

GOLD

**PROCEEDINGS OF THE
SOCIETY OF ARCHITECTURAL HISTORIANS
AUSTRALIA AND NEW ZEALAND
VOL. 33**

Edited by AnnMarie Brennan and Philip Goad

Published in Melbourne, Australia, by SAHANZ, 2016

ISBN: 978-0-7340-5265-0

The bibliographic citation for this paper is:

William M. Taylor "Digging and Pilfering: Spatio-Juridical and Moral Economies of Gold Stealing in Western Australia (c.1906)." In *Proceedings of the Society of Architectural Historians, Australia and New Zealand: 33, Gold*, edited by AnnMarie Brennan and Philip Goad, 670-677. Melbourne: SAHANZ, 2016.

DIGGING AND PILFERING: SPATIO-JURIDICAL AND MORAL ECONOMIES OF GOLD STEALING IN WESTERN AUSTRALIA (C.1906)

The gold rushes in Western Australia throughout the 1890s entailed circumstances highlighting the relevance of 'pilfering' for understanding overlapping 'spatio-juridical' and 'moral economies'. Whereas gold extraction could have once been characterised by 'lucky strikes' and the accumulative labour of individual prospectors, by 1900 extraction was largely a globalised and industrialised process. It required expert knowledge of finance, geology, metallurgy and complex industrial processes whereby quantities of the element were gleaned from tons of rock and earth, amalgamated as metal from chemical solutions, and transformed into capital by international agencies. Gold pilfering, formerly associated with petty opportunism, claim jumping and larceny, acquired a range of new forms and meanings. Pilfering became detected in the secret recesses of mine workers' clothing and in their home furnishings, in the spaces of mine laboratories and refineries, and in the suspect bank deposits of mine corporation authorities. In the decade leading to Federation and for some time afterwards widespread pilfering was perceived as a threat to Western Australia's prosperity.

The paper is part of a larger project to historicise this threat relative to the longer-term story of industrialisation and capital accumulation. It is a story whereby the customary rights of prospectors and other gold workers to the profits of a lucky-strike or share of the material gains of their respective trades evolved into contemporary forms of global industry and wage labour. It is also a story whereby pilfering and the spaces in which it occurred were rendered morally complex, recognisable in forms of industrial property crime.

Introduction

By 11 December 1906, when the Royal Commission into allegations of widespread gold stealing on Western Australia's Goldfields finished hearing evidence, W.A.'s citizens could have been forgiven for believing they truly lived in a golden land. But it also seemed to be a stricken state, cursed by an epidemic of thievery threatening insolvency and international scandal.¹ Gold appeared to be everywhere, but it was disappearing at an alarming rate. According to the Commission's Report and periodic reporting in the state's newspapers, the metal was stolen from company excavations (sometimes with the collusion of mine supervisors), pocketed from tailings dumps, siphoned from ore processing tanks and lost from poorly-kept account books.² Moreover, according to reminiscences of Goldfields' residents, the stuff was carried off in the housewife's soup, in the miner's pomaded hair - even in the baby's nappy - on a scale threatening to undermine Western Australia's prosperity and the rectitude of its citizens.³ There seemed to have been no space where gold could not be found in some form or another - or exposed to pilfering by one means or another.

The paper looks at the evidence of the Royal Commission into gold stealing by way of positioning pilfering as a significant, though largely overlooked subject of social history. It is a subject entailing a "spatio-juridical" dynamic that opens up lines of research into the built environment and architecture.⁴ Pilfering's broad reach extended far into multiple, overlapping spaces (including deep into the earth, in mines). The crime was registered in financial trading and legislative assembly halls where it produced an outcry, in homes where it raised concerns for the intrusiveness and failings of policing the crime, and in shops and jeweller's display windows where its proceeds were commonly laundered. Pilfering's dispersal and seemingly intractable character thwarted efforts aiming for the securitisation of workplaces as sites of industrial labour.

While condemned by journalists and politicians as a threat to Western Australia's account balance sheet and the state's reputation among international investors by 1906, the social plague of pilfering had a longer life and complex aetiology. It registered on multiple social arena and spaces arising from the industrialisation of mining and associated developments in science and technology. It grew from evolving spatial and political economies governing labour, and from the 'moral economy' formed from the popular characterisation and contrast in newspapers and industry media of 'honest' workers and 'thieving' types, including pilferers and their kin.

