Ballarat’s First Gold
Commissioner’s Camp
In 2014/5 Sovereign Hill sought to find the exact location of the First Gold Commissioner’s Camp at Ballarat.

To assist, it engaged the services of Kellehers Australia and land surveyors, Rodney Aujard & Associates.

After months of research and mapping, it is now possible to exactly pinpoint its location.

The Camp was important to the story of Eureka, which in turn became the story of Australia as a nation. What follows is the story of how the location was determined.
In collating this information we acknowledge:

- The team at Kellehers Australia, including Dr Leonie Kelleher, Mr Robert Forrester, Mr Hubert Algie, Mr Michael Griffiths and Mr Cameron Algie, resourced by the library of Kellehers Australia;
- Research Memoranda, information and documents from Sovereign Hill Museum, including Mr Brett Dunlop Director Museums, Dr Jan Croggan Historian, Mr Roger Trudgeon Director Gold Museum, Ms Snjezana Cosic, Assistant Curator and Mr Ted Ryan;
- Witness statement by Dr Jeremy Johnson, Executive Director Sovereign Hill Museum, dated 13 February 2015;
- Survey work and witness statement of Mr Rodney Aujard, surveyor, dated 12 February 2015 and his oral evidence to the Heritage Council hearing on 16 March 2015;
- Submission by Mr Tim Smith, Executive Director, Heritage Victoria, dated 10 February 2015;
- Oral submission by Mr David Bannear on behalf of Heritage Council hearing on 16 March 2015
- Submission by Beveridge Williams 12 February 2015;
‘To follow knowledge like a singing star,

Beyond the utmost bound of human thought.’

Tennyson, Alfred Lord, Ulysses. Tennyson’s oldest son Hallam Tennyson, 2nd Baron Tennyson, GCMG, PC became Governor of South Australia and Australia’s 2nd Governor-General.
Ballarat’s First Gold Commissioner’s Camp

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Ballarat’s First Gold Commissioner’s Camp

After first white settlement of the Ballarat area from the 1830s, a nostalgic post-Eureka account described it as a ‘pleasantly picturesque pastoral country’ where “a pastoral quiet reigned everywhere... The kangaroo leaped unharmed down the ranges, and fed upon the green slopes and flats where the Yarrowee rolled its clear water along its winding course down the valley”. However, the pastoral setting within which the First Gold Commissioner’s Camp came to be located was considerably more complex.

PART A PASTORAL SETTING

Port Fairy (then called Belfast) was settled from 1820 (possibly earlier), Portland from 1834, Melbourne from 1835 and Geelong from 1836. Pastoral land use spread inward, from this, including to the Ballarat area.

Major Thomas Livingstone Mitchell, then Surveyor-General of the Colony of New South Wales, was the first known white person to travel through the Western District. His visit, like earlier exploration, had the consequence of accelerating settlement and government presence in Victoria.

At Ballarat, William Cross Yuille, a Scottish pastoralist, took up 10,000 acres, including the area of Ballarat East and West and Sebastopol. Yuille located a dwelling hut just west of the Yarrowee River, a little north-west of Golden Point. Lake Wendouree was, for some time, known as Yuille’s Swamp. Other pastoral operations began in nearby areas, occupying traditional lands of the Wadawurrung (Wathawurrung) people of the Kulin nation, and profitably supplying English woollen mills. The Creswicks took country close to Warrenheip. Thomas and Somerville Learmonth settled at Ercildoune, the Scotts at Mount Buninyong, the Inglis and Fiskens families at Ballan and Captain John Hepburn at Smeaton Hill. Sovereign Hill’s Narmbool property, adjoined south of Ballarat, was first settled in 1839 by Mr Neville and leased until the 1850s when squatters could purchase 640 acres (1 square mile) and the first permanent structures came to be constructed.

In 1847, the Rev Thomas Hardy established Hastie’s a Free Church and school in 1848 in the Ballarat area. The image in Figure 1, although prepared after gold’s discovery, gives a sense of the country at this time.

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3 W.B. Withers,1870, F.W. Niven and Co, History of Ballarat, 22nd June, Chapter 1, via url http://gutenberg.net.au/ebooks13/1304971h.html#Image14 accessed 27 March 2015
Figure 1: S.T.G., Ballarat in 1852 (Looking North-West from Mt Buninyong)\(^7\) (note the Yarrowee River)

Other images of domestic life illustrate elements of pastoral life over this period (Figures 2 and 3).

Figure 2: Alexander Dennistoun Lang, The Squatter at Home: Bad news from the outstation 1839
Figure 3: Artist unknown Mr and Mrs Kinnear and their daughter 1851\(^8\)

By 1844 Yuille’s Swamp (Lake Wendouree) was, according to Walter Withers a journalist who wrote an early history of the first Ballarat goldfields, a camping place for bullock teams. He described Golden Point flat as a place where the grass was always green in the driest of summers, the timber was white gum not thick and the creek opposite Golden Point was shallow.

There were three Wathawurrung speaking clan and patri-clan groups in the Ballarat district: Keyeet baluk, a sub-group of the Burrumbeet baluk, at Mt Buninyong, Tooloora baluk, at Mt Warranheip and Lal Lal Creek and Burrumbeet baluk at Lakes Burrumbeet and Learmonth\(^9\);

Aborigines built their mia-mias about Wendouree. White settlers frequently made strong relationships with Aboriginal people. Many preferred Aboriginal names and sympathised with Aboriginal culture\(^10\). For example, Katherine Kirkland, in 1845, whose family took up land west of Ballarat at Trawalla, wrote:

> ‘Bonin Yong is a native name and means big mountain. I like the native names very much...’\(^11\)

Names were exchanged throughout Victoria as a way of establishing ties and assimilating outsiders:

> ‘Names possessed power and indicated relationships, which in turn carried obligatory rights and duties.’\(^12\)

Ballarat is a native name, signifying a camping or resting place (balla meaning elbow, or reclining on the elbow). Wendouree is the anglicised form of Wendoorree, a native word, signifying “be off”, “off you go”. Yarrowee is probably a Scottish settler’s use of the

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\(^7\) [http://gutenberg.net.au/ebooks13/1304971h.html](http://gutenberg.net.au/ebooks13/1304971h.html).  
\(^8\) Inglis, Alison, 2013, Chords of memory: Scottish art in colonial Australia, in Inglis, Alison and Patricia Tyson (ed.), 2013, Images of Scottish Australia From First Fleet to Federation, Art Gallery of Ballarat, p 210.  
\(^9\) Clark, I.D., 1990, Aboriginal Languages and Clans: an historical atlas of western and central Victoria, 1800-1900, Clayton: Department of Geography, Monash University.  
\(^12\) Pennay, Jan, 1979, The Death of Queen Aggie; Culture Contact in the Mid-Murray Region, LaTrobe University, BA Hons Thesis, p 48.
Scottish Yarrow, with a diminutive to suit the smaller stream. Warrenheep, corrupted to Warrenheip, means emu feathers. According to Rev Hastie, when he first came to Buninyong, Aboriginals were comparatively numerous and would come to the manse for food, in return for which they would fetch or break up fire wood. King Billy was the name given to the chief of the tribes about here, and that regal personage for many years wore a big brass plate bearing his title. He was chief of the tribes about Mounts Buninyong and Emu, and King Jonathan, of a Borhoneyghurk tribe, was his subordinate.

Whilst European occupiers remained small in number and the Indigenous culture and economy remained intact, Aboriginals exercised influence. Most Aboriginal people shared the notion of periphery as an afar place from which strange things emerged and could be explained in this way. However, violence did occur. Sheep were extensively killed by Aboriginals and, between 1839 and 1849, violent clashes occurred throughout Victoria with many white and black occupants of the lands killed and yet more injured. It would be naïve to believe this did not occur in the area around Ballarat.

Land tenure and settlement was critically important to early colonial life. The separation of the Port Phillip District from New South Wales was announced in Melbourne on 15 November 1850 and Victoria was finally proclaimed on 1 July 1851. This led to the creation of a Victorian Parliament and public service. At separation, Victoria was divided into about one thousand unfenced and unsurveyed sheep runs. Who owned what land was complex. Long leases and pre-emptive buying rights to squatters, often effectively ‘locked up’ land.

Shortly after separation, Charles LaTrobe, who had been appointed over a decade previously in 1839 as the first Port Phillip District superintendent, became Victoria’s...
first Lieutenant Governor. While gold may have been discovered in Victoria before separation, on 8 August 1851 a blacksmith, Thomas Hiscock, saw gold flakes in the creek at the foot of Mt Buninyong. A letter to the Geelong Advertiser by Paul Gooch, in September 1852 claimed that gold was discovered:

‘on the occasion of my sending out a blackfellow to search for a horse who picked up a nugget on the surface. Afterwards I sent out a party to explore who proved that gold was really to be found in abundance’.

It was on 24 August 1851 that Thomas Dunn and George Wilson found gold at Golden Point (with gold on that date already with another party (Greenwoods) at Black Hill). Dunn later made a valuable sketch of the early Golden Point goldfields, showing the first Gold Commissioner’s Camp (Figure 13, p12).

After that, as Ballarat experienced a gold ‘rush’, its relatively isolated location created urgent needs, not only for supplies, infrastructure and land access.

Not long after gold’s first discovery at Golden Point, government services began to be put into place. A key early service was the postal service, described as “rudimentary in the extreme”:

‘The Geelong mail did not arrive until four hours after the fixed time, which involved the necessity of forwarding the Buninyong and Horsham mails without it, after the above detention’.

Manning Clark described Governor LaTrobe as being concerned to prevent community turmoil arising from gold’s discovery. He records the Governor having ‘many anxious discussions’ with Charles Perry, the Bishop of Melbourne, and others of like mind. Clark postulates that LaTrobe’s belief that a licence fee would reduce numbers and support government revenue led him to apply them to commercial operations on goldfields Crown law. Some believe the first Victorian gold miner’s licence may have issued from the First Gold Commissioner’s Camp at Ballarat but, given that the Commissioner did not commence at Golden Point until 21 September 1851, nearly three weeks after fees commenced, this must remain mere conjecture.

The Gold fields licence system compelled all men and women to take out a licence to work on the diggings. A licence fee entitled a holder to mine a precisely dimensioned area of claim and was payable regardless of financial return. A licence was also required for all ‘persons resident upon the goldfields in the practice of a profession, trade or calling, of any permitted kind’, with storekeepers also imposed a licence fee. An exemption applied to pastoral lease or licence holders, ministers of religion and school

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24 Governor La Trobe resigned in December 1852
29 A small statistic indicates the demographic changes: in 1850, one birth was registered in Ballarat. In 1851, there were five. The figure doubled to ten in 1852 and was twenty-eight by 1855. These statistics are provided in Wright, Clare, 2013, The Forgotten Rebels of Eureka, The Text Publishing Company, at page 162, and footnoted (Footnote 8, Chapter Six), as drawn from Digger-victorian Pioneers Index 1837-1888, available online at the National Library of Australia’s eResources website.

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**Figure 5:** date and artist unknown, Lieutenant Governor LaTrobe
masters in employment, females and all children under fourteen years of age not mining for gold and any other persons granted temporary exemption by the Commissioner on account of sickness or other accident\textsuperscript{35}. A Gold Field was defined as:

"those parts of the waste lands of the Crown ... on which any persons are actually engaged in mining for gold"\textsuperscript{36}
What were Gold Commissioner's Camps?

On 22 May 1851, the New South Wales Gold Commissioner, issued a proclamation that:

“all the gold in its natural place of deposit...belongs to the Crown.\(^{37}\)

Every goldfield had a Gold Commissioner’s camp that was:

‘invariably set on a little eminence overlooking the diggers... and presented a marked ...contrast to it. ... Every man brought his gold, were the quantity great or small, ... and handed it over to be placed in the (Camp's) strong box. A ticket with his name on it was attached to the parcel, and he received a receipt signed by the Commissioner, who was thereforward responsible for the safety of the gold. When sufficient quantity was collected ... the escort started with it for Melbourne. ...

... The Gold Commissioner wore as uniform a cavalry officer’s undress, namely, a dark braided frock-coat, with a cap bound with gold lace, and ... boots and breeches. He and his clerk were gentlemen by birth and breeding, but most of the policemen were drawn from the working classes. ...

Another class of peace preserver to be seen in the Commissioner’s camp was the black trooper. ... (T)hey made most excellent policemen. \(^{38}\)

The Gold Commissioner was, from the outset, a prominent figure on the goldfields. The manner of conduct by those in this role, led to friction in many locations. The writer William Howitt, who spent time in the Victorian goldfields after 1852, observed that:

‘nothing could exceed the avidity, the rigidity and arbitrary spirit with which the licence fees were enforced on the diggings’\(^{39}\).

The Commissioner’s roles, of license and gold collection, uncomfortably merged different legislative responsibilities:

‘The commissioners who, with their subs, used to be remarkably active in hunting up their game, were in the habit of traversing the ground with scales, in which the quantity of the gold required, in lieu of coin, for the amount of the license fee was duly weighted out of the diggers box or pouch, and transferred to the official reservoir, for ultimate transmission to the treasury...

