

LIBERTY!

WELCOME TO LIBERTY!

#82 April 2023

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President's Column

The past 8 or so weeks have been most eventful for Eureka Australia.

Remembering John Joseph

The dedication of a plaque at the White Hills Cemetery in Bendigo to commemorate the contribution of John Joseph, an African American, (who is known to be interred at White Hills but his grave is unmarked), who fought as one of

the diggers in the Stockade, by US Ambassador to Australia, Caroline Kennedy on February 27 was a major event for Eureka Australia and the Eureka Story.

John Joseph was arrested and charged with treason, was the first of the 13 who were sent to trial by the Colonial Administration and was acquitted by the Jury to great acclaim on the streets of Melbourne in early 1855, setting the precedent for the not guilty outcomes for other 12 men charged. The dedication and planting of an American Oak by the Ambassador supplemented the plaque unveiling and the event brought many facts to the fore. Joseph at the time, as an African American did not enjoy the full citizenship rights of other Americans and so received no assistance in his trial preparation from the American consul in Melbourne, unlike assistance given to a number of other Americans at Eureka.

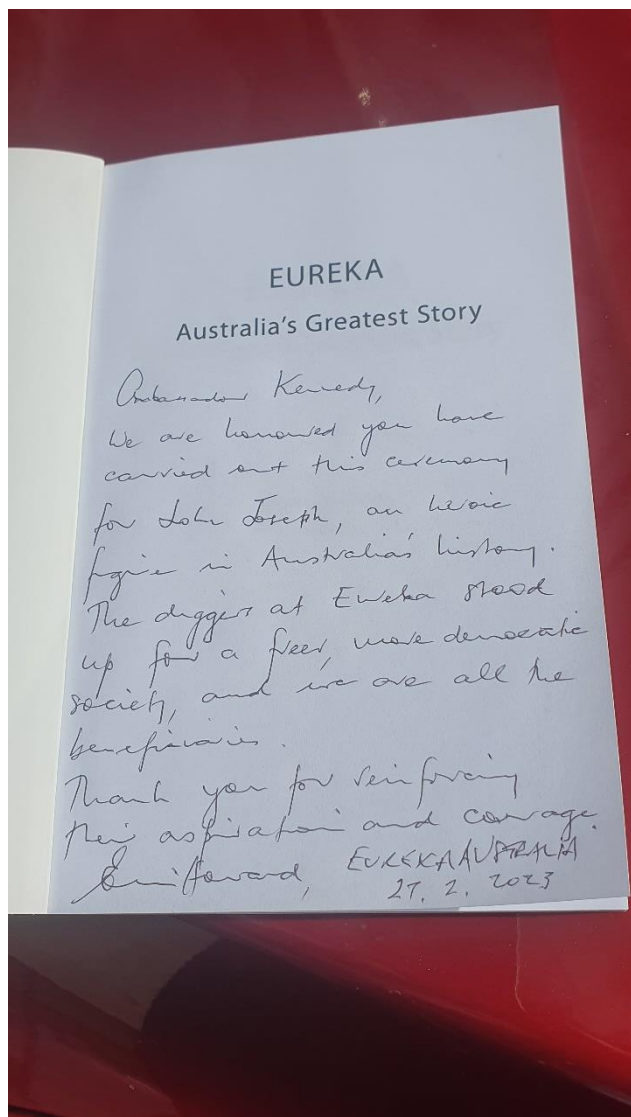


US Ambassador Caroline Kennedy at the White Hills Cemetery ceremony, with Eric and Mary Howard

This injustice and the associated social justice issues facing African Americans at the time in the US were highlighted by Ambassador Kennedy, who remarked that John Joseph enjoyed more rights here in Victoria than were available to him in the US. He was offered free legal support by HS Chapman and BC Aspinall, two famous names associated with the aftermath of Eureka and our journey to a more democratic society, and he was cheered through the streets of Melbourne after his acquittal at the Supreme Court. The Melbourne public knew that a great injustice had been visited upon the diggers at Eureka, who were representative of all goldfields communities across Victoria and their response to Eureka exemplified by the jury decisions of not guilty were symbolic of the deep community concern which turbocharged major and rapid change to political, social and economic rights for average citizens, especially impacting the goldfield communities.

This celebration by the US Government was a fitting tribute for John Joseph. EA is not sure how many of the 100 or so survivors of the stockade battle who remained in Australia have a suitable gravestone identifying that fact, or indeed any gravestone at all. That remains a work in progress.

Any thoughts from members as to how EA could address this would be welcomed.



It was a milestone event for EA.

EA presented Ambassador Kennedy with our EA lapel pin plus a copy of *Eureka: Australia's Greatest Story*, with the handwritten note from the President in the first page of the book as shown left.

Our letter of thanks to Ambassador Kennedy is provided later in the newsletter

World Heritage Listing Bid preparation by Central Victorian Goldfields.

EA has been monitoring the preparation of the UNESCO World Heritage Listing for the Victorian Goldfields led by the Local governments of the goldfields, especially Bendigo and Ballarat Cities.

Phillip Moore and I have held multiple discussions with representatives of the Bendigo Historical Society and the Chewton Domain Society, each of whom have conducted annual commemorations which reflect their part in Victoria's journey from authoritarian government to democratically aligned government from 1851 to 1856.

We have agreed that the foundation of any World Heritage Bid needs to be that relatively rapid move towards social justice and a more democratic social and political underpinning for public administration for Victoria driven by the Victorian Goldfields communities.

Following subsequent meetings with Cr Andrea Metcalf, Mayor of Greater Bendigo City and Cr Rob Hudson, Mayor of Ballarat City, who were most supportive of our proposed submission and the need to ensure the WH Bid has a focus on the move to and achievement of democratic government, as an outcome which was significant in Victoria but also internationally, a submission has now been forwarded to both seeking their support and its forwarding on to the WH Bid preparation Committee. It will be the subject of a future article in Liberty.

