

# LIBERTY!

**WELCOME TO LIBERTY!**

**#77 July 2021**

**[www.eurekaaustralia.org.au](http://www.eurekaaustralia.org.au)**

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**Eureka Australia – Descendants and  
Supporters Inc.**

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## **PRESIDENT'S COLUMN**

**Eureka Australia has a busy agenda in 2021.**

**Our Eureka Democracy Walking App for the Melbourne CBD** is now available for use by members and the public. Simply go to your Google Play Store or Apple Store on your phone and search for/ download the Eureka Australia App. Then take the walk around the CBD including the 14 sites in the App to understand the pressure for political and social reforms

which took place in Melbourne in the period from 1854 to 1856, as Victoria moved from an authoritarian government accountable to a Governor to two fully elected houses of Parliament accountable (i) to the voters (most adult males for the legislative assembly – lower house); (ii) to a restricted subset of male voters (based on property ownership) for the legislative council – upper house. The App reflects the following influences and more:

- The Eureka events,
- the Goldfields Commission of Inquiry commencing immediately after Eureka, reporting after three months and the fundamental impacts of its far-reaching recommendations,
- the large public meetings in Melbourne in the days after Eureka not supporting the government recent actions in Ballarat,
- the administrative expansion of the Legislative Council with 10 new electorates created later in 1855 and appointment of digger representatives to those positions,
- the resistance to authoritarianism later in 1855 when Hotham set out in a Minute to his Ministers that in the new Legislative Assembly to be set up following elections under the new Victoria Constitution to be in held in late 1856, he would select the Ministers and he would vet all draft legislation before it entered the parliament. This proposed interference with the planned parliament responsible to the people came to the attention of a number of Melbourne legal identities and the recently nominated Legislative Councillors and subsequent to strong newspaper editorial comment and Legislative Council debate, was not acted upon,
- The secret ballot designed by HS Chapman after the Legislative Council majority declined to implement this innovative measure,
- The election of the new Legislative Assembly in October 1856 based on (effectively) universal male suffrage (and the new Legislative Council based on a property based male franchise).

Do try it and send us your comments.

A new date for the launch of the **Pathway of Remembrance at the Eureka Reserve** is being sought and we were hopeful it would be feasible to conduct this in November 2021. Recent serious Covid 19 Delta variant outbreaks will unfortunately impact this.

The State **Electoral Commission** regularly review **electoral districts and their boundaries in Victoria** to ensure the population of voters in each district is not more than a 10% variation to an average level statewide. The Commission have recently publicly announced that they propose that the remnant of the former district of Wendouree which is to be split into a couple of districts, be named Eureka. We are making a submission supportive of the name change. There will be views that do not accord with this proposed name change (Wendouree is apparently an indigenous name), local political parties may have certain views about the proposed split of the existing electorate and more, however, Eureka Australia believes that naming the proposed electoral district in which the seminal Eureka events actually occurred would be a highly appropriate move. This new district will include territory which became the cradle of Australian representative democracy, where ordinary people stood up against a lack of representation, and overriding tyranny, and determined to defend

their rights and liberties. It would be difficult to find a location in Australia where the foundations for electoral representation and successful demands for adequate representation were more obviously demonstrated.

I was approached to be interviewed on ABC Ballarat in mid-July about the Electoral Commission proposal. It was a good opportunity to explain (i) who Eureka Australia is, (ii) to set out some of the programs/ projects we have completed and are undertaking and (iii) to make the case for an improved community awareness across Australia about what Eureka has meant to Australian society over the years since 1854 - rather than people simply focusing on the stockade battle and the drama and highly visual theatre of those events. They were a critical means to the important end of a fairer, more democratic Australia. **The interview in audio form will shortly be on our website.**

The draft version of the **Eureka Australia community brochure** text is being considered in coming days for Committee approval and will be distributed to all members. It will also be available on our website when adopted.

A handful of members are yet to pay their **2021 Annual subscription**. As we are more than halfway please attend to this to support our efforts to promote Eureka across Australia.

Dr. Sean Scalmer provided a wonderful high quality on-line **presentation to our Members on the political career of Graham Berry**. Sean outlined clearly the effects that Eureka had on the political career of Graham Berry, later Premier of Victoria in the latter half of the 19<sup>th</sup> century. We were astounded to find that he was on the jury for one of the trials of the 13 Eureka participants charged with treason and acquitted in Melbourne 1855.

Berry was a major figure in a period of great political struggle in Victoria between the Legislative Assembly (lower House) and the Legislative Council (upper House or House of review) where many Bills passed by the Lower house including reforms to land tax, protectionism and various democratic reforms were not approved by the Upper House.