The Commissioners then acted as gold brokers, and bought gold of all and sundry who wished to sell, giving £2 15s. per ounce, subject to a discount of five per cent assumed difference in the exchange\(^{40}\). This also gave rise to dissatisfaction amongst many of the diggers, whose arithmetical proficiency did not exempt them from a jealous sentiment, which attached a suspicious uncertainty to the actual amount to be thus obtained for their gold; and they, therefore, asked for a fixed price in preference to one liable to the troublesome and mysterious percentage deduction. ... (The) common people ... had furnished themselves with avoirdupois weights instead of troy, and, in consequence, found themselves minus some three hundred pounds sterling when the error was discovered, and accounts squared with the Colonial Treasurer.’\(^{41}\)

There are good images of early Commissioner’s Camps at various locations throughout Victoria. All show tents in bush settings with horses, riders, military-like officials and groups of people, gathered or queued, often with back swags. The camp is generally shown proximate to, but elevated a little from the mining area, often sporting a large flag and tall flagpost. Some later images show buildings.

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\(^{40}\) The Gold Commissioner’s Return to 30 June 1852 showed gold valuations exceeded 3 pound per ounce.

\(^{41}\) Our Past and Present. (From the Miner), 1856, The Star, 6 September, page 4, (Ballarat, Vic.: 1855-1864).
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Figure 6: Thomas Ham, Commissioner’s Tent & Officer’s Quarters, Forest Creek, Decr 1851, print (Mount Alexander Goldfields)\textsuperscript{42}

Figure 7: Cuthbert Clark, The Commissioner’s Camp, Castlemaine, in 1852 (Mount Alexander), lithographer and publisher, Edward Giles, London, print, ink, paper\textsuperscript{43}


\textsuperscript{43}http://www.auspostalhistory.com/articles/79.php, SLV = PCLTB001C1
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Figure 8: artist and date unknown, Government Camp Creswick Creek, showing an 1857 camp.

Figure 9: S.T. Gill, 1st of the month, renewing Licences. Licensing Diggers Forest Creek.

Figure 10: artist and date unknown, *The original bark and canvas Commissioner’s Camp at Barker’s Creek, Castlemaine, April 1852*.

Figure 11: date and artist unknown, *Commissioners Camp, Forest Creek, 1852*.  

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PART C: BALLARAT’S GOLD COMMISSIONER’S CAMP

For three weeks or so between August and September 1851, the Ballarat goldfields were robustly self-governed, before the arrival of government or policing officials. The Geelong Advertiser on 12 September 1851, less than three weeks after Dunn’s discovery, reported:

‘It is a free community, all legislation arising from the commonwealth, and all disputes (of which, happily, there are but few, and those few of the most trivial character), are referred to the body, in public meeting assembled, to be decided upon’ 48.

The Argus, on 17 September 1851, reported similar public decision-making:

‘Hark! There is a man in a red night-cap puts his hand to his mouth, and in a stentorian voice calls on all men to strike work and come to a public meeting. … And so all come trooping, and after a brief delay appoint a Chairman, who mounts a high stump. He is the “Stump Orator’. … Before discussing the question, he calls … for a division. “All who are satisfied with the present regulations stand on this side … and those who are dissatisfied remain where they are.” … (A) large majority (is secured), without the bother of discussion, which is a decided improvement, and wastes no time, which is a valuable commodity just now. The Stump Orator then recites the “Regulations”” 49.

Commissioner Francis Crossman Doveton was appointed as the first Gold Commissioner to the Buninyong and Loddon Districts on 21 August 1851 and not long after, two Assistant Commissioners, Daniel Armstrong and Benjamin Baxter, were also appointed. Commissioner Doveton is reported to have arrived on the afternoon of Saturday, 20th September 1851.

This report of his arrival (written after Eureka) stated:

‘It was in the afternoon of Saturday, the 20th September, that the attention of the diggers was attracted by the approach of an equestrian cavalcade emerging from the forest, on what is now called Bakery Hill. The horsemen wound round the hill and following the track across the flat, came up to the ground in working by the diggers; who were soon apprised of their good fortune in being no longer without the boundary of taxation, nor beyond the limit of the fraternal sympathies of the gentlemen administering Her Majesty’s government in these remote and uncivilised districts. …

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The official squad had come unprovided with tents, or other means of shelter from the weather, and were constrained to take temporary refuge in a large long tent belonging to a party of Scotchmen, McDonald & Co.\(^{51}\).

The First Gold Commissioner’s Camp was put in place shortly afterward.

‘After a temporary sojourn in the Scotchmen’s tent …, the Commissioner’s party moved a little higher up the hill, to more commodious lodgings, three new tents being pitched …\(^{52}\).

[It is likely that the Scotchman ‘McDonald’ was the person who made an important sketch map by ‘MacDonald’ dated 11 October 1851, showing the site at which the Gold Commissioner finally settled (Figure 52, page 61)].

The Native Police arrived the same day as the First Gold Commissioner, possibly part of the ‘official squad’, under the command of Henry Edward Pulteney Dana, who is said to have been a firm friend of Governor LaTrobe\(^{53}\). A report (post-Eureka) stated:

‘(O)n 20 September 1851 Captain H.E. Dana (Captain of the Native Police) reached the new Ballarat goldfield where he found some 150 men on Little Bendigo and 3-400 on Golden Point. He had so few troopers to support the newly appointed Commissioner F.C. Doveton, that he sought the help of Lydiard [Native Police Captain at Goulburn]… to control the situation and to enforce the licence system’\(^{54}\).

The beginnings of the First Gold Commissioner’s Camp were humble. Images of the First Gold Commissioner’s Camp at Ballarat are scarce, but William Strutt’s pencil and watercolor (Figure 13) shows a single pegged tent among trees in a bush setting, with three formally attired figures at the tent entry.

Figure 13: William Strutt, noted ‘sketched at Site 1851, The Commissioner’s Tent Golden Point, Ballarat, pencil and watercolour, in Strutt, William, 1851, Victoria the golden: scenes, sketches and jottings from nature, 1850-1862.

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\(^{51}\) Our Past and Present. (From the Miner), 1856, The Star, 6 September, page 4, (Ballarat, Vic.: 1855-1864).
\(^{52}\) Our Past and Present. (From the Miner), 1856, The Star, 6 September, page 4, (Ballarat, Vic.: 1855-1864).
Alongside is a saddled horse and in front a camp table with a sack or two nearby. Two figures with backpacks, presumably diggers, are leaving downhill and an aboriginal man with a hat and red shirt stands near the front of the tent. Outside the tent is a camp seat and some horizontal timber railing or logs apparently fixed to the ground,

By the end of 1851, the First Gold Commissioner’s Camp comprised the Commissioner’s Tent, a Lock Up and the Commissioner’s Stables\textsuperscript{55}. A newspaper report (post-Eureka) mentioned a practice of ‘chaining prisoners to logs’\textsuperscript{56}. A drawing by James Meek, labelled as ‘Police Camp 1851-2’ shows prisoners chained to a tree in front of a series of tents\textsuperscript{57}.

A record at the Victorian Public Records Office is said to state that:

‘On 21 September 1851, Dana, Doveton, Armstrong and the Native Police troopers went to the Ballarat diggings and announced to the men present that they were there to collect the new licence fee and to issue monthly licenses.\textsuperscript{59}’

A contemporary newspaper reported that on the day after the Commissioner’s arrival, surprisingly a Sunday, the diggers:

‘convened a public meeting close by the long canvas resting-place of the officials, for the purpose of taking into consideration the measures about to be adopted in respect

\textsuperscript{55} Urquhart, William, 1852, Plan of Ballarat. A re-creation of a Gold Commissioner’s Camp exists at Sovereign Hill
\textsuperscript{56} The Star, 1856, (Ballarat, Vic: 1855-1864) Saturday, 25 September, page 1.
\textsuperscript{57} Dr Weston Bates, Lucky City: The first generation of Ballarat: 1851-1901, p14
\textsuperscript{58} Meek, James McKain Archibald Job (1815-1899), artist, graphic designer, draughtsman http://nla.gov.au/nla.party-990242
\textsuperscript{59} Cited at PROV, 2013 in Beveridge William, 2015, Registration Hearing Submission, 16 March, page 15, but no further details of this record are included in the References to this document at pages 27 and 28.
of the license-fee sought to be imposed. About 150, assembled, comprising the whole of the population, or nearly the whole then on the field ... Messrs. Swindells and Oddie were deputed, by the meeting, to repair, then and there, to the tent of the commissioners, and request them to postpone the issue of licenses, until further deliberation had been taken, and the government communicated with; to which Mr Armstrong replied, - “We are not come to make laws, but to enforce them.”

The report notes that, following publication of the miner’s concerns and communications to the Executive, the government waived retrospective payments, with those instructions issued to the Commissioner.

Dana’s report to the Assistant Commissioner in New South Wales on this September 21, 1851 incident illustrates the importance of the Native Police:

‘They at first appeared very much dissatisfied at being required to pay a License. In a few minutes a Public Meeting was called by persons called here “Stump Orators”, two of these men are understand connected with the Geelong Press... After the meeting dispersed several men came to pay for their Licenses and on leaving the tent after having obtained them, were struck and pelted by the mob, and had it not been for the presence of the very few troopers we had with us, would have been severely injured’...

‘I do not now anticipate much trouble in collecting the Licenses, but there are many turbulent ruffians here, from all parts of the country, and Van Diemans Land, and I shall require a much larger force than I have at present at my disposal to maintain any thing like order.’ (sic)

Governor LaTrobe visited a few days after the Commissioner’s arrival. His earlier journals describe how arduous these journeys were:

‘Alone through the ranges leaving Waraneep [Warenheip] some miles to the right... Struggle in the forest above...’

In September 1851, a detachment of the Native Police and Lydiard escorted the first packhorse convoys of gold from Buninyong to Melbourne.

By early October 1851, Evelyn Pitfield Shirley Sturt, a former Crown Lands Commissioner, led the Police Force in Ballarat. From 1849, he had attempted within the Police Force to reconcile the great inefficiency ... arising from their scattered and isolated stations and a lack of constables of police.

Captain William Mair also arrived in October 1851. He was an early Gold Commissioner and the first Police magistrate in Ballarat & Buninyong. In a post-Eureka letter, he described the early Gold Commissioner’s role:

‘As far as the first rush at Golden Point was concerned, I can only say that among the diggers, as a body, there was an evident element of respectability, which rendered my duty comparatively easy, and I never had occasion to doubt the safety of the large amount of gold dust often deposited in our offices. With few exceptions the conduct of the diggers was most orderly. The Sunday was duly observed, and no policeman was ever employed in obtaining license fees, nor were native policemen ever allowed to interfere with white diggers. All this should have been recorded in any work purporting to be a history of Ballarat, otherwise it could without injustice be called a garbled ‘Diggers' Lament’.

The Argus on 20 October 1851 reported that, following the Gold Commissioner’s arrival, two ‘stump’ public meetings had been held. It reported that one meeting was chaired by
William Westgarth\textsuperscript{66}, member of the Legislative Council, who had also made his way through the bush to Ballarat and ‘postponed his departure from the diggings purposely to attend the meeting...’.\textsuperscript{67} Westgarth ‘having ... taken his seat, or rather his stand, for he was elevated upon the stump of a gum tree’, the meeting considered construction of works to dam the stream and lagoon so as to create canals or reservoirs at Golden Point. The report said that many at this meeting considered that the Government should do these works, using the licensing revenue. It reported several speakers stating:

‘that the diggers had much to complain of respecting the government. The license fee was much too high... The Government had levied them great charges on the people, and gave nothing to them in return. The charge of one per cent for escorting the gold was also too much.’\textsuperscript{68}

The Commissioner is reported as saying that he ‘was not authorised to take any step on the part of Government in the proposed measure...’. The Doveton family history records that Doveton felt himself powerless to alter the legislative measures, despite sympathising with the miners\textsuperscript{69}. This meeting established a Committee to oversee a fund levied on diggers to dam the creek, with the Commissioner agreeing to be its Treasurer. It is curious that the Gold Commissioner would merge his regulatory duty to collect the license fees, take custody of gold and arrange its escorts, with an additional non-regulatory role to oversee an additional infrastructure levy.