The Western Australian Royal Commission into Gold Stealing

Western Australia's Royal Commission into gold stealing and the notoriety that followed its twenty-four days of testimony, amplified J.E. Scantlebury's allegation of widespread stealing ("Kalgoorlie's greatest curse") reported in the *West Australian* on 25 May 1906. Scantlebury was himself a journalist, for the *British Australasian*, a London weekly paper for colonists, merchants, shareholders, land selectors, and emigrants to Australia. He had just concluded a tour of W.A.'s leading mines when he observed how:

The practice of filching gold is regarded as the miner's privilege. Men who would not be guilty of stealing a penny worth of anything else do not hesitate to take gold from mother earth. Gold stealing is indirectly encouraged by shopkeepers, professional men, and financial and other institutions, because of the lucrative business it brings. It is condoned by directorial indifference in London, and generally by the all-round policy of hush and silence, backed up by the apathy of the authorities. The only people ignorant of this are the shareholders, to whom the stolen gold rightly belongs. Detection appears to be everywhere discouraged. Convictions are difficult and in most cases impossible. The punishment is farcical and dismissals by way of appeal, and evidence of previous respectability numerous. The various financial and other institutions are all

more or less indirectly responsible for what is going on. Anybody can steal gold and sell it without incriminating questions being asked.⁵

Scantlebury related an estimate by W.A.'s Chief Warden of Mines that losses from gold stealing in the Goldfields (Kalgoorlie and Boulder) district alone amounted to upwards of one million pounds sterling per annum.⁶ Detective-Sergeant Peter Kavanagh, an officer of the Criminal Investigation Branch of the Kalgoorlie police force, provided a report to his Chief Inspector on 5 June 1906 substantiating Scantlebury's claims, although not the Warden's estimate per se.⁷ He wrote:

Since my transfer here, 12 months ago, I have recognised that gold-stealing has been carried on to an enormous extent, but in my opinion, not to the extent of a million pounds worth annually. At the same time I think there is more gold stolen than most people outside those actually engaged in the business imagine. I call it a business, for such it is pure and simple. I know of men here with enormous banking accounts, who drive about in their private traps, live in the lap of luxury, and I would undertake to say, if they were called upon to say truthfully how they did it, they would be wanting in a reply. As a matter of fact, they live wholly and solely on stolen gold.⁸

The Royal Commission was authorised by W.A.'s Governor, Sir Frederick Bedford, shortly afterwards on 23 August 1906. The haste with which the Government responded to the allegations by establishing the inquiry would seem to have justified Scantlebury's praise that he knew of no "other part of the world where so much is done for the capitalist, and the miner as in Western Australia."⁹ However, as the journalist's ambivalence towards 'the miner's privilege' (filching or pilfering) registers, the interests of capitalists and the broader community (including the greater part of mining labour) did not coincide.

Commissioners heard testimony from a wide range of people through whose hands gold routinely passed in one form or another (legally or otherwise according to existing statutes) thus giving a clear picture of the broadly social character of the gold industry and commerce in Western Australia at the time. Commissioners targeted for questioning people whose transactions in gold were suspicious or unaccountable according to the W.A. Police Act Amendment Act of 1902 (hereafter "The Gold-stealing Act").¹⁰ The Act placed the onus of proof of ownership on anyone possessing or receiving gold in any form other than alluvial gold being "in its natural state" (an ambiguous qualification), gold coin and manufactured jewellery.¹¹ Among those called to account for disposing of suspicious gold were prospectors and mine employees; ore treatment plant labourers, their supervisors and bosses; jewellers; and shopkeepers including a produce merchant, a baker, a publican, and a bicycle shop manager.¹² Additionally, evidence of the scale and means of pilfering was provided by witnesses (118 in total) who were not suspect and came from all walks of life.

