

Sovereign Hill Education

Law and Order on the Goldfields

Research Notes for Secondary Schools



Early Problems

At the time of the gold rushes, people were very concerned about how order would be maintained in a society in which men were madly rushing to make their fortunes.

In three years, the number of people in the colony quadrupled. There were fears of lawlessness as people flocked to the goldfields and began to find large quantities of gold. Many of the worst elements of society – ex-convicts, thieves, bushrangers and swindlers – all flocked to the diggings. The government anticipated trouble.

In addition, the government was determined to ensure that the state should benefit from the riches available. Obviously, it would be necessary to find a way to tax the miners.

Bushrangers

Bushrangers used highway robbery to steal money from travellers. Early in the century, runaway convicts had survived this way. Goldrush bushrangers usually became thieves by choice. Many had excellent knowledge of the land and were skilled with horses and guns. Miners travelling to and from the goldfields had to stick together in groups, as it was dangerous to travel alone. When gold was carried from the fields to Melbourne, it had to be heavily guarded by armed escorts.

... no one intending to turn digger should leave England without a good supply of firearms. In less than a week,

more than a dozen robberies occurred between Kyneton and Forest Creek – two of which terminated in murder. (Clacey)

Shortage of Police

Before the gold rushes of 1851, there were only 44 soldiers and a handful of police in the whole of Victoria, so the government had very little control of events outside Melbourne. The situation became even more serious when all but two of the police stationed in Melbourne resigned in the first days of the Gold Rush and most jail warders also left to seek their own fortunes. Many prisoners were able to escape. The government was desperate to replace these men.

Government Solutions - The Police

To recruit new police, Victoria's Governor, Charles Joseph La Trobe, had to increase wages by half. He also had to accept anyone who could be persuaded to wear a uniform. This attracted ex-convicts, ex-wardens and young inexperienced recruits. One hundred and thirty military pensioners from Van Diemen's land (Tasmania) were recruited. Often these men were brutal and corrupt, used to using violence to get their own way. Many used illegal means and bribery to increase their income whenever possible.

By the late 1852 each major goldfield was run by:

- a Commissioner, paid 500 pounds (\$1,000) a year (usually an inexperienced, elegant young aristocrat)
- an Assistant Commissioner
- a Clerk

- an Inspector of Police
 - a detachment of Troopers (mounted police), paid 3 shillings a day (30 cents)
 - Traps (foot police) who were paid a little less than troopers
 - Native Police, paid one-and-a-half pennies per day
- These men were responsible for keeping law and order on the goldfields, and it was their task to collect the Licence Fees from the miners.

The Licence Fee

The greatest cause of trouble on the goldfields in the early 1850s was the licence system. There were a number of reasons why the government did this:

- At the time of the gold discoveries, the Colony of Victoria belonged to Britain. Technically, all the gold found here belonged to the British Crown. Therefore, in the eyes of the law, if someone wanted to dig for gold, he should pay to do so. So the Victorian Government introduced the Gold Licence System which had first been used in New South Wales.
- All miners had to pay 30 shillings a month for a licence, even if they didn't find gold. (This is the equivalent of \$3.00 now or a week's wage then). But in return, they were allowed to keep all the gold they could find.
- The licence was meant to discourage as many people as possible from leaving their jobs and rushing to the diggings. It was also intended to ensure that unsuccessful miners would be forced to return to their jobs if they did not find gold.
- Land Claims it was very important for law and order that the gold-bearing land should be divided fairly among the miners and their rights protected against claim jumpers (people who took over a claim illegally). In the early days, the Gold Commissioners decided how much land (or claim) was to be granted with each licence. In some areas, it was only eight feet by eight feet (or a little over two metres square). If the miners wanted more, they had to pay another licence fee.
- After 1853, "All persons connected with the search for gold" had to pay a licence fee. This meant that tradespeople had to pay, even if they were not mining a claim.
- Income from the licences was meant to pay for the services which the state was obliged to provide for the goldfields eg., police force and roads.

Alcohol - Sly Grog Selling

Between 1851 and 1853, the government made it illegal to sell alcohol on the diggings. This was meant to reduce law and order problems caused by drunken miners. This failed because it was unrealistic to expect miners not to drink; therefore 'sly grog' sellers made huge profits on the fields and sly grog tents were havens for criminals and violent crimes.

The system also enabled dishonest troopers to blackmail grog sellers in order to line their own pockets. Troopers were entitled to burn down huts or tents where it was believed that alcohol was on sale and heavy fines were inflicted on anyone caught selling alcohol illegally.

The Miners' Grievances

From the beginning, miners all over Victoria objected to the licence fees. There were many reasons for their anger. At first, it was easy to avoid paying, but as time passed, and the police became more organised, the law was enforced more efficiently.

General Objections

Early on, the licence system was a reasonable solution. Miners soon found gold in creeks and shallow workings. They moved on quickly rather than settling in one place. But once the deep lead mining began, the situation altered. Many spent months sinking shafts without any return and towns like Ballarat became more settled. It was now easier to collect the fees from a stable population.