In regard to the Native Police, by 1851 it was possible to decline both numerically and organisationally\textsuperscript{70}. Day to day Native Police activity was recorded in the ‘Day Book’ compiled at the Native Police headquarters in Narre Narre Warren, where Melbourne Aboriginals relocated after settlement\textsuperscript{71}. The first reference in the ‘Day Book’ to the Ballarat goldfields was on 14 September 1851, recording that Dana ‘left for Buninyong’\textsuperscript{72}. His return to Narre Warren is recorded on 20 October 1851, when Dana and the sergeant major returned to Narre Narre Warren, leaving some troopers, who shortly deserted, under the control of Police Magistrate William Mair\textsuperscript{73}. The ‘Day Book’ records show Native Police leaving for the Mt Alexander (not Ballarat) gold fields, suggesting Mt Alexander was their base for overseeing Ballarat. A total of only six native troopers, William, Joe, Jack, Robinson, Billy and Manite, were recorded assigned to these parties. A study by Ted Ryan for Sovereign Hill notes that the ‘Day Book’ records conflict with Bate’s description of a person being taken in charge at Ballarat by ‘eight or nine blacks with big polished boots ... looking as proud as possible’\textsuperscript{74}. A London publication of the Religious Tract Society from 1853 recorded Native Police at leisure:

‘The native police, lithe and graceful as kangaroo-dogs, are enjoying a round of sham combat; one black fellow attacks with a frying-pan, the other pretends to shoot him with his knife; a painter might study their attitudes’.\textsuperscript{75}

Artist and miner, William Strutt who sketched the First Gold Commissioner’s Camp (Figure 13) had a high opinion of the Native Police:

\begin{itemize}
\item \textsuperscript{66} William Westgarth (1815-1889), son of John Westgarth Scottish surveyor-general of customs arrived in Melbourne on 13 December 1840. In 1846, he published Report on the Condition, Capacities and Prospects of the Australian Aborigines. Prominent in the campaign for the separation of the Port Phillip District from New South Wales, he played a major role in German migration to Victoria offering attractions of land for purchase at Thomastown, Doncaster, Hawthorn and elsewhere. He formed and was first president of the Melbourne Chamber of Commerce in July 1851 and, in September 1851, a member of the first Victorian Legislative Council: only a month before this Ballarat visit. Post-Eureka, he was appointed Chairman of the commission of inquiry into the goldfields of Victoria and refused to comply with orders that the causes of Eureka remain uninvestigated, leading to recommendations that ultimately brought peace to the goldfields. http://adb.anu.edu.au/biography/westgarth-william-4830 accessed 12.4.16
\item \textsuperscript{67} Unknown, 1851, Golden Point, Ballarat Diggings, Monday, October 20 in Th-Arge, 20 October, page 2 (Melbourne, Vic: 1848-1951).
\item \textsuperscript{68} Unknown, 1851, Golden Point, Ballarat Diggings, Monday, October 20 in Th-Arge, 20 October, page 2 (Melbourne, Vic: 1848-1951).
\item \textsuperscript{69} http://gardfamilytree.com/doveton_francis_crosman.html. Accessed 21 April 2015.
\item \textsuperscript{70} Ted Ryan, 2015, Image and reality of Native Police presence on the Ballarat goldfields in 1851 – 1852, 2015, 10 February, page 1.
\item \textsuperscript{72} Day Book of Native Police Corps, 1845-1853, VPRS 90/91.
\item \textsuperscript{73} Fels records four of those remaining under Mair’s control – two from Ballarat and two from Buninyong - deposed under Mair’s command and this is said to source back to his attitude to them in 1849, when he objected to pollution of his mounted police paddock by the native police camping in it, the troopers were unlikely to enjoy serving under him. Fels, M.H., 1986, Good Men and True: the Aboriginal Police of the Port Phillip District, 1837-1853, Melbourne University Press, Melbourne., p. 215, referred to in Clark, Ian D., 2005/7, Another Side of Eureka - the Aboriginal presence on the Ballarat goldfields in 1851 - Were Aboriginal people involved in the Eureka rebellion? Working Paper, School of Business, University of Ballarat, 4-5, http://www.heneticons.com/Magstar/History/Bentley/2005-07.pdf, 12.
\item \textsuperscript{75} Ryan, ibid page 3, referring to Bate, Weston, 1889, The Lucky City, Melbourne University Press, Carlton at page 14.
\end{itemize}
the ‘fine and interesting corps of aboriginal black Troopers did their share of duty here before they were unwisely disbanded. ... The useful black troopers were for a time made to escort prisoners to town (as also drawn by me) these fine fellows were at first the only mounted police, and indeed performed all the police duty at the Ballarat Diggings’76.

Records refer to growing tensions at Ballarat between miners and the authorities77, particularly concerning the cost of licence fees and the intrusive checking of them78. Licence fees remained deeply unpopular, particularly when matched with inadequate and unsatisfactory government contribution to urgently needed infrastructure:

‘Many (diggers) had said the Government should accomplish this work ... The licensing revenue ... amounted to £40,000 a year, and was increasing every day’79.

Newspaper reports also recorded allegations of corruption80:

The Gold Fields Return of 29th June 1852 to the Colonial Secretary provides detailed information as to the business of the First Gold Commissioner’s Camp. 4,334 licenses ‘to dig for GOLD’ were issued for Ballarat, i.e. no other forms of Gold Field licences or at other locations, between 20 September 1851 and 30 June 1852. There were no records for the last week in September 1851 or October 1851.

<table>
<thead>
<tr>
<th>Number</th>
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<tr>
<td>739</td>
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<td>734</td>
<td>June</td>
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<tr>
<td>4,334</td>
<td>TOTAL</td>
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*Figure 15: Revenue and Expenditure of First Gold Commissioner’s Camp at Ballarat, taken from the June 1852 Return to the Colonial Secretary*

Source: Author

Licenses issued at Ballarat did not steadily increase. March and April were the highest months with December and June the next highest. January and February were lowest (perhaps due to hot weather), but a drop occurred in May 1852. Ballarat licences issued at a significantly lower level than Mt Alexander, at which 108,636 licences issued over the same period81.

The operation of the first Gold Commissioner’s camp as well as Revenue and Expenditure is described in detail in its June 1852 Return to the Colonial Secretary (Figures 16 and 17). It summarised staffing of the Camp’s operations and its gold escorts.

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77 VPRS 2878/P Inward Registered Correspondence II [Land Branch], Colonial Secretary’s Office, unit 1, Item 51/417, url http://www.prov.vic.gov.au/online-exhibitions/nativepolice/documents/02878_u001_51-417_001.html, accessed 17 March 2015
78 W.B. Withers, 1887, F.W. Niven and Co, History of Ballarat, 1887, Ballarat.
80 W.B. Withers, 1887, F.W. Niven and Co, History of Ballarat, 1887, Ballarat.
81 Victoria, 1852, Gold Fields Return to Address, Mr Murphy, 29th June 1852, Laid upon the Council Table by the Colonial Secretary by command of His Excellency the Lieutenant Governor and Ordered by the Council to be printed 26 October, 1852, printed by John Ferres, at the Government Printing Office, Melbourne. Tables No. 1 and 8, p. 1.
OPERATIONS OF FIRST GOLD COMMISSIONER’S CAMP – 29 June 1852 Return to Colonial Secretary

Staff

Commissioner Doveton is shown as ‘Assistant Commissioner’ at Mt Alexander (not Ballarat) with his ‘General duties’ being ‘Carrying out provisions of Act of Council 15 Vict., No. 15’ [Salary: 400 pound/yr].

William Wright is, from 1 May 1852, ‘Chief Commissioner’ at Mt Alexander with ‘General duties’ as ‘General supervision of Gold Fields’ [Salary: 900 pound/yr].

The ‘Commissioner in charge’ and ‘Assistant Commissioner’ at Ballarat from 1 January 1852 are, respectively, Alfred J. Eyre and Owsley R. Cockburn [Salaries 300 and 400 pounds respectively].

Clerks and others employed by the Gold Commissioner, at Buninyong, were H. Smith ‘Inspector’, from 31 October 1851, and David Ramsay ‘Clerk’, from 16 April 1852 [salary 150 and 100 pounds respectively plus rations] both employed by ‘Commissioner in charge’.

The number of police employed in connection with the Gold Fields showed a total of 9 ‘horse’ men and no ‘foot’ men, being 8 ‘troopers’ and 1 ‘serjeant’.

103 men (horse and foot) were at the gold fields overall by June 1852.

Escort Duty

‘5 Mounted Police’ were ‘employed on Escort duty’ for Ballarat and Geelong combined.

Police employed on Escort Duty at Ballarat comprised a total of 5 men, one corporal [daily salary: 7s 3d plus ‘forage and rations’] and four troopers [daily salary: 6s.9d. plus ‘forage and rations’].

The Nature of their duty was stated as ‘Employed on Escort duty between Ballarat and Melbourne’ and ‘Geelong’.

The ‘Weekly general expense of Escort Service’ included ‘the full pay of all men attached to the Escort Service from Ballarat, their rations and the expenses at Inns on the line of road, together with the expenses at Geelong and Melbourne, the forage for their horses, shoeing &c., the weekly expenses are made to amount to Fifty-six pounds, seventeen shillings and three pence (56 pounds, 17s. 3d.).

The Return showed no gold lost during Escort transmission.

A bag deposited with Asst Commissioner Cockburn could not be found, when claimed. The Return states the ‘amount has since been refunded’. The Return also noted a ‘Clerical error … in giving a receipt for 11 1/2 oz of Gold in lieu of 9 ½ oz’, which ‘amount has since been repaid’.

No other Forces were employed at Ballarat.

Figure 16: Operations of First Gold Commissioner’s Camp at Ballarat, taken from the June 1852 Return to the Colonial Secretary
Source: Author
REVENUE AND EXPENSES OF FIRST GOLD COMMISSIONER’S CAMP

Total Revenue was 148,497p 3s 7p.

Over 90% was license fees (134,507p 19s 0p).

The balance was ‘Escort Fees’ (13,670p 12s 11p) and ‘Custody of Gold in the Colonial Treasury’ (309p 11s 8p).

The Return excludes ‘14,606p 9s 11d, and 8,575 9-2ths oz. of Gold received in June, 1842 but not brought into account till after the 30th of that month’ and 15,000p of expenses.

Expenses

These are difficult to tie specifically to Ballarat. The Return says ‘the documents necessary ... to distinguish the Revenue from the several Gold Fields... have not yet been furnished.’ Some expenses are listed for ‘Ballarat, Buninyong, and the Loddon District’. Others appear to overlap to ‘Omeo, Counties of Bourke and Grant and the Murray District’.

‘Mounted Police’ are separately identified.

The highest expenditure was ‘Cartage of Provisions, Forage, General Stores and Gold’. Next highest was ‘Pay of Officers, Clerks, Constables, Military, and others’. ‘Horses, Bullocks, Drays, and Carts’, ‘Saddlery and Shoeing’ and ‘Amount of Sums advanced from the Colonial Treasury for necessary Services and Supplies, and which have not yet been brought finally to account’ are at the next level, with ‘Tents, Tarpaulins, and Camp Furniture, Tools, Utensils, and Ironmongery, Arms, Ammunition, Gold Boxes, Bags, and Scales’ following.

Approximately 25% of the expenditure went to ‘Services not directly connected with the Gold Workings but defrayed out of the Gold Revenue’. These included various pay increases, ‘Importation of Military Pensioners and others from V.D. Land’, ‘Purchase of the Schooner ‘Empire’, ‘Allowances to Contractors’, ‘the Lieutenant Governor’s Travelling Expenses’ and ‘Rewards for the apprehension of Military Deserters’.
Over the period, gold forwarded from Ballarat to Melbourne weighted 18,724oz 10dwt. 12grs and was valued at 138,443p 28s 13 1/2p [using valuations 3p 10s 0d and 3p 17s 10 1/2d per ounce]. Approximately three times this amount went from Mt Alexander. The return noted that:

‘a considerable quantity of Gold from Victoria has been found to exceed the Standard Value of 3p 17s 10 1/2d for Gold of 22 carats’.

The Return lists the amount of gold exported overseas month by month, giving the name of the ship and its destination. More than 70% percent went to London, with other destinations being Hamburg, Sydney, Adelaide and Hobart Town. The gold was shipped from ports at Melbourne, Geelong, Portland Bay and Port Fairy.

‘Large quantities of Gold are known to have been taken by private hands from the Colony, both to Europe and the neighbouring Colonies, and of such Gold no return has been made through the Customs’.

Offences addressed by the Commissioners at Ballarat included 37 cases of mining without a licence, 23 of drunk and disorderly. There were other cases of selling spirits without a licence, keeping a disorderly tent, threatening or obscene language, vagrancy and absenting from hired service. Two more serious offences - assault and accessory to a felony – were dismissed and discharged respectively. There was no correspondence with Imperial Authorities ‘respecting establishment of a Colonial Mint or Army Office’.

As the Return reveals, after only ten months, the business of the Gold Commissioner’s Camp at Ballarat had expanded, with highly valuable gold in custody and under escort, large numbers of licences and licence fees to administer, as well as increased staffing and structures. In July 1852, the camp moved to a more substantial site between Lydiard and Camp Streets, near the current location of the Ballarat Art Gallery. This Camp came to be described as home to ‘the aristocracy of the canvas city of Ballarat’ with rows of tent lodgings for troopers, a gaol, a mess tent, a gold storage facility and a new Gold Commissioner’s Tent.