We also agreed that the three areas should do all we can to support each others' annual commemorations, with the 170th anniversary of the Red Ribbon League dissent (Bendigo) occurring in August this year. The sequence of commemoration of significant events is Red Ribbon League (Bendigo – Bendigo Historical Society) - August ; Eureka (Ballarat – Eureka Australia) – December 3 and Forest Creek Monster Meetings in 1851 (Chewton Domain Society) with the essential support of the three relevant local governments. We need to plan our participation.

I want to acknowledge the efforts of Martin Callinan (son of EA's Treasurer Leigh Callinan) in initiating the recognition of John Joseph with the US Government , a tremendous contribution. Thanks Martin.

Also my thanks to Phillip Moore for maintaining and rebuilding links with Bendigo and Mount Alexander Goldfield Historical Societies. There is much we can do together.

Thanks also to Marianne Messer for assisting with this edition of Liberty, a most important contribution

Eureka Australia and the memory of John Joseph

Amidst all the national and international attention , there was a quiet moment of joy for Eureka Australia when, after two centuries, US Ambassador Caroline Kennedy marked John Joseph's grave with the recognition he so well deserved.

During the past 200 years, since he fought with his miner colleagues at Eureka, John Joseph's memory was kept alive, most recently, due to the efforts of Eureka descendants and friends, in particular Martin Callinan. While you might not read this aspect of the John Joseph story in the Herald Sun article, or the Castlemaine Mail story , you will find it in the New York Times' substantial article, all of which appear in this edition of Liberty.

Eureka Australia's Martin Callinan, whose great-great-grandfather fought alongside John Joseph at the Eureka Stockade, read of John Joseph's actions at Eureka, and discovered that he lay in an unmarked grave in Bendigo.



Eureka Australia's Phillip Moore and Martin Callinan, White Hills Cemetery Feb 27th 2023

Martin contacted the Australian Ambassador to the U.S., at the time the Hon. Kim Beazley, to recommend that John Joseph's grave be marked, and his contributions be celebrated as a symbol of how both Australians and Americans

are bound together in the shared ideals of the defence of liberty. Martin's initiative took some years, but eventually resulted in an event that may have exceeded even his expectations. Others may quite rightly make much of John Joseph's actions echoing down the generations, noting that his message of liberty and the rights for all, no matter their skin colour, was to be picked up more than 100 years later by Martin Luther King in his "I have a dream" speech. There is no doubt John Joseph is a democracy hero, not just for Australia, but for his own country. But for Eureka Australia, there is another equally poignant message from which to take heart.

We carry a serious responsibility to protect and preserve the stories of all our Eureka heroes. As President Eric Howard states, Eureka Australia exists to make the "Eureka story better known and its messages for today's generation celebrated". We carry on the legacy of addressing social injustice in our modern world, the cause established and fought for by our ancestors on Eureka Hill on December 3rd 1854. So, for Eureka Australia, it is particularly satisfying to see our efforts contributing on February 27th 2023, to bringing to life John Joseph's story, for his legacy and for the legacy of democracy, both here, and in the land of his home.

Marianne Messer

U.S. EMBASSY IN CANBERRA PRESS RELEASE: FEBRUARY 27, 2023

U.S. AMBASSADOR CAROLINE KENNEDY HONORS JOHN JOSEPH, AFRICAN-AMERICAN LEADER OF EUREKA REBELLION, IN BENDIGO

In Bendigo, Victoria, Ambassador Caroline Kennedy, Consul General Kathleen Lively, and filmmaker and historian Santilla Chingaipe unveiled a plaque to acknowledge the life and contributions of African-American John Joseph.

During the Eureka Stockade, John Joseph was arrested for protesting government licensing fees, tried for high treason in Melbourne, and acquitted by a jury. He was celebrated as a folk hero and carried shoulder high through the 10,000-strong crowd cheering outside the courtroom.

He died in 1858 and lies in an unmarked grave in White Hills Cemetery, Bendigo. The ceremony today was an opportunity to acknowledge his life and contribution to Australian and American history as part of the United States' commitment to racial equity and recognizing historical injustice.

"His story is one for our time too as we face this history. We can ask ourselves who is missing from today's narrative and what is our responsibility to make sure that they are included. We can be inspired by the courage of the miners and renew our commitment to justice for those who have been left out and left behind. We can take heart from the recognition that great progress has occurred while recognizing that there is much more to do. We can hold our governments accountable to their democratic promises and we can hold ourselves accountable for creating a more just and honest world."

— Ambassador Caroline Kennedy

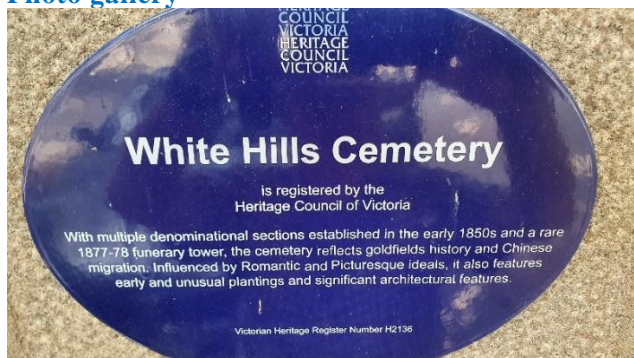
"The triumph of his legacy is that on days like today, we can correct the historical record to say that John Joseph was treated unjustly and his life should be understood within the context of the times that he lived in. While it doesn't change the circumstances of his experiences while he was living, it's my hope that this ceremony enables his spirit to rest easy."

— Santilla Chingaipe

"This ceremony is the culmination of that long overdue recognition. In the United States, February is Black History Month, and we couldn't think of a better way to celebrate Black Americans and their contributions to both the U.S. and Australia than this."