Many of those who testified were involved in the technical aspects of producing and trading gold, including mining engineers, assayers and bankers. Being educated professionals for the most part, knowledgeable of industry literature and news, witnesses were likely to have been aware (if not wholly supportive) of opinion such as the following editorial from the Monthly Report, published by the Chamber of Mines of Western Australia and representing key interests in the mining industry: "There probably never has been and never will be a goldfield anywhere in the world wholly exempt from the depredations of the gold thief and the illicit receiver, who is a more pestilent evil than many thieves."¹³

The Commission's work and W.A. state and Australian national legislation concerning gold stealing can be understood relative to the industrialisation of gold extraction worldwide. Parts of this larger picture included evolving scientific and technological practices, labour management practices, the realignment of capital and political interests, and the transformation of workers' common rights to a share of the material wealth of their toil into more recognisable forms of wage labour—all newly evolving "economies" only thinly veiled by period rhetoric and moral outrage roused against pilfering¹⁴

Spatial Dimensions of Gold Stealing

Kavanagh, who compiled the list of witnesses and began the interrogations, was the first to be sworn in, having produced a copy of his report for the Commission record. Details of his report and subsequent testimony highlight the spatial dimensions of pilfering and detection. At one "virtual" extreme of a spatial imaginary where loot was potentially

everywhere, but nowhere verifiable according to the law, the Sergeant wrote about “dummy leases.”¹⁵ These could be remote and unproductive mine sites (if they existed or were mined at all) where suspects claimed they had discovered their gold - legally, so the accused asserted, because their claim on the leases established provenance in accordance with the terms of the Gold-stealing Act. Equally disputable were the more precise localisations for suspect behaviour that Kavanagh reported, having had occasion to search miners’ houses while investigating ‘ordinary’ crimes where he frequently discovered equipment like furnaces, crucibles and moulds in the rooms - possessions which were not illegal in themselves, but suggested that refining of pilfered gold was occurring there.

Kavanagh complained that requirements of the Gold-stealing Act made it near impossible to obtain search warrants for premises where stolen gold was suspected because officers applying for a warrant were obliged to supply Justices with proof of the contraband’s rightful owner and where it came from. While this made searching domestic and commercial premises difficult, if not impossible, he believed the real problem was elsewhere - and truly everywhere - within the rings of systemic thieving. There the spatial reach and menace of pilfering extended far and wide:

I do not regard the miner as the greatest sinner. In my opinion, and I base it on very good grounds, persons in much higher positions, where the facilities are greater, get away with much more, and both have to depend on the receiver for their reward. The latter, in my opinion is the worst of the lot.

As a rule he calls himself an assayer, and carries on the business of a gold treatment works. He has runners, who call at the various camps of miners and others, and collect amalgam and ore. He treats it and if he has not a ‘dummy’ lease, he gives the gold to someone who has, to dispose of at a bank for him, for a percentage. He keeps the lion’s share, and gives what he thinks fit to the man who stole it.¹⁶

Kavanagh reported on the reach of pilfering at the principle facilities for extracting and processing ore: “Search houses have been provided at the mines, and in some cases very stringent measures adopted by the management, and yet the gold is stolen. It is surprising the devices which are resorted to get away with it.”¹⁷

These ‘devices’ or means of pilfering occupied intimate, excavated, and communal spaces in the mines and processing plants. Miners made cloth bags in which to conceal rich ore specimens found underground, some of which were fashioned so they could be tied and hidden around their waist or in their underpants and thus secreted away (walking slowly, one imagines). Describing how bags of ore were found hidden around the Oroya Brown Hill Mine, one of the largest and richest on the Goldfields, underground mine manager George Miller said he found them in the stopes, the inclined excavations that most closely followed the ore seams.¹⁸ This is where the richest specimens were likely to be extracted—especially after blasting dislodged them - and it was a practice known in the larger mines that special squads of particularly trustworthy employees were sent in after a blast to secure this ore first, while most of the workforce waited, secured elsewhere. (These ‘trustworthy’ workers were typically viewed as possessing a ‘superior character’ and were paid more to secure their honesty.) Bags were sometimes brought to Miller’s attention by miners who discovered them, perhaps wishing to avoid being implicated in gold stealing. Miller found one bag in the mine water closet, its owner having hidden it there when he got wind of a search among the shift workers. The mine manager said the content of the bags he discovered ranged from small pieces of free gold up to bags containing 10, 15, and 20 pounds of telluride.¹⁹

The search houses were communal change rooms where workers undressed at the end of their shifts under the watchful eye of a supervisor hired for that purpose. The buildings were placed as near as possible to the mine shaft exit to maximise the effectiveness of surveillance by reducing the zone where collusion might occur - where a miner on his way to the search house, for instance, might hide his gold somewhere for retrieval at an opportune time or might throw it over the mine site fence, if it were near, particularly during shift changeovers at night.

