eureka Stockade. He
argued that “life on the goldfields was hard enough, with limited food, high prices,
rough accommodation, lack of women and family, tedium, fatigue and loneliness,
all of which contributed to resentment of the diggers towards the licence tax and
the heavy-handed ways of the police.”

Most scholars agree that governmental abuses and the harsh licensing
policy led to the miners finally sticking up for their rights. Some placed the blame
on external forces and poor conditions on the goldfields, which doubtless fueled
the fire. This paper will argue that what drove this rebellion, with its tragic con-
sequences, was in fact internal policy, abuse, and mismanagement. The govern-
ment’s missteps included the poor handling of the licensing fees, denying the
miner’s political rights, especially the right to vote, the James Scobie incident, and
police abuse.

When the colony of Victoria separated from New South Wales, Charles La
Trobe became the first governor. He seemed unqualified for the job, having “no
naval or army credentials, no management experience and practically no admin-
istrative training.” La Trobe had simply copied the gold policies put in place by
New South Wales. Hurrying to get some governance on the rapidly growing
goldfields of the new colony, Governor LaTrobe assembled a Gold Fields Commis-
sion. He was having a hard time finding administrative personnel and in some in-
stances had to leave many positions open. He put the Gold Fields Commissions

11 David Goodman, “Making an Edgier History of Gold,” in *Gold: Forgotten Histories and Lost Objects
of Australia*, ed. Iain McCalman, Alexander Cook, and Andrew Reeves (Cambridge: Cambridge
13 David Hill, *The Fever that Forever Changed Australia: Gold!* (North Sydney: Random House Australia
Ptd. Ltd., 2010), 95, 158-159.
14 Hill, *Fever that Changed Australia*, 66.
16 Charles Joseph La Trobe, “The Administration of the Victorian Gold Fields, July 1852,” in *Select
Documents in Australian History, 1851-1900*, ed. C.M.H. Clark (Sydney: Angus and Robertson, 1955),
9-10.
in charge of patrolling and enforcing laws at the goldfields. One of their duties was to issue licenses to the diggers. Diggers purchased licenses for thirty shillings a month. These licenses entitled the miners not only to dig for gold on their allotted claim, but to protection against crimes that might occur on the goldfields.\(^\text{17}\) The miners, although reminded plenty of times that the fee was also for their protection, did not concur. They saw the government neither protecting them nor improving their working conditions by investing in things like roads for the movement of people and goods.\(^\text{18}\) Governor La Trobe also felt that if the government charged the license fee, many of the men who abandoned their jobs and lives in the cities would return when they could no longer afford to pay it. It was an effort to try to cut down on the number of people at the goldfields as well.\(^\text{19}\)

"In a period when direct taxes were almost unheard of, and before the goldfields had been proved, the miners were asked to pay in a year almost twice as much for tiny claims as squatters paid for the sprawling acres from which they mostly achieved fat incomes.\(^\text{20}\) The first digging licenses that were to be paid in Ballarat were scheduled for late August or early September 1851 when the gold commissioner finally arrived at the field. Diggers on the gold fields were already protesting the license because they had not made enough money to pay for them. The miners were eventually forced to pay for the licenses because they did not want to forfeit any of the grounds that they had already claimed. The men were only getting about an eight-foot area to mine at this time.\(^\text{21}\) It did not make sense to the miners that they were expected to pay for a license before they had even found the money to pay for it.\(^\text{22}\) The diggers preferred a taxable percentage versus a set, prepaid fee. They did not understand why a digger should have to pay for their own labor even if they found no gold.\(^\text{23}\)

Shortly after Victoria became its own colony, Governor La Trobe proposed to raise the license fee. With the license system starting on Victorian goldfields in September 1851, La Trobe proposed that the government should raise the license fee from thirty shillings to three pounds. He justified his suggestion by saying that the diggers were profiting way more from the low license fee than the government. He also said that the goldfields take most of the budget of the colony because of the number of government workers sent to keep everything in working

\(^{17}\) Goodman, Gold Seeking, 70.


\(^{20}\) Bate, Lucky City, 13.