— Consul General Kathleen Lively

Photo gallery



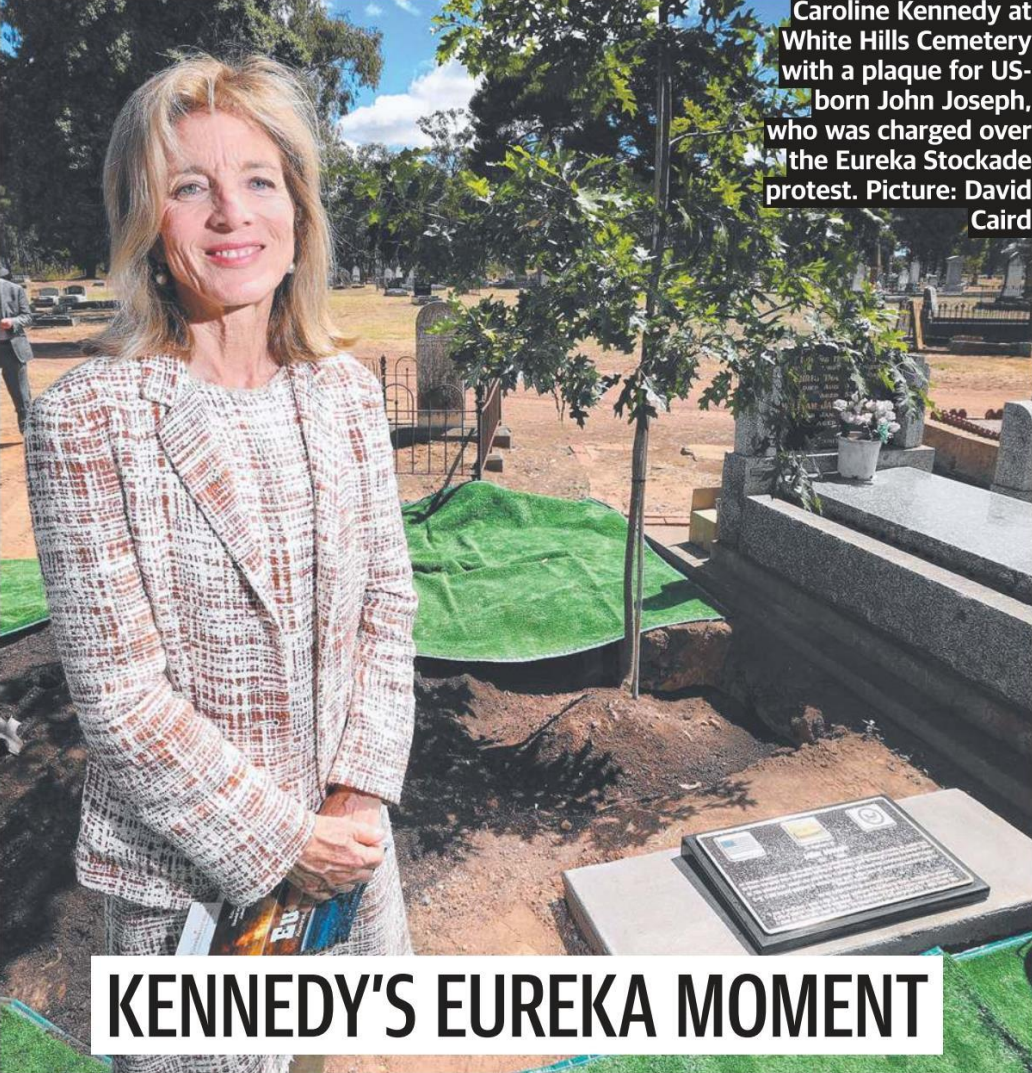
Heritage Plaque at entry to White Hills Cemetery, Bendigo



Ambassador Caroline Kennedy delivers remarks as part of the John Joseph plaque unveiling ceremony at White Hills Cemetery in Bendigo.



Some of the participants at the US Ambassadors' recognition of John Joseph, including EA Committee members.



Caroline Kennedy at White Hills Cemetery with a plaque for US-born John Joseph, who was charged over the Eureka Stockade protest. Picture: David Caird

KENNEDY'S EUREKA MOMENT

JULIEANNE STRACHAN

AMERICA has "no closer ally" than Australia, US Ambassador Caroline Kennedy has said.

She made the remark at the unveiling of a plaque at Bendigo's White Hills Cemetery, to commemorate the life of US-born John Joseph, who played a pivotal role in the 1854 Eureka Stockade protest on the Victorian goldfields.

Ms Kennedy said the story of Mr Joseph's life was an important part of shared US-Australian history.

"It's a privilege to serve my country here in Australia. The US has no closer or more important ally," she said.

"Our countries each have a complicated history but we are united by bonds of shared sacrifice, common values and a commitment to a peaceful future."

Ms Kennedy said it was pertinent for the US to celebrate Mr Joseph's contributions during Black History Month in America.

Mr Joseph was one of 13 men tried for treason over the protest, only to be acquitted. The US consulate did not offer Mr Joseph any legal help because, as a black man in 1854, he was not considered a citizen.

Mr Joseph died four years after his trial and was buried at White Hills. Ms Kennedy unveiled the plaque and planted a tree on Monday to mark his resting place.

Castlemaine Mail

Story by Jade Jungwirth, Castlemaine Mail, reproduced with permission

US Ambassador Caroline Kennedy, Consul General Kathleen Lively, and filmmaker, historian, and journalist Santilla Chingaipe, were in Bendigo on Monday to unveil a plaque to acknowledge the life of John Joseph, an African-American leader of the Eureka Rebellion.

John Joseph was arrested for protesting government licensing fees during the Eureka Stockade and was tried for high

treason before being acquitted by a jury. He was carried shoulder-high through a cheering crowd of thousands outside the courtroom.

After he died in 1858, John was placed in an unmarked grave at White Hills Cemetery in Bendigo. During this week's celebrations, an American Oak was planted to honour his significance in history and as a part of the United States commitment to racial equity and recognition of historical justice.

Ambassador Kennedy asked those gathered to think of the people missing from today's narrative and to take responsibility to include them.

"We can be inspired by the courage of the miners and renew our commitment to justice for those who have been left out and left behind. We can take heart from the recognition that great progress has occurred while recognising that there is much more to do. We can hold our governments accountable to their democratic promises and we can hold ourselves accountable for creating a more just and honest world," Ambassador Kennedy said.

Former Kansas State Senator Donald Betts told the *Mail* that Ambassador Kennedy is leading by example.

"This is a real power move which will hopefully lead to more unmarked graves being revealed," Mr Betts said.

John's lack of recognition in our country's long and colourful history is, unfortunately, a common occurrence amongst our First Nations, Chinese, African-American, and female descendants.