He was a skilled orator and possessed great personal charisma.

Sean has published details on the life of Berry in his book '*Democratic Adventurer: Graham Berry and the Making of Australian Politics*' and we encourage all of our members and all Australians with an interest in the progressive development of parliamentary democracy in Victoria, to read it.

We have invited Sean and his partner Bridie to attend as special guests of the Committee of Eureka Australia at our annual Eureka Democracy Award Dinner that is scheduled to be held on Saturday 27 November at the Amora Hotel in Richmond.

We very much appreciated Sean's time and results of his scholarship, and for the insights he provided us about the contributions of a remarkable Victorian.

We were joined for the presentation by representatives of the Australian Natives Association and we thank Geraldine Moore for establishing this most welcome collaboration.

## OUR AUSTRALIAN DEMOCRACY AND YOUR INPUT

### DEAR MEMBERS

Central to the story of Eureka is the Diggers stand for democratic rights; a cause which is underscored by their Manifesto - the BRL Charter. We applaud them and should be motivated by them to pursue such a cause every day of our life.

Consequently, for our committee to focus on and engage in particular important democratic issues facing us today, we need your help and guidance telling us what Australian democracy means to you and what you believe are its challenges.

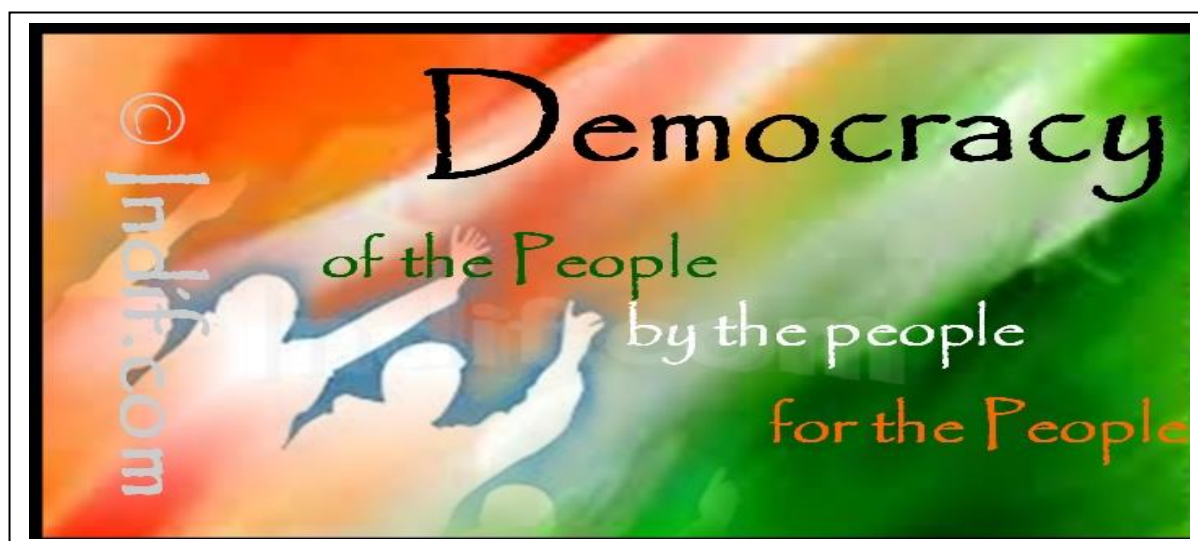
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Democracy said Winston Churchill, “is the worst form of government except all those other forms that have been tried from time to time”. Whilst it may be the best of the worst it is a fragile system that requires constant protection from the abuse of power, self-interest and evil forces.

All democracies face many challenges and inadequacies concerning social, cultural, political, economic and environmental issues, both nationally and internationally.

In Australia our democracy is over 160 years old in the States and 120 years old for the Commonwealth. Whilst it has its challenges and weaknesses it is one of the oldest and is considered as one of the most stable democracies in the world. We ought to be proud of it, protect it and enhance it. The question is do we understand it, value it and participate in it or do we just vote and take it for granted

Democracy is defined as government by the people. In our form of representative democracy; whilst the supreme power is vested in the people, that power is somewhat transferred to elected delegates in the expectation it be returned in the form of good government. If that doesn't occur from time to time and being aware of the limits of power of such an established authority it is appropriate that instead of being complacent about our democracy that we play our part in its proper development and performance.