The Oroya Brown Hill Mine had one of the best search houses on the Goldfields, the structure being more or less positioned directly over the mine shaft exit. This was a move purportedly intended to preserve the workers from exposure to the desert’s cold night air, although it also prevented them from dropping and hiding anything in the grounds around the mine shaft exit as they moved above ground to the change room. Questioned by Kavanagh, Miller explains how it worked:

The men, instead of coming right through to the surface from below, leave the cage 20 feet below the surface, come along a pass and climb the 20 feet into the change house.

Kavanagh: What happens there? They ought to have their own property in that, such as pipes, tobacco boxes and such like they hand over to the change house keeper.

Kavanagh: And then? Then they take off the shirt they have been wearing underground—

The Commissioner interrupting: Turn their billies upside down and stick them on pegs. I know, I saw one of them one afternoon.

- and they go to one part of the building and take off their working clothes for proper inspection of their bodies. Then they have a wash. Then they put on their flannels [shirts] before they remove their working trousers.²⁰

Search houses were one type of a number of spaces that came into existence with the industrialisation of gold production, along with the forms of gold subject to provisions of the Gold-stealing Act - and, of course, the Act itself and legislation like it aiming to define and penalise manifestations of gold stealing. Provisions of Part IX of the Act defined the forms of metal subject to regulated sale and purchase as “gold, gold bullion, retorted gold, gold ores, gold amalgam, gold alloys, precipitates containing gold, slag, concentrates, tailings and residues.”²¹ Each of these material products of gold-mining industry provides an opportunity to examine the spatio-juridical context of pilfering in more detail.

A network of state batteries for crushing rock, for instance, was built by the W.A. Government across the Goldfields. It was a public service that supported the industry, where individual miners (companies tended to have their own batteries) could take their ore, thus reducing the costs of processing. However, the state batteries (like their company counterparts) introduced additional opportunities and places for pilfering. Some were equipped with small bunk rooms connected to them where customers could maintain vigilance against (someone else's) stealing their ore as it was being crushed, partially secure in proximity to mammon if not peaceful in slumber (batteries are loud machines). Some batteries were believed to be used by pilferers to dispose of their illicit gold or rich ore, the crushing obliterating the few physical clues (rock composition and colour) that might establish providence and verify the ore was obtained illegally. A deputation from members of the Kalgoorlie Chamber of Mines to the Colonial Secretary on 15 July 1907 cites pressure from London boards of directors to get the W.A. government to “eradicate the evil” of gold stealing.²² The petition observed that the state batteries in question were operating in places where no mines appeared to be working, including one machine located near a claim called ‘Randell's Hard-to-Find’. It was claimed the battery was used by two men known to have been brought before the Police Court for having gold “reasonably supposed” to have been stolen in their possession, while the batteries were generally believed to employ men “of a similar character.”²³ Thefts of gold-bearing sand from the “launders” used to wash crushed rock were reported on the Lake View battery near Boulder; strips of blanket were submerged at the bottom of the device and removed when sufficient material was clinging to them.²⁴

The ‘Moral Economy’ of Gold Pilfering

Pilfering merits further attention by scholars partly because the subject has been mostly excluded from the social history of space and power which it would otherwise inform. Research into the building sites and practices of pilfering promises novel and more finely-grained analyses into relations between constructed environs, labour and resistance to authority underscored by capitalism than currently available in social, economic and critical theory. Compared to some forms of deviant behaviour (house-breaking, for example) pilfering resists easy categorisation into assemblages of criminally-breached space, thieving act and punishment. The model of surveillance marking carceral space and time of disciplinary society found to Foucault's formula of ‘panopticism’ fails to fully capture the amorphous character, near invisibility and intractability of pilfering although, arguably it is better suited to explain other times and sites of pilfering.²⁵ The cases and perceived ‘scourge’ of pilfering in London's docklands around 1800 bears comparison with fears of epidemic gold thievery on W.A.'s Goldfields a century later. Both have mostly escaped critical attention, specifically historical scrutiny informed by theoretical elucidation of relations connecting space, power and labour. Docklands pilfering has attracted scholarly notice, though mainly by specialised interests in the history of crime and punishment, urban or economic histories and studies of port architecture.²⁶ Renewed research into the aforementioned relations (between constructed environs, labour and resistance) promises insight into a range of projects to securitise different types of workplaces.