“(In) front of the camp so as to be plainly visible to all was the flagstaff flying the Union Jack and facing the commissioner’s tents usually four in number – a mess tent, an office tent, a bed tent and another for his clerk. These in contrast with the digger were all floored with hardwood and carefully lined with green baize and furnished with every luxury – as luxuries were then understood. At the back were the tents of twenty to thirty troopers, including native Australian troopers, all laid out in a square and behind them again were the stables for the horses. Close behind the

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83 This valuation exceeds by One Pound, the post-eureka report of values paid (page 9, footnote #38).
84 Victorian, 1852, Gold Fields Return to Address, Mr Murphy, 29th June 1852, Laid upon the Council Table by the Colonial Secretary by command of His Excellency the Lieutenant Governor and Ordered by the Council to be printed 26 October, 1852, printed by John Ferres, at the Government Printing Office, Melbourne. Table Nos. 11 and 12., p 12.
85 Victorian, 1852, Gold Fields Return to Address, Mr Murphy, 29th June 1852, Laid upon the Council Table by the Colonial Secretary by command of His Excellency the Lieutenant Governor and Ordered by the Council to be printed 26 October, 1852, printed by John Ferres, at the Government Printing Office, Melbourne. Table Nos. 15., p 15-14.
86 Victorian, 1852, Gold Fields Return to Address, Mr Murphy, 29th June 1852, Laid upon the Council Table by the Colonial Secretary by command of His Excellency the Lieutenant Governor and Ordered by the Council to be printed 26 October, 1852, printed by John Ferres, at the Government Printing Office, Melbourne. Table Nos. 16., p 16.
87 Dr Weston Bates, Lucky City: The first generation of Ballarat: 1851-190, 1979, Melbourne University Press, Melbourne.
Commissioners camp was the important gold tent that was closely guarded at night. By the end of November 1854, as events culminated in the Eureka rebellion, the Gold Commissioner had four hundred soldiers at his disposal, but was nevertheless in readiness to defend the Camp from what he believed to be imminent attack.

Commissioner Robert Rede became the Ballarat Gold Commissioner in May 1854. On 3rd December 1854, it was he who, after community construction of a Stockade and public burning of licenses, used Government forces to violently attack. He subsequently reported:

“The stockade was carried in about ten minutes and 125 prisoners made.”

Gold Commissioner William Henry Wright, deployed to Ballarat after the stockade incidents, noted in his letter dated 21 December 1854 to the Colonial Secretary’s Office that, despite the public burning of licences during the uprising:

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“very few licences are taken out since the order for Martial Law was rescinded. It seems clear then that unless the Police proceed to demand licences the law may be looked upon as virtually abandoned.”

Why is Ballarat’s First Gold Commissioner’s Camp Important?

According to Ballarat’s official historian, Professor Weston Bate, the location of the First Gold Commissioner’s Camp:

‘… signifies the introduction of the oppressive licence system and arbitrary rule by goldfields commissioners, which, despite further protests and great unrest at Forest Creek (1851), the Ovens (1852), Bendigo (1853) and Creswick (1854) led to the disastrous confrontation of Eureka on 3 December 1854. … What should be celebrated is the initiation of a people’s rights movement that opened the path to Victoria’s world-leading democracy. The first challenge to the arbitrary goldfields administration deserves proper recognition. I am ashamed that I haven’t emphasised it before.”

Identifying the location of the First Gold Commissioner’s Camp, and gathering together documents relevant to it, fills a knowledge gap in elucidating the earliest roots of a gritty, rugged struggle against the nature and form of British colonial governance that triggered the Eureka rebellion, its declaration of Martial Law and subsequent successful community resistance that then framed discussions leading to Federation and the ultimate shape of Australia’s Constitution.

Numbers of historians have relied on events at the First Gold Commissioner’s Camp to interpret subsequent Eureka events. Early confrontations at this location, activities of the Police, antagonisation of diggers, overbearing methods of a sensitive and insecure administration on an orderly population lit the flame of rebellion all contributed to later events.

The First Gold Commissioner’s Camp at Ballarat locates the foundational role of the Gold Commissioner and his extensive, conflicting legal powers, responsibilities and discretions, combined with the arbitrary or heavy handed conduct of Commissioners and contemporary perceptions of or actual corruption.

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94 Bates, Weston, 2014, Letter from Prof Weston Bate OAM to The Heritage Council, 11 November.
**PART D: DISCOVERY**

**What was known about Ballarat’s First Gold Commissioner’s Camp when we began?**

Sovereign Hill delivered Kellehers Australia with a fulsome brief containing a bundle of papers at least 20cm thick, compiled by Dr Jan Croggan, its historian, and Mr Brett Dunlop, its Deputy Executive Director, supported by the Sovereign Hill curatorial staff and volunteers⁹⁶. These papers comprised copies of old survey maps, non-survey sketches and documentary records along with various images and paintings.

Dr Kelleher began by carefully reading the brief. It included valuable recollections of William Gay, a man who came to the Ballarat goldfields as a boy, in December 1851. In the 1920s, as an old man. Gay recorded his memories of these early days. and particularly mentioned the Gold Commissioner’s Camp, specifying its location between Young, Peake and Grant Streets:

> “I arrived in Ballarat on the 13th Dec. 1851 with my father, two brothers, and two other men. The road we came along was where Skipton Street now is, then down the hill, where Grant Street is now, on the West side of the Gaol hill. We stopped about half down and started to build a Bush hut, to sleep in the first night, but before we had done much to it, a man by the name Nott, that had a store, just above where we camped, came to us, and told my father to come and stay in the store with him, till we could get a place to live in, as he was alone, and would be glad of our company, so we were very glad to accept this offer, as the next day he got the Blight, so bad, that his eyes were completely closed, or as we called it Bunged up, and could not attend to his business, for two or three weeks, so we had to attend to it for him, that was the only store on the West side of the Creek, the frame of the store consisted of sapplings, and was covered with hessing. There were two others stores on the Golden Point Hill, one was known as Adams’ store and the other as Akhursts store. These two stores had weather board sides and ends, and was covered with canvas, and the Police camp was on the top of Golden Point hill in that block, now enclosed by Young St on the east, Peak St on the North, and Grant on the West & South”. (sic) [bold added] ⁹⁷

Whilst this clearly identified the ‘Police camp’ location, it was possible that Gay’s recollections as an old man of his childhood some seventy years before were insufficiently accurate.

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⁹⁶ For completion, the list of these initial briefing documents, contained in the CEO’s letter to Kellehers Australia dated #, is:

**Surveys and Sketch Maps**
- Urquhart Survey dated 1852;
- Brache Survey dated 21 October 1861;
- Baragwanath Survey dated May 1917;
- VicRoads Country Street Directory of Victoria map 566 dated June 2004;
- Dunn’s Map, undated;
- MacDonald’s Map of Golden Point, from a sketch made by H MacDonald dated 11 October 1851 recopied by Rev C M Yelland (12 August 1884), from Weston Rate, Lucky City (Melbourne, 1978), page 20;
- Stacpoole’s Map, undated, extracted from H J Stacpoole, Gold at Ballarat; the Ballarat East goldfield: its discovery and development (Lowden, 1971), page 48.

**Documentary Records**
- Biography of Henry James Stacpoole, from cover Henry James Stacpoole, Gold at Ballarat; the Ballarat East goldfield, its discovery and development (Lowden, 1971).

**Pictures and Paintings:**
- David Talloch, Golden Point, Ballarat 1851, drawing, engraved by T Ham;
- William Strutt, View of the Celebrated Golden Point, 1851, containing a notation “Commissioner’s Quarters, at end of road, ascending hill”;
- Commissioner’s Camps, Victorian Goldfields (not Ballarat) circa 1852 by Brett Dunlop, 96 February 2015;
- The Orators Stump at Golden Point by Edward Ryan, 96 February 2015;
- William Strutt, The Gold Commissioner’s tent, Golden Point, Ballarat, pencil and watercolour, 1851;
- * G Wilkes, Canadian Gulley, 1853, extracted from K M Bowden, Goldrush Doctors (1977), showing the very considerable number of stumps on the goldfields;
- * S D S Hugheu, Golden Point and the Ballarat Gold Washers, 1851, lithograph by F W Viven, 1887.

So, Dr Kelleher, turned her focus to the Strutt painting of Golden Point (Figure 20) which showed a watercourse (presumably the Yarrowee River), with a track notated as “Commissioner’s Quarters, at end of road, ascending hill”. It seemed clear that the track in this image curved along the rise just above the river flats, slowly and gradually ascending rather than steeply inclining uphill or at a sharp angle from the watercourse. It was consistent with Gay’s recollection, but provided no evidence of a precise location. Dr Kelleher tried to align the angle of this track with the line of the watercourse, but the exercise suggested the need for geometric and survey assessment.

Dr Kelleher, with law clerk Hubert Algie, then drove to Ballarat and attempted, from various locations, to use other images in the brief that apparently showed Mt Warrenheip. This exercise confirmed that images by Tulloch, Huyghue, Von Guerard and Gill only gave a general sense of locale, without adding precision as to the Camp’s location. Dr Kelleher inspected William Gay’s site and existing roads to it from the west and south.

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**Figure 20**: William Strutt, *Golden Point, Ballarat 1851*, with the notation: ‘View of the celebrated Golden Point Ballarat: to which the first rush was made. Commissioners Quarters, at end of road, ascending hill, and ‘Taken from the West’.[98]

Ballarat’s First Gold Commissioner’s Camp

Figure 21: Drawn by David Tulloch, Engraved by Thomas Ham, Golden Point, Ballarat 1851, hand colored engraving on paper.

Figure 22: S.D.S Huyghue, ‘Golden Point’ and the Ballarat Gold Washers, 1851, lithograph by F.W. Niven, 1887.

Figure 23: Eugene Von Guerard, Old Ballarat as it was in the summer of 1853–4.

Figure 24: Gill, Samuel, 1857, The Rush to the Ballarat Goldfields in 1854.

Note – Thomas Ham, engraver and lithographer, had a close link with the surveyors, having been a land and commission agent, but, in December 1857 joining the Victorian Geological Survey Office responsible for the lithography of sale plans: http://adb.anu.edu.au/biography/ham-cornelius-job-3905, accessed 11.4.15.

David Tulloch was a Scottish artist-engraver whose work focused on human interest and factual details. Inglis, Alison, 2013, Patronage and plaid: Scottish-Australian artists and patrons of art in the colonial period, in Inglis, Alison and Tyron, Patricia, ed., 2013, For Auld Lang Syne: Images of Scottish Australia From First Fleet to Federation, Art Gallery of Ballarat, page 289.

Douglass Smith Huyghue, was a Canadian born in Charlottetown on 23 April 1816. In 1850 he published a novel, Nomads of the west; or, Ellen Clayton, described by the London Morning Post as “a very pleasant book, with some vivid sketches of Indian life, many interesting adventures, and much delightful description of scenery in Canada so early as the year 1690.” Huyghue noted: “Now I have lived in the wigwam of the Red Man; I have smoked, talked, and hunted with him... for me he ever appeared less a savage than a high-souled and religious being.” He arrived in Melbourne on 4 Feb. 1852 and was appointed as a clerk with the Office of Mines at Ballarat on 27 Aug. 1853. He was present at Eureka and, under the pseudonym Pax, wrote one of the first accounts of it. He remained at Ballarat until 1872 and then held clerkships elsewhere in the colony until his retirement on 9 January 1878. Throughout his period in Australia, he demonstrated some skill as an artist and Illustrator. This image obviously was not made contemporarily, in 1851.


This field inspection confirmed Dr Kelleher’s view that a surveyor was needed to assist with measurements and angles that might pull together the evidence in the brief. Sovereign Hill agreed to fund the expenses and Dr Kelleher appointed Mr Rodney Aujard of Rodney Aujard & Associates, an independent consultant surveyor, known to Kellehers Australia over several decades.

**What did Mr Aujard do?**

Dr Kelleher and Mr Algie met with Mr Aujard in January 2015. They discussed the William Gay record and took him through the images, surveys and maps. Dr Kelleher asked whether, in his opinion, any of these could yield an accurate location. Mr Aujard initially expressed reservations, warning that he would approach his analysis from ‘first principles’.

Mr Aujard was immediately drawn to the old Urquhart survey. He noted a curved indent in the east end of Lake Wendouree, west of the Yarrowee River. He viewed this, rather than Mt Warrenheip, as the best reliable constant, and agreed to undertake a detailed examination of the documentation. This survey was magnified to clearly identify the small print on a township street grid, revealing street names Doveton, Armstrong, Sturt, Mair, Dana and Lydiard.
PART E: LAND MAPS AND SURVEYING

Before describing the Aujard survey work, it is important to have some background into land mapping and surveying; and its history. Dr Kelleher, a specialist practitioner in environmental planning with lengthy experience in complex property law, drew on this knowledge.

Surveyors are ‘agents of the Crown’, with obligations to the integrity of the ‘cadastre’104. They must consider natural boundaries (rivers, cliffs), monumented lines (surveyed boundaries or other defining marks natural or artificial), old occupations, abuttals (the boundary of a property, e.g. street or lane) and statements of length, bearing or direction105. Land boundary is actually not fixed by title but by the surveyor, in what has been described as a partly judicial role.

‘He has to gather and assemble pieces of evidence, not all of which are mutually consistent with each other, and has to come to a final decision as to what the facts are.’106.

The boundary is usually an imaginary line between marks placed by the surveyor or those already on the ground:

‘The purpose of a map is to express graphically the relations of points and features on the earth’s surface to each other. These are determined by distance and direction. In early times, ‘distance’ might be expressed in ... time ... - so many hours’ march or days’ journey by river. ... Partly for this reason, written itineraries for a long time rivalled maps’ 107.

Maps In History

The oldest known cartographic map is said to be the map of Nippur, dating from 1,500BC 108.

Figure 25: Extract from the Map of Nipur109.

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104 Donnell, G.J., undated but after 2012, Fundamentals of Land Ownership, Land Boundaries, and Surveying, Intergovernmental Committee on Surveying & Mapping, point 4.2. The cadaster is the official register showing land ownership boundaries from which the value of real property is made for taxation purposes.


