



DEFENDERS OF THE QUEEN IMPERIAL AND COLONIAL DEFENCE 1850 -1901

KEYNOTE - DR CRAIG WILCOX

ONE-DAY CONFERENCE SUNDAY 5 NOVEMBER 2023
WAVERLEY RSL

161 COLEMAN PARADE, GLEN WAVERLEY, MELBOURNE.



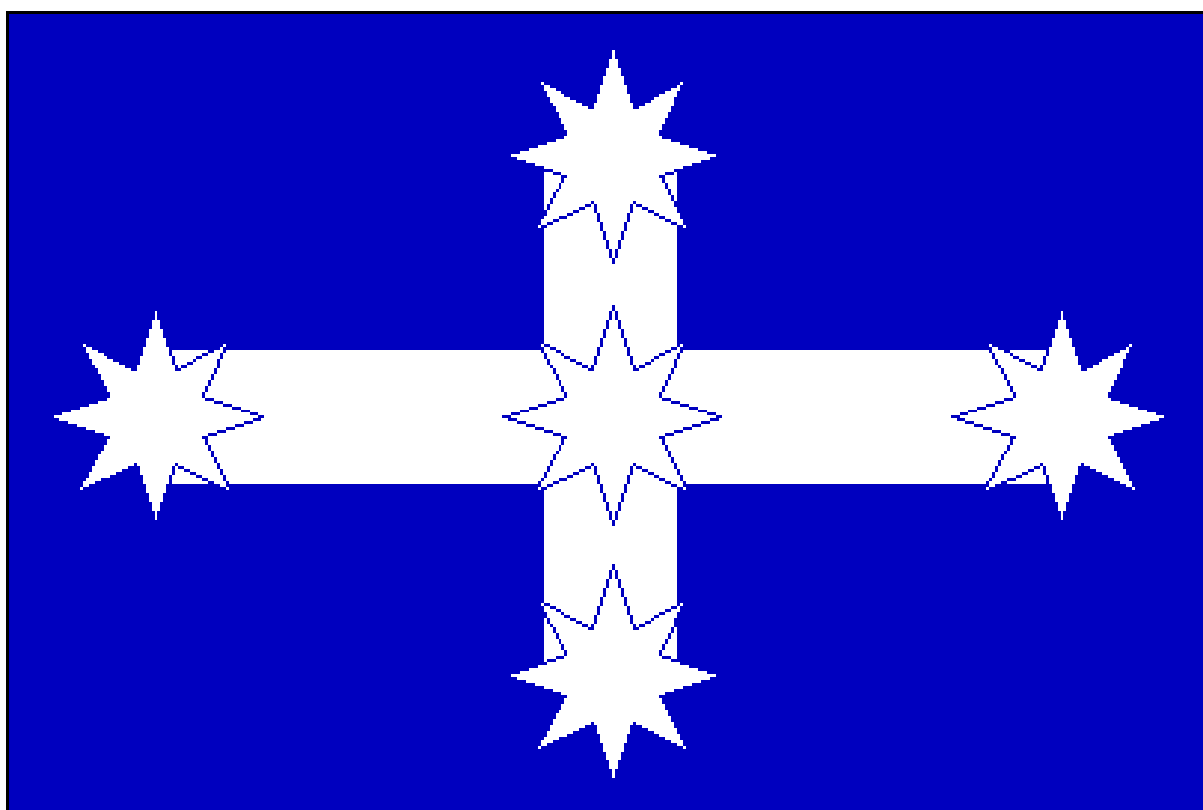
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BOOKS

NAA
NATIONAL ARCHIVES OF AUSTRALIA



THE EUREKA STOCKADE

On the morning of 3rd December 1854 276 soldiers and police attacked a rough defensive palisade that had been constructed by dissident gold miners on the Eureka diggings on the Ballarat goldfields. For twenty minutes a brutal battle took place resulting in the deaths of at least 42 miners and six soldiers.



The Eureka Stockade as the event became known was a unique moment in Australian history. Armed civilians, organised for war fought against the armed forces of the government of the day. This was the only time in our history where this has happened and indeed the only time in modern British history in which such a thing occurred. It is a unique event and well worth remembering and more importantly understanding.

The Ballarat goldfields in 1854 were a sprawling chaotic jumble of mine shafts, pits, thousands of tents of all shapes and sizes, huts and the occasional substantial building. Some 15,000 gold seekers had flocked there seeking their fortune. The miners themselves were an interesting lot. They were universally men and most were British or Irish there was a significant number from other nations, especially Europeans, Chinese and a notable sprinkling of Americans. The Chinese were marginalised and excluded from the mainstream of the Diggers, as they called themselves. These Diggers represented a specific type of individual, independently minded, aspirational and

determined to defend their individual sovereignty. They proved to be a handful for the colonial authorities in Victoria whose attitudes were very much of the old school in which the lower social classes were expected to show deference and obedience to their social superiors.

Matters on the Goldfields became progressively more tense. The Government desperate to raise funds to help cope with the vast influx of gold hunters introduced a Miners Licence in effect a tax. This tax was bitterly resented by the miners especially as its enforcement and collection was corrupt and arbitrary in nature. Even though popular legend has it that the miners tax was the sole cause of what was to come this was not so. More grievous events would conspire to create the environment in which the Eureka Stockade would occur. On 6 October 1854 James Scobie was murdered outside the Eureka Hotel. The owner of the hotel who the Diggers were convinced had orchestrated Scobie's murder were incensed when he was exonerated by an inquest whose proceedings were questionable at best. To show their displeasure and contempt for the corrupt legal authorities they gathered in a great crowd on 12 October and burned down the Eureka Hotel forcing the owner and his wife to flee for their lives. The government arrested and imprisoned several Diggers including some who had nothing to do with the burning of the Hotel.

The Diggers were now angry and stirred up. They gathered in great meetings and various political views were expressed. On 11 November a giant meeting of 10,000 Diggers accepted the Ballarat Charter proposed by the Ballarat Reform League, a political group inspired by the Chartist movement in Britain. This Charter set off alarm bells amongst the Victorian colonial government. Amongst provisions of the Charter were a vote for all men, full and fair representation of all classes in parliament. Most alarming, however, were the statements that the people were the ultimate source of sovereignty not the monarch and that the people could choose what form of government that they wished – not the monarch. Such dangerous ideas could not be allowed to foster.

In response the government despatched reinforcements to its military garrison in Ballarat. On 28 November these arrived. One company of the 40th regiment marched into the Diggings with bayonets fixed, cartridge boxes unclipped and their officer Captain Wise marching with drawn sword. Such a show of threatening military force provoked the Diggers into a rage. That night when a second company from the 12th Regiment arrived it was attacked soldiers beaten, a drummer boy shot in the leg, and the force having to be rescued by mounted police.

