

**Mining the Victoria Government Gazette.
A Treatise upon the Ashley Mining Index: Mining Companies
applying for Registration in Victoria 1860-1864***

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Any person wanting an old gold mine, would hardly look in an inner Melbourne suburb, but that is exactly where the Collingwood Gold Mining Company Limited set about mining for gold. In May of 1863 the Legal Manager of the Company, James Maconochie, applied for registration under the provisions of the Vincent Pyke Act of 1860. It consisted of 2,000 shares valued at one Pound each.

This company is one of hundreds of speculations, many of which were failures. The list of shareholders included five children of Charles Brentani of Fitzroy who died in 1853. He was a famous Italian jeweller in Collins Street, Melbourne and explored the Victorian Pyrenees for gold in 1849. It is possible that the listing of the children was a form of dummying.¹ This was a practice whereby wealthy shareholders listed shares in the names of poor people who could not pay the debts if the company failed while in fact the shares were owned by wealthy speculators. Children were frequently listed as shareholders, with their shares being held in trust. It was also not uncommon for shares to be held in the names of deceased persons by executors or trustees. Consequently it is necessary to treat each company separately. However, I have observed that the majority of names appear genuine even if they were not genuine shareholders.

In the case of the Collingwood Mining Company, the address given for the majority of the shareholders is Fitzroy, this was a common practice with the early companies who gained much of their financial backing from the immediate district around the mine site, although this changed as time went by.² The *Gazette* gives valuable information not only concerning the place of operations and the names of shareholders, but is a starting point to search the periodical indexes of the Gazettes to find other notices concerning a company. It may also be possible to locate the winding up of a company at some date and the subsequent distribution of assets.

In 2004 I published the Ashley Mining Index of Applications to Register Mining Companies for the period covering 1860 to 1864. It includes: Names of companies;

place of operations; declared number of shares; proposed capital of the company; alphabetical list of all shareholders, the address and shares held along with the paid up amount; alphabetical lists of legal managers and address; alphabetical lists witnesses with address. As well as this information the Reference details to the *Victoria Government Gazette* are also given including those for subsequent appearances of the same application. The Index was published on microfiche and feedback indicates that it has been well received and has assisted many researchers.

This paper describes the Ashley Mining Index; some of the issues encountered and further indexes in preparation. The completed indexes will be invaluable for wide ranging research. My first inclination was to simply make a list of the applications for registration of mining companies under the Limited Liability Acts. The majority of the indexes in the Gazettes include all the subsequent advertisements of a company for changes in management, directors, half-yearly meetings and so on. That incurs looking through numerous Gazettes for the application for registration. Listing the companies was a task that needed careful planning and preparation of the database.

The methodology I used was to break the task into sections along the lines of the Limited Liability Acts. A period prior to limited liability regulations applied to the years from 1853 to 1860 where only a few companies were incorporated under special Acts of Parliament. Numerous co-operative companies had been formed by 1859 to work the deeper and more difficult areas of ground known to be alluvial or to work some of the early quartz mines. These co-operative companies are frequently difficult to trace due to the loss of the local Mining Registrar's books that were generally held in the many Mining Divisions of the Mining Districts that were abolished in 1914. The index, however, focuses upon those companies that applied for registration and advertised their application in the *Victoria Government Gazette*.

Issues arising

Some of the issues involved in this continuing project are as follows:

1. The only Company Files that are readily accessible are those held by the Public Record Office Victoria covering the years 1871 to 1958 and referred to as Defunct Mining Company files.³ There is an index to these files totalling 10,625 by file/item number. There is an unsatisfactory index to the files that simply records company names and not the place of operations. As many companies have the same or similar names, much time can be wasted in going through several boxes to obtain the right file. For

example there are 22 Albion Gold Mining Companies and 13 Eldorado Mining companies listed, working in places far distant from each other. Another problem concerns the incorrect alphabetical sorting due to incorrect spellings. In spite of these difficulties the files remain the most substantial set of records left by mining companies. These files cover mining districts in Australasia, the Western Pacific and Asia and provide valuable data for researchers. At the present time my database contains full referencing to some 50 per cent of these Defunct Mining Companies.