Working to bring these stories to the fore is Castlemaine production company Chemical Media, who last year produced a documentary featuring Santilla and her work to recognise significant African-Americans in Australia's gold rush history in the SBS film 'Our African Roots'.

Santilla said she feels humbled to pay tribute to John Joseph.

"It's a shame it took a foreign government to acknowledge John's contribution to Australia," Santilla commented.

"His life was marred by injustice, so this is a bittersweet moment that speaks to how far behind we still are in these conversations. We're still not there yet."

Santilla has been researching African American people in Australia's history and is currently working on a book entitled 'Black Convicts: How Slavery Shaped Colonised Australia', due to be released next year.

"When I started my research, I found that there were 100s and 100s of these stories that began to unravel, with African American settlers in their thousands," Santilla said.

"So I had to focus on those who had made a significant contribution.

One of the lives featured in Santilla's documentary, 'Our African Roots' was Fanny Finch, a Castlemaine businesswoman of African heritage, who is the first known woman to cast a vote in an Australian election in 1856.

Chemical Media Executive Producer Tony Jackson told the *Mail* that it's not often that he gets to produce films that have a clear, tangible outcome.

"History was written by white men and while the other people's stories were not necessarily hidden," said Tony, "they haven't been told yet either."

New York Times

A Black Man Went to Australia for Gold, Then Stood Up for Democracy

John Joseph was put on trial for leading a miners' rebellion seeking less taxation and more representation. His legacy was forgotten — until now.



By [Damien Cave](#)

Reporting from Bendigo, Australia April 5, 2023 Updated 12:11 p.m. ET



White Hills Cemetery in Bendigo, Australia, where John Joseph was buried in an unmarked grave in 1858. Credit...*Christina Simons for The New York Times*

The unmarked grave of John Joseph must have been stepped on a thousand times, by miners from his own era of gold-hunting 1850s Australia, and then by generations of future fortune seekers. No one seemed to care much about the Black American who had helped forge Australian democracy, who had been tried for treason by the British colonial authorities and whose acquittal sparked a street celebration in Melbourne, where he was carried shoulder-high into a sea of 10,000 people.

Mr. Joseph's legacy simply faded, like a puff of dust on Australia's arid plains, which is where he ended up. In the scruffy town of Bendigo. In a cemetery called White Hills near Chinese, Irish and Jewish migrants. Most of them had gravestones, hard and heavy. He did not.

Until last month, when Caroline Kennedy, the United States ambassador to Australia, unveiled a new plaque with a shiny American flag and a summary of Mr. Joseph's life.

"His story is one for our time, too," she said at a formal ceremony with a crowd of American and Australian officials. "As we face this history, we can ask ourselves, who is missing from today's narrative? And what is our responsibility to make sure that they're included?"

A Bendigo historian to her left held a crinkled page from the archives showing that Mr. Joseph was buried on July 25, 1858. His memorial service began nearly 165 years later, and more than 168 years after the Eureka rebellion — the uprising that had propelled him to prominence after miners seeking a more just government clashed with British troops, leaving around 30 people dead and leading to the arrest of Mr. Joseph and more than 100 others. "As we face this history, we can ask ourselves, who is missing from today's narrative?" said Caroline Kennedy while unveiling a plaque remembering Mr. Joseph at White Hills Cemetery last month.

Why it took so long for him and his burial site to be recognized is partly a familiar story of racism and erasure. Australia's birth as an independent nation included a "white Australia" program started in 1901 that [barred nonwhite immigration](#), and the policy was fully dismantled only in the 1970s. Even now, scholarly interest in Australia's multiracial past is limited, and the country has still failed to negotiate a treaty with the continent's Aboriginal inhabitants.



But while historians have tended to overlook figures like Mr. Joseph — and he may not have sought the spotlight in the first place — his actions and the public’s response still paved the way for reforms that made Australia more democratic.

In death, he left unanswered questions, and one remarkable legal triumph that still resonates. He was accused — a Black man, American — of fatally shooting a British officer in the 1854 rebellion. His fate seemed sealed. But an all-white jury set the Black man free. Mr. Joseph died a few years later with no known descendants. And a handful of Australians spent a decade fighting to honor him.

“It’s almost laughable, right?” said Donald Betts Jr., a former Kansas state senator who lives in Australia and came to the ceremony to celebrate a fellow Black American immigrant. “It makes you want to cry at the same time.”