This map, engraved into a stone table, shows buildings and vegetation and city layout (apparently to scale), pictures of men and women in formal ceremony and at activity and furniture, tables, layout and equipment, along a street within circular walls and buttresses. The map is supported by Herodotus’ eye witness observations.

Township form links closely with its political underpinning\textsuperscript{110}. The grid as form of town layout has, since the Romans\textsuperscript{111} aligned with empire and symbols of visible power. Direct comparison has been made between Roman city layout and British colonial practice\textsuperscript{112}.

‘Paved roads cutting unswervingly across hill and dale, leaping over river and swamp, moving in unbroken formation like a victorious Roman legion. … (It was) held together by a loose administrative organization, using an arithmetical notation far too clumsy for efficient accountancy; but it partly offset (this) by its capacity for handling solid objects,, and by its more generalized aptitude in the standardization and regimentation of large masses. … (A) trait that served another race of Empire-builders, the British.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure26.png}
\caption{Photographs: (above) Pompeii, from the air in the 1930s, official photograph by Italian Air Ministry and (below) Pavia, British Crown\textsuperscript{113}.}
\end{figure}

\textsuperscript{110} Links between surveying and the political underpinning are highlighted by comments in Survey Practice Handbook - Victoria, Part 3, page 57, noting that ‘a side effect of the modern conservation philosophy and of the separation of the Surveyor-General’s Division of Survey and Mapping from the umbrella of the Department of Conservation, Forests and Lands will be that the surveyor’s former major role in the area of land settlement will diminish, and be superseded to a large extent, by assumption of a leading role in the long-term maintenance of the cadastral fabric of the State, including Landata and the mapping function, and the provision of necessary support for high priority Government programs.


\textsuperscript{113} Mumford, Lewis, 1961, The City in History: Its Origins Its Transformations and Its Prospects, Martin Secker and Warburg Ltd, London, Plate 14, Pompeii and Pavia, discussed at Graphic Section, Plate 14, showing above Pompeii, from the air in the 1930s, official photograph by Italian Air Ministry and below Pavia, British Crown.
Surveyors have existed as a profession since Roman times, when basic measurements were established and the Roman Empire was divided up, creating a tax register of conquered lands\textsuperscript{114}.

\textit{The Roman Empire, the product of a single expanding urban power centre, was itself a vast city-building enterprise... establishing its special kind of order, from the ground up, in hundreds of new foundations, 'colonial' towns...} \textsuperscript{115}

\textit{(T)he Roman city ... took the form of a rectangle, setting the standard pattern for the overnight camp...} \textsuperscript{116}

Renaissance surveyor, Philip Apian, who surveyed Bavaria between 1555 and 1561, pioneered the use of triangulation and astronomy, using lunar distances, circumpolar stars passing and celestial observations\textsuperscript{116}.

In Elizabethan England, a Privy Council warrant issued for an early survey of Wales required the surveyor to arrange to be:

'\textit{conducted unto any towre, castle, high place or hill to view the country ... accompanied with two or three honest men such as do best know the country for the better accomplishment of that service ... [and required] a horseman that can speke both Welsh and Englishe to safe conduct him to the next market town.} \textsuperscript{117}

In 1793, William Smith, discovered that tracing fossil placement, the underground condition of land could be accurately surveyed. He created the first geological map: the great map of England\textsuperscript{118}

\begin{figure}
\centering
\includegraphics[width=0.5\textwidth]{Figure_26A.png}
\caption{William Smith, Geological map of England}
\end{figure}

\textsuperscript{114} Donnell, G.J., undated but after 2012, Fundamentals of Land Ownership, Land Boundaries, and Surveying, Intergovernmental Committee on This approach followed a method devised by renaissance surveyor, Philip Apian, who surveyed Bavaria between 1555 and 1561, using triangulation and astronomical elements such as lunar distances and observations of the passage of circumpolar stars\textsuperscript{114}.
Surveying & Mapping, point 4.2.


\textsuperscript{118} Winchester, Simon, 2002, The Map that Changed the World, Harperen
In 1818 the German mathematical genius, Carl Friedrich Gauss, carried out a geodesic survey of the Kingdom of Hanover, linking up with previous Danish surveys. To aid this survey, he invented the heliotrope, an instrument that uses a mirror to reflect sunlight over great distances, to measure positions.119

Isaac Newton’s discoveries in mathematics and astronomy bore fruit in surveying,120 providing astronomically accurate lunar tables that determined longitude within one degree of accuracy. Instruments improved.121 By the end of the nineteenth century, the sextant and chronometer,122 aided precise observations.123

**British Mapping Culture**

Modern mapping developed in Portugal, Italy, the Low Countries and France.124 The reputation of British cartography was not established until the eighteenth century when Aaron Arrowsmith, originally a surveyor (who produced the ‘Map of the Great Post-Roads between London and Falmouth of 1784’ in 1790) established a cartography and map publishing business. Arrowsmith ‘regulated’ observations from varied sources by fitting together sketch maps and reports from numerous explorers and travellers. The image style was that:

’save for title cartouches, the maps are entirely without decorative details ... relief is poorly represented’ with altitudes only introduced on very large scales. 125

After his death in 1825, his nephew John Arrowsmith took over the business.

‘He was closely in touch with the explorers of Australia, working up and publishing their map.’126

![Figure 27: John Arrowsmith, 1838, The South Eastern Portion of Australia compiled from the Colonial Surveys and from details furnished by Exploratory Expeditions](http://www.antiquemapsandglobes.com/Map/Antique/the-South-Eastern-Portion-of-Australia-Compiled-from-The-Colonial-Surveys-and-from-Details-Furnished-by-Exploratory-Expeditions/M=3611 accessed 27 March 2015.)

John Arrowsmith’s 1838 map of the ‘South Eastern Portion of Australia’ (Figure 27 above), in its treatment of what is now Victoria, focused on exploration routes, rivers and water sources, key mountains, e.g. Alps, and known points of human settlement. Showing scales of ‘English Miles: 69 = One Doine’, colored lines show the explorers’

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120 The Nautical Almanac was published annually from approximately 1767.
122 The theodolite was a descendant of the sixteenth century polymetrum. In 1763, Jesse Ramsden discovered a graduating engine that solved the problem of dividing the brass circle accurately. This theodolite included a horizontal circle three feet in diameter that aided by micro metres enabled readings to single seconds. It replaced the sighting vane with a telescope free moving in the vertical plane. Crone, G. R., 1966, *Maps and their Makers: An Introduction to The History of Cartography*, Hutchinson University Library, London, 143
journeys. Central west Victoria is labelled ‘Australia Felix’, adopting Major Mitchell’s glowing description. Ballarat is without features, save the notation ‘Open Downs’. Mt Beckwith, north-east of Ballarat, is shown with a notation ‘Hills of Lava’ a little to its north-west.

The map reveals a London mapmaker’s imagination of likely customer interest in the Australian Colony. British culture of this time bestowed fame, prestige and high social position on explorers as they sent ‘home’ their botanical and geological collections and disseminated knowledge of the distant landscape\textsuperscript{128}.

\textsuperscript{128} Shellac, Tiffany, 2009, Shaking Hands on the Fringe, University of Western Australia Press, Western Australia, p 138.
PART F: MAPPING AND THE ARTS

Mapping interweaves with art. There is similarity between exploration, intellectual pursuit, literature and art, although sometimes, this creates a tension. For example, in 1738, John Green, a cartographer and geographer, lamented that mapping had fallen entirely into the ‘ignorant or mercenary Hands’ of engravers. Nevertheless, the King’s botanist, Allan Cunningham, and Colonial Collector, Charles Frazer, accompanied surveyor John Oxley’s early New South Wales explorations. Captain James Stirling’s exploration and mapping of the Swan River area, included a surgeon, who also painted scenes and undertook climate and topographical observations. The party also included the artist Frederick Garling, who produced the survey ‘Chart of Swan River’, supported by beautiful paintings.

Figure 28: James Stirling, Chart of the Swan River, 1827, lithograph and wash on paper, 35.8 x 68.9

Figure 29: Frederick Garling, View from Mount Eliza, 1827, watercolour on paper, 15 x 37 (sheet)

Thomas Mitchell: Surveyor and Artist

Consistent with British culture, Mitchell who was knighted in 1839 by a young Queen Victoria, prepared his own suite of maps. His 'General Map of the south eastern portion of Australia' was based on surveys between 1827 and 1850. Whilst this map more fulsomely described central west Victoria (without reference to William Urquhart's body of survey work described in Part G, pages 41-42), it was overlaid with the surveyed County boundaries, including Ballarat's Counties of Grant and Grenville. It showed a more detailed description of the river network and, to the side, included elevations of sections of the principle rivers and their banks. The coastal oceans remained softly shaded in blue. The map exists alongside Mitchell’s remarkable paintings (Figures 32 and 33) and his surveying journal descriptions including the famous ‘Australia Felix’ term.


Ballarat’s First Gold Commissioner’s Camp

**Figure 31:** Thomas Livingston Mitchell, *General Map of the South Eastern Portion of Australia Shewing the Colony of New South Wales As surveyed & divided by the Sr Gen.l between the years 1827 and 1850*, engraved John Carmichael, engraving on paper mounted on linen, 87 x 72 cm.

**Figure 32:** Thomas Livingston Mitchell, *Large cavern at Wellington Valley, New South Wales,*

**Figure 33:** Thomas Livingston Mitchell, *Cockatoo - from the interior of Australia Major Mitchell Cockatoo*
Maps themselves are part of an artistic process — and very far from existing as entirely objective documents. What is included or excluded reflects the personality and creativity of the map maker.

‘Maps are not intrinsically sentimental documents. But I am always surprised how, in a phase transition every bit as magical and elemental as that from vapour to water, I can shift in one glance from information-retrieval to inspiration, followed shortly thereafter by aspiration’. 138

And the magic in the ‘survey image’ extends beyond the earth and a mathematical downward gaze, but links the earth and its landforms to the stars, moon and astronomical realms. The changing phases of the moon and stars forming astronomical observations are the base of all forms of land and nautical surveying - triangulation of two earth points through celestial points.

Much has been written of the Southern Cross inspiring creation of an independent Australian nation. But, it needs also to be remembered that these same stars symbolise the very heart of the transition of land control in the country. The star-based surveys, as their creators knew, were used in the very process that regulated the silent transition of ‘ownership’ to the new immigrants. The Eureka rebellion, beneath the Southern Cross flag, concerned who should set the terms of the new occupation. However, the reality is that, under those stars, whilst the British held tight to sovereignty, miners and the settlers shared an intent to replace the ancient Aboriginal control and, through land mapping, organised the transition of rights to occupation and ‘ownership’.

137 Pictures Collection, National Library of Australia, shown in Macdonald, Patricia Tryon, 2013, Epic Australian exploration: the role of the Scots, in Inglis, Alison and Tyron, Patricia, ed., 2013, For Auld Lang Syne: Images of Scottish Australia From First Fleet to Federation, Art Gallery of Ballarat, page 116
PART G: EARLY SURVEYING PRACTICE IN AUSTRALIA

In Australia, the merge between survey and exploration began with the First Fleet, which included the Surveyor-General. The Australian colonial township grid emerged, like the Roman, from surveying instructions issued from highest government levels. 139

Before Oxley’s 1817 survey and exploration journey, the Secretary of State of the Colonies in England issued instructions specifying that he must record observations in a journal that included the country’s general appearance, its soil, flora and fauna and the customs and language of local inhabitants.

The first two ships to South Australia in 1835 carried a Surveyor-General, Colonel William Light, along with his staff and equipment. They came with formal instructions to determine the site for the town and prepare it for sale140.

The Western Australian Surveyor-General’s instructions to the expedition from Perth to the Overland Telegraph line were:

‘You will... by taking Celestial observations at all convenient times, and by sketching the natural feature of the country you pass over, add much to our geographical knowledge. All geological and natural history specimens you can collect and preserve will be most valuable in perfecting information concerning the physical formation of the interior141.

Consistent with surveying instructions since Elizabethan times, surveyors took local guides. Swan River surveying in 1820-1830s involved close contact with local Aboriginals142 and it was noted that Aboriginal measurements of distance and time referred to the number of moons and relational landmarks within country143, revealing similarity between Aboriginal approaches and early European surveying, i.e. use of time and verbal explanations - ‘so many hours’ march or days’ journey by river’ – and itinerary descriptions 144. Surveyor-General Mitchell’s practice reiterated the benefits of using local names:

‘The great convenience of using native names is obvious ... future travelers may verify my map. Whereas new names are of no use in this respect’.145

His instructions to surveying staff required:

‘the native names of as many places as you can in your map’.146

Mitchell included “Piper”, a Wiradjuri man from the Bathurst area, in his 1836 party through the Western District.

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139 Whilst Mumford considered this to be a symbol of colonial domination similar to the Romans, the Surveyors Handbook relates the grid form to the early shortage of surveyors and demand for land as it avoided the more time consuming preliminary design that would accommodate topography, vegetation, soil type and other factors.239


141 Brennan notes that Light was instructed to determine the site for the town and prepare it for sale. Surveying proceeded more slowly than expected with one acre Adelaide town sections only available by March 1837 and the balance of 80 rural acres was not issued instructions specifying that he must record observations in a journal that included the country’s general appearance, its soil, flora and fauna and the customs and language of local inhabitants.