With tempers at fraying point the gold field authorities in an action of myopic stupidity decided on a Digger Hunt on 30 November. Digger Hunts were when Diggers were forced to present their licences or else be arrested and treated brutally. To make the matter worse the authorities decided that not just the police but the army would conduct the hunt. A company of infantry accompanied by mounted police moved out to the Gravel Pits a significant diggings. The soldiers fixed bayonets and moved through the tents routing out Diggers and forcing them at bayonet point to show their licences. The Diggers fought back and a serious riot developed. At some stage during this the soldiers fired into the air. The moment this happened the word raced through all the diggings that the soldiers had fired on the Diggers. For many Diggers this was the moment they had been dreading when the government which they despised would turn its military on the people. Such tyranny could not be accepted.

Some 500 Diggers all armed gathered near Bakery Hill a prominent site on the diggings. They stood beneath a Southern Cross flag which had been designed and made for them. There they swore an oath to stand up for their rights and liberties. The spark that would lead to the battle for the stockade had been ignited.

What followed in the next few days was the organisation of a Diggers army. Some 1500 men mustered and organised themselves into armed companies. They elected officers and established a chain of command. A rough but solid palisade stockade was constructed on the Eureka

Diggings. Such could not be tolerated by the government who feared that it may be the precursor to a revolution that may overthrow the established order. They decided that force must be used to snub out the threat.

Spies informed the authorities of the state of the Digger army, which being what it was fluctuated in strength. On Saturday 2 December it was found that the number of Diggers inside the stockade was only about 120. Many of the better armed Diggers had left to take up a post at Warrenheip some five miles distant where they hoped to ambush a large military force marching up from Melbourne. The Diggers current weakness must be exploited and it was decided to move against the stockade which was the diggers main base.

At about 2am on 3 December 276 soldiers and police mustered in the army camp. In Command was Captain John Thomas, an experienced officer with a career that had taken him to Afghanistan and India where he was wounded in battle. Thomas spoke to his men telling them where they were going and that they were not to fire before an order to do so. He also instructed them to take prisoner any digger who attempted to resist, in short not to kill them. With him he took a magistrate perhaps to read the riot act to the diggers.

Formed up the force began to march led on its way across the labyrinthine tangle of the diggings by a gold commissioner who knew the pathway intimately.

They came up behind high ground known as Stockyard Hill close to the northern face of the stockade and halted. There the mounted cavalry was sent out to the right and left where along with mounted infantry they were moved onto to high ground to a site known as the Free Trade Hotel which overlooked the stockade.

About 4.30am dawn was beginning to show a glimmer in the sky. The infantry formed up. Thomas planned to move his troops around to the right of Stockyard Hill and approach the stockade from the northwest corner which he was aware did not have a palisade. This approach would also come at the stockade along a creeks bed from lower ground, an important consideration if any shooting did occur because the diggers being untrained would invariably fire high and therefore be unlikely to hit his men. A line of skirmishers was deployed with the bulk of the troops remaining in close ranks behind them. Thomas gave the order and the force began to advance.

The skirmish line led the way.

Inside the stockade the Diggers were alert. Sentries had brought word to them that the army was on the move. Two American diggers Robert Burnette and Bill Melody had run to the palisade on the north west corner of the stockade when the word had gone out the army was coming. Burnette had his rifle with him. Both squatted down staring out into the darkness trying to spot any movement. The sky was gradually lightening and as it did Burnette saw shapes moving towards him some 150 yards distant. He recognised them as soldiers. Taking aim, he fired.

Private Michael Roney of the 40th Regiment was in the skirmish line. With his comrades he had been making his way forward when suddenly a shot rang out. An instant later Roney fell dead a bullet through his head. Whether or not this was Burnette's bullet can only be guessed at, but it is most likely that it was as no one else was shooting at the time and Burnette's location and description of events, backed up by others who saw him fire indicate it may well have been him who fired the first deadly shot and initiated all that followed.

Captain Thomas reacted automatically. One of his men had been killed by a shot from the stockade. Nothing could be seen of the stockade other than a dark silhouette. He was now left with no option and he ordered his soldiers to open fire. With that several score muskets erupted sending their balls in the direction of the stockade. Several diggers who had their heads above the palisade were hit and fell.

With that the diggers unleashed a torrent of fire at the soldiers. The Californians ensconced in rifle pits took careful aim and shot at the soldiers. One of their number, referred to only as the American Captain, directed their fire. This fire was effective. Private Juniper was hit in the leg the bullet smashing his femur and causing a compound fracture. So intense was the fire that the skirmish line began to waver. Men started to back up, to retreat. As this happened one of the Sergeants bellowed at them and Captain Wise of the 40th shouted at them '40th are you going to retreat'. This steadied the men and they rallied on a bugle boy who had stood his ground.

The shooting continued and it soon became apparent that the north west corner of the stockade was proving to be a much tougher nut to crack than anticipated. The Infantry shifted its axis and slid across to its right facing the palisade.

In this area the German Thonen had his company. He leaped up onto the palisade shouting encouragement in German to his men. Mostly English and Irish one wonders what they thought of this. They shot back at the soldiers but not with the precision the Californians had. Thonen was hit in the mouth and fell dead.

Now aware of the potential for the diggers to inflict real harm the infantry advanced cautiously. They fired steadily but with the diggers safe behind their stockade many of their shots did not strike home. Unhappy with the progress of his assault Thomas dismounted and went forward sword in hand to spur his men on. Encouraged they pushed forward coming up to within a few paces of the stockade. Bullets and shot were flying thickly. It was then that the order to fix bayonets rang out. The order was significant because what it meant was that a serious assault was about to occur. British army culture at that time considered the bayonet to be the decisive weapon which when employed without quarter could achieve victory. Such was about to be inflicted upon the Eureka Stockade.

The order went out and the soldiers rushed forward. They stumbled and clambered over the palisade. As they did men went down shot by the diggers. Lieutenant Paul fell a bullet in his thigh. Captain Wise coming up to the palisade went down shot through both legs, a wound from which he would later die. Angered by the loss of their officers the soldiers went to work with the bayonet striking at any digger they encountered. Many of these were wounded but in the heat of the moment and with the fury of the bayonet attack burning fiercely within the soldiers wounded or not the diggers were killed.

At this moment an extraordinary event occurred. Some of the Californians charged at the soldiers Colt revolvers firing. One can assume that Bowie knives which were standard accoutrement for Californians were also employed. There is no record of how this act of bravado ended other than to presume that those brave fellows met their end. When the lists of diggers killed at Eureka were compiled no Americans were recorded. There were, however, twenty-one unidentified digger bodies buried and perhaps amongst these were some of the defiant Californians.

