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Some Aspects of Squatting in New South Wales  
and Queensland, 1847-1864.

by

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A thesis submitted in partial fulfilment of  
the requirements for the degree of Doctor  
of Philosophy in the Australian National  
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ABBREVIATIONS

A.A.Co.	Australian Agricultural Company
<u>ADB</u>	<u>Australian Dictionary of Biography</u>
<u>AE</u>	<u>Armidale Express</u>
ANL	Australian National Library
ANUA	Australian National University Archives
BT	Bonwick Transcripts
C.C.C.L.	Chief Commissioner of Crown Lands
C.C.L.	Commissioner of Crown Lands
Col. Sec.	Colonial Secretary
<u>GG</u>	<u>Government Gazette</u>
<u>HRA</u>	<u>Historical Records of Australia</u>
<u>JRAHS</u>	<u>Journal of Royal Australian Historical Society</u>
LA	Legislative Assembly
LC	Legislative Council
<u>MBC</u>	<u>Moreton Bay Courier</u>
<u>MBFP</u>	<u>Moreton Bay Free Press</u>
ML	Mitchell Library
<u>MM</u>	<u>Maitland Mercury</u>
NP	Native Police
NSA	New South Wales State Archives
NSW	New South Wales
OML	Oxley Memorial Library
Qld	Queensland
QSA	Queensland State Archives
<u>SMH</u>	<u>Sydney Morning Herald</u>
UNE	University of New England
UNEA	University of New England Archives
<u>V &amp; P</u>	<u>Votes and Proceedings</u>

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INTRODUCTION

The central purpose of this thesis is to examine how the pastoral squatter of New South Wales and Queensland related himself to society between 1847 and 1864; to enquire specifically how he related himself to his government, to his peers, to his servants and to the aboriginal blacks. In substance, this is a social enquiry, and except where it appears relevant, it fairly rigorously excludes consideration of matters such as technology, marketing, climatology, stock breeding and improvement, the landscape and - other than in general terms - economics. On the other hand, and stemming from problems directly confronting my main purpose, the thesis pursues some secondary aims that immediately (in the form of two introductory chapters) involve a reappraisal of how colonial society functioned between 1818 and 1847 and an outline revision, concerning the same years, of the history of the rise of pastoralism and its squatting form in New South Wales.

The problems that justify these projects warrant some explanation. Initially, from the existing corpus of squatting memoir and squatting historiography, I intended to take the squatter the man for granted, and to write simply about how he related himself to society in the four ways I have proposed. This exercise quickly broke down on a substantial dichotomy between the received man and the primary sources. As a prior condition to asking how the squatter viewed his world, therefore, I felt it necessary to begin again, by asking precisely who the squatter was.

This is, of course, hardly a novel problem for the historian entering upon one chronological part of a greater whole. What really warrants the explanation, therefore, is the scale of the problem here. Some words, in fact, have to be said about the whole, the squatter both real and received. He is the problem, for he loomed so large in Australian history that we are still prisoners of the consequences.

Whether as the man who stole the colonial earth from its aspiring farmers, or as the man who civilised the wilderness, he was a political focus for social passion: and either in his culpa ferant function in popular demonology or as the archetypal explorer of 'the pathless woods' (the words are a squatter's), he has remained in varying degrees master of his historians, and not they of him.

One face of this received man is that he is a semantic mirage. Squatting, in the sense that the term was applied to pastoralism about 1837, as meaning the unauthorised or unsecured occupation of crown land in eastern mainland Australia, lasted from about 1822 to 1884. In the mouths of some people, including some squatters (Gideon Scott Lang and William Charles Wentworth were two), the term was curiously metamorphosed in about 1852 to mean any pastoralist at all, and with this meaning, and despite the termination of squatting in 1884, enjoyed a long and often perjorative existence, and still retains some currency on the popular tongue and in the lexicon of one academic sociologist.<sup>1</sup> As a tenacious impediment to historiography, this sloppy use of language almost alone justifies an excursion from my main purpose into a reappraisal of origins.

But the principal historiographical difficulty with the squatter as received man is that he exists independently of time, place, condition and external influence, and therefore any proposal to relate him to some wider society is by definition pointless. He is, in fact, not a man at all, but an idea. And as an idea, and above all else, he is the chevalier of New South Wales. Having his own historical validity, he is not nonsense, and it would be a legitimate and probably rewarding task to write a book about him. For my purpose, however, he is a nuisance and has to be put in his proper place, which is not in the early

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<sup>1</sup>S. Encel, Equality and Authority: a Study of Class, Status and Power in Australia (Melbourne, 1970). For references, see Index. Encel also equates 'squatters' with the landed gentry! See, e.g., p.132.

or middle part of the nineteenth century, but towards the end of it and lapping over into the first decades of the twentieth.