Moreover, widespread popular support for pilfering in a number of arena—including gold stealing on W.A.'s goldfields—as a 'customary right' resisted reformist efforts to precisely locate culprits and penalise them. David Taylor sees the crux of the problem and criminalisation of customary rights as one of clashing values accompanying industrialisation:

There is a category of more contentious theft, which was the subject of dispute, particularly in the eighteenth and early nineteenth century. These cover a range of activities including some forms of poaching, the taking of firewood, coal, raw materials and manufactured goods and of tools. These activities stemmed from a clash of value that was particularly acute during the early phases of the 'Industrial Revolution' and which gave rise to a popular perception that rightful 'perks' were being denied and that customary rights were being criminalized. Nowhere is the social construction of crime more easily seen than in this contested area of occupational or industrial larceny.²⁷

This is where the 'moral economy' mentioned at the start of the paper comes into the picture. Scantlebury described the "miner's privilege" (pilfering or filching) that turned otherwise honest men into criminals according to the terms of legislation of the day.²⁸ Seeming to recognise they had understandable, if not 'just' cause for their criminal conduct, the journalist for the *British Australasian* added:

I can sympathise with the men subjected to this ordeal. There is no other goldfield in Australia where miners, millmen, and other employees are so tempted to steal, and no other place where they are so encouraged in this wrongdoing. They read of the great dividends distributed in London, of the mining scandals occurring, and in the extravagance practised there. They are told that the stealing of gold in a country means the keeping of it there, and otherwise that right can be accomplished by two wrongs [the act of theft coupled with the deprivation of corporate profits]. It is a crime, nevertheless, which must cease for the sake of the country's credit.²⁹

Playing the 'polite' British visitor to the Goldfields, perhaps, Scantlebury concludes his report urging that pilfering "must become a crime of the past" by calling on the "honesty and the human instincts to do right, with which, I am sure, the natures of the great bulk of Kalgoorlie mine-workers are imbued."³⁰ A fellow, but unknown, correspondent writing three years previously in the *Monthly Report*, an industry journal sponsored by the Chamber of Mines of Western Australia, was less well-mannered and reserved in his assessment of pilfering. He blamed the "evil" on the "strong element of camaraderie which exists between all classes of workers on the mines, and the complacency with which the offence of gold stealing has been generally regarded by the public."³¹ Compounding the challenges of legislating, policing and penalising gold stealing, public sympathy was invariably on the side for the accused, he believed, because:

First, motives of self-interest. The hotel keepers and business people are almost wholly dependent on the custom of the workers, and any cessation or shrinkage of the illicit traffic means pecuniary loss to many of them.

In the second place, there exists amongst a large section of the workers and their supporters an inherent antipathy to the capitalist, and by such section it is considered exculpable to retain for circulation within the country, some of the proceeds which should legitimately go into the pockets of the shareholder.

Reporting from an American industry journal on suspect pilferers caught in the search house(s) of the Cripple Creek mining district in Colorado with ore in their possession - and then their release on legal arguments - supports the preceding observation. More broadly speaking, the report also suggests the hyphen forming the 'spatio-juridical' should be seen to denote a tenuous connection between the spaces of detection and the determination of criminal conduct:

In Cripple Creek [Colorado] a man who was caught in the act was released on the theory that the ore was part of the real estate, and that therefore he could not be held for larceny. Three men arrested with ore in their possession got away on the plea that it was a conspiracy of the management to entrap them. It is difficult to convict because there is a loss sort of public feeling which sets the supposedly poor miner in balance with a supposedly rich impersonal company. Further, there are always a lot of people who profit by the trade in stolen ore, and evidence is hard to get, because workmen who themselves are too honest to pilfer will yet hesitate to testify against their mates.³²