The soldiers swept through the stockade bayonetting anyone they came across. Such behaviour was not exceptional at the time with numerous examples of the British army employing the bayonet without restraint during the first half of the nineteenth century. The fact that the diggers had put up a determined resistance, killing and wounding soldiers, made it inevitable that when the time came for the soldiers to settle the score they would not curb their enthusiasm to do so.

At this time Henry Ross a Canadian, Captain of a company and respected leader of the diggers was shot in the groin while standing beneath the Southern Cross flag. He would later die of this wound. An American named Charles Ferguson was with him when this happened.

Peter Lalor had stood exposed on top of a pile of slabs. As the leader of the diggers he could not do otherwise. He issued no orders and was not in any way in control of events, but he made a brave show and no doubt encouraged the diggers. He stood there holding his double-barrelled

pistol when he was hit in the upper shoulder by a musket ball and several smaller bullets. This may have been from a buck and ball load fired from a musket. He went down. An American digger wrapped a scarf around his wound and with no time or opportunity to extract him helped to conceal him in a pit beneath a pile of slabs.

The fight swept on over and out into the interior of the stockade. As this happened Patrick Curtain brought his pike armed company into play. Curtain's company was armed with pikes. These were about 2m long and sported a metal spike and hook. The hook was designed to pull a man from horseback and the spike to finish him off. The pike while an archaic weapon was the best alternative for dealing with a mounted foe for an army that lacked bayonets. In close combat it also outreached the musket and bayonet. Curtains pikemen advanced in silence, not a word spoken. They pushed into the soldiers as they came forward. One soldier fell a pike wound in his stomach. Courageous as it was Curtain's effort was a forlorn hope. The soldiers stood back and shot them down. With no way to resist the bullets the pikemen quickly fell apart, those who survived scrambling away as well as they could.

The mounted police now entered the fray riding through the stockade and capturing or killing diggers. One a young Pikeman named Montague Miller had a sabre go through his hand as he threw it up to protect himself.

Within ten minutes or so the stockade was secure. Prisoners were rounded up at bayonet point. The Eureka flag was pulled down. Officers scurried about restraining their men from committing excesses. One such incident was when the soldiers came across the African-American John Joseph. Joseph had been captured outside the main tent shotgun in hand. The soldiers were convinced he had fired the shot that had downed Captain Wise and they were going to shoot him. An officer appeared and stopped that happening after which Joseph was thrown roughly into a compound with other prisoners.

In all the Battle lasted about twenty minutes. For the first ten minutes or so the diggers held their own, in the words of one of them Michael Touhey they 'gave them as good as we got'. In the second ten minutes it was very much a case of the soldiers hunting down the diggers and either killing or capturing them with the brief exception of the time spent to deal with Patrick Curtain's pikemen.

With the battle over the soldiers were mustered and formed into ranks. They were marched off back to camp dragging the southern cross flag in the dust behind them.

Immediately following the battle, the press and public began a campaign of presenting the events at the Eureka stockade as a wanton massacre by the soldiers of innocent diggers. This is the story that has entered the popular imagination and remained firmly entrenched there ever since. The government of the day preferred to describe it as a riot, fearing that acknowledging it as the battle that it was would add credibility to the cause of the insurgent diggers.

The importance of the battle for the Eureka Stockade was not so much in the event itself but the aftermath. The government was paranoid about allowing what they considered to be the demon of democracy to be unleashed on the colony. They arrested thirteen diggers who were at or associated with the armed uprising and placed them on trial charged with high treason. The court case did not go well for the government. Skilled and astute barristers working pro-bono had all the defendants acquitted even after the government abandoned the first trial and tried a second time to convict the thirteen diggers.

By this time the public were well and truly on the side of the diggers and mass public meetings spoke about the injustice they had suffered and the justice of their cause. The government, knowing full well what its draconian tactics had resulted in at Eureka was left with a dilemma, surrender to the demands of the public for a more open and democratic society or risk a repeat of

what had occurred at Eureka, but this time on a massively larger scale. Thankfully it conceded and mining laws such as the licence fee were abolished and most importantly in 1857 one man one vote was introduced into Victoria and a democratic lower house of parliament established. Whilst the Eureka Stockade was not the birth of democracy in Australia, such notions had been around for some time, it was democracies midwife assisting to hasten the advent of democracy in Australia by decades.

The 42 diggers who died that Sunday morning in December 1854 gave their lives for a cause they passionately believed in. Their sacrifice had an impact on their society and future generations to come. We should never forget the nature and character of the struggle in which they achieved that.

Further Reading

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1855 Victoria, State Trials, Queens v. Joseph, Victoria Supreme Court Archives

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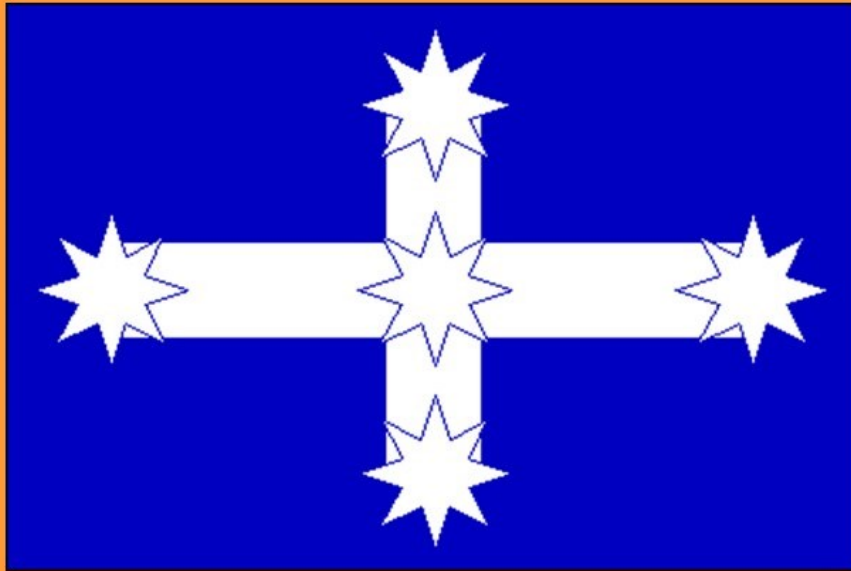
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THE EUREKA STOCKADE

