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WHY AN APOLOGY?

It's time for an apology from the Victoria Police for their role in the Eureka Massacre in 1854

The Victoria Police Chief Commissioner Ms. Christine Nixon addressed the Eureka Association at the Old Colonialists Club in Ballarat on Saturday the 6th December 2003. She spoke to mark the 150th anniversary of the formation of the Victoria Police at a lunch organised by the Eureka Association to mark the 149th anniversary of the Eureka rebellion. Graeme Dunstan, the originator and current organiser of the Eureka Dawn Walk, invited delegates from the *Anarchist Media Institute* to sit at his table at the lunch. He invited us, so we could provide him with moral support when he publicly raised the question of an apology for the massacre of miners and bystanders carried out by the Victoria Police after the stockade had been overrun by troops and police on the morning of the 3rd December 1854. Mr. Dunstan's attempts to raise the question publicly were greeted with hostility by a great majority of the people present at the Eureka lunch. He later approached the Chief Commissioner privately to set out a case for an apology. As a consequence of the unsatisfactory resolution of this matter, the *Anarchist Media Institute* wrote to the Chief Commissioner in early January 2004. In response, we received from the Chief Commissioner's office dated 13th January 2004, a letter which in part stated:

"Ms Nixon respects your position on this matter and has given your request a great deal of thought. Her deliberations have necessarily entailed historical, social and political considerations. Due to the complexity of the issues involved, the Chief Commissioner is not at this stage committed to a particular position on the matter."

I let the matter rest till late August 2004, when I again wrote to the Chief Commissioner. The letter asked her or a representative of the Victoria Police force to join the *Anarchist Media Institute* and all those other Australians who will be gathering at the Eureka Stockade site in Ballarat at 4.00am on Friday the 3rd December 2004, to mark the 150th anniversary of the Eureka rebellion. I suggested that this would be a perfect opportunity for the Victoria Police to apologise for their participation in the Eureka massacre and put an end to the unfinished business surrounding the Eureka rebellion. I received a letter dated the 6th September 2004 from the Chief Commissioner's office which clearly states that the Victorian police will not be apologising for their participation in the massacre.

"As the Chief Commissioner's position on this matter remains unchanged from that advised in previous correspondence to you, it would be inappropriate for Victoria Police to be represented at this event."

Three years later, nothing has changed; the Victorian Police continue to refuse to apologise for their role in the Eureka massacre in 1854.

Some historical sources put the loss of life during the Eureka rebellion at around 30. They also claim that most of the deaths occurred during the battle and that casualties were limited to soldiers and the miners within the stockade site. The facts tell a very different story.

At around 2.30am on Sunday 3rd December 1854, 182 mounted and foot soldiers and 94 mounted and foot police assembled at the government camp at Ballarat. At around 3.30am, they marched in perfect silence along Yarrowee Creek and as dawn was breaking, they rested beneath a slight rise, about 300 yards from the stockade site. Within the stockade, about half those numbers of miners were sleeping. Many were sleeping off the effects of the free grog that mysteriously appeared at the campsite on Saturday night.

The stockade was a rather rudimentary affair. It had been hastily erected out of timber that the miners used to reinforce their mining shafts. Those miners and their families that had their tents pitched in the enclosure, before it was closed off, continued to live at the site. The soldiers and police had relatively sophisticated weapons in comparison to the weapons that the miners had access to. Weapons were in such short supply among the miners, that many had only rudimentary pikes that had been hastily made by the German blacksmith John Hafele, who had a blacksmith's tent in the stockade.

At 4.45am the first shots rang out. The miners were taken completely by surprise, never dreaming they would be attacked on a Sunday. The stockade, which at best only enclosed about an acre of land, was surrounded. About 30 troops from the 40th Regiment, under the command of Captain Wise, attacked the site from the north. The main attacking force, a group of 112 soldiers and 34 police, broke into 2 groups and attacked the stockade from the west, while the 70 mounted police attacked from the south-west. Within a few minutes, the stockade had been breached from the west and the north.

Lalor gave the order that no firing was to place until the police and soldiers were at close range. He took up a position on top of a miner's mound, exposing himself directly to the soldier and police fire. He ordered the pike men forward just before he was hit in the shoulder by two bullets and a large musket ball. Around 30 pike men, under the leadership of Patrick Curtain, used their primitive pikes against soldiers who were armed with muskets. Their lives bought the rest of the miners the time they needed to try to make their escape.