**It is important therefore that each one of us becomes more engaged in our democratic system; that we develop a better understanding of particular challenges to our democracy and way of life, that we enhance our knowledge of selected issues, and work and plan in solidarity with our community concerning these issues so that we can speak, vote and act intelligently for the common good and thus play our role as caring and creative Australians.**

**Exactly identifying which challenging issues are on your list depends on where you stand; some maybe in conflict with others but sorting out the differences in open debate and without violence is what a liberal democracy is supposed to do.**

**So as a member of Eureka Australia and a good Australian citizen could you please tell us in say 300 words (or if too busy at least some dot points)**

- **What our Australian democracy means to you; and what is its current condition and challengers?**
- **And what issues and challenges facing our democratic system you may be involved in pursuing or would like to be involved in their planning and resolution?**

**NOTE:**

- **Committee members are also encouraged to participate**
- **Please send your response to: Phillip Moore  
E: [phill.moore1@bigpond.com](mailto:phill.moore1@bigpond.com) or 33 Victory Ave. Alfredton Vic 3350**

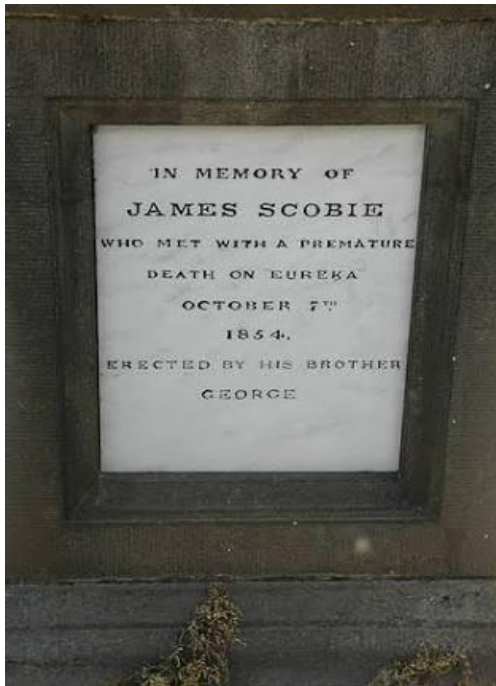


***Here are some of our Ancestors who were involved with the Eureka Stockade and who no doubt would encourage us all to be vigilant guardians of our Australian democracy***



## ANCESTOR STORIES

### Part Two of the Scobie Family



*Photo: Plaque on the grave.  
The Old Cemetery, Ballarat.*

# JAMES SCOBIE

(About 1821–1854)

MY GREAT-GREAT-GREAT-UNCLE

*By Graeme McGregor*

James Scobie's untimely and tragic murder near the Eureka Hotel on 7 October 1854 provided a spark that helped set the Eureka rebellion alight. James Scobie can be considered the first fatality of the Eureka rebellion<sup>1</sup>.

James Scobie was born into a stonemasonry family at Auchterarder in Perthshire, Scotland. There is uncertainty about the year of his birth and even doubt whether he was the younger (as is generally claimed) or older brother to George.

Family legend has it that James was only a "teenager" when he departed for Australia, however, there is some evidence that suggests that he was older, possibly in his late 20s. According to family tradition, James' parents would only agree to him joining his older brother George on the voyage to Australia on the clear understanding that George would protect his younger brother from coming to harm. Their mother, Frances, died in 1847, well before her sons considered travelling to Australia. It is more likely that it was their father (James Scobie Snr 1781-1857) who insisted that the brothers look after each other.

Both brothers were lured by the discovery of gold in Ballarat. They boarded the *Moselle* in 1852 bound for the Port of Geelong from where they would make their way across country to the Eureka goldfield at Ballarat. James took up gold mining while George chose to establish a cartage business.

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<sup>1</sup> Ian MacFarlane (Ed): *Eureka – From the Official Records*, Public Records Office of Victoria, 1995, p96.

On 6 October 1854 James met up with an old friend Peter Martin and during their celebrations they had too much to drink! In the very early hours of 7 October, while walking back to their camp, the men saw that the lights were still on at the Eureka Hotel and, although closed, decided to see if they could get in, presumably for another drink. They were refused entry. A fist lunged from a window hitting James. This was followed by another punch, this time hitting Martin on the ear. Words were exchanged, and the men left the hotel. Unbeknown to them, the Eureka Hotel owner, James Bentley, his wife Catherine and two of his employees, Farrell and Hance pursued the men and hit them about the head and body with a shovel. While he was on the ground, the attackers kicked James in the head inflicting a fatal injury. Martin was injured but made his escape.