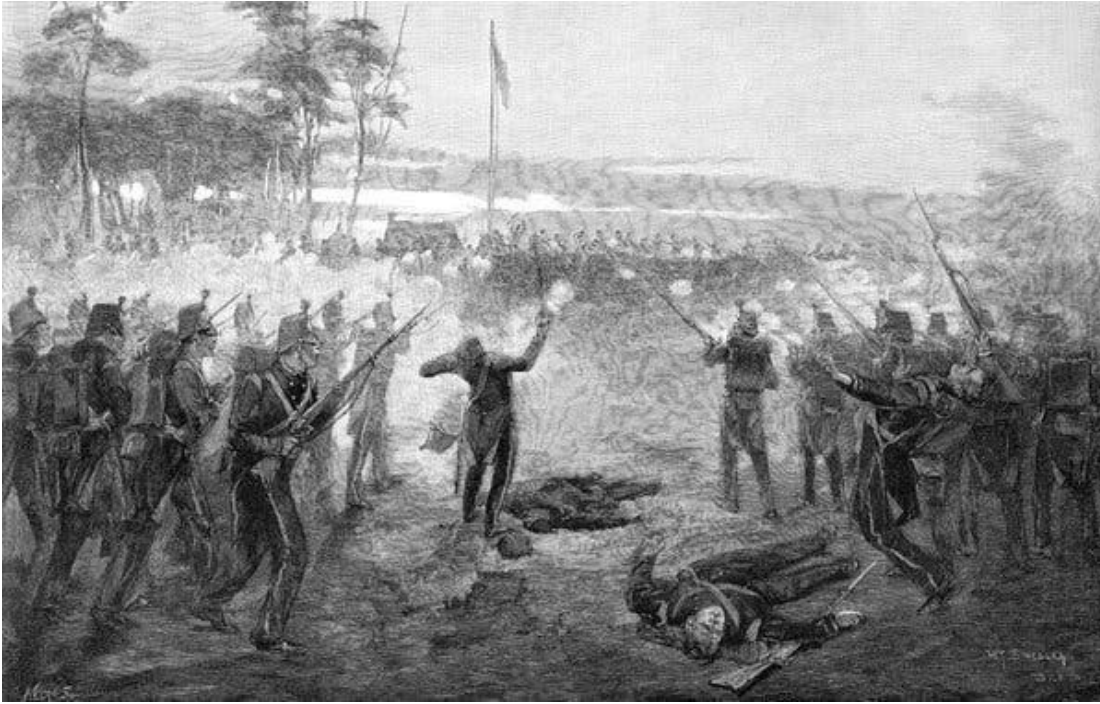
From America to Australia

Who was John Joseph? News accounts from the time of his trial said he came from Boston, New York or maybe Baltimore. Historians believe he reached Australia’s goldfields after working the seas — a common occurrence at the time, as mariners jumped ship to search for gold.

A place called Ballarat, north of Melbourne — that was the place to be. Gold had been discovered there in 1851. The world soon arrived, with around 6,000 new miners (diggers, as they came to be known) showing up in town every week at the boom’s peak. When Mr. Joseph set foot in Ballarat a few years later, the town was teeming with activity and tension. The easy gold found by panning was gone. The government did not allow the miners to own land on the goldfields, or to vote, so the town was a tent city of the disenfranchised, marked by noise, mine shafts and flags marking different enclaves.

Many Americans arrived from the California gold rush, and there were plenty of Europeans, but the miners came from all over, representing a wide range of ethnicities and religions.

“There are Hindus, there are Maori, and people from Africa, too,” said Clare Wright, a history professor at La Trobe University in Melbourne and the author of “The Forgotten Rebels of Eureka.” “And they’re all there for the same thing: to find gold.”



An engraving depicting the Eureka rebellion, a miners' revolt in 1854 in Ballarat, Australia. Credit...Print Collector/Hulton Archive, via Getty Images

In debt and hoping to reduce migration, the colonial government imposed a monthly license fee in 1853 that most diggers could not afford. Seeking bribes or payback, corrupt police officers checked for the licenses in raids that sparked outrage and led to a merger of violence and politics.

In October 1854, a Scottish miner was killed at the Eureka Hotel in Ballarat. When the accused was exonerated — he was the hotel's owner and a friend of the constable — a group of miners burned down the Eureka and were arrested.

A few weeks later, after another license hunt by the police, an Irishman named Peter Lalor tried to unify Ballarat's miners under one thing they saw every night, the stars of the Southern Cross. He unfurled a flag with the constellation and led an oath: "We swear by the Southern Cross, to stand truly by each other, and fight to defend our rights and liberties."

Peter Fitzsimons, the Australian author of a 2013 book about Eureka, called it "our version of the Boston Tea Party, an uprising on the basis of 'no taxes without representation.'"

What the men craved was not revolution, but rather the right to buy land and vote.

"They wanted to be able to have a seat at the table," Professor Wright said. "They didn't want to overthrow the table."

But they did expect a fight. Grabbing timber from mine shafts and horse carts, they built a fort, the Eureka Stockade. Families and workers ended up behind the fence line. John Joseph did, too. In his 30s, older than most of the miners, he was a recent arrival to Ballarat, running a business under a tent selling refreshments.

When 300 British soldiers and police officers appeared at 3 a.m. on Dec. 3, Mr. Lalor reportedly called on the Americans, whom he trusted to be loyal. "California rangers to the front," he shouted. And there was Mr. Joseph, witnesses said, with a double-barreled shotgun.



The plaque celebrating Mr. Joseph at White Hills Cemetery. Credit...Christina Simons for The New York Times

Gunfire pounded for 15 minutes. The authorities set fire to tents, to flush out insurgents. More than 20 diggers died. At least four soldiers were also killed in the battle. Capt. Henry Wise, the most popular officer in the division, was shot in the knee and died a few days later from an infection.

Mr. Joseph was blamed for his death.

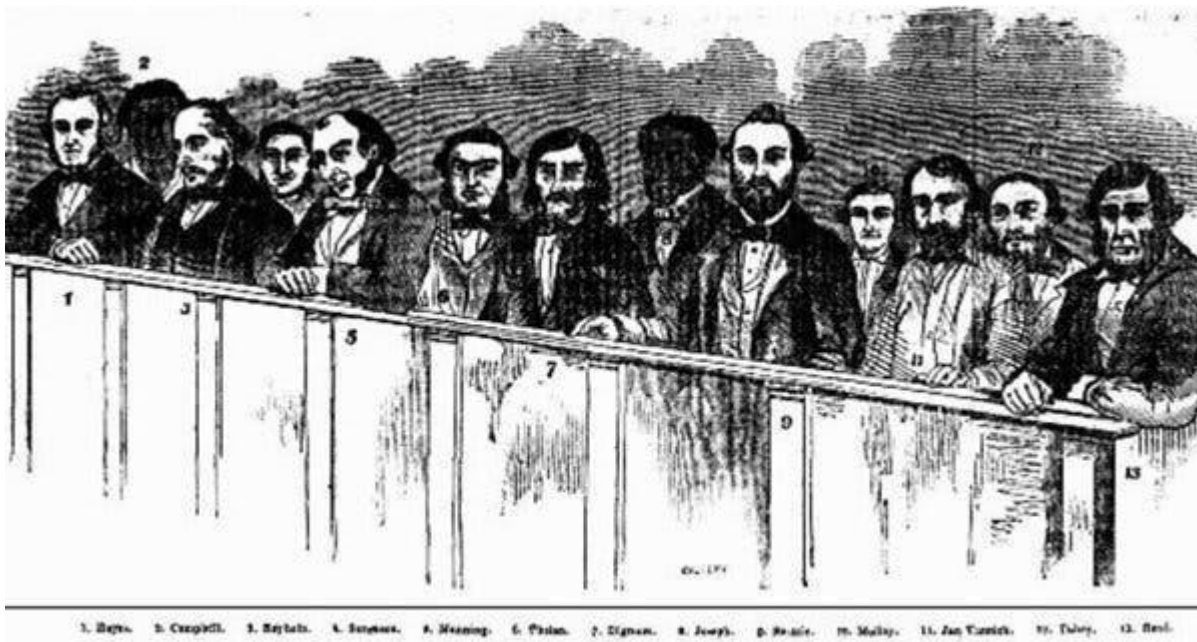
A Triumphant Trial

Of the 125 miners arrested in the smoke and flame after the clash, only 13 were charged. At least two Americans caught up in the mess received legal assistance from the U.S. Consulate.