Here, a brief curriculum vitae of his career will suffice. The pastoral occupation of eastern mainland Australia began from two places, in about 1819 from Sydney and its surrounding semi-circle of the Cumberland Plain, and in 1834-35 from Van Diemen's Land via Bass Strait to two places on the south coast which became the port towns of Portland and Melbourne. Squatting began developing about 1822, an established case being that of Dr Robert Townson who, between that date and 1826, at a distance of about 125 miles south-west of Sydney, progressively and unilaterally occupied 400 square miles of land north of Lake George. In 1826 (with refinements added in 1829), and partly to stop squatting, Governor Darling imposed temporary restraints on the occupation of the country which had the effect of confining settlement within generally a radius of 150 miles from Sydney. This line was what became known as the 'limits', with its associated jargon of being 'outside the limits', 'inside the limits', outside and inside the boundaries, outside and inside the settled districts, and outside and inside the counties.

For reasons not yet fully understood, Darling's temporary limits became fixtures, but in either temporary or permanent shape they automatically made squatters of any pastoralists outside: and it is highly probable that by 1831 or 1832 the last squatter of any consequence inside the boundaries had been driven outside or forced to terms with government (as Townson was) to retain possession of the land he had unilaterally occupied.

Henceforth, apart from some small areas specially proclaimed over the years, the pastoral occupation of eastern mainland Australia was effected by squatting. This occupation was completed in the late 1870s, and squatting tenure (as unsecured tenure) was terminated by the 'Crown Lands Act of 1884' of New South Wales and of Queensland which placed pastoralism on secured tenure.

Squatting was therefore about 14 years old when in or immediately after 1836 the term was first applied to this pastoral occupation outside the boundaries. In 1836, squatters were in places as far outside the limits as the limits were from Sydney: this was a movement biased to absetee operation and (except in the lower half of New England) to cattle rather than to sheep. In 1837, this occupation of the land reached Mount Macedon, 450 miles from Sydney and only 40 from Melbourne, where it encountered the pastoral bridgehead mounted from Van Diemen's Land in 1834-35. This southern development was biased to residential operation and to sheep much more so than cattle: and perhaps in part blocked by the movement from Sydney, in the next several years turned westward into what came to be the 'Western District', a small, fertile, almost drought-proof area able to sustain a vigorous society and soon with Melbourne to form a social, economic and political axis that was the substance of a society separate from the influence of Sydney, and the substance of a colony to be separated from New South Wales. Here, over 500 miles from Sydney, was one spiritual home of the chevalier, and it is apposite that, except to be casually unhorsed, he never appears in the history of the Western District written by Margaret Kiddle, the only squatting historian who has put her squatter in his time, place and condition.<sup>1</sup>

The other spiritual home of the squatter as received man was in the north, equally 500 miles from Sydney. Here again, as in the south, the biases were to residential squatting and to sheep much more so than cattle. And here again, although more belatedly, there grew up a social, economic and political axis, linking the rich Darling Downs and the water town of Ipswich and providing the substance for the ultimate separation from New South Wales of a northern colony. But unlike the south, the north was

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<sup>1</sup>Margaret Kiddle, Men of Yesterday: A Social History of the Western District of Victoria, 1834-1890 (Melbourne, 1961).

settled from Sydney, had no extraneous origins to compete with Sydney, and long remained in effect a border march tributary to Sydney. So peculiar was the south that virtually from its beginnings, in 1836, government at Sydney treated it as a de facto semi-autonomous state, recognising it as the Southern or Port Phillip District, ruling it with a superintendent, keeping separate statistics for it, and generally assuming its ultimate departure as a separate colony. It was the substance of this so to say detachable piece of New South Wales about which Margaret Kiddle was concerned. My thesis also detaches this southern social and geographic entity, but to exclude it, treating as New South Wales that much of it which until 1859 answered directly to Sydney, and which after that date became the colonies of New South Wales and Queensland. So pervasive was the influence of Sydney that into at least the early 1860s, more than one squatter remarked with exclamation marks that to go from Rockhampton to the new capital of Brisbane, one took a ship south 900 miles to Sydney, to catch a ship north again 500 miles to Brisbane. Thus the north was similar to the south in its internal biases, but different again in being subject to Sydney, the town that needs its own definitive history in its capacity as the dominant fact of most of colonial eastern mainland Australia.

What the separation of Queensland in 1859 did do was to remove the frontier from New South Wales and enhance the north as one spiritual home of the squatter as received man. Within 20 years of Separation, the pastoral occupation of the eastern mainland was over, a fact which in one direction New South Wales and Queensland seemed to recognise when their crown lands acts of 1884 placed pastoralism on secure tenure, and in another direction a fact that seemed to call forth from ageing men the idylls of their youth, and from younger men to whom such opportunities would never come it called forth praise of an age they were too young to have known. From the school days of some of the older men, Ronsard bestirred himself in the late 1870s and in the 1880s, so that 'le chevalier Bayard' rode out of Rolf

Boldrewood's pages,<sup>1</sup> and Edward Micklethwaite Curr walked again in 'the pathless woods' and remembered 'those jolly days du temps jadis':<sup>2</sup> while the 'Banjo', Andrew Barton Paterson, born in 1864 when the jolly days were nearly over, descendant of two squatting clans, and the relation of more, began to set forth his 'vision splendid, of the sunlit plains extended'.