2. Because of the crosschecking and extra research I have undertaken, my full database will eventually allow the earlier history of many companies to be tracked and added to those histories contained in the defunct company files. It will also allow for the file of a Defunct Mining Company to be easily found in association with the place of operations and other particulars. In some cases mining companies formed under the Pyke Act of 1860 re-registered under the Frazer Act of 1864 and again under the Limited Liability Act of 1871.⁴ Many of them took the opportunity to reorganise their capital and even their place of operations. Some companies later amalgamated to form new companies, often combining the old names together, such as the 'Band of Hope Mine' of Ballarat registered in October 1861, and the 'Albion Company' that appears to have been first formed as a Co-operative Company. The new company was registered in April 1868 as the 'Band of Hope and Albion Consols,' becoming the first Victorian mine to test ground by boring before sinking.⁵

3. The Ashley Index will allow researchers to find the names of mines operating within a locality of interest and a date for the possible start of operations. It will also when possible, indicate the winding up of a mining company, although this is limited by lack of extant records.⁶ The database will eventually allow researchers to plot where companies mined for a wide range of minerals and oil, not only in Victoria, but also throughout Australasia, the Western Pacific and Asia.

4. The Ashley Index will allow research into the origin and distribution of capital although care will have to be exercised where dubious companies are found or where shareholders appear to be dummies for wealthy investors. One extension from the incomplete work is shown in the Masters thesis of Dianne Campbell, which deals with the involvement of Lawyers in Mining Companies from the 1860's.⁷ Apart from the legal and social values of such a study, in some cases it may be that mining company information is still held by legal firms that remain in business. Therefore the database covering 1860 to 1864 includes not only the Legal Managers among whom are a

number of Lawyers, but also the witnesses to the signature. Many of the witnesses are Clerks to Solicitors or Attorneys at Law, while others are publicans, miners or one of the shareholders.

5. An attempt has also been made to show the Mining District and Mining Division for each mine. This information is not shown in the Gazettes and results from my research into numerous maps etc. This was a most difficult task, due to the ever changing boundaries of mining divisions and the creation of new divisions and reduction of others. This can be but a guide only. Its value lies in helping researchers to identify Mining records created by the District and Division Surveyors and Registrars. Various records may still exist in private hands or local museums throughout Victoria. The attempt, although fraught with the greatest of difficulties, helps to locate some mining areas that would be otherwise difficult to find such as the various springs, numerous gullies, multitude of flats, leads of the same name, and so forth. Similar or same-named places may be found in all Mining Districts. For example, Sebastopol, and Napoleons exist near Ballarat and at Reedy Creek near Beechworth. Durham Lead is near Buninyong and also between Chiltern and Rutherglen.

6. My completed data base will provide a means of tracking the changing addresses used by the Legal Managers and the power of local Mining Exchanges such as Bendigo, Daylesford and Ballarat, along with their gradual disappearance, with Melbourne becoming the financial centre of Australia. The influence of *Dicker's Mining Record* published during the 1860's upon Speculators and Company Managers, is another factor that can be studied. This includes amounts of capital suitable for mining ventures.⁸ It provides another tool for plotting social change as mining begins and ceases in any particular area.