\(^{23}\) Goodman, Gold Seeking, 71.
order. He also hoped that if they raised the license fee, it would discourage people more useful in other vocations from coming to the goldfields. He felt it would be better if only serious diggers were on the goldfields, not just anyone who could afford to go out and look for gold.24

Governor LaTrobe’s concern about the gold rush and the larger economy can be seen by considering the Australian wool industry. The colony of Victoria was reliant upon their wool production before the boom of a gold economy. When the gold rush began, many people in the area migrated to the goldfields to try their luck. Some of those people were shepherds who abandoned their flocks. Abandoned herds meant less wool for processing, which in turn damaged the entire economy.25 LaTrobe believed licensing fees would reduce the severity of this problem.

The license fees, however, affected anyone living or moving through the goldfields. Anyone, be they digger, traveler, or shop owner, had to produce a license if asked by a police officer, even if they never dug for gold.26 Sir Charles Hotham was appointed as the new governor of Victoria in June 1854. He did some travelling throughout the goldfields and decided that he would increase the license hunts to twice per week, instead of once a month as they had previously been. This enraged the diggers on the goldfields and increased tensions between the miners and officials.

From the very beginnings of the colony, Governor LaTrobe had a manpower shortage. Given the number of residents who had fled to the goldfields, he had trouble manning the commission and police force. Having only about fifty soldiers in the entire colony, he decided to ask his Australian neighbors and England for some help. New South Wales dispatched about thirty men to Victoria, while Van Diemen’s Land dispatched one hundred and thirty retired soldiers for a certain period of time. Other men volunteered, including ex-convicts who looked forward to being able to enforce the laws.27 The police force in Melbourne and other major cities was primarily used to make people feel protected and safe. The police force on the goldfields existed to make the miners understand that they were being regulated instead of protected. This police force was much more aggressive and both their attitudes and actions led to hostilities within the camps. Many of the police also retired in order to become diggers in hopes of hitting the

27 O’Brien, Massacre at Eureka, 54.
jackpot.\textsuperscript{28}

When the hostilities between the miners and the goldfields police were added to the political misrepresentation of the diggers, there was bound to be a conflict between the two groups.\textsuperscript{29} The Royal Commission that examined the causes of Eureka after it had happened found the manner in which the licenses were collected to be one of the three issues that propelled the unsatisfied miners into rebellion.

The license fee, or more properly the unseemly violence often necessary for its due collection – a result entirely unavoidable in this taxing for this considerable rate every individual of a great mass of labouring population; involving as it did repeated conflicts with the police, an ill-will to the authorities, from their almost continuous “hunt” to detect unlicensed persons, and the constant infraction of the law on the part of the miners, resulting sometimes from accident in losing the license document, or from absolute inability to pay for it, as well as from any attempt to evade the charge.\textsuperscript{30}

The hunting of the licenses was often more hated than the fees themselves. H.R. Nicholls, a participant in the Eureka Stockade, claimed that the men gathered together in order to get the licenses eliminated because they were “ready to do almost anything to get rid of the degradation of being hunted.”\textsuperscript{31} The leaders of the Ballarat Reform League claimed that the corruption and incompetent leaders of the goldfields government motivated them to stand up for the rights that they were not given.\textsuperscript{32}

The accusation of abusive behaviors by the police and government officials echoes all the stronger when we consider that some of the policemen were ex-convicts who enjoyed the sport of hunting the diggers who were without licenses. They punished the unlicensed miners in various ways. First, the offender was arrested and taken to the goldfields camp for their punishment of being tied to a log or tree, or thrown into jail. They also had to pay a fine of five pounds to the government for being on the goldfields without licenses. Fifty shillings of the fee went straight to the officer who arrested the offender, which of course made these

\textsuperscript{28} Goodman, \textit{Gold Seeking}, 75-77.