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‘the native names of as many places as you can in your map’.146

Mitchell included “Piper”, a Wiradjuri man from the Bathurst area, in his 1836 party through the Western District.
Mitchell saw his surveying journeys as exciting research:

‘the objects of which were to spread the light of civilisation over a portion of the globe yet unknown ... where ... intelligent man would find a region ... waiting only for his enterprising spirit and improving hand to turn to account the native bounty of the soil.’

Such narratives of discovery assumed that civilisation was to be disseminated from Europe.

‘Mitchell was a surveyor, taking control of the land by charting it on a map ... The land was charted, ordered, and labelled, becoming a colonial possession.’

Central to such discovery narratives, and their mapping, were notions of land as passive space.

‘Conceiving of space as in the voyage of discovery, as something to be crossed and maybe conquered, ... can lead us to conceive of other places, peoples, cultures simply as phenomena, “on” this surface. ... (B) by this means they are deprived of histories.’

Many early explorers and settlers were men of liberal education and broad culture, often of leading families with the instincts and discipline of gentlemen. Late eighteenth century Europe viewed natural history as a system of knowledge marked by:

’an orientation toward interior exploration and the construction of a global-scale meaning through the descriptive apparatus of natural history’.

The Colonial surveyors’ explorations of interior Australian space were described by contemporary Australian writer, David Malouf, as:

‘possession in the form of knowledge’ [taking] ‘spaces into our heads, and at last into our imagination and consciousness’.

Such cultural and spatial ‘recording’ of a landscape, can prescribe a history that becomes a medium for transmitting a single authoritative past. Thus, a past of land exploration, ‘discovery’ and mapping is transmitted through rules, principles and past practices as law, and this not only embeds the law, but also embeds the tradition. This process has been termed the ‘invasion of law into history’.

‘Insofar as the past has been transmitted as tradition, it possesses authority; insofar as authority presents itself historically, it becomes tradition.’

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The surveyor, on his exploration journey, was seeped not only in tradition and professional practices, but also, worked to laws recorded in legislation and instructions.

**Early Surveying Regulation and Instructions**

In 1828, a temporary Act[^155] provided that the whole law of England should apply to the Colony of New South Wales. As the successive eastern Colonies were established, this enactment automatically applied[^156], continuing until each made its own replacement legislation. Thus, applicable laws for surveying as well as land and conveyancing were English, except where particularly repealed.

Regulations for the Selection and Measurement of Land were proclaimed by New South Wales on 19 August 1829. ‘General Instructions’ were issued to first Port Phillip District surveyor, Robert Russell[^157], and the Governor informed of the importance of astronomical observations. Two circulars were prepared by the Surveyor-General in 1836, for the guidance of licensed surveyors and, on 31 July 1837, further instructions were issued that:

‘you will make at least one reserve for a town or village ... (and) will assign to each parish a name, founded on the native appellation of any hill or place therein ... (and) as soon as the plans and descriptions ... are prepared, you will transmit them to me, in order that the originals or copies ... may be forwarded to the Government for advertisement for sale...’

In September 1837, the New South Wales Governor issued a proclamation that each applicant for employment as an assistant surveyor must appear before a board consisting of the Commanding Royal Engineer, the King’s Astronomer of New South Wales and the Surveyor-General or Deputy Surveyor-General, to be examined in his knowledge of the theory and practice of land surveying[^158].

Surveying instructions mandated the journal-keeping from which we have Mitchell’s famous ‘Australia Felix’:

‘The land is, in short, open and available in its present state, for all the purposes of civilised man. We traversed it in two directions with heavy carts, meeting no other obstruction than the softness of the rich soil; and in returning, over flowery plains and green hills, fanned by the breezes of early spring. I named this region Australia Felix, the better to distinguish it from the parched deserts of the interior country, where we had wandered so unprofitably and so long.’[^159]

Captain Robert K. Dawson in his 1840’s Report on Surveying[^160] noted difficulties facing colonial surveyors’ including limited numbers and adverse conditions[^161]. These included clearing the ground to cut lines of sight, observing angles, obtaining traverse measurements along coast line, rivers and natural lines of country and connecting with

[^155]: Act 9 Geo. IV c. 83 (Imperial).
[^156]: s.33 of Act 5 & 6 Vic, c. 76: applied to the new Colony of Victoria by s 8 Laws (Continuance) Act 1855.
[^159]: Dawson identified these in his 1840's Report on Surveying: Considered with Reference to New Zealand and the Colonies generally as clearing the ground, exploration, observation of angles, cutting lines of sight, traverse measurements along coast line, rivers, streams and other natural lines of country and connecting these traverses with trigonometric points.
trigonometric points\textsuperscript{162}. Early colonial surveyors also faced a lack of uniform and unambiguous descriptions for Australian conditions and insufficient density of suitable natural features to which any one parcel could be referenced. Often a diagram was required to describe the description.\textsuperscript{163}

The South Australian Surveyor-General Edward Charles Frome, published detailed surveying Instructions\textsuperscript{164}, including treatment of aborigines, camp equipment and rations, salaries, the use of arms, men’s attendance at Sunday prayers, quarrelling, drunkenness and gambling, taking ‘private’ work and what plans, journal and reports were required.

One of Mitchell’s assistant surveyors wrote a textbook for Surveyors-General of Colonies published in 1841. An 1848 circular required survey work to be performed strictly in accordance with the practice in the Surveyor-General’s Department\textsuperscript{165}. These instructions remained in place prescribing the duties of the Port Phillip and Victorian surveyors until at least 1855.

**Colonial Surveying Life**

Surveyors were both government-employed and private practising contract surveyors. They not only surveyed in the field, pegging and marking ground and landscape features, but also in central offices as layout designers and administrators. The District Surveyor, later called Divisional Surveyor, rarely effected boundary surveys himself, but supervised a group of surveyors, performing also the duties of a Land Officer, inspecting, and reporting, designing and valuing Crown land for settlement.

Colonial surveyors working in the field undertook journeys with drays carrying cumbersome surveying and camping equipment. They spent months camping out in the bush and mapping the land. There were tough realities for these field surveyors in gruelling outdoor conditions.

**Figure 35:** S T Gill, *The Surveyors*\textsuperscript{166}.

Surveying practices were far slower than current practices:

\begin{quote}
‘(M)uch of the survey work undertaken to open up the country and provide land holdings to settlers was carried out using Gunter’s chains, measuring wheels, circumferenter, Kater’s compass and even pacing where approximation sufficed ... Over time, the Gunter’s chain was replaced by steel bands and invar tapes, and later by Electronic Distance Measurement (EDM) equipment, and subsequently Global Positioning System (GPS) devices ... Likewise, compasses were replaced by transits,
\end{quote}

\textsuperscript{162}The change to a magnetic datum promoted the use of the circumferenter and reflected the view of contemporary field surveyors that the theodolite was slow and cumbersome, requiring a clear line of sight between pegs, where in the Australian bush this was often impossible.


\textsuperscript{164}Frome, Edward Charles, 1840, *Instructions for the interior survey of South Australia*, published by Robert Thomas, Held in facsimile edition no. 32, in Public Library of South Australia, Bib ID 776106.


Surveyors related closely to the government, but also became part of the community. An example is one early Ballarat surveyor (post-Eureka), William Surplice, who on 8 December 1856 at age 32, married 16 year old Julia Hanmer in the Church of England School House, Ballarat. Surplice’s father, Alfred Surplice, had previously sold provisions to the government camp and Julia’s mother owned the Adelphi Theatre, held a publican’s licence and was a prosperous Ballarat landowner.

Settlement or Pastoral

It was well recognised that:

‘even in its rude wild state, the land was demonstrably worth a very large amount of money’.

Government settlement policy from the first fleet was, officially, to:

‘discountenance every undertaking having a tendency to disperse the population of the Colony’.

However, from early settlement, dispute existed between those who preferred small-scale housing and agricultural settlement and those who sought to utilise the extensive land beyond settled areas. Over time, particularly with the shortage of surveyors that sometimes halted land sales, settlers began to largely ignore the close settlement policy and squatted in unsettled areas.

A settler would approach the government for a grant of selected land, approximately charted on a map, with the number of acres placed against the settler’s name and published in the Gazette. When opportune, the Surveyor-General would notify the settlers in a particular district as to when a surveyor would be in the area, at which time the surveyor would mark out as many farms as possible in his available time. The practice led to isolated surveys all over the Colony, with the best land chosen for selection but no contiguous survey. Crown grants came from England, creating further delays and complications and placing the old English conveyancing system under pressure in the Colonies.

An 1823 report into the New South Wales Survey Department recommended, as a first priority, a systematic survey of the Colony, that would divide the land into counties (of ~40 sq miles), each subdivided into hundreds (of 10sq miles) and parishes (of 5 sq miles), with natural boundaries, e.g. rivers, streams, dividing ranges, as borders where practicable.

John Oxley, the Surveyor-General at that time did not agree with this priority, preferring to first clear the large backlog of allocated but unsurveyed land. Five years later, Thomas Mitchell then Deputy Surveyor-General was ordered to undertake the general survey of the Colony. Mitchell did not attempt to connect any grant boundaries, addressing topographic coverage only.

By 10 October 1835, Governor Bourke was suggesting to the British Secretary of State, that there needed to be a formal shift in Colonial policy from contained settlement, given the impracticability of pursuing ‘intruders’ and the expense associated with prosecuting and policing persons outside the bounds of settled control.

Provision was made, in an Order in Council for pastoral occupation of Crown land from 1847, for pastoral tenants to obtain freehold of homestead areas up to 640 acres under "later theodolites and then Total Stations which combined angular and distance measurement in a single survey instrument."[676]

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[168] The couple is noted as moving to New South Wales in mid 1870s and then to Suva, Fiji for many years, with Julia Surplice buried in the Waverley Cemetery in Melbourne. Wright, Clare, 2013, The Forgotten Rebels of Eureka, Text Publishing, Melbourne at pages 466–467.


[171] A ballot decided priority between simultaneous applications for the same land, instead of a limited auction, and required selectors to improve their leasehold or enclosing the area with a substantial fence.
Pre-emptive Right, at valuation and without competition. At this time, all land in the colony was divided into one of three classes: settled, intermediate and unsettled. In the Port Phillip District, virtually all the accessible and productive unsold land was held as pastoral runs. It was the drive to populate the land that led to the mapping and survey of much of the country. Between 1849 and 1871, Victoria came to be divided into 37 counties and nearly 2,914 parishes, which were then surveyed into allotments for sale.

By 1852, there was strong pressure to sell town allotments and agricultural plots near the gold fields with, by early 1853, more than half a million acres sold. However, land reform remained a pernicious issue.

Surveying the Port Phillip District & Victoria

On 14 February 1802, Lieutenant John Murray on the Survey Vessel Lady Nelson entered Port Phillip Bay, naming Arthur’s Seat and calling the bay, Port King. The Lady Nelson was the first to sail Bass Strait from west to east, and only three weeks later, French explorer Nicolas Baudin sailed and surveyed in the Strait east to west. On 26 April 1802, Matthew Flinders in The Investigator, unaware of Murray’s visit, entered Port Phillip Bay, climbed Arthur’s Seat, traversed the Bay and climbed the You Yangs. Late in 1802, Governor King instructed Surveyor Charles Grimes to walk around and survey the shores of Port Phillip Bay.

From the 1820s, the Port Phillip District began to be permanently occupied by non-Aboriginals. The Henty family occupied land around Portland Bay and applied to the Secretary of State for the Colonies to purchase 20,000 acres. They began settlement in that location from 19 November 1834. John Batman and others who formed the Port Phillip Association, as well as John Pascoe Fawkner, established a camp in the Melbourne area. Others travelled overland from north of the Murray River to secure the grazing land confirmed by Hume and Hovell’s 1824-5 expedition. In May 1835, Batman attempted to enter into a treaty to ‘buy’ land from Aboriginals ‘owners’. He met strong Colonial reaction, with Governor Sir Robert Bourke issuing a strident proclamation in September 1835 that:

‘every treaty, bargain and contract with the aboriginal natives for the possession, title, or claims to the lands, lying and being within the limits of the Government of New South Wales ... was void and of no effect against the rights of the Crown, and that all person found in possession of any such lands, without official licence or authority, would be considered trespassers, and be liable to be dealt with like other intruders upon the vacant Crown lands in New South Wales.’

Bourke asserting, and seeking to secure, British sovereignty then proposed a Port Phillip District Township at Melbourne, intending that the proceeds of allotment sales would offset the costs of surveying and necessary civil establishment. A notice of intention to authorise settlement was gazetted on 14 September 1836. Within weeks, the first surveyors arrived - Assistant Surveyor Robert Russell and his two assistants, Fredrick Robert D’Arcy and William Wedge Darke, a nephew of John Helder Wedge, a surveyor involved with the Port Phillip Association.

Robert Hoddle, who had previously undertaken exploration surveying with Major Mitchell, was appointed senior surveyor to the Port Phillip District. He arrived with Governor Bourke on 3 March 1837 and returned to take permanent charge on 20 May 1837. Whilst Hoddle is celebrated for his grid layout of Melbourne, he followed government surveying instructions for colonial townships. The grid was used in the Colony for multiple town layouts not only Melbourne but, for example, Goulburn, Geelong, Port Fairy and Portland.