Much of the law concerning companies was modelled on British precedent but developed upon Colonial experience. Laws concerning Joint Stock companies go back at least as far as 1568 during the reign of Queen Elizabeth 1, when Thomas Thurland and Daniel Houghsetter (a German born businessman) were granted a license to search for gold, silver, copper and mercury in the west and north of Britain.⁹

Although companies were established under special statutes, it was not until 1855-56 that British legislation allowed Limited Liability companies to come into being. From 1856 until 1861 an annual average of 381 companies were registered in Britain with a total nominal capital of £21,000,000.¹⁰

In Victoria, from October 1860 to May 1864, during the operation of the Pyke Act, some 504 applications with a total proposed capital in excess of £3,000,000 were received. The paid up capital was in excess of 50 per cent of that amount. Consider

though the registrations under the Frazer Act of 1864. From June 1864 to December 1864 alone, 492 applications were received and between June 1864 and December 1871, some 4,732 companies applied for registration or an average of 591 for each year. There is a paradox here. While the number of registered mining companies greatly increased, the total production of gold, from its peak of about 90 tonnes circa 1858 continued to fall, with a slight increase in the late 1860's, to a quantity of less than 40 tonnes of gold around 1870.¹¹ At the same time, Victoria's cities, towns, and transport boomed.

The development of Victoria mirrored the tremendous social change resulting from the British legislation of 1855, followed by that in 1862. My database will provide a useful basis for an investigation into the social impact of Limited and No Liability Company Law in Australia.

Within the Ashley Mining Index covering registrations under the Pyke Act from 1860 to 1864, mine names appear to be simpler than those of the later Acts. Names of prominent persons are common. Royalty is prominent with Prince Albert, and the Prince of Wales. Garibaldi, General Gordon, Dan O'Connell, and the Duke of Wellington are also popular. Another set of company names indicates both democratic and inter-racial feelings coming into the nomenclature such as 'Sons of Freedom,' 'Allied Armies', and 'All Nations'. Names can be important clues for other historical matters. The naming of a Tin mine in St. Columb, Cornwall as the 'Wheal Ballarat' reflects more than the involvement of Cornish miners. In Ballarat, miners of lead from the Pennines gave names to alluvial leads and mines such as Durham, Newcastle, Alston and Weardale. In spite of the popularity in Cornwall of prefixing mine names with 'Wheal,' few mines appear to have been given that prefix in Australia except for the copper mines of South Australia.¹² The process of naming continues to reflect current social conditions. In the years leading up to Australian Federation there were numerous companies with, 'Federal' or 'Australia' in their title. My index will help to identify the location of those companies that bear the same name. The index also provides a basic tool for anyone desiring to look closely at nomenclature for mine names.

Although an application to register a mining company became a legal process under the Limited Liability Acts of 1860, 1864 and 1871, those Acts did not provide legal copyright for a name of a business so that many companies used the same or

similar names to that of other companies. Today, if a company tried to register under a name already in use, it would be prevented due to centralised registrar listing.

The mining index for 1860 to 1864 includes some 18,800 records of shareholders. Among the names there are some of Ballarat's pioneers, including the lawyer Henry Cuthbert whose business is still in existence. Listed is Natali D'Angri. He was a pioneer Ballarat miner and a partner with Peter Lalor in a claim adjacent to the New Australasia Mine at North Creswick that was tragically flooded on Tuesday 12 December 1882 with the loss of 22 lives. Dr. Walter Lindesay Richardson the father of Henry Handel Richardson, one of our great novelists is also listed.

An area that must be acknowledged as a cause for concern is associated with the spelling of names and insertion of data. Every company file entered has been checked mathematically against the *Gazette* and it has been found that there are many cases where the arithmetic of the Legal Manager, or the information, is incorrect. In some cases Legal Managers re-ran the advertisement in the *Gazette* to correct wrong information. The spelling and number of shares as shown in the *Gazette* has been strictly adhered to, requiring lateral thinking when searching names¹³.

The completed database will allow for the graphing of percentages of shares held in companies and the analyzing types of mining activity in various areas. In addition, it will allow examination of the origins of capital, the breakdown of occupations, involvement of Lawyers, Accountants, Speculators etc., and the study of nomenclature.

There is also a challenge for researchers to take up some associated tasks. For example, it would be of considerable benefit to associate the registration numbers for lease plan registrations, water rights, railways, tramways etc., with the database. It would also be a challenging project to add the survey co-ordinates using the Global Positioning System, for mine shafts, or at least the site of operations.