\textsuperscript{29} Withers, \textit{History of Ballarat}, 73.


corrupt officers want to do more license hunts.\textsuperscript{33} For subsequent violations, the offender was put in prison for up to six months.\textsuperscript{34} Given the amount of time the police force was spending checking for the licenses, the diggers still had to punish criminals amongst themselves. The men charged with protecting the miners from criminals were too busy treating the miners like criminals to actually protect them.\textsuperscript{35}

Lord Cecil, a visitor to the goldfields of Victoria, noted that the police were very tricky with the miners if they were in a hole and did not have a license. They would tell the diggers that it was no problem that they did not have a license, and that they would be issued one right away once they came out of the hole. After the digger came out of the hole, the police would then arrest them.\textsuperscript{36} William Howitt acknowledged the difference between the police of the goldfields and the miners of Victoria:

The men employed as police to hunt after licenses were too often excessively ignorant and vulgar persons, who, never having before enjoyed the slightest shadow of power, not even over a cur or a donkey, exercised this now given, over men far their superiors, often men of birth and education, with a coarse brutality which was intolerable to generous minds.\textsuperscript{37}

In a report to \textit{The Argus} in April of 1855, Peter Lalor, the leader of the miners in the Stockade, gave some examples of the annoyance of the license hunts. He said that since the type of mining they did required going deep into the ground, water often sprung into their holes; therefore, the miners would have to change clothes multiple times a day, depending on where and how deep they were in a claim. Sometimes they would forget to take their license out of their other clothes when they changed. If the police did a license check, the miners were out of luck. They were required to be able to easily produce the license if they were checked by the authorities. He noted that it was extremely frustrating when this happened when the diggers were not even successful.\textsuperscript{38} Most of the time they barely were able to afford buying a license, much less paying the five pound fine for being found without one.

The goldfields government under Commissioner Doveton had been instructed by the Colonial Secretary not to charge the miners for the month of Sep-

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\item \textsuperscript{33} C.H. Currey, \textit{The Irish at Eureka} (Sydney: Angus and Robertson, 1954), 26-27.
\item \textsuperscript{34} Knott, “Imperial Settlement,” in \textit{The Australian People}, 37.
\item \textsuperscript{35} Hill, \textit{Fever that Changed Australia}, 162.
\item \textsuperscript{36} Hill, \textit{Fever that Changed Australia}, 54-55.
\item \textsuperscript{37} Howitt, \textit{Land, Labour, and Gold}, 394.
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tember 1851. Upon Doveton's arrival at the goldfields, he saw how prosperous the diggers were already becoming. He concluded that they could easily afford to re-munerate the license fee for the month, so he decided to disregard the Secretary's order and impose the license anyway on September 21, 1851. He also decided to reduce the size of the claims to an eight-foot area rather than a twelve foot area like most other places. The miners congregated together and had a small, peaceful protest. They joined one another saying they would not pay the fine. When one of the leaders of the protest went into the commissioner tent to try to talk the commissioners, he exited the tent with a license and a larger claim. The crowd was enraged at the sight of him and began beating him up. Fortunately for the man, there were enough policemen there to calm the crowd. The rest of the miners had to buy a license for fear they would lose their holes.39

The police license hunts caused great strife among the miners and population of the goldfields in general. Raffaello Carboni, an Italian miner who wrote one of the most comprehensive first-hand accounts of the Eureka Stockade, told the story of a disabled servant to Father Smyth, the priest of the goldfields. The servant was in a tent attending to a sick man when a policeman busted in, demanding their licenses. The servant told the police who he was, and that he was not a digger. The police would not hear any of it and decided to arrest him. The man tried to tell the officer that he was not able to walk across the gold fields because of his disability. The policeman responded by beating him. He was saved by Father Smyth. When he appeared at court the next day, the officer told the court that he was not bringing charges against the servant because he did not have a license, but because the servant attacked him. The servant was fined five pounds and released.40 Commissioner Robert Rede even admitted that “A man who took out his licence was more annoyed than a man who did not. The man who did not bolted out of the way, and the man who did take it out might be called for it ten or twelve times in the same day.”41

The miners had no voice in the political process in Victoria. The Imperial Act of 1850: An Act for the Better Government of Australian Colonies called for the separation of Victoria from New South Wales. This same edict set the parameters for enfranchisement in the new colony. According to the provisions, the qualifications to become a voter were to be a male twenty-one years of age or older, a “natural-born or naturalized Subject of” the Queen of England, and be a “householder… occupying a dwelling house.”42 Unfortunately for the diggers, when the colony of Victoria was created, the British government did not expect a gold rush to bring such a great number of immigrants to the area. With almost all of