Conclusion

Pilfering is more than a source of ephemera, amusing stories or anecdotal evidence of the lengths people have gone to beat the system prevailing in mines, docklands and additional sites of industrial activity. The subject also reveals how 'the system' - understood as Capitalism with a capital 'C', an ensemble of industrial relations, or means of spatially distributing labour practices and material culture within a securitised site - has historical roots and is far from monolithic, hegemonic or complete. Despite pages of testimony and legislative reforms, W.A.'s Royal Commission into gold stealing was unable to eradicate the crime or forestall fears for it happening elsewhere, in other industries.³³ To the contrary, testimony and reporting in the newspapers brought pilfering more clearly before the public eye, providing additional and frequently sensationalised detail about its forms, perpetrators and spaces. Search warrants, search houses and the selection of men of suitable 'character' to police the mines were unable to alter the terms of the moral economy whereby every space associated with the industry was potentially a crime scene and where everyone working there was possibly a criminal.

Endnotes

- 1 Western Australia, *Royal Commission To Inquire Into and Report Upon An Alleged Prevalence of Gold Stealing, 1906-7* (Perth: WA Government Printer, 1907); reproduced in facsimile by Hesperian Press (Perth, 2013).
- 2 Along with the Royal Commission report and gold-mining industry periodicals, period newspapers account for much of the detailed information available on pilfering as well as a fair measure of embellishment of the extent and moral depravity of the crime and its perpetrators. For a brief historical overview of gold stealing in the W.A. Goldfields, see Gavin Casey and Ted Mayman, *The Mile that Midas Touched* (Adelaide: Rigby Ltd, 1964), 145-55.
- 3 The more curious (and intimate) details of gold pilfering come from oral histories of former Goldfields' residents collected by Criena Fitzgerald who generously provided research and advice for this paper. The ore processing plant operator who secreted fine particles of gold amalgam in his "mop of black curly hair" and washed them out at home, thus patiently accumulating a reasonable quantity of the gold over time, was reported in *Reminiscences of T.R. Penn, 1937-38* (WA State Records Office, Accession 2617 A, 33). Penn was an officer of the Gold Stealing Detection Squad that was formed following the Royal Commission.
- 4 The term 'spatio-juridical' comes from legal geography, a project "forged by a diverse group of scholars who share a concern with the linkages between the sociolegal and the spatial, including their mutual construction." See Sean Robertson, "Natives Making Space: The *Softwood Lumber* Dispute and the Legal Geographies of Indigenous Property Rights," *Geoforum* 61 (May 2015), 140. In adopting the term, the author of this paper is concerned, in part, with the legal geography of customary rights to a share of the material gains of mine labour and the subject position(s) of the pilferer and the practices and sites of pilfering.
- 5 J.E. Scantlebury, "The Mining Industry (The Gold-Stealing Scandals)," *The West Australian* (Perth), 25 May 1906, 8.
- 6 Scantlebury, "The Mining Industry", 8.
- 7 Debate over the pecuniary costs of pilfering on W.A.'s Goldfields preceded Kavanagh's report and continued well after the Commission concluded its hearings. Estimates varied and tended to be aggrandising. An editorial in a local W.A. gold-mining industry journal at the time claimed, "the evil had assumed truly colossal proportions and was being perpetrated with astounding audacity and impunity." See Chamber of Mines of Western Australia, *Monthly Report* (May 1903): 117.
- 8 P.D. Kavanah, "Report By Sergeant Kavanagh, Kalgoorlie, Dated the 5th Day of June, 1906, Upon the Assertions of A Prevalence of Gold Stealing Attributed to Mr. J. E. Scantlebury in the Foregoing Published Interview," reproduced in Western Australia, *Royal Commission*, 43.
- 9 The claim was made given the great lengths undertaken by the W.A. government to provide the Goldfields with water with the recently completed pipeline from Perth and regional bores, to erect a network of public batteries for crushing ore, to enable claimholders to develop their properties and purchase machinery. Scantlebury, "The Mining Industry", 8.
- 10 Law Reform Commission of Western Australia, *Police Act Offenses Report* (Perth: August 1992), 124-7.
- 11 Chamber of Mines of Western Australia, *Monthly Journal*, formerly *Monthly Report* (20 October 1915): 342-3.
- 12 Western Australia, *Royal Commission*, 7.
- 13 Chamber of Mines of Western Australia, *Monthly Report* (July 1904): 226.