3 DECEMBER 1854



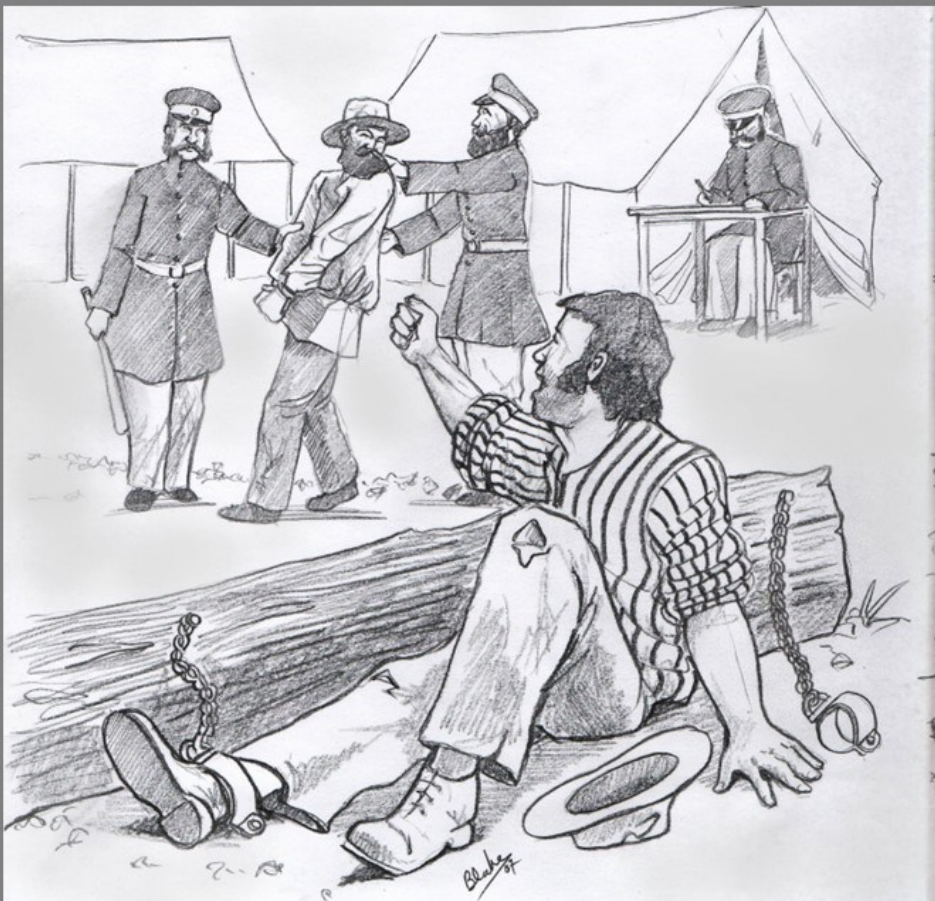
THE RUSH TO THE GOLD FIELDS



THE MINER'S LICENCE – 1854
£2 for three months
Compulsory to have on your person when digging for gold



CHECKING A MINER'S LICENCE



CHAINED TO LOGS!

Diggers deeply resented being chained to logs out in the open.

They felt humiliated and were very angry at being treated in such a manner



6 OCTOBER 1854

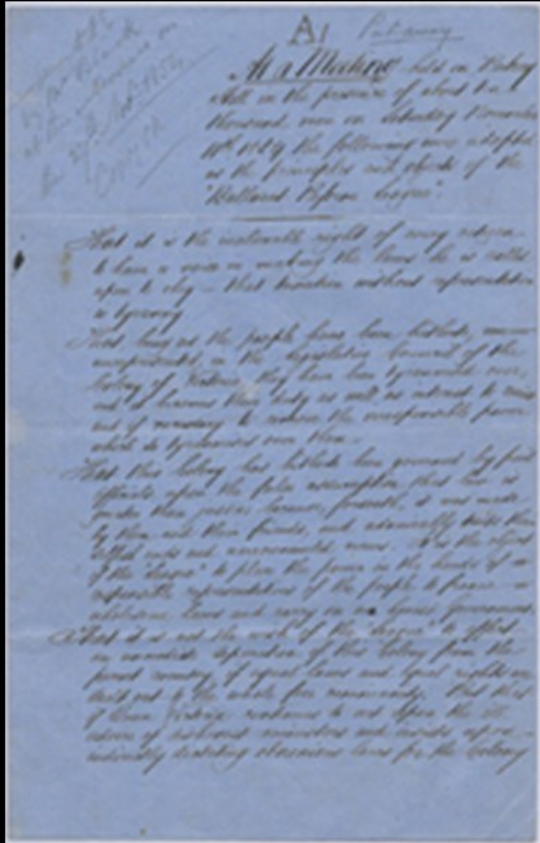
**JAMES SCOBIE IS MURDERED NEAR BENTLEY'S
"EUREKA" HOTEL**

**Bentley or his men are strongly suspected by the
Diggers of murdering Scobie.**



17 OCTOBER 1854

**THE BURNING OF BENTLEY'S HOTEL OCTOBER 1854
INFURIATED BY THE FAILURE OF THE JUDICIAL INQUIRY TO INDICT
BENTLEY FOR THE MURDER OF SCOBIE A BIG CROWD OF DIGGERS
BURN BENTLY'S HOTEL**



11 NOVEMBER 1854

THE BALLARAT REFORM LEAGUE CHARTER

10,000 DIGGERS MEET TO ENDORSE A CHARTER OF RIGHTS. AMONGST OTHER DEMANDS THIS CHARTER INCLUDED THE FOLLOWING IMPORTANT DEMOCRATIC IDEALS:

- A vote for all men – full and fair representation for all classes in parliament
- The people were the ultimate source of sovereignty and not the monarch.
- The people could choose what form of government they wished to live under – not the monarch

SUCH DEMOCRATIC IDEALS GREATLY CONCERNED THE COLONIAL GOVERNMENT – A REVOLUTION IN THE MAKING WAS FEARED



28 NOVEMBER 1854 - THE MILITARY RESPONSE

A company of the 40th – Captain Wise – marches through the diggings with fixed bayonets, loaded muskets and unlatched cartridge pouches.

Later that evening

A company of the 12th Regiment is attacked when it arrives. Soldiers are badly beaten, two military muskets stolen and a drummer boy is shot in the leg and seriously wounded.