39 Bate, Lucky City, 13.
41 Currey, Irish at Eureka, 27.
the miners living in tents, this automatically disqualified the diggers from voting because they did not have a permanent, stable residence in which they lived.\textsuperscript{43}

Before the colony of Victoria was separated from New South Wales and before the gold rush began, “squatting” was prevalent. Men went out into the open lands and claimed vast amounts of property for themselves because the government would only sell lands that were close to major cities.\textsuperscript{44} In the Waste Lands Act of 1846, squatters were allowed to live in the claimed areas for up to fourteen years, depending on their proximity to urbanized areas.\textsuperscript{45} At any point during this period, they could purchase the land. The government reserved the right to take the lands back if people were there illegally or not paying their fees, but the government rarely carried this out.\textsuperscript{46} In the democratic movements of the 1850s, the diggers sought both the right to vote and access to ownership of a piece of the land occupied by the squatters. The diggers smarted under claims by the squatters that they were only ‘wandering vagabonds’, with no genuine claims to the land.\textsuperscript{47} A Royal Commission charged with investigating the causes of the Eureka rebellion concluded that the land problem contributed to the crisis. The Commission declared:

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The inadequacy of the supplies of land as compared with the wants of the population – the want of sufficiently frequent opportunities, and upon reasonable terms, for the acquisition of a piece of land – the difficulty amounting with thousands to an impossibility of investing their small capital or their earnings of gold upon a section of ground; from want of which facilities many thousands, it is to be feared, have left and are still leaving this colony to enrich other countries with their industry and capital.\textsuperscript{48}
\end{quote}

In a world made tense by lack of representation and conflicting claims to land, the murder of one of the miner’s own only exacerbated the situation. One of the major events that sparked the Eureka Stockade was the murder of James Scobie.\textsuperscript{49} This conflict between a miner and a hotel owner sparked the official beginning of the imminent struggle. According to Carboni, James Scobie and

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\item \textsuperscript{43} Currey, \textit{Irish at Eureka}, 14.
\item \textsuperscript{44} Serle, \textit{The Golden Age}, 130.
\item \textsuperscript{46} Serle, \textit{The Golden Age}, 130-131.
\item \textsuperscript{47} Goodman, “Making an Edgier History,” \textit{Gold: Forgotten Histories}, 32.
\item \textsuperscript{48} “Report of the Commission appointed to Inquire into the Condition of the Gold Fields of Victoria,” in \textit{Select Documents in Australian History}, 53.
\item \textsuperscript{49} Hill, \textit{The Fever that Changed Australia}, 171.
\end{itemize}
his friend Peter Martin, whom he had not seen in a while, had been out drinking and celebrating one night. After getting fairly drunk, Scobie and his friend then decided to have their last drinks to close out the night at the Eureka Hotel, which also had a bar.\textsuperscript{50} This bar was known for some shady dealings. It had a reputation for rowdiness and rough treatment of the drunk by the management of the hotel. Diggers, police, and magistrates frequently visited.\textsuperscript{51} Even more, it was a gambling house.\textsuperscript{52} When the two men were not allowed into the bar, Scobie became enraged. He kicked the door of the bar and began yelling obscenities at the men for not letting him in. His friend then convinced him to just let it be. As the two men were leaving, the owner of the hotel, James Bentley, his wife, and three other men came running after them. Peter evaded death that night, but James Scobie died.\textsuperscript{53}