A Coroner's Inquest was quickly convened, but it was poorly, and quite possibly corruptly conducted. Witnesses for Bentley gave false statements while the witness statement of a bright ten-year-old boy, Bernard Welch, was inappropriately dismissed. The Coroner found "no suspicion against Bentley".

This incident occurred when there was considerable suppressed anger on the Ballarat goldfields over the miners' treatment by the government authorities. It wasn't going to take much to see this pent-up anger erupt.

The miners were incensed that Bentley, a former convict, had been cleared. They quickly called a gathering outside his Eureka Hotel to protest the injustice of the verdict. Bentley was known to have connections with those in authority, including part ownership in his hotel, and it was some of these people who presided over the inquest. Thousands of miners attended the meeting, and as their anger boiled over, Bentley's hotel was set alight and burnt to the ground. Now there was little chance of going back as tensions had reached breaking point between the government authorities and miners.

The intransigence and failure of Governor Hotham, a military man, to try to negotiate a settlement for the miners' demands was never going to end well. The murder of James Scobie, and the subsequent events arising from this, could be considered one of the key triggers that led to the Eureka Rebellion two months later on 3 December 1854.

Due to public pressure, a retrial was ordered into James Scobie's death. This time it was held in Melbourne. Justice Redmond Barry (who presided over Ned Kelly's trial in 1880), heard the case. On 19 October 1854, the government offered a £500 reward (a vast sum at the time), to any person who provided information leading to the apprehension and conviction of anyone involved in Scobie's murder. Now things were getting serious! This time James Bentley, Farrell and Hance were all found guilty of manslaughter and were sentenced to three years hard labour on a road gang. Catherine Bentley, who was heavily pregnant at the time, was found not guilty.

Unfortunately, James's family learnt of his murder in the Scottish newspapers before George was able to get a letter to them. They took the view that George had broken his promise to protect his brother. Family legend has it that his family excommunicated him from that day on.



In the Old Cemetery at Ballarat you can see the beautiful grave monument that George constructed for his brother, James. It is said that he built the monument over a twenty year period. George's wife Phoebe and some of their children are interred in this grave, as well as George himself. The broken column is the traditional motif of a life cut short. The monument expresses George's grief at losing his brother at such a young age and in such tragic circumstances.

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**Correction:** In the March edition of *Liberty* in the story titled *Eureka Connections - The Scobies at Eureka* was a photo labelled "Albert McGregor". This should have read "Albert Arthur".

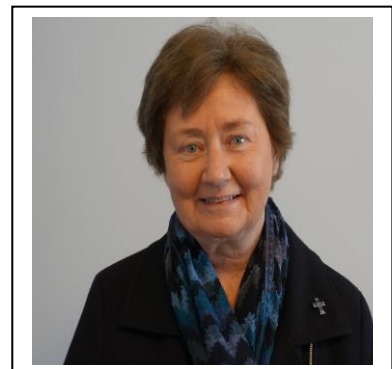
The photo caption was overlooked during the editing process as Graeme was focusing on the body of the text and not the images.

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### CONGRATULATIONS – ADELE HOWARD

Congratulations to Committee member Adele Howard who was awarded the **Medal of the Order (OAM)** in the recent honours list for her outstanding work for many organisations. Members would be aware that The Order of Australia recognises Australians who have demonstrated outstanding service or exceptional achievement.

John Capp is another Committee member with that award. And the president Eric Howard has a higher honour, he is the **Member of the Order of Australia (AM)**. Both of them received their awards some years ago.





## **EUREKA CENTRE VISITOR GUIDE WINS MAPTA AWARD**

The Eureka Centre is the joint winner in its category in the 2021 Museums Australasia Multimedia and Publications Design Awards – the MAPDAs.

This award was announced on 9 June at the Australian Museums and Galleries Association annual conference in Canberra.

Last year the Eureka Centre commissioned Ben Sanders to create a Visitor Guide underpinned by his distinctive illustrative style.

Eureka Centre worked closely with Ben to develop the guide's visual identity and integrate its interpretative content.

Ben created caricatures of six key Eureka protagonists, including rebel leader Peter Lalor, agitating journalist Clara Seekamp and imperious Governor Sir Charles Hotham.

These characters appear throughout the guide, telling the Eureka story from their perspective, in their own words.

A timeline of critical events in the lead-up and aftermath is presented to give visitors a ready understanding of Eureka and its social and political impact.

The guide encourages people to explore Eureka's heritage beyond the Eureka Centre's interpretive exhibition and presentation of the Eureka Flag.

A map of the Eureka Stockade Memorial Park encourages exploration of the historic site with its rich history of commemoration. Another map introduces significant Eureka sites in Ballarat, including Bakery Hill, the Old Ballarat Cemetery, Alfred Deakin Place and St Alipius Catholic Church..