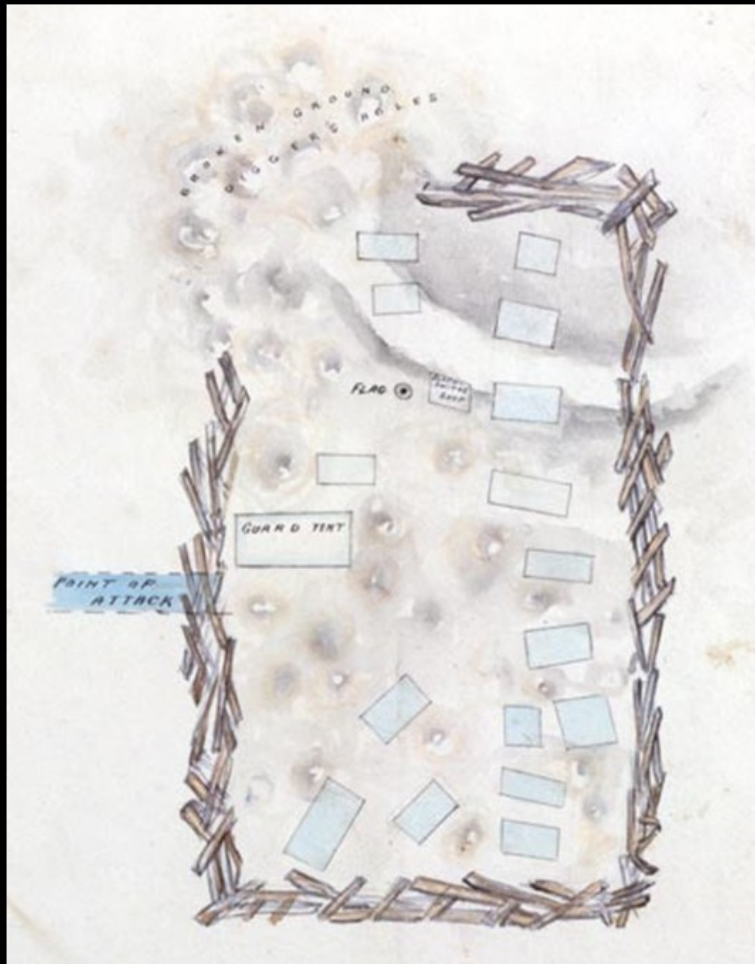
30 NOVEMBER 1854 -THE GRAVEL PITS RIOT

The military move against the Diggers with bayonets fixed. Shots are fired. Many Diggers become convinced that they need to take up arms to defend themselves from the military.



30 NOVEMBER 1854 -SWEARING ALLEGIANCE TO THE SOUTHERN CROSS

THE DIGGERS SWEAR TO STAND BY EACH OTHER TO DEFEND THEMSELVES



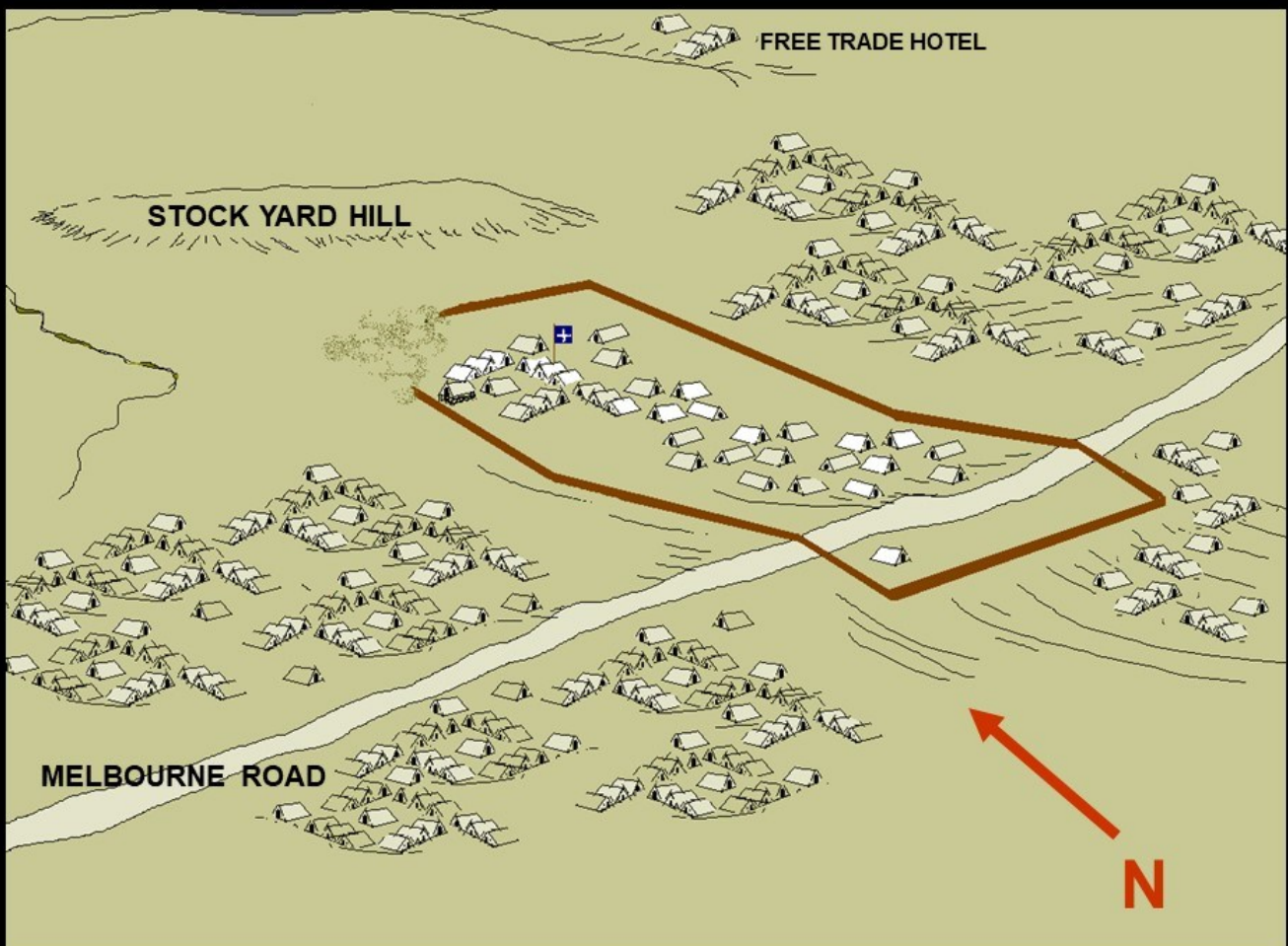
1 – 2 DECEMBER

A 'FORTIFICATION' – THE STOCKADE- IS BUILT

PLAN OF THE STOCKADE

This plan was drawn for use in the State Trials of those captured at the Stockade.

It was accepted by those who saw the stockade as being a generally accurate representation.





**30 NOVEMBER – 3
DECEMBER**

THE DIGGERS “ARMY”

The Diggers at Eureka formed into organised companies They were armed with firearms and pikes.

They elected “officers” and drilled in the open.

There were up to 1000 armed Diggers drilling at one time but only about 120 were inside the stockade on the morning it was attacked.

Several hundred more were at Warrenheip.