Within a few minutes, the mounted troops and police had surrounded the stockade; escape became difficult, surrender was impossible. Lalor, although his shoulder had been shattered, advised the remainder of the miners to flee before he was hidden under a pile of wooden slabs in the stockade. Those miners that tried to escape were shot down, those that held their ground were soon overpowered by the better armed and more numerous government force. Within 20 minutes of the battle beginning, the miners had been routed.

Captain Ross, the bridegroom of the Southern Cross, lay seriously wounded at the foot of the hastily erected flagpole. Peter Lalor continued to hide under the wooden slabs he was placed under. The air was filled with the groans and screams of the dying and wounded. The 112-foot soldiers from the 12th and 40th Regiment played the major role in the battle. The mounted soldiers and police, as well as the 34 foot police, had played a minimal role in the initial assault. Three, foot soldiers, Michael Rooney, Joseph Wall and William Webb, had been killed; 12 were injured. Captain Wise, the second in command, lay on the ground seriously wounded.

As the battle proper drew to a close, the butchery began, it continued for up to 2 hours after the battle had ended. Innocent bystanders up to a half a mile from the stockade became targets for a police force that was intent on reeking revenge for the humiliations they had suffered at the hands of the miners. What began as a battle, ended as a police riot and massacre! The bodies of dead and dying miners were pierced with countless bayonet thrusts.

The attacking soldiers fought with some discipline, the police ran riot; fifteen of them bayoneted the body of John Hafele, the blacksmith, who had the top of his skull slashed off by Lieutenant Richards' saber (as Hafele had attacked Richards and his horse with one of his own home made pikes). Police parties, both mounted and on foot, roamed the area for the next 2 hours shooting men on sight, ordering women and children out of their tents and setting fire to them, while wounded miners lay in them. Only about 15 miners had been killed during the actual battle about another 15 to 20 others were killed by rioting police once the battle had ended and at least 6 innocent bystanders were bayoneted and shot dead by the "Joes". ("Joes" - slang used by the miners that was interchangeable with the word police – derived from the middle name of Victoria's 1st Governor Charles Joseph LaTrobe; the Governor who established the Colony's reformed and new police force in 1853).

Eyewitnesses reported atrocities occurring in and out of the stockade site long after the battle had ended. If it wasn't for the bravery of the women who swarmed over the stockade site after the initial battle ended, looking for husbands, lovers and brothers and draping their bodies over wounded miners, the death toll would have been much higher. One of the seminal pictures on the diggings after the battle had ended, was the sight of 3 troopers straddling the body of a wounded miner, one knelt on him, one tried to choke him while a third soldier went through his pockets looking for gold. Peter Lalor, writing some months after the fall of the stockade, made some very strong remarks regarding the brutality of the police and soldiers. He claimed 34 diggers were killed or wounded during the encounter. He stated that *"the ratio of 22 dead to 12 wounded is owing to the butchery of the military and troopers after the surrender"*.

What is extraordinary about what happened that fateful morning is the killings were not limited to diggers. Innocent bystanders became caught up in the slaughter. The story surrounding Henry Powell, a Creswick miner who was camped outside the stockade, is just one example of what happened to people who were not involved in the fighting but happened to be nearby. Henry was awakened by the commotion as he stumbled out of his tent; over 20 mounted police approached him. Arthur Purcell Akehurst, a Clerk of the Peace who was riding with the mounted police, hit him on the head with his sword, a number of police fired into his body while he lay on the ground and others rode their horses over him. Somehow he survived the assault and was able to give a deposition about what happened to him before he died. A Coroner's jury found Akehurst guilty of the willful murder of Henry Powell. A Melbourne jury, a short time later, acquitted him of the charge.

Other witnesses gave accounts of the murder of 2 Italian diggers; one, who had his tent in the stockade and another who had a tent on Specimen Hill, 300-metres from the stockade. The first was shot and as he lay wounded on the ground, he offered the troopers some gold if they spared his life. They took the gold and bayoneted him to death for good measure. The digger at Specimen Hill was shot dead by 2 mounted police as he returned to his tent. One of the unluckiest people to be caught up in the slaughter was the *Melbourne Morning Herald* reporter Frank Hasleham. The *Melbourne Morning Herald* was the only Melbourne newspaper that supported Hotham. Hasleham only got to within 300-metres of the stockade before a mounted policeman shot him in the chest.