Within months of his appointment as surveyor, Hoddle was also appointed as auctioneer for the first sale of crown land on 1 June 1837.

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174 New South Wales Government Gazette, 2 and 9 September 1835.
After 1851, a Royal Commission into the Victorian Public Service included a recommendation that all surveys be performed by licensed surveyors, with formal approved qualifications. After separation, the Government of Great Britain retained control of Crown lands in Victoria until 1855\textsuperscript{176}.

\textsuperscript{176} From assent to the Constitution Act in 1855, the Surveyor-General (then Captain Andrew Clarke) was appointed as a non-elective member of the Victorian Legislative Council and a member of the Executive Council.
PART H: BALLARAT SURVEYS

The first surveys of the Western District and the area within which Ballarat is situated were done by William Urquhart from the 1840s and, within the Ballarat area, in 1847 and 1849. The first survey of the goldfields’ area was also again done by William Urquhart, in 1852.

Within months (perhaps even weeks) of gold’s discovery, government surveyors were deployed to Ballarat

Who was William Urquhart?

William Swan Urquhart was born in 1818 in Ross Shire, Scotland. He arrived in the Colony at age 33 in 1840. Working first as a private surveyor for squatters in the Western District, then as a contract surveyor for the colonial government, he was appointed to the public service in December 1845 as an assistant surveyor.

In late 1845, after Hoddle was instructed by the Colonial Surveyor-General to mark the boundaries of the counties of Bourke and Grant177, Urquhart began doing this surveying work from December 1845. A research paper by geographer, Ken James, using survey office records, correspondence and maps at the Public Records Office Victorian (PROV), drew together Urquhart’s life and contribution178. James states that Urquhart was assisted by four labourers, a bullock driver and a tent keeper, acquiring a surveying assistant only in 1851. The men were with him for eight months of each year, the other four months being spent drawing up his maps. His surveying equipment consisted of theodolite and circumeter179.

The county boundary work included an 1847 survey of the sources of the Moorabool and Yarrowee Rivers, the ranges of Mt Bunyinyong, Warraneep and Black Hill, the Dividing Range between the Yarrowee and Werribee Rivers which included what became the future site of Ballarat. In 1849, he surveyed Burrumbeet Creek and Lake Learmonth and the Dividing Range from the sources of the Yarrowee to Mt William in the Grampians, including Mt Misery, Mt Cole, Mt Ararat and the ranges now known as the Pyrenees. On 8 February 1850, when Hoddle instructed Urquhart to survey the Murray River, he wrote:

‘I know no one more competent than yourself to undertake this duty ...’180

Two journal records give color to Urquhart’s surveying life:

‘...I was alone and it being the time of the full moon was not in a hurry to return to my encampment and just at dusk about three miles from my camp I came on a native encampment ... I was known to nearly all of them, we were always on the best of terms. My friend Tommy ... walked up and looked wild and very excited felt me over the back made a jump and a wild holla, which roused the rest. Three of the principal leaders of the tribes immediately sprang up, and after a few seconds of the most exciting debate between them, Mr Tommy was turned about and ordered away. One of the three ‘Bonney’ in a very decided manner told me that Tommy was no good. We ultimately departed good friends ...’181.

‘... I examined the creek and found the current flowing very rapidly, and no likelihood of a fall that night. My party were engaged with a bottle fastened to a cord about 60 yards long endeavouring to through [sic] it to the opposite but failed in the attempt. This contrivance would not suit the purpose there was no alternative but to swim. I was confident that I had swum bigger and stronger currents before. I determined to make the effort and was soon in the water and gained the opposite bank. Mr Fitzmaurice Chief Constable tied the despatches round my head. I was soon on the west bank of the creek again. In half an hour I was on my way to Glenmona on a favourable Romeo mare. Mr Hall (the local electoral officer) received the Governor’s official despatches with authority to act as the Returning Officer and Mr Wm.'
Campbell of Strath Loddon was returned the first member of Council for the Electoral District of the Loddon on the following day.\footnote{182}

In early October 1851, Urquhart was instructed to go to Ballarat to complete a general survey of Golden Point, Black Hill and neighbourhood. He later wrote:

‘Ballarat was the first gold fields town surveyed by me in Victoria, and was always my favourite; commanding a fine position; a bracing fine climate equal to any in the colony; about 1,400 feet above sea level, with rich lands on all sides, in some places second to none in Victoria.’\footnote{183}

At the same time, he marked out 20,000 acres of agricultural lands near the goldfields of Ballarat at localities in Dowling Forest, Lake Learmonth, Lake Burrumbeet, Miners Rest and Glendaruel in lots varying in size from 80 to 320 acres.

By February 1852, Urquhart was away, having been instructed by Hoddle to proceed to Mt Alexander. In 1859, he was appointed as a Crown lands commissioner and, in 1862, a Crown land appraiser and collector of imposts. He lived until 1881 with his wife, Margaret, residing in Taradale and, later, East Melbourne.\footnote{184}

The practicalities of Urquhart’s survey process were:

‘They were using theodolites and chains, old chains. ... It would have been a difficult exercise and would have taken some time. ... He would have had assistants, who would have assisted, but he would have had control of it. ... (As) the senior surveyor, he would wander all over it. ... There are a number of ways to draw a plan. It took six months to do a survey that today would take three days. He would have a fleet of men. He couldn’t have done it by himself. He would have overseen it as the senior surveyor.’\footnote{185}

Urquhart’s application to retire from field work poignantly described his experiences and their personal toll:

“(T)he state of my health will no longer permit me to perform the duties required of a district surveyor. ... (T)he frequent exposure to wet, heat & cold has rendered me very unfit for the duties required of me as a field officer; at the same time, that the life that I led for upwards of ten (10 years) under canvas in the bush has unfitted me constitutionally for the close confinement and duties of an office life. I find it absolutely necessary that I should retire before my system is broken up altogether.” (sic)\footnote{186}
**Urquhart’s Ballarat Survey**

Urquhart’s Township Reserve survey was prepared throughout later months of 1851 and completed on 17 January 1852. It provided a layout for a grid of township allotments with clear emphasis upon identifying and defining existing land use in the area of the Golden Point goldfields.

**Sovereign Hill’s Earliest Survey Map**

A copy of this survey map is held in Sovereign Hill’s Gold Museum collection and was the earliest survey in the Kellehers Australia brief.

![First Commissioner’s Camp](image)

**Figure 36**: Plan of Ballarat Township Reserve Surveyed in the County of Grenville ‘No. 4’, ‘B/148’, held in Sovereign Hill Museum

It shows three dots giving precise locations for ‘Commissioner’s Tent’, ‘Lock Up’ and ‘Commissioner’s Stables’ south of ‘The Main Diggings’ and ‘Golden Point Ballarat’. South of these locations are ‘String Bark and Grass Tree’ area and ‘Spur from Buninyong Range’. It shows, another dot point ‘Yuille’s tent’ to the north of the diggings, ‘Yarrowee’ lined in blue and, to the west softly shaded in a blue at its watery edges ‘Wendouree’. Notations of various river flats including ‘The Main Diggings’ and, just to its west, ‘The Flat Diggings’. A large ‘Police Paddock Reserve’ is at the map’s left bottom corner. In brown, grey and black shading, elevated areas and ridgelines are softly revealed.

Consistent with Mitchell’s Instructions to Surveyors, he widely adopted Aboriginal names. The name ‘Ballarat’, the swamp ‘Wendouree’, the river ‘Yarrowee’, the main waterholes – ‘Quimidupakup’ and downstream ‘Parmoomp’ and other Aboriginal names including ‘Buninyong’, ‘Warrenheip’. 
There are four grid town allotments west of the River, each subdivided into 10 lots. The governance imperative of the survey work is highlighted by the names of the Gold Commissioners (Doveton and Armstrong), Police (Sturt and Mair\(^{187}\)) and Native Police leaders (Dana and Lydiard).

This important map has the following, hard to read, handwritten notations:

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"Mr [or Wm] Urquhart
Assistant Surveyor
Camp near Ballarat
17th January 1852
Laid before the Ex. Council & approved Feb 20 1852
Edward Grimes [unsure of surname spelling] Clerk of the Council
Forwarded [?] to the Col. Secretary with my letter No. 52/60
Dated 10th February 1852                  R. Hoddle [?]
[illegible word]
[illegible word] 16/53
[illegible word] 11/53\(^{188}\)
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**PROV Later Survey Map**

Dr Croggan from Sovereign Hill Museum searched at PROV and located another, apparently later, survey map. This PROV Urquhart survey is Figure 37 (over). It shows more details. Most noticeable is the wider, more detailed township grid with some of these grid allotments laid directly over the river. The township is now some 25 township allotments subdivided into smaller lots, with larger lots, extending to Wendouree.

Again, this survey shows three dots notated ‘Commissioner’s Tent’, ‘Lock Up’ and ‘Commissioner’s Stables’ south of ‘The Main Diggings’ and ‘Golden Point Ballarat’.

The lettering is more considered and the plan is clearer, probably due to variations in shading. The plan more legibly records ‘Surveyed by W. S. Urquhart Asst Suvr.’ Tracks of thin red lines show ‘Track to Yuille’s’ and ‘The Gold Diggers Road to Mt Alexander via Dowling Forest Hepburn’s B.’.

The ‘Reference’ table is now at the top right hand side of the plan, showing the ‘Angle’, ‘Description of Tree’ (‘gum’, ‘blackwood’ and ‘honeysuckle’) the ‘Mark on Tree’, ‘Bearing’ and ‘Distance’, with specific survey details for the ‘Police Paddock Reserve’.

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\(^{188}\) Email from Snjezana Cosic, Assistant Curator, Sovereign Hill to Robert Forrester, Kellehers Australia: Friday, 13 March 2015 1:32 PM.
The PROV survey is likely to be Urquhart’s final approved Township Reserve Survey, with Sovereign Hill’s likely an earlier near-final draft, to which a larger township continuously being surveyed was added before final approval. The PROV survey has different handwritten notations:

“The Original Plan Forwarded to the Colonial Secretary with my letter No. 52/60 dated 16th of February 1852” Signed R. Hoddle, Surv Genl

“Laid before the Executive Council and approved Feb 28 1852.” Signed Edwd Grimes, Clerk of the Council

“Copy forwarded to Colonial Secretary for transmission to the Police Branch at Buninyong with my letter No. 52/108 dated 19 March 1852.” Signed R. Hoddle, Surv Genl”.

Figure 37: Plan of Ballarat, Township Reserve in the County of Grenville, Surveyed by W.S. Urquhart Asst Surv held at PROV (PROV survey).
By combining the handwritten notations from these two extremely important first surveys, it is revealed that Urquhart, having begun working on the survey within months of gold’s first discovery in 1851, had finished by 17th January 1852 and delivered it from his camp at Ballarat to Victoria’s Surveyor-General, Robert Hoddle.

After this, its approval wound through a little over one month of bureaucratic process to the highest levels of government in Victoria. Although undertaken within a short space of time, it was clearly work of high significance.

Hoddle approved it nearly a month later after its completion, on 10th February 1852. After a few more days, on 16 February 1852, Hoddle forwarded the Survey to the Colonial Secretary, Edward Grimes. After yet further consideration, Grimes forwarded it to the Executive Council. The Executive officially approved it on either 20th or 28th February 1852.

A number of copies were then made. Hoddle forwarded one copy of the approved Survey to the Colonial Secretary in England. Another was transmitted to the Police Branch at Buninyong with Hoddle’s letter dated 19 March 1852.

The Urquhart survey clearly located the First Gold Commissioner’s Camp and, if accurate, confirmed William Gay’s oral history. It was also consistent with later surveys, other documentation and images.

Later Ballarat Surveys

With Urquhart’s survey and William Gay’s account, it now remained to confirm the accuracy of Urquhart’s survey. Later Ballarat surveys in the Kellehers Australia brief were by Jacob Braché in 1861 and William Baragwanath in 1917.

Braché’s Survey

Who was Jacob Braché?

Prussian born and educated, Jacob Braché worked as both an engineer and miner in the gold and silver mines of North and South America. He left Panama for Melbourne, arriving in August 1853 and remained in Australia until his death in 1905.

Braché was immediately drawn to the Goldfields, starting two failed ventures, one in Castlemaine and the other in Ballarat. He became known as a prominent spokesman for mining interests, championing the introduction of wage labour and machinery. This appears to have led to some ill-feeling from individual miners and he left the mine fields unable to gain the leases he sought.

Braché, founded the Mining Institute of Victoria and prepared the 1859 Report on the State of the Mines in Victoria. The Victorian Geology Department deployed him to take surveys at Ararat and Ballarat. He was appointed Secretary of the Royal Commission on the Colony’s Mining Resources in 1861 and, from 1862-1864, was Superintendent of the mining and topographical surveys of the then Geological Department. Braché became a key figure in the early exploration of brown coal sources within Victoria and continued to work as a surveyor until late in life. He was married with six children when he died in Northcote in 1905.