Bentley, his wife, and one other employee of the Eureka Hotel were prime suspects. They were all ex-convicts that came to the mainland of Australia from Van Diemen’s Land after serving their sentences. The suspects were brought to trial for the murder of James Scobie, but the magistrates, one of whom was Mr. Dewes, ruled they did not have enough evidence to convict them.\textsuperscript{54} Scobie’s friends tried to get Dewes removed from the panel because of his relationship to Bentley, but their plea fell on deaf ears.\textsuperscript{55} Mr. Dewes had special interest in Bentley’s Hotel, causing him to be biased in the case. Dewes met Bentley not too long after Bentley was released from Van Diemen’s Land and became his acquaintance. Dewes was said to have held shares in the hotel\textsuperscript{56} and found out later to have been indebted to James Bentley.\textsuperscript{57} Peter was not the only witness of the event. Two women and one child also witnessed the murder. They all testified that Mr. and Mrs. Bentley were the killers. It seemed also that Bentley had gotten some people to confirm that he was in his bedroom all night as well.\textsuperscript{58} The suspects were acquitted and released from custody.\textsuperscript{59}

Bentley’s acquittal enraged the miners. A meeting of about four thousand miners occurred on October 11, 1854 in order to initiate a petition calling for a fair trial.\textsuperscript{60} Peter Lalor, later a leader of the Eureka rebellion, was among the officials.

\textsuperscript{50} Carboni, \textit{The Eureka Stockade}, 20.
\textsuperscript{51} Bate, \textit{Lucky City}, 58.
\textsuperscript{53} Currey, \textit{Irish at Eureka}, 31-32.
\textsuperscript{55} Monaghan, \textit{Australians and the Gold Rush}, 243.
\textsuperscript{56} Bate, \textit{Lucky City}, 58.
\textsuperscript{57} Tennant, \textit{Australia: Her Story}, 147.
\textsuperscript{59} Currey, \textit{Irish at Eureka}, 34.
\textsuperscript{60} Hill, \textit{Fever that Changed Australia}, 172.
chosen to represent the miners’ case. The men at the meeting stated: “Not feeling satisfied with the manner in which the proceedings connected with the death of the late James Scobie have been conducted, either by the magistrates or by the coroner, pledges itself to use every lawful means to have the case brought before other and more competent authorities.”61 They also collected donations intending to fund the reopening of the case against Bentley. Being a peaceful meeting, they were frustrated when the Gold Fields Commission placed policemen around the site. When the Gold Fields Commissioner Robert Rede started to recite the Riot Act, the crowd grew angry.62 In an effort to cool the crowd, James Bentley felt it necessary to present himself to the mob on horseback, declaring that he was leaving. He hoped the people would not take their anger out on his hotel. To his dismay, he returned to the hotel and found it burned to the ground.63

The burning of the Eureka Hotel was an example of the miners taking justice into their own hands. On the goldfields, crimes that occurred between the miners were handled by the miners themselves. Miners who were caught committing a crime against another miner would be subject to the punishments determined by the mob.64 Standard or common punishments included expulsion from the goldfields into the unknown, shootings, or lashings.65 In The Gold-Finder of Australia by J. Sherer, an example of digger justice is described. As he points out, goldfield justice was extra-legal and represented a failure on the part of the goldfield’s government. Often, a single miner stepped forward and served as both administrator and judge. On one occasion, a miner named Raikes served in this role. He said to a jury of his peers:

Gentlemen, here are we, a community of diggers, with no law but the law of might or such a code as has voluntarily taken root amongst us, which, it must be confessed, is not likely to be marked by any very high regard for justice, seeing that it has not had the benefit of big wigs to review it, or legislators to consider it. This being the case, gentlemen, we must remember that we are upon our own resources; and whatever we do, there is a moral responsibility which, in our singular situation, ought to be considered as far more sacred than any legal one, for it is by the exercise of that moral power rather than any other by which we are all governed here, and which, therefore, ought to be allowed to have fair play.66

62 Tennant, Australia: Her Story, 147.
63 Currey, Irish at Eureka, 35-36.
64 Monaghan, Australians and the Gold Rush, 214.
65 Hill, The Fever that Changed Australia, 135.
Miner coalitions were formed in order to provide the diggers with some sort of self-justice and protection on the goldfields. At Ballarat, as elsewhere [in the newly established colony of Victoria], there was no system set up to administer the new laws, and meetings of diggers became the lawmakers. Even Mrs. Ellen Clacy, an observer of the conditions on the goldfields, acknowledged that there seemed to be no plan to get police protection out to some parts of the diggings, thus the need for extra-legal self-help.