TO THE STOCKADE

**The 12th and 40th Regiments
of Infantry**

83 men 40th – Captain Wise

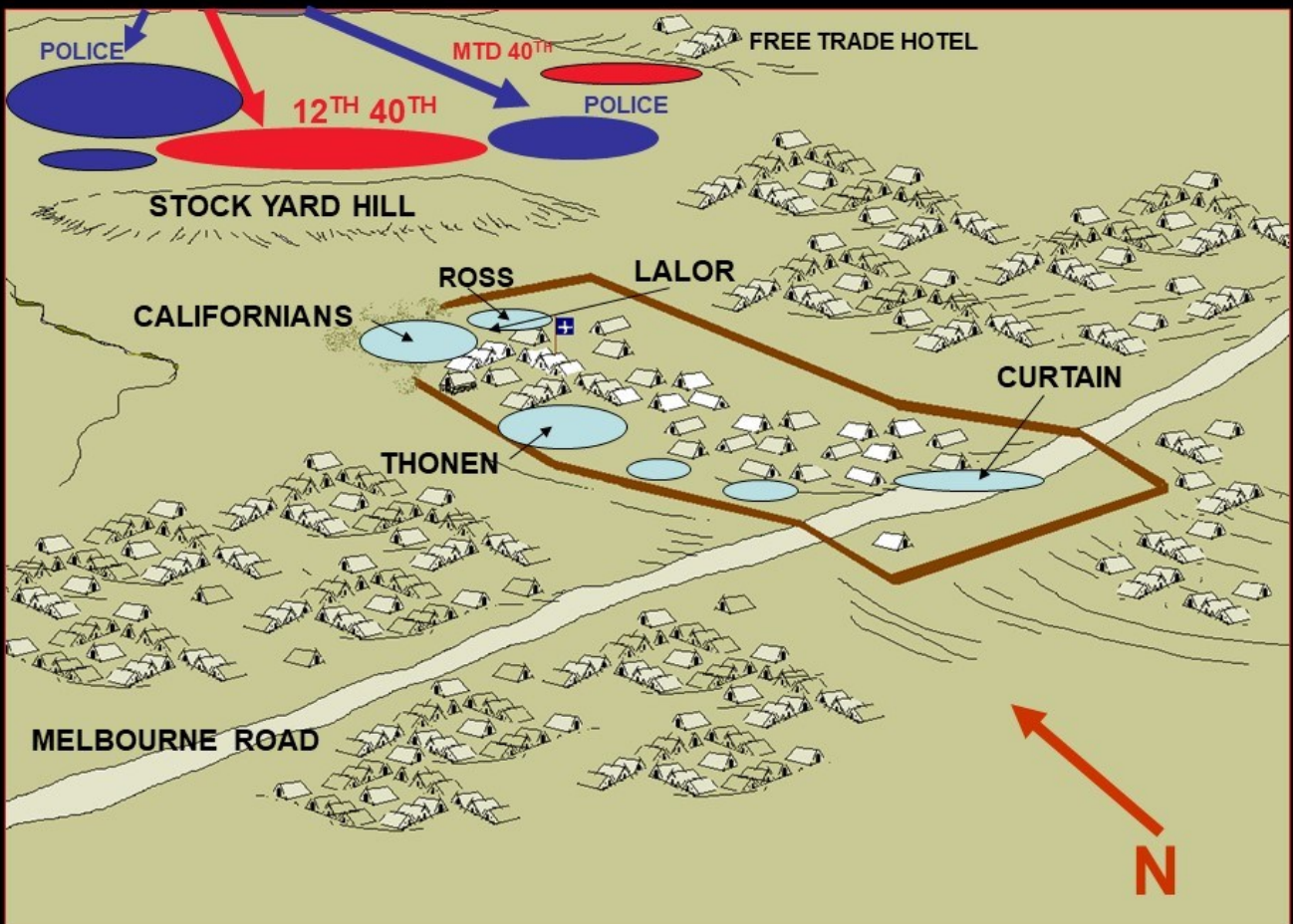
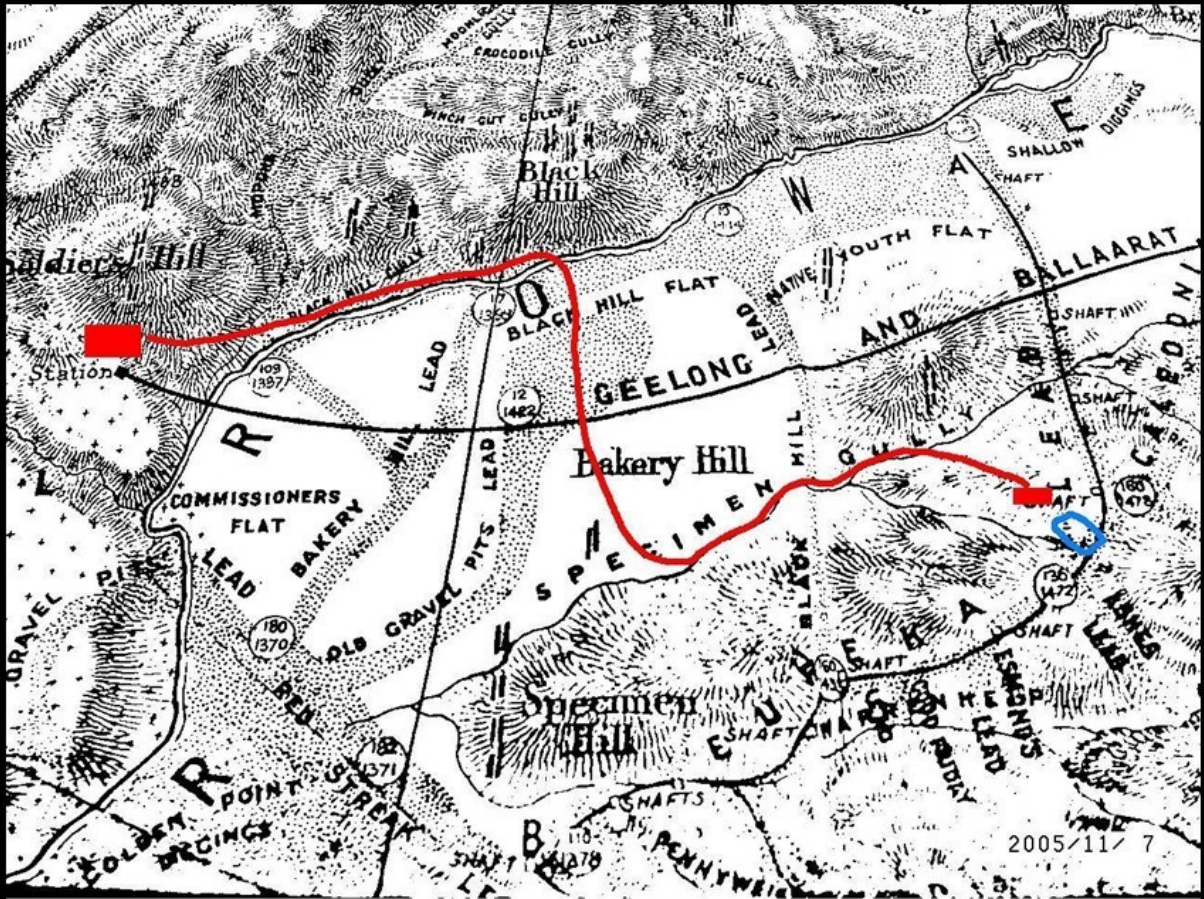
65 men 12th – Captain Quaede