Braché’s Ballarat Survey

In 1861, Jacob Braché, undertook a further Ballarat survey. Braché’s 1861 survey (Figure 38) does not show the First Gold Commissioner’s Camp.

Like Urquhart’s survey, it shows “River Yarrowee”, it shows the whole of “Wendouree or Yuille’s Swamp”, with a vastly expanded township, allotment layouts beyond the township itself and a far larger area of surveyed country and landscape features, including ‘Marsh’ and ‘Open Forest Land’. There are now significant roads ‘Creswick
Ballarat’s First Gold Commissioner’s Camp


Figure 38: Survey by Braché (text illegible) 1861

First Commissioner’s Camp
Who was William Baragwanath?

William Baragwanath was Cornish born and migrated to Australia with his Scottish wife, Margaret Hunter. He came to Ballarat as an assistant to the Land and Mining Surveyor and studied part-time, passing his mining and geology examinations before gaining a Certificate of Geology in 1911 from Ballarat School of Mines.

Baragwanath conducted surveys of Ballarat, Castlemaine, Chewton, Aberfeldy, Berringa and Ballarat from 1911 to 1916. His memoir of Aberfeldy was notable for its discovery of a most ancient plant that was named Baragwanathia in his honour. He was appointed Director of Geological Survey, shortly after producing his 1917 Ballarat survey, and was appointed as Victoria’s Chief Mining Surveyor in 1924.

Baragwanath developed a mathematical sequence based on his belief that the rocks off the coast of East Gippsland could contain petroleum. An experiment conducted by the Department of Mines in 1922 claimed that his theory was incorrect but, in 1964, not long before his death, he was vindicated when offshore drilling of the same sequence lead to the discovery of Bass Strait oil and gas.

Predeceased by his wife, Baragwanath died in 1966 in Prahran leaving his two sons and six of seven daughters.

Baragwanath’s Ballarat Survey

Baragwanath’s Ballarat survey, prepared in 1917, formed one of a series of successive geological, topographic and mine surveys of the Castlemaine, Chewton, Aberfeldy. It is shown as Figure 39. This survey, like the earlier Ballarat surveys, showed ‘Yarrowee Creek’ and ‘Lake Wendouree’, along with a yet further expanded township layout and key hills ‘Sovereign Hill’, ‘Post Office Hill’, ‘Bakery Hill’ and ‘Black Hill’. The survey included subsurface geological and soil features, softly shaded in greens, yellows and browns that distinguished Paleozoic, Tertiary and Recent Alluvial conditions. It showed the lines of key leads - ‘Golden Point Lead’, ‘Eureka Lead’ and ‘Gravel Pits Lead’ and also provided surface contours.

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190 Extract from Australian Dictionary of Biography, Volume 7, Melbourne University Press, 1979
191 ibid
192 ibid

Baragwanathia is a genus of extinct plants of the division Lycopodiophyta of Late Silurian to Early Devonian age
Ballarat’s First Gold Commissioner’s Camp

Figure 39: William Baragwanath, Geological Map Ballarat Gold Field,
Ballarat’s First Gold Commissioner’s Camp

Vic Roads Country Street Directory

The VicRoads Country Street Directory is created from VicRoads Land Information and Survey departmental information. VicRoads Country Street Directory map 566 for Ballarat is shown in Figure 40. It shows the street layout, Yarrowee Creek, Lake Wendouree and key land use features with references to ‘Golden Point’.

Figure 40: Vic Roads Country Street Directory, published by RACV Publications Department, June 2004.
Who is Rodney Aujard?

Continuously in practice for 48 years since 1967, Rodney Aujard is the principal of Rodney Aujard & Associates Licensed Surveyors, a member of The Association of Consulting Surveyors, Victoria. Based professionally in the Melbourne suburb of Camberwell, Aujard has practiced extensively throughout all areas of Victoria. He conducted surveys of fire-damaged areas following Victoria’s Black Saturday Bushfires in order to re-establish fencelines and survey pegs.

Aujard’s Review

Mr Aujard reviewed both of the 1852 Urquhart survey maps, the 1861 Braché survey and the 1917 Baragwanath survey. He considered these surveys:

‘to be reliable and prepared by highly reputable and competent surveyors’.

He reviewed the VicRoads Country Street Directory of Victoria map 566 dated June 2004 and several sketch maps within the Kellehers Australia brief - a sketch marked ‘January 1852’ by J. Flett (Figure 41) and undated sketch maps by Dunn (Figure 42) and Stackpoole (Figure 43). He found Flett’s map useful, but the others insufficiently reliable as evidence of a precise location.
Dunn’s sketch map is important as Thomas Dunn and George Wilson were the first to discover gold at Golden Point. Dunn’s map (Figure 42) notates ‘Commissioners Tent’, as well as individual settler allotments (and ‘Orator’s Stump’). The sketch may have been Dunn’s attempt to prepare a settler’s claim in readiness for a Crown Grant.

Henry James Stackpoole was a twentieth century mine manager and later school principal, who authored a book in 1971 on the discovery of Ballarat East goldfields. His map reconstructing the early goldfields (Figure 43) showed some Golden Point features, but no Gold Commissioner’s Camp.
Aujard’s Survey Work

Aujard explained his surveying work:

'We began our research with Urquhart’s Survey of 1852 (Plan A). We magnified the small print and were able to read the Street Names from Town Blocks shown on the survey plan – the streets running north to south are Mair, Sturt and Dara (sic) Streets and the streets running east to west are Lydiard, Armstrong and Doveton Streets. We drew a straight line between the Commissioner’s Tent and the distinct indent of land on Lake Wendouree and positioned it on the Town Blocks …; we used this control (the indent of land and the position of the Town Blocks) as a base for comparisons with later plans and surveys.”

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Aujard, 2015, Letter from Rodney Aujard to 'To Whomever it may concern” 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, page 3.
Figure 44: 2015, Aujard’s Plan A, showing in green the ‘control line’ from Lake Wendouree to the Gold Commissioner’s Camp overlaid on the Urquhart survey held by Sovereign Hill Museum.

Figure 44 (above) shows Plan A with Mr Aujard’s green line (the control line) overlaid on the Sovereign Hill Museum copy of the 1851 Urquhart survey.
Figure 45 (above) shows Plan A1 with Mr Aujard’s green line (the control line) overlaid on the PROV copy of the 1852 Urquhart survey.

To test the accuracy of the Urquhart survey, this same ‘green’ control line (from the indent of Lake Wendouree indent at the angle and distance of the one ‘struck’ from the Urquhart survey) was then overlaid on each the later Braché and Baragwanath surveys (Aujard’s Plans B and C) (Figures 46 and 47).

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Aujard, 2015, Letter from Rodney Aujard to ‘To Whomsoever it may concern’ 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, Annexure 1, Plan A1.
Figure 46: 2015, Aujard’s Plan B, showing in green the ‘control line’ (from Lake Wendouree to the Gold Commissioner’s Camp on Urquhart’s Plan) overlaid on Braché’s 1861 survey.202

202 Aujard, 2015, Letter from Rodney Aujard to ‘To Whomsoever it may concern’ 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, Annexure 1, Plan B.
Figure 47: 2015, Aujard’s Plan C, showing in green the same ‘control line’ (from Lake Wendouree to the Gold Commissioner’s Camp on Urquhart’s 1852 survey) overlaid on Baragwanath’s survey.

Then the same control line was overlaid on the VicRoads Country Street Directory Map 566 (Plan D) (Figure 48 over). This confirmed that the location of the First Gold Commissioner’s Camp on Urquhart’s survey was within the block now known as Barkly, Grant and Young Street. This was exactly where William Gay placed it (with Peake the south-east boundary of that area).

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Aujard, 2015, Letter from Rodney Aujard to ‘To Whomever it may concern” 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, Annexure 1, Plan C.
Figure 48: 2015, Aujard’s Plan D, showing in green the ‘control line’ (from Lake Wendouree to the Gold Commissioner’s Camp on Urquhart’s Plan) overlaid on the VicRoads Country Street Directory, Map 566/14.
Mr Aujard then created Plan E that overlaid Urquhart’s survey with the current digital map base and then again applied the green ‘control line’ (Figure 49).

Figure 49: 2015, Aujard’s Plan E, showing in green the ‘control line’ laid on the current digital map base overlaid with Urquhart’s 1852 survey.

Again, this confirmed the previous findings that the Commissioner’s Camp was within the quadrant Peak, Grant, Barkly and Young Streets.

Then, as Plan F, he overlaid Flett’s sketch map of January 1852, which shows a position for the Commissioner’s Tent, on the current digital map base and applied the green ‘control line’ (Figure 50). Mr Aujard found that the Camp’s location on Flett’s map accorded with Urquhart’s location.
Finally, using the Victorian Government’s online Land and Survey Spatial Information map (LASSI)\(^{207}\), Mr Aujard calculated the Camp area using the area of the Urquhart survey and Flett map. He found that it was 1.3ha (3.2 acres).

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\(^{206}\) Aujard, 2015, Letter from Rodney Aujard to ‘To Whomever it may concern’ 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, Annexe 1, Plan F.

\(^{207}\) Department of Transport, Planning and Local Infrastructure.

\(^{208}\) Aujard, 2015, Letter from Rodney Aujard to ‘To Whomever it may concern’ 12th February, Annexure 1 to Expert Witness Statement of Mr Rodney Aujard, 12 February, Annexe 1, Plan G.

\(^{209}\) Evidence at a Heritage Council hearing in Ballarat on 16 March 2015.
Mr Aujard ‘had no problems with MacDonald’s Sketch’, as it was entirely consistent with Urquhart’s 1851 and 1852 surveys which were being prepared at the same time as MacDonald’s sketch. MacDonald’s sketch shows ‘Commissioners Tent’ east of ‘Yarrowee River’ and ‘Golden Point’, along with various tents and claims. Elevated areas are show hatched. Its later dated notation ‘Township of Ballarat West 1867’, (presumably by Yelland) gives the plan some ambiguity.

What did Heritage Victoria do?

The Executive Director of Heritage Victoria undertook an entirely separate analysis from Mr Aujard. He arrived at precisely the same conclusion. A Submission dated 12 February 2015 stated that Heritage Victoria’s Registrar, Mr Patrick Miller, having expertise in both surveying and GIS mapping and, after conducting a field inspection, concluded:

“The Commissioner’s Tent was located in the cul-de-sac of Tong Way Place and the lock up and Stables in the cutting of Peake Street between Grant and Young Streets. The place is in the centre of a residential area and can no longer be read as a former Commissioner’s Camp. Due to road works and other disturbances in the past there is no likelihood of significant archaeological deposits surviving.”

This being the case, Heritage Victoria confirmed Mr Aujard’s findings as to the location of the First Gold Commissioner’s Camp.

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210 Public Library of Victoria. The dotted line on the map is notated as ‘indicating approximate extent of present Goldfield (1851)’. The broken line is notated as ‘Do – do – do at present covered with Tents’. A cross superimposed on the map just above the ‘Township of Ballarat West’ notation indicates where Tulloch sketched his view of Golden Point. Attachment ‘h’ to Johnson, Jeremy, 2015, Witness Statement of Dr Jeremy Johnson, 13 February.

211 Kellehers Australia, 2015, Notes of Heritage Council hearing 16 March 2015, contemporaneously taken by Dr Kelleher, page #

212 Samuel John Tong-Way, born to Chinese parents in Ballarat in 1894 and educated at Melbourne and Oxford Universities, became a prominent community leader and a Presbyterian Minister, whose Manse was located on the land immediately east of the lane. Extract from Australian Dictionary of Biography, Australian National University, 2012, Sign located on site.

213 Smith, Tim, 2015, Submission by the Executive Director pursuant to Section 40 of the Heritage Act 1995, Heritage Victoria, 12 February.
PART G: CONCLUSION

Discovery of the exact location of the First Gold Commissioner’s Camp provided important insight into the first months of the Ballarat goldfields. It highlighted wider land settlement arrangements in Colonial Australia and early Victoria. It confirmed relevant regulatory, operational and surveying practices for land that created the mapping conditions at Golden Point and Ballarat.

The original surveys, confirmed by modern surveying techniques and supported by other images and documents, precisely located the highly significant point at which gold fields licensing and gold collection began in Ballarat. The Gold Commissioners were important to sources of later major political events in Ballarat that had lasting influence on Australian history. Knowing this location is important to knowing the seeds of this history.

Compiling the story revealed by the evidence that lead to its discovery, is also important.

The stars on the Eureka flag are the same stars used by William Urquhart and all the Colonial surveyors to make astonishingly accurate surveys. They cause us to reflect that the maps link these stars with the earth. It was to this earth that the men and women newly settling in the country, each on their own voyage of discovery, were demanding fair rights, be they miners, shopkeepers, pastoralists or townsfolk. Surveyors’ maps enabled the British Crown to hold fast to its sovereignty, control this occupation and sell the lots created, to its enormous financial advantage.

Despite Batmans’ attempted treaty with the Aboriginals, the assertion of British sovereignty, whilst challenged at Eureka, still controlled relevant land law. The surveyors’ stars, sewn into the Eureka flag, evoke that story.

And all this:
From the challenge to discover the precise location of the First Gold Commissioner’s Camp at Ballarat.

Figure 53: Charles Doudiet, Swearing Allegiance to the “Southern Cross”, December 1, 1854