Mr. Joseph did not.

The United States did not grant due process to African Americans at home in the 1850s — a point of national shame noted by Ambassador Kennedy in her speech. Overseas, the U.S. government treated Mr. Joseph like a nonentity.

He was the first to face trial in February 1855, in Melbourne, the Colony of Victoria's capital, partly because prosecutors believed he would be the easiest to convict. He pleaded not guilty, insisting he had arrived in Ballarat after the Southern Cross gathering and was simply in town to make a living.



An engraving depicting the treason trial that was held in 1855, after the Eureka rebellion. Mr. Joseph is the Black man in the center, back row. Credit...Ballarat Heritage collection/Victorian collections

Over a few days of testimony, witnesses placed Mr. Joseph on the front lines of the battle. His lawyers argued that in the darkness before dawn, it was impossible to identify who fired.

But since the charge was treason, not murder, they mostly focused on intent. Appealing to the racist stereotypes of the age, they argued that Mr. Joseph was too much of a simpleton to have committed high treason.

According to one of his lawyers, his client “declined to be made a hero of,” though among the diggers, he was seen as an ally. Raffaello Carboni, an Italian Eureka leader who spent time with Mr. Joseph in jail before trial, said that Mr. Joseph had a “warm, good, honest, kind, cheerful heart” and “a sober, plain-matter-of-fact contented mind.”

The jury seemed to reach a similar conclusion. The group returned quickly from deliberations, finding Mr. Joseph not guilty. Pandemonium filled the courtroom — around 10,000 people had packed the courtroom and the streets to hear the verdict. And Mr. Joseph was treated like a victorious general.

“On emerging from the courthouse, he was put in a chair and carried round the streets of the city in triumph,” wrote The Ballarat Star, a local newspaper.

All the other trials ended in acquittals or dismissals. The government soon gave in to the diggers’ broad demands. Miners would be allowed to buy land; men would be given the vote.

In a dispatch from London, Karl Marx, the father of communism, described Eureka as distinct from the American Revolution because the uprising had been “initiated by the workers.”

And then Eureka faded. The diggers went back to digging. Mr. Joseph moved on to Bendigo, another mining town, where a neighborhood called California Gully, marked today by low-slung Victorian houses, suggests there were plenty of Americans nearby. But there is no known mention of Mr. Joseph in local newspapers after his trial in 1855. Three years later, at 41, he died, probably from a heart attack, based on hospital records. No one knows if he was mourned by friends at the grave, or if his relatives were notified.



A memorial to the victims of the Eureka rebellion in Ballarat. The uprising led the government to give miners the right to buy land and men the right to vote. Credit...Christina Simons for The New York Times

An Unmarked Grave

Martin Callinan's great-great-great-grandfather was an Irish miner who fought at the stockade. His own father had taken him for walks in the White Hills Cemetery, explaining that somewhere beneath their feet lay the body of a Black American freedom fighter.

In 2013, he wrote a letter to Kim Beazley, Australia's ambassador to the United States, urging more recognition for Mr. Joseph. He said he never heard back. Eureka had become a boutique and often divisive subject. In the 1990s, the local Southern Cross flag signaled support for unions, workers' rights or Communism; more recently, it has become associated with right-wing white nationalists.

"It's been used by some complete nutters," Mr. Callinan said. "That confuses a lot of things."

Inside the U.S. Consulate in Melbourne, Gabrielle Connellan, a cultural affairs specialist, held firm to the idea that Eureka was about fighting tyranny. She repeatedly shared Mr. Callinan's letter and suggested doing something for Mr. Joseph. Over the past year, intense discussions around race and history in America and Australia added urgency. White Hills agreed to find the location of Mr. Joseph's grave. Ambassador Kennedy found time in her schedule.

"The stars just kind of aligned," said Kathleen Lively, the U.S. consul general in Melbourne.

She acknowledged that the bureaucracy had been slow. Punctuating the point, a quote from Mark Twain appeared at the bottom of Mr. Joseph's gravestone, praising the Eureka rebellion as "[a strike for liberty, a struggle for principle, a stand against injustice and oppression.](#)"

He wrote that line after visiting the goldfields in 1895.



“Australia is still stuck on this idea of a very monocultural identity,” said Santilla Chingaipe, an Australian journalist who featured Mr. Joseph’s story in a documentary about the country’s forgotten Black history. Credit...Christina Simons for The New York Times

Santilla Chingaipe, an Australian journalist who featured Mr. Joseph’s story in [a documentary about the country’s forgotten Black history](#) — also the subject of a book she’s writing — called his eventual day of recognition bittersweet.

She spoke at the event, then watched as descendants of the Eureka fighters eagerly helped Ms. Kennedy plant a new American oak tree at Mr. Joseph’s grave.

“How wonderful is it that John Joseph gets to be acknowledged, and so publicly,” she said, standing a bit apart from the crowd. “But I’m also going, ‘Wait, it’s taken a foreign government to recognize something that played a foundational role in Australia’s history.’”

“Australia is still stuck on this idea of a very monocultural identity,” she added.

Especially for Americans like Mr. Betts, a lawyer who moved to Australia more than a decade ago with his wife, Mr. Joseph’s story arrived like a shooting star. What a revelation: Australian history is Black American history, too.

“African Americans that are living here in Australia — we now have a connection to Australia,” he said, smiling at the gravesite. “And here,” he added, “they exonerated a man!”