Martin Diamond, a storekeeper, was shot dead by the police after the battle, whilst he was sitting in his store. The store was burnt to the ground. Nearly every tent within the stockade was burnt down. Many tents within 500-metres of the stockade were also burnt. The police and soldiers targeted many of the stores that had sprung up around the stockade. They pilfered the contents and then burnt the tents. Some of the storekeepers who had lost their property in fires that were lit by the police outside the stockade after the battle had ended, made successful claims for compensation for their losses.

By 7am, almost 2 hours after the battle had ended; the killing and destruction at Eureka came to an end. Silence had descended on the stockade site, the dead lay where they had fallen. All the tents inside the stockade except one, had been burnt down, many tents outside the stockade had also been burnt down. The wounded coped as best they could. The police and soldiers exhausted from their handiwork, rounded up those who were left

Once the slaughter stopped, those men who had been arrested or had remained in the stockade were rounded up and herded together. A band of 125 prisoners, some seriously wounded, were forced to walk at bayonet point to the soldier's camp. One of the wounded prisoners fell down on the forced march to the camp and died by the roadside. Upon arrival at the soldier's camp, the prisoners were stripped of their clothes, beaten and thrown naked into a crowded and cramped lock-up.

Sunday passed slowly for the mass of humanity that was jammed into the overcrowded cell. Many became delirious, fearing that more deaths would rekindle public anger. Rede, the Chief Gold Commissioner on the Ballarat goldfields, ordered most of the prisoners to be moved to a large barn at the campsite. At 2.00am Monday morning, 114 prisoners were shackled together and transferred to the camp storeroom. Of all the prisoners who were eventually charged, only 13 were committed to stand trial for high treason. These thirteen remained in the camp storeroom till the 12th of December. That afternoon they were transferred under heavy escort to Melbourne. The prisoners were locked up four or five to a cell for up to thirteen hours a day. They were frequently stripped naked and searched. The *Age* newspaper took up their treatment with the authorities but nothing changed.

The food they were given was not able to be eaten, they were denied access to writing materials, newspapers and tobacco and spent most of their time crammed together in their empty cells. The Inspector of Victoria's prison system, John Price, made the prisoners life hell (he was murdered by a group of convicts in 1857). All thirteen stood trial for High Treason, all were acquitted of the charges and many were chaired around the streets of Melbourne by thousands of their supporters, when acquitted.

The historical evidence is quite clear that the Victoria Police, especially the mounted police, were responsible for the carnage that occurred after the battle at Eureka had ended. The Commission of Inquiry that was held into the confrontation concluded that the mounted police made "a needless as well as a ruthless sacrifice of human life indiscriminate of innocent or guilty, and after all resistance had disappeared". Peter Lalor and many other participants on both sides of the battle were disgusted by the police's action. The Victorian government paid compensation to some victims of the police violence.

The Victoria Police celebrated the 150th anniversary of its formation in 2003, by holding a number of public events around Victoria. Through these celebrations, they have publicly acknowledged their direct links to the police force that was formed in 1853. The Chief Police Commissioner had an excellent opportunity to apologise for the actions of the Victoria Police in 1854 when she was invited to give the keynote address at the Eureka lunch held in Ballarat last year at the Old Colonialist Club to mark the 149th anniversary of the Eureka rebellion. No apology was forthcoming at the lunch.

The 153rd anniversary of the Eureka rebellion provides another opportunity for the Victoria Police to acknowledge both the good and the bad parts of their historical legacy. It's time the bitterness and disappointment that continues to accompany the Eureka massacre is put to rest. It's time that those organisations that were directly responsible for the unnecessary loss of life at Eureka in 1854 made a public apology. The 153rd anniversary celebrations provide the perfect opportunity for this matter to be resolved. The idea of an apology should be one that should not put too much pressure on the current police force.

No police were killed in the Eureka rebellion; only one constable received relatively minor wounds as a result of the battle. A police apology would not only go a long way towards helping to deal with residual community resentment and bitterness, it would also allow the Victoria Police to put behind them what can only be described as the darkest day in their 153 year history.

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**Dr. Joseph Toscano
Spokesperson Anarchist Media Institute /
Convenor Reclaim the Radical Spirit of the Eureka Rebellion.**



The cuneiform inscription above is the earliest known written appearance of the word "freedom" (ama-gi) or liberty. It is taken from a clay document written about 2,300 B.C. in the Sumerian city-state of Lagash. An Anarchist Society is a voluntary, non-hierarchical Society in which the political and social structures are organised so that all people have free and equal access to the wealth and decision making power of that Society.