In response to the petitions and burning of Bentley's Hotel, Governor Charles Hotham decided to look into the Scobie murder and also take precautions that he felt necessary to protect the goldfields. He sent two new magistrates to Ballarat to investigate the government corruption. Further, he also issued a warrant for the arrest of those involved in the Scobie murder, so they could be given another trial. He also determined to strengthen the number of policemen on the Ballarat gold field. He also felt it necessary to arrest Andrew McIntyre, Thomas Fletcher, and Henry Westerby for the burning of the Eureka Hotel. He later arrested seven more miners. The miners saw this as irrational on the part of the government because it was, in fact, an entire mob that had burned the Eureka Hotel to the ground.

The Ballarat Reform League was created in early November 1854 to address the miner’s political demands. The miners were upset that they could not vote, but they were also upset at their lack of representation in Parliament. The Ballarat Reform League’s guiding principles were: no taxation without representation, male suffrage, the ability for people who do not own a certain amount of land to be in the Legislative Council, the right to payment for services to the Legislative Council, and shorter terms in the council. They also advocated for reform in the governance of the goldfields and the elimination of licenses. At first, this league was seen as a political movement to get the miner’s rights heard. During the November 11 meeting, the League aimed to get political rights. If they did not, significant actions would need to be taken. The miners felt that the ideas of the common people were supposed to be taken into account when ruled by an elite few. If they were not fit to rule the constituency, there needed to be a change in government.

Shortly after the forming of the Ballarat Reform League, Hotham sent even more police out to the goldfields after being advised that there may soon be

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70 Franklin, “Governors, Miners and Institutions,” in *California History*, 55.
71 Hill, *Fever that Changed Australia*, 173.
73 Withers, *The History of Ballarat*, 72.
75 Currey, *Irish at Eureka*, 41.
a collision between the goldfields police and the enraged diggers. James Basson Humffray, along with two other men named Kennedy and Black, went to talk to Governor Hotham in order to try to get the three prisoners who were charged with the burning of the Eureka Hotel released. When Humffray, Black, and Kennedy stated that the diggers “demanded” the prisoners to be discharged and pardoned, Governor Hotham changed his tone and became furious by their use of such a word.76 These men should have known better than to demand something of a government in which they have no say. Governor Hotham later said of the conversation that [it] “commenced by Mr. Black declaring that he was empowered by the Diggers to demand the release of the Prisoners – and although the delegates endeavoured to explain away, and soften down the word, the fact remained that they were acting under instructions, and made use of the word, because they were enjoined to do so.”

Two of the leaders of the Ballarat Reform League, who played prominent roles in the Eureka Stockade, were very different spirits. John Basson Humffray was a Welsh man with Chartist values. Humffray was much more inclined to the moral and political side of the rebellion.79 Right before the Eureka Stockade occurred, John Humffray was one of the leaders who tried to go in to the stockade and dissuade the diggers from revolting. Some of the miners heeded Humffray’s advice and left the encampment.80 Chartists like Humffray believed in the political process, yet they were not able to get the job done quickly, as many of the diggers were ready to do. Peter Lalor, a man of action, would become the enraged miner’s leader. Lalor was an Irishman whose father was a fellow of the Parliament in England. Lalor was a man of action. He believed in the power of protest. Many diggers were ready to follow Lalor, so he became the major leader in the Eureka Stockade battle. The diggers made Lalor their leader, while giving Vern the authority to be his lieutenant. Vern was a German man who could really rile up a crowd but would prove to be a coward.81

The Reform League met again on November 29. At this meeting, many of the diggers resolved to burn their licenses and promised that if the police officers conducted license checks and tried to drag the unlicensed miners away, that they would march up to the jails and break the offenders out. According to Raffaelo