- 14 Consider this editorial supporting a Gold-buying Regulation Bill in the Tasmanian House Assembly, the purpose of which was to bring about the registration of gold buyers and “put a stop to the wholesale robbery of gold” or pilfering. The piece appeals to the miner’s self-interest in preserving their job by controlling pilfering, strikingly familiar rhetoric for our economic neo-liberal times in which job creation is paramount: “The honest man who is upright and straightforward in his dealing, cares little for restrictive or punitive legislation. Moreover, it is the honest miner who is likely to suffer most from the depredations of the gold thief. If by means of systematic robbery the profits of a mine disappear, the inevitable result will be that it will close down.” See “Gold-Buying Regulation Bill,” *Examiner* (Launceston) 17 November 1908, 4.
- 15 Kavanah, “Report By Sergeant Kavanagh, Kalgoorlie...etc.,” 44.
- 16 Kavanah, “Report By Sergeant Kavanagh, Kalgoorlie...etc.,” 44.
- 17 Kavanah, “Report By Sergeant Kavanagh, Kalgoorlie...etc.,” 44.
- 18 Testimony by George Miller, Western Australia, *Royal Commission*, 149.
- 19 Testimony by George Miller, Western Australia, *Royal Commission*, 149. Telluride, or gold telluride is a compound of the element telluride, which was found in large quantities along Kalgoorlie’s Gold Mile and is particularly obvious when excavated owing to its crystalline structure and (gold) colour. Pilfering could be profitable. An article in the *Monthly Report* (May 1903): 393 reported on the Workers’ Union proposal for “reasonable rate of wages” for the Broad Arrow district which recommended a daily rate for “hammer and drill” workers in mineshafts of 14 shillings. In testimony to the Commission the value of telluride ore confiscated from between the legs of an Oroya Brown Hill miner that Miller assayed was reported as £2 10s per pound. This would have made a 10 pound (in weight) bag of illicit telluride ore worth 14 times the hammer and drill worker’s daily pay. Ore value taken from Western Australia, *Royal Commission*, 149.
- 20 As the men were not obliged to fully strip (naked), it remained possible, as Miller acknowledged, for secret bags of ore to escape notice and beat the system. Collusion, where inspectors turned a blind eye to the pocketing of ore, was also a factor that could undermine the search house regime.
- 21 Cited in the Commissioner’s summary “Report” in Western Australia, *Royal Commission*, 23-4.
- 22 Deputation to the Colonial Secretary, Gold Stealing, 15 July 1907, WA State Records Office document 3357, CF 1_001. JPG.
- 23 Deputation to the Colonial Secretary, Gold Stealing, 15 July 1907.
- 24 Chamber of Mines of Western Australia, *Monthly Journal* (20 October 1915): 342-3.
- 25 Michel Foucault, *Discipline and Punish: The Birth of the Prison*; trans by Alan Sheridan (Harmondsworth: Penguin, 1979), 195-228. Regarding pilfering in London’s Georgian era docks, readers may be interested in a forthcoming study by William M. Taylor, “Ports and Pilferers: London’s Georgian Era Docks (1799-1815+) as Settings for Evolving Material and Criminal Cultures,” in Brad Beaven, Karl Bell and Robert James eds., *Port Towns & Urban Cultures: International Histories of the Waterfront 1700 to 2000* (London: Palgrave, 2016).
- 26 See, for example, Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London and Brooklyn: Verso, 2003), 424; John Herbert, *The Port of London* (London: Collins, 1947), 14-15; and Michael Ball and David Sunderland, *Economic History of London, 1800-1914* (Hoboken, N.J.: Taylor and Francis, 2002), 219.
- 27 David Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Basingstoke, Hampshire and New York: Palgrave Macmillan, 1998), 41.
- 28 Scantlebury, “The Mining Industry”, 8.
- 29 Scantlebury, “The Mining Industry”, 8.
- 30 Scantlebury, “The Mining Industry”, 8.
- 31 W.A. Chamber of Mines of Western Australia, *Monthly Report* (May 1903), 117.
- 32 W.A. Chamber of Mines of Western Australia, *Monthly Report* (May 1903), 394.
- 33 Subsequent amendments to The Gold-stealing Act sought to criminalise customary rights in the state’s emerging pearl-fishing and diamond industries placing the burden of proof of ownership on individuals possessing these commodities that were “reasonably suspected of being stolen.” See Law Reform Commission of Western Australia, *Police Act Offenses Report*, 16