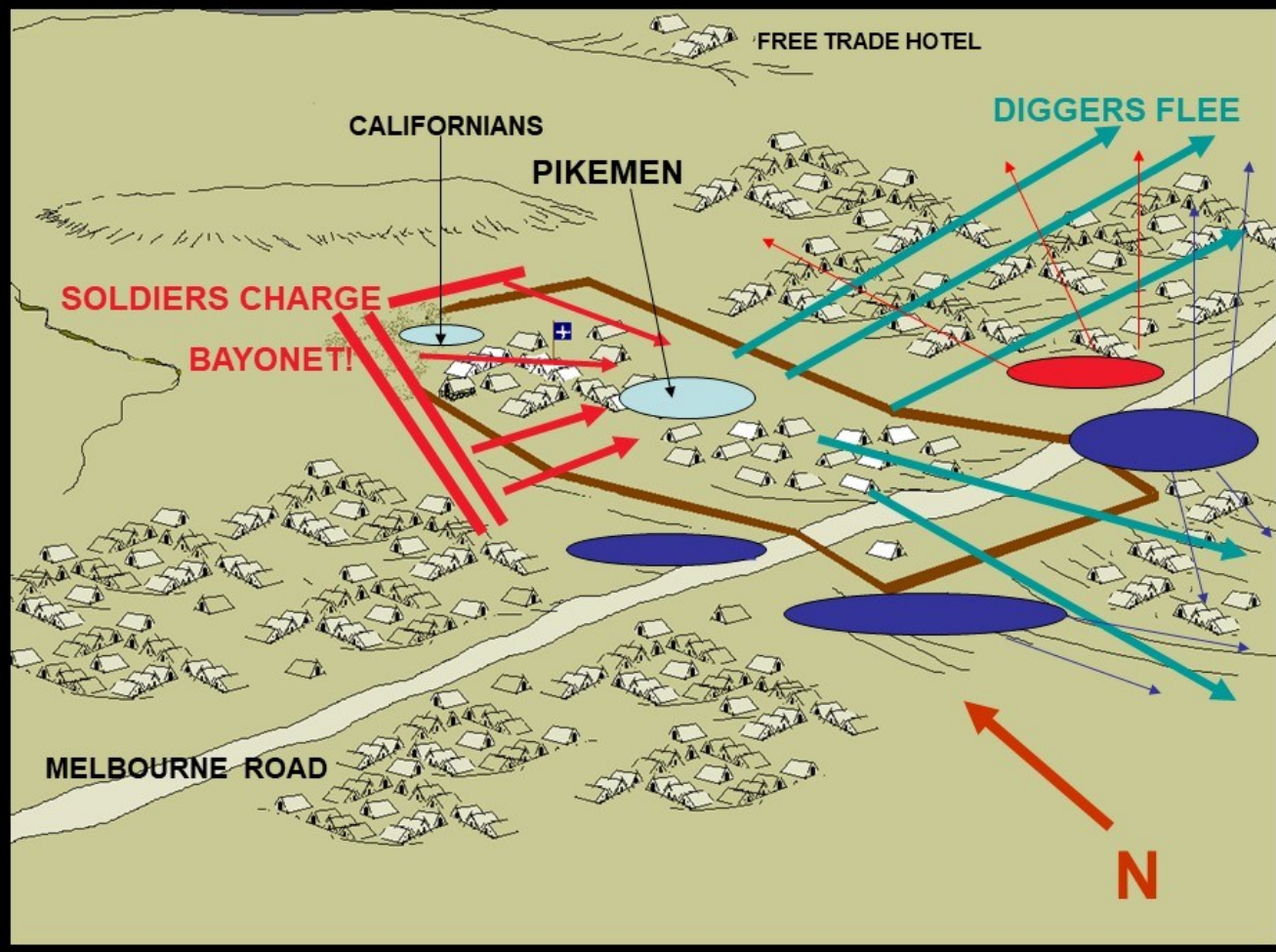
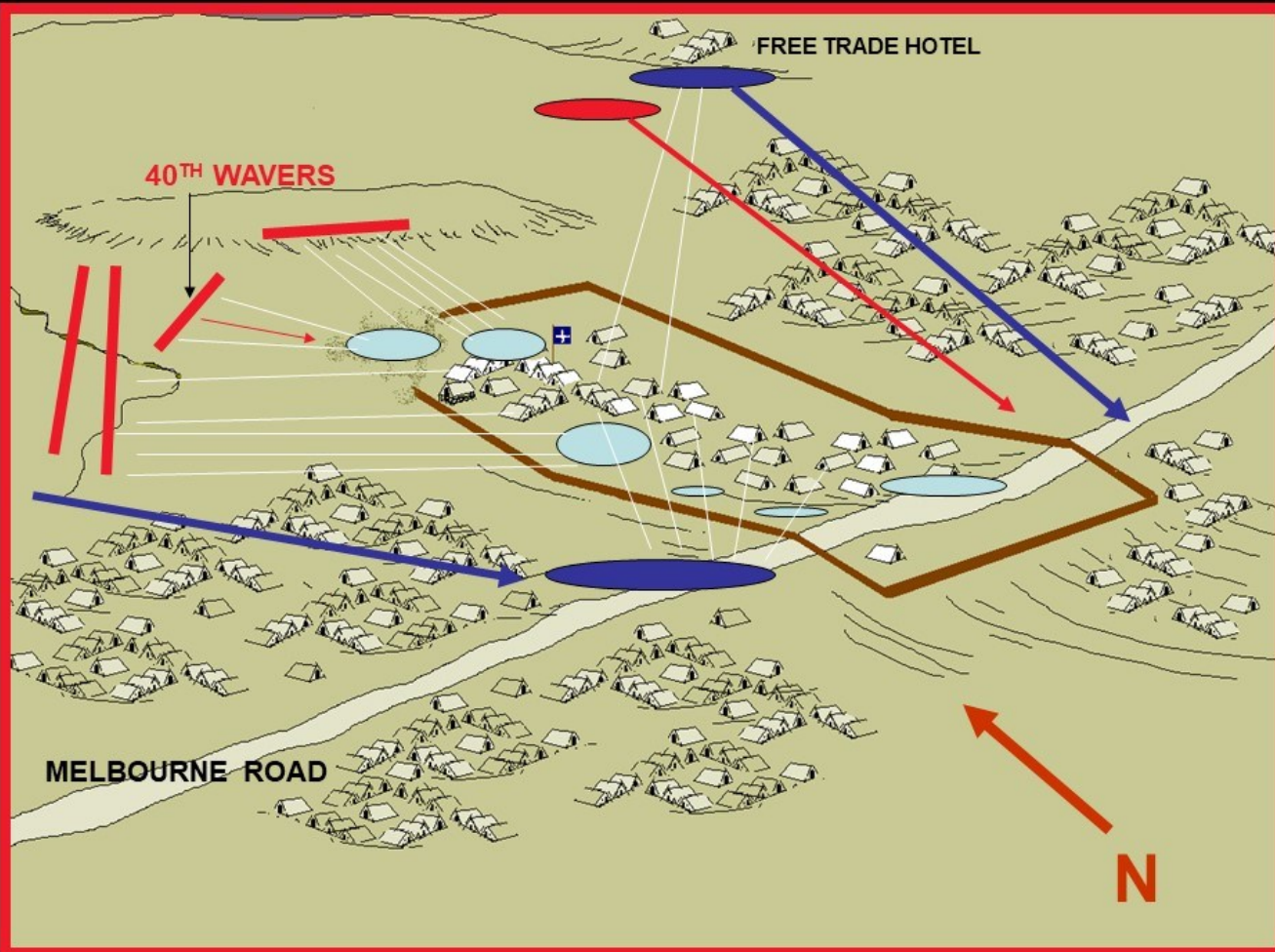
30 mounted soldiers – Lt. Hall