“There is a time and season for everything,” Mr. Betts said. “This season was for the revealing of John Joseph and the telling of his story.”

***Damien Cave** is the bureau chief in Sydney, Australia. He previously reported from Mexico City, Havana, Beirut and Baghdad. Since joining The Times in 2004, he has also been a deputy National editor, Miami bureau chief and a Metro reporter.*

UNVEILING BLACK AMERICA'S UNSUNG HERO

This article has been provided by Dr Geraldine Moore of Eureka Australia.

The democratic uprising on the Eureka goldfield at Ballarat in December 1854 was an event of profound significance in Australian history. Though the diggers suffered a military loss at the hands of the troops, the ideals they fought for succeeded. Within a remarkably short time, the State of Victoria adopted important democratic changes, and these ideals later influenced the development of the Australian Constitution. What very few Australians and Americans know is that one of the most heroic and valiant of the fighters for those democratic ideals was a Black American named John Joseph.

Two white Americans; James McGill and Charles Ferguson, are known to have taken up arms in support of the gold miners during the conflict at the Eureka Goldfield, Ballarat on 3 December 1854, and others also may have fought. Following the conflict, both McGill and Ferguson were helped by influential members of the American community to avoid conviction. However John Joseph received no such help.

JAMES MCGILL

Aged only twenty, McGill was the Second-in-Command of the Independent California Rifle Brigade. He had taken an active part in military drilling, and in setting up the sentry system for the stockade. By chance he was absent from the stockade when the conflict took place. Afterwards he reputedly fled to Creswick disguised in women's clothes. An influential American friend named George Francis Train, interceded with the Governor, and as a result, McGill did not face trial.

CHARLES FERGUSON

Some years later, Charles Ferguson (1832– 1925) wrote a book about his experiences in Australia, including his participation in the fighting at Eureka and his arrest on a charge of High Treason. At his trial, Ferguson claimed to have been held in the stockade against his will, but in his book he described himself as a committed and active participant in the struggle. He related that an American doctor, Charles Kenworthy, had provided him with a false excuse for being found in the stockade when the fighting took place. Like all the 13 prisoners who were charged with High Treason, Ferguson escaped conviction because the juries would not convict the prisoners.

JOHN JOSEPH

John Joseph, (Sometimes spelt 'Josephs'), a twenty-four-year-old black American from New York, was the first prisoner to stand trial for High Treason. Originally, he was not scheduled to go first, but the order was changed because of technical difficulties with some other cases. It may also have suited the Attorney General, William Stawell to try Joseph first in the belief that it would prove easy to convict a black man, and that thereafter, the other prisoners would more easily be convicted.

Joseph was accused of firing at the troops, and possibly of firing the shot that killed Captain Henry Wise of the 40th regiment. At the outset of his trial, Joseph objected to gentlemen and merchants being selected for the jury. He successfully objected to twenty-three prospective jurors. Despite having all of his money stolen from him when he was arrested, he was ably defended by two lawyers, who gave their services without fee. One was a young London barrister named Butler Cole Aspinall, and the other was Henry Samuel Chapman, a very experienced lawyer. The Attorney- General prosecuted for the Crown. The 'Ballarat Star' newspaper reported that 10,000 people came to the courthouse hoping to hear the trial.

Aspinall addressed the jury, sardonically enquiring, *'Surely, gentlemen of the jury, you won't hesitate to hang a trifling nigger to oblige the Attorney-General?'*

The charge against Joseph was that he had attempted to subvert the authority of the Crown in the colony by wounding and killing the Queen's soldiers. In order to convict him of the charge of High Treason, the Crown needed to prove that he had acted with 'treasonable intent.' The correspondent for the *Argus* newspaper who reported the

trials described John Joseph as follows. *“Josephs is a negro, a very tall and powerful man, but with a stupid and vacant expression of countenance.”* If Joseph wore such an expression, he might have assumed it on the advice of his counsel, so that the charge of ‘treasonable intent’ was less convincing to the jury.

Five witnesses gave evidence at Joseph’s trial. Two government spies reported that they had seen him in the stockade. A private of the 40th Regiment reported that he had seen Joseph *“looking over the stockade with a pike in his hand.”* Patrick O’Keefe, a private of the 40th Regiment, gave the following evidence: *“Saw Josephs there. He fired on us. Saw Josephs with a pike in his hand running towards the tent, and again in custody outside the stockade.”* Private John Donolly of the 40th Regiment gave evidence that he had seen Joseph *‘holding a double-barrelled piece’*. The court also heard that Captain Charles Jeffreys Carter and a constable had taken Joseph prisoner, and that he had resisted.¹ In the course of the trial, the tent that Josephs had been seen running towards was described as the ‘guard tent’. It was here that the miners stored their weapons and ammunition.

These fragments of evidence show that Joseph had indeed taken a prominent role in the fighting; even struggling when taken prisoner. However the jury remained unconvinced of his ‘treasonable intent’ and returned a ‘not guilty’ verdict. This led to so much rowdy cheering in the courtroom that Chief Justice William a’Beckett had two members of the public gallery jailed for contempt of court.

¹Ballaarat. *The Argus*, 11 December 1854, p.5

BLACK AMERICANS IN AUSTRALIA

There were a number of Black Americans who came to Australia during the goldrushes. As Britain had officially ended its support for slavery, they hoped to be accorded the same rights as white people. However, some of their fellow-Americans were determined to treat them as inferior. There were instances of white Americans insisting that Black Americans be refused entry to public places, such as bars. Within a few years, the American Civil War would see these tensions escalate. Other people of European descent in Australia were also guilty of racism, particularly towards the Aboriginal people and the Chinese.