The guide is informed by the Eureka Centre's Interpretation Plan that seeks to reconnect the Eureka Centre to the historic Eureka Stockade site on which it stands.

The result is a dynamic publication that allows each visitor to find themselves in the Eureka story.

A digital version of our Visitor Guide is available for viewing on the Eureka Centre's webpage: [https://eurekacentreballarat.com.au/sites/default/files/2020-09/Eureka-Centre-Ballarat\\_VisitorGuide%28Web%29\\_0.pdf](https://eurekacentreballarat.com.au/sites/default/files/2020-09/Eureka-Centre-Ballarat_VisitorGuide%28Web%29_0.pdf)

You can learn more about Ben Sanders and his art via Instagram: <https://www.instagram.com/ben.sanders.illustrator>

Image: Map of the Eureka Stockade Memorial Park, designed by Ben Sanders for the Eureka Centre Visitor Guide.

You can also subscribe to their e-newsletter for program updates: <https://eurekacentreballarat.com.au/subscribe>

## **CENTRAL HIGHLANDS GOLDFIELDS WORLD HERITAGE LISTING**

**By Leigh Callinan**

The 13 Central Victorian Goldfields Councils in Victoria are bidding for a UNESCO World Heritage Listing.

The political activity on the 1850s goldfields, culminating in the Eureka Rebellion, which led to democratic reform of government is considered highly relevant to the nomination.

The bid will be based on a serial listing of a small number of sites across the region that represent the key contributors to world heritage. This approach uses as a model, the successful listing of the Cornwall – West Devon Tin Mining Area.

For successful listing, the World Heritage Committee must find that it meets one or more of ten listed criteria. One of these (V1) is that an included site must be ‘directly or tangibly associated with events ... of outstanding universal significance’. Eureka Park will definitely fit this criteria.

The two patrons of the bid, ex premiers John Brumby and Denis Napthine both mentioned the importance of Eureka to the bid.

The submission from the 13 Councils will go to the Victorian Government, who then might forward it on to the Australian Government, who then might forward it on to UNESCO. UNESCO meets once per year. The whole process might take 5 years. The most critical stage in the process is to gain what is termed ‘Tentative Listing’ by the Australian Government.

The State Government has backed the bid with \$50, 000. The National Trust of Australia (Victoria) (NTAV), and the Victorian Goldfields Tourism Executive (VGTE) have formally committed to it. The City of Ballarat has allocated a full time person to the bid and the City of Greater Bendigo has allocated a person half time to it.

They have established [www.goldfieldsworldheritage.com.au](http://www.goldfieldsworldheritage.com.au) as their new website.

Eureka Australia needs to keep up with the progress on the World Heritage Listing (WHL) and to see to it that the Eureka Rebellion is adequately included. There is a section on the website titled ‘Stories’ where site details can be presented.

We ask all members of Eureka Australia to register at this website and help ensure the Eureka story of the successful fight for ‘rights and liberties’ is properly presented.

## MEMBERSHIP FORM

### EUREKA AUSTRALIA

#### DESCENDANTS AND SUPPORTERS INC.

#### Membership Application/Renewal for 2021 (Jan-Dec)

Please print all details and ☐ where appropriate.

Surname:			
Other Names:			
Address:			
		Postcode:	
Phone No			
Email			

Membership of Eureka's Children Inc. operates on a calendar year basis.

- **Ordinary Membership** – Includes descendants of those connected with the Stockade event, its prelude and its aftermath as well as those who support the Eureka story and its ideals of democracy

Full \$40.00 per annum

☐

\*Concession \$20.00 per annum

☐

- **Family Membership Full** \$40.00 + \$20 = \$60 per annum

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- **Family M/ship Concession** \$20.00 + \$20 = \$40 per annum

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- **Life Membership** Full \$300, Concession \$150

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Note: Concessional Subscriptions include Pension Card Holders.

For Family Membership please list each other name and their contact details  
All amounts include GST

DONATION WELCOME  
TOTAL CHEQUE/MONEY ORDER

\$.....

\$.....

**EFT Payments can be made to: "Eureka Australia" - (BSB) 704 191 (A/C) 90789"**

**Please include 'EC MEMB' as well as your name on the internet transfer**

To send cheque or money order please print, complete this form and return with your cheque/money order to: Eureka Australia. 6 Gibbons Street, Sunbury, 3429. **If paying by EFT** and you are a new member you would need to also complete and return this form as an initial record of your mem