Infantry carried 1842 pattern percussion cap smoothbore muskets

Trained and encouraged to use the bayonet in close combat

The Night March to the Eureka Stockade







GOVERNMENT CASUALTIES

MILITARY

7 – 8 SOLDIERS DIED AT THE
TIME OF THE BATTLE OR LATER
FROM WOUNDS RECEIVED

10 SOLDIERS SERIOUSLY
WOUNDED

LIGHT WOUNDS NOT RECORDED

POLICE

One policeman was
officially wounded during
the fight for the Eureka
stockade



EUREKA DIGGERS CASUALTIES

22 NAMED INSURGENTS WERE KILLED

21 UNIDENTIFIED CORPSES BURIED

IT IS CERTAIN THAT MORE INSURGENTS DIED FROM
THEIR WOUNDS WHILE IN HIDING OR LATER



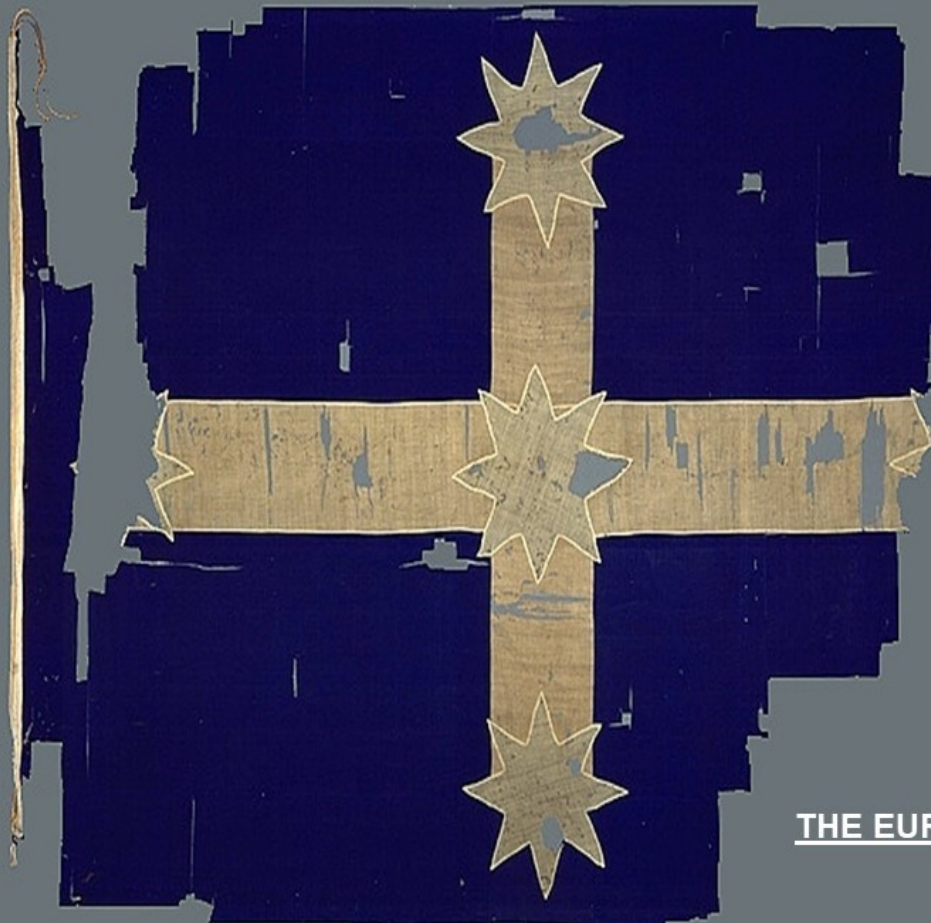
THE LEGACY OF EUREKA

MASSED PUBLIC DEMONSTRATIONS IN SUPPORT OF THE EUREKA DIGGERS MADE IT OBVIOUS THAT THE ASPIRATIONS OF THE ORDINARY PEOPLE COULD NO LONGER BE IGNORED BY GOVERNMENT.

AS A CONSEQUENCE OF EUREKA THE GOVERNMENT WAS FORCED BY THE FEAR OF POTENTIAL REVOLUTION TO BROADEN THE DEMOCRATIC NATURE OF PLANNED POLITICAL REFORMS

DEMOCRATIC DEVELOPMENTS IN VICTORIA, AND SUBSEQUENTLY AUSTRALIA, WERE DRAMATICALLY ACCELERATED

EUREKA WAS A DECISIVE MOMENT IN THE DEVELOPMENT OF AUSTRALIA'S DEMOCRATIC TRADITIONS



THE EUREKA FLAG

A Shot of **H**ISTORY

THE EUREKA STOCKADE

1854



GREGORY BLAKE

Big Sky Publishing