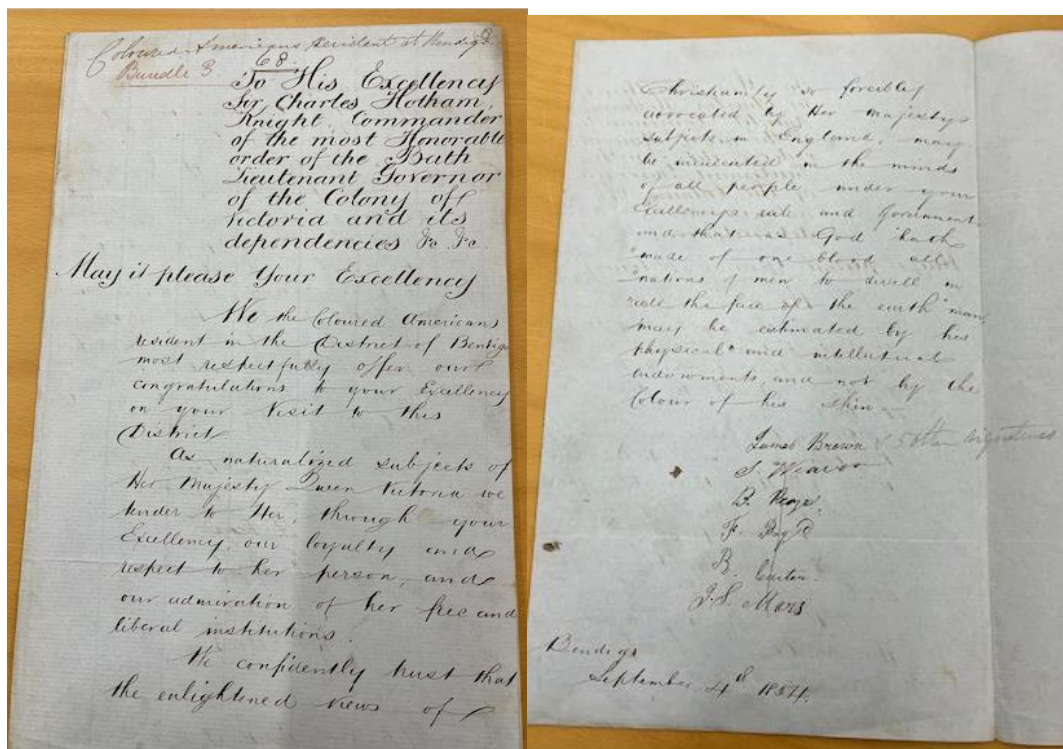
ADDRESS TO THE LIEUTENANT-GOVERNOR

When the newly appointed Lieutenant-Governor, Sir Charles Hotham, visited Bendigo in September 1854 he received a loyal address signed by eleven people who described themselves as ‘The Coloured Americans of Bendigo.’ They further described themselves as ‘naturalised subjects of Her Majesty Queen Victoria’.

They concluded their address as follows:

‘We confidently trust that the enlightened views of Christianity, so forcibly advocated by Her Majesty’s subjects in England, may be inculcated in the minds of all people under Your Excellency’s rule, and Government, and that as God “hath made of one blood all nations of men to dwell on all the face of the earth”, a man may be estimated by his physical and intellectual endowments, and not by the colour of his skin.’²

²Public Record Office of Victoria, 1095/P0000 Bundle 3. 3



Loyal address signed by eleven people who described themselves as 'The Coloured Americans of Bendigo.' September 1854, Public Records Office

MEMBERSHIP SUBSCRIPTIONS and NEW MEMBERS:

Subs are past due for 2023.

Please bring your membership status up to date prior to the AGM on May 24th at 4pm (via Zoom.)

If you consider any of your family or friends could be members and enjoy what EA endeavours to achieve, please sign them up!



Some of the invited audience (with media) at White Hills Cemetery

LETTER OF THANKS TO AMBASSADOR KENNEDY



The Hon. Caroline Kennedy,
US Ambassador to Australia,
US Embassy,
Canberra, ACT

1 April 2023

Dear Ambassador Kennedy,

I write to express our appreciation for your commitment to the story of Eureka and John Josephs' key part in that legend in presenting the high quality ceremony honoring John Joseph at the White Hills cemetery in Bendigo on February 27.

We are grateful for your support for the ceremony but particularly for your words which highlighted the courage of John Joseph and his miner colleagues, sought our renewed commitment to justice for those who have been left out and left behind, and challenged us to hold our governments accountable to their democratic promises, and to hold ourselves accountable for creating a more just and honest world.

Kathleens' generous recognition of Martin Callinan, for his initiative in contacting the Australian Ambassador to the U.S. at the time, to recommend that John Joseph's grave be marked, was much appreciated.

We are also aware of the pivotal role Gabby Connellan played in making this recognition event happen. A most impressive individual. We are grateful to Gabby and her assistant Sarah-Jane for their aspiration and for recognising the broader significance associated with the John Joseph story. We were delighted to read the NYT article. It brings to light the remarkable story of John Josephs' contribution towards defining a more just Australia. His efforts, thanks to your Embassy, have now been to some extent, recognised.

The Eureka story needs to be better known and its messages for today's generation celebrated. Your support and remarks on the day at White Hills, will certainly assist those objectives. One of our objectives has been to develop links with some non-politically aligned US institutions which celebrate the benefits of a free democratic society, prepared to react to oppressive authority while seeking fairness and equity, valuing human rights and respecting human dignity. If you could assist us in making contact with one or two institutions with those values it would be very much appreciated in exploring a broader ongoing engagement.

It was indeed a great pleasure to meet you and to absorb your words about social justice, democracy, human rights and honesty, and your reminder about the deep ties which spring from the underlying shared values of American and Australian society. On behalf of all our members and supporters, we express our sincere gratitude for your efforts and wish you a happy term as US Ambassador in Australia.

Eric Howard AM,
President, Eureka Australia



Eureka Australia Descendants and Supporters Inc.

6 Gibbons Street, Sunbury, VIC, 3429
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MEMBERSHIP FORM:
EUREKA AUSTRALIA
DESCENDANTS AND SUPPORTERS INC.
 Membership Application/Renewal for 2022 (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 ☐
- **Family M/ship Concession** \$20.00 + \$20 = \$40 per annum ☐
- **Life Membership** Full \$300, Concession \$150 ☐

Note: **Concessional Subscriptions apply to Commonwealth Pension Recipients & Students**
 For Family Membership please list each other name and their contact details
 All amounts include GST

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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, Vic. 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 membership by email to committee@eurekaaustralia.org.au