76 Serle, The Golden Age, 164-165.
78 Goodman, Gold Seeking, 120-123.
79 Hill, Fever that Changed Australia, 174-175.
80 Dorothy Wickham, “Great are the Inconveniences’: The Irish and the Founding of the Catholic Church on the Ballarat Goldfields,” in A World Turned Upside Down: Cultural Change on Australia’s Goldfields, 1851-2001, ed. Kerry Cardell and Cliff Cumming, (Canberra: Humanities Research Centre at the Australian National University, 2001), 20.
81 Tennant, Australia: Her Story, 149-151.
Carboni, it was a wondrous and exciting meeting. They also hoisted the flag of the Southern Cross as a symbol of allegiance to the ideals that the miners stood for. Although the men united under this flag were from different nations and practiced different religions, they united under the same causes, what they saw as their human rights. The next day, they erected a stockade to protect themselves if fired upon and tried to find any weapons that they could use. They also took an oath of loyalty to the flag and swore to protect one another. Robert Rede responded by calling for a license hunt on November 30, 1854. About eight men were arrested that day.

On December 1, the diggers who participated in the meetings made their way to the Eureka Stockade. A representative force from California also joined their ranks, making the total number of men at the stockade about one thousand. More police officers also started to make their way from Melbourne to Ballarat. The diggers met once again in the stockade on December 2. They continued collecting weapons and ammunition. Peter Lalor put Mr. Magill in charge of weapons training. The stockade was not meant for overnight stays, but about one hundred and twenty men stayed in there that night. A few men were put on lookout duty. Early the next morning, the government soldiers made their way around the stockade. Hiding behind some bushes, the soldiers waited. A few quick shots were fired, and then the soldiers stormed the stockade. The raid on the stockade ended with more than thirty miners dead and many more wounded. Only five government troopers died in the skirmish.

Kylie Tennant said this of the aftermath of the massacre: “The soldiers were said to have fought chivalrously, but the police were later censured by a coroner’s jury for their brutal conduct. They killed at least two men who had already surrendered… The police increased the panic by setting fire to the tents, and the captives had the added bitterness of seeing their poor possessions burning before their eyes.”

Charles Evans captured the horror:

I guessed at once that the military had made an attack on the Eureka Stockade but I did not guess that Englishmen in Authority had made such a savage and cowardly use of their power as unhappily proved to be the case… I entered it and a ghastly scene lay before me which it is vain to attempt to describe -my

82 Carboni, The Eureka Stockade, 40-42.
83 See Appendix A.
85 Tennant, Australia: Her Story, 149-150.
87 Lalor, “To Colonists of Victoria,” Argus, April 10, 1855.
88 O’Brien, Massacre at Eureka, 88-90.
90 Tennant, Australia: Her Story, 151.
blood crept as I looked upon it. Stretched on the ground in all the horrors of a bloody death lay 18 or 20 lifeless and mutilated bodies. Some shot in the face, others literally riddled with wounds -one with a ghastly wound in the temples and one side of his body absolutely roasted by the flames of his tent- another-the most horrible of these appalling spectacles with a frightful gaping wound in his head through which the brains protruded, lay with his chest feebly heaving in the last agony of death. One body pierced with 16 or 17 wounds I recognized as that of a poor German whom I have often joked with.91

Thirteen men were taken to Melbourne and tried for treason. Eventually, all thirteen of these men were acquitted.92

The political rights that the miners fought for would eventually become a reality. They would gain voting privileges, lose the hated licenses, and gain a new goldfields government. The diggers may not have been the physical winners, but they are most definitely the victors politically.93 The license fees were eliminated and a “Miner’s Right” was established, which was only about twenty shillings94 per year. Gold would only be taxed as it left the colony.95 Lalor “reappeared in 1855 as first member of the Legislative Council for Ballarat and went on to become Speaker for the Victorian Legislative Assembly.”96 Seven diggers were placed on the Legislative Council along with Lalor, and miner’s courts were established to conduct fair trials involving crimes between miners.97

The Eureka Stockade was an important event in the history of Australia, particularly the goldfields. The police’s mistreatment of the miners, the forced political silence of the miners, and the abuses of the license fee system and those who enforced it triggered this horrific event in Australian history. The rights that the diggers gained in the wake of this tragedy were nothing less than revolutionary.

94 Twenty shillings equaled one pound.
97 Bate, *Lucky City*, 73.
Appendix A

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