Now let it be said: there is no 'pot of gold' to be found. I recently received a request from overseas. The gentleman wanted to know if any of the early mining companies in which his grandfather held shares were still active, as he would like to redeem the accrued dividends. He had discovered my address from a researcher using my index. I sent a letter back to Ireland telling him the sad truth that the companies listed were long defunct and all assets had been sold and distributed.

Lastly the Ashley Mining Index is presented in the best way known to the author. I have already indicated various possibilities. Other researchers will find other uses. To all, users, may I wish you well in your researches.

* The work is currently available in microfiche and contains 188864 fully referenced records in four parts with introduction, explanations, guide & Acts, available from RA Research, Ballarat, 2004. It also deals with subsequent proposed indexes.

Note: Some references to material found the in *Victoria Government Gazette* have been omitted due to space considerations.

Endnotes

¹ Garryowen, *The Chronicles of Early Melbourne 1835 to 1852*, Ferguson and Mitchell, Melbourne, 1888, vol. 2, p. 787.

² *Victoria Government Gazette*, No. 46, Friday, May 8, 1863, pp. 1023-24.

³ North Melbourne Archives Centre, Public Record Office Victoria, Defunct Mining Companies, Series VPRS 567.

⁴ Acts relating to the Goldfields, Mining Companies, and Duties of Customs on Gold Exported, Passed by the Parliament of Victoria subsequent to the Constitution Act. 1860. 24 Vict. no. 109. An Act to Limit the Liability of Mining Partnerships, assented to 18th September 1860, referred to as the Vincent PYKE ACT. Companies registered under this Act included the word 'Limited' in their title. 1864, 27 Vict. no. 228. An Act to Limit the Liability of Mining Companies, assented to 2nd June, 1864. Referred to as the William Frazer Act and completely repealed by the 1871 Act. Companies under this Act included the word 'Registered' in their title. 1870. 34 Vict. no. 372. An Act to amend the 'Mining Companies Limited Liability Act 1864' and for other purposes [15th July 1870, Section 1, Repealed by 1871 Act]. 1871. 35 Vict. no. 409, [Mining Companies Act 1871]. An Act for the Incorporation and Winding up of Mining Companies. [23rd November 1871]. Companies under this Act included 'Limited Liability' in their title.

⁵ W. B. Withers, *History of Ballarat*, F.W. Niven, Ballarat, 1887, p. 203.

⁶ Note: The *Victoria Government Gazette* at various times published long lists of Mining Companies declared to be defunct, however, the actual date of cessation of operations and winding up of the company are not shown. Individual notices of winding up were published, but involve long searches though the indexes. Another group of records that record the winding up of some Mining Companies are those of the District Courts and Mining Wardens.

⁷ Dianne P. Campbell, *Anglo-Irish Lawyers in Post-Goldrush Ballarat*, MA thesis, University of Ballarat, 2002.

⁸ *The Mining Record and Public Companies Gazette*, Thomas Dicker (ed.), Melbourne, 1861-1870.

⁹ A.E. Bland, R.A. Brown, & R.H. Tawney, *English Economic History*, G. Bell and Sons, London, 1930, p. 427.

¹⁰ Henry Hamilton, *History of the Homeland*, George Allen & Unwin, London, 1947, p. 253.

¹¹ Ralph W. Birrell, *Staking a Claim: Gold and the Development of Victorian Mining Law*, MUP, 1998. See Appx 3, p. 197.

¹² D.B. Barton, *Essays in Cornish Mining History*, D. Bradford Barton Ltd., Truro, 1968, vol. 1, p. 97. The word wheal is said to be a corruption of the Cornish word for 'work' and signified a mine but the word was always associated as a part of a title and not used by itself.

¹³ Examples of this may be shown thus: For Hannah Robinson see Anna Robeson; for Lalor see Lawler.