- In order to buy a licence, miners often had to travel a long way to the nearest government office and wait in a queue. This all took up time when they could be mining gold.
- Miners had to carry their licences all the time, even when conditions were wet in the mine-shafts and the paper could disintegrate in their pockets.
- In Ballarat, deep lead mining meant that miners could dig for months without any income, and they still had to pay the fee regardless.
- As towns became established, tradesmen who set up businesses were angry that they also had to pay the licence fee.
- Squatters leased hundreds of acres of land for less money than a gold miner had to pay for a few square yards.

Anger at the methods used to collect the Licence Fees

Miners objected to the interruptions. Deep lead miners often had to climb 100 feet of ladders simply to show their licence to a passing trooper. This could take 30 minutes.

Many of the police behaved in a brutal and violent way towards the miners. Few respected the police and those with convict backgrounds were particularly resented by the free miners.

An infamous character was Assistant Commissioner Armstrong. An ex-convict, he beat diggers unconscious with the brass knob of his riding crop at the slightest resistance. He burned the tents and belongings of sly-groggers and it was said that he once burned the tent of a woman while her baby was asleep inside. He was eventually sacked, but unrepentant he boasted that he had obtained 15,000 pounds (\$30,000) in bribes from sly groggers.

In the early days, before jails could be built, if a miner was caught without a licence he was dragged off to the 'lockup' to be chained to a large tree or logs beside the government camp. To gain release, miners had to pay up to a five-pound fine (\$10), half of which was paid to the policeman who had arrested him. As a result, many preferred to spend their time catching licence dodgers rather than protecting the miners from bushrangers and claim jumpers.

Miners tried to help each other by shouting "Trap" or "Joe" to warn of an approaching trooper.

"Honest men are hunted down by the police like kangaroos, and if they do not possess a licence, too often for the want of means of paying for one, as poverty is the lot of many a digger, they are paraded through the diggings by the commissioners and police, and then marched to the Camp, and if unable to pay the fine, are rudely locked up, in company of any thief or thieves who may be in the Camp cells at the time; in short, treated in every way as if they were felons (criminals). This has been the prolific source of much disaffection, and has created much bitter feeling." (J.B.Humffray quoted in B. O'Brien)

No Vote

As the miners had no vote there was no way they could persuade the government to change its policy. This made

many people begin to question the system and to demand representation.

"To keep order in the colonies some taxes are necessary, but let us have a just system,; those who have, pay, not those who are killing themselves in fruitless work. Alternatively let the government cease sending gold to England. As it is they charge us enough for imported goods so let the gold be used for making roads and for improving and enlarging the colony. But who can take this up with the councils in Melbourne? There sit those who were deported for crimes, while we miners, being the bulk of Australian population, are not allowed to be represented. Is this justice?" (Arguments put forward at miners' meetings as reported by Seweryn Korzelinski)

Miner's Court

There is much evidence that the miners themselves wanted to keep order and it appears that many maintained respect for the British institutions which governed Victoria.

When troubles took place on the goldfields, miners often took matters into their own hands. Tent robbing and claim jumping (taking another person's claim) were common. They would arrange their own courts, and decide their own punishments. For example, one man caught stealing from his mate was branded with a hot chisel. Some bushrangers were captured and hanged by miners themselves when the police seemed unable or unwilling to solve the problem. (Nicholson)

Dogs

Miners often relied on watchdogs to guard them on their travels and to stop robbers stealing gold or belongings from their huts or tents.

"Many a time the barking of a dog chases thieves and bushrangers away, wakes up the miner and warns him about approaching danger. Everyone in Australia knows that he is not allowed to enter a tent without first calling out to the owner and that the owner can shoot at anyone approaching too closely or entering a tent at night without announcing himself beforehand. Without the dog many a crime would have been committed, because a miner sleeps soundly after heavy work. Yes, a good dog is a priceless treasure on the goldfields. A criminal approaching a tent and confronted with loud barking turns back, convinced that the prospective

victim, already aroused, may give him a very warm reception ... Dogs are a great treasure in Australia. They saved the life of many a miner and prevented many mishaps, due to their warnings. The average price for a pup was one pound more for a grown dog. Good dogs fetched even ten pounds.” (Korzelinski, 1994)

Were the Diggings Lawless and Violent Places?

There is much evidence to suggest that the goldfields were violent and often dangerous places, but on 1 October 1852, the Victorian Chief Commissioner noted that the crime rate was no higher on the diggings than in the whole colony.

In fact, the goldfields were often surprisingly well ordered, usually because it was in the miners' own interests to keep order to protect their own claims and possessions.

Visitors were surprised at the way the goldfields respected police rules which said that there should be no mining on a Sunday. Many attended church on that day. It was also noted that, as increasing numbers of women settled on the diggings after 1852, they had a “civilising” influence on the predominantly male communities.

If you wish to investigate the consequences of the miners' grievances, please see our other Eureka notes by visiting www.sovereignhill.com.au/education

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