When the historiography of the squatter began, it was to these and such sources that James Collier went, in 1911, to discover the man who had occupied eastern mainland Australia.<sup>3</sup> This was an exercise that cut the middle out of squatting - Collier's portrait was about Victoria and Queensland - and set the squatter firmly on the plane of idea. And because Collier was perfectly in tune with his subject, he himself picked the word that exactly describes what he and his sources were about. 'Portraits of typical squatters', wrote Collier, 'have been limned for us by various hands',<sup>4</sup> and the key word that attached him to them was 'limned'. Boldrewood's preux chevalier was here, as was Nehemiah Bartley's<sup>5</sup> squatter 'unique and sui generis' gazing across the frontier, 'Generally, tall and sinewy, with iron-grey hair and often hard eyes, he had a strong, concentrated, purposeful, earnest gaze'. 'All the historians,' wrote Collier, 'unite in lauding "the splendid type of men" who were the pioneer squatters of Queensland', and quoting Mrs Campbell Praed,<sup>6</sup> found them

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<sup>1</sup>Rolf Boldrewood, Old Melbourne Memories (Melbourne, 1884), New Edition, Melbourne, 1969, Ch. XVII particularly.

<sup>2</sup>Edward M. Curr, Recollections of Squatting in Victoria (Melbourne, 1883), facsimile edition, Libraries Board of South Australia, 1968, pp.418-19, particularly, and p.206.

<sup>3</sup>James Collier, Early Pastoralists of Australasia: an Interesting Account of the Pastoral Age in Australia (London, 1911).

<sup>4</sup>Ibid., p.77.

<sup>5</sup>Nehemiah Bartley, Australian Pioneers and Reminiscences (Brisbane, 1896).

<sup>6</sup>Rosa Caroline Praed, My Australian Girlhood (London, 1902).

Quick to love, quick to hate, full of pluck and endurance, dauntless before danger, iron in physique and nerve, and ready for any difficult or dare-devil feat....

Collier's distillation from his sources was the 'picturesque figure' of 'the pioneer squatter':

Rarely a native, almost always a gentleman immigrant, often a man of education and culture, 'Glover of Corpus', accidentally foregathering with 'Hallett of Oriel', merry-hearted and of undaunted courage, he was partly driven, and partly he set himself, to find out unconquered pasture-lands in the wild.<sup>1</sup>

The long-standing general history of squatting, however, has been Stephen Henry Roberts' The Squatting Age in Australia: 1835-1847, first published in 1935, exactly 100 years after the beginning of the era he tried to describe. It has stood for the intervening 37 years as the history of squatting, and therefore it has to be met head on. Armed with primary sources not available to Collier 25 years before, there are signs that Roberts recognised the chevalier for what he was, and set out to redefine the squatter by his time, place and condition. There was, wrote Roberts, no romance in monotony and mutton fat: 'It was a sordid, filthy existence, despite all the writers' eulogies of the free life in contact with nature and communion with the gums.'<sup>2</sup> Equally to the point, he saw the need to restore the time scale telescoped by the reminiscences. He saw it as 'obvious that the squatting movement only had meaning as projected against the general background of colonial experience....'<sup>3</sup> And it is clear that to this end Roberts did an immense piece of homework, perceiving from it the continuity of the pastoral occupation of eastern mainland Australia from its inception on the edges

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<sup>1</sup>Collier, op.cit., p.77. The quotation begins Chapter XII, for which see also for above references.

<sup>2</sup>Stephen Henry Roberts, The Squatting Age in Australia: 1835-1847 (Melbourne, 1935), p.347.

<sup>3</sup>Ibid., p.v.

of the Cumberland Plain, perceiving that there were cattle as well as sheep in New South Wales, and perceiving that squatters were 300 miles inland before they were ever called squatters. In the iconoclastic view and in the scope of the homework was the grounding for a squatting history limited only by the primary sources then available to the historian.

Yet the man who eschewed romance was engaged in his own romance. His chosen period 'contained most of the thrill and glamour of Australian history',<sup>1</sup> and the 'Banjo' himself was invoked to provide the occasional text for 'The Squatters' Tracks',<sup>2</sup> the chapter that occupies a seventh of the book:

And straightway from the barren coast  
There came a westward-marching host,  
That aye and ever onward prest  
With eager eyes to the West  
Along the pathways of the sun.<sup>3</sup>

So Roberts forgot the smells were sordid and wrote, 'The sun-motes lured them, the intoxicating smell of dust stirred by moving feet was in their nostrils, sweetly pungent - and the flocks moved on'.<sup>4</sup> Indeed, with a leavening of realism that the squatter as received man had hitherto lacked, Roberts refurbished the explicit and implicit propositions of the reminiscences: I think it a fair precis of his book that squatting began in the middle 1830s, it began because it was then that John Macarthur's twenty years of wool advocacy began to bear results in the English wool market, from the colony and from Britain the prospects of that market attracted the pioneering resident squatters to raise sheep, Major Mitchell found Australia Felix for

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid., Chapter VI.

<sup>3</sup>The last two lines should read:  
    'With eager faces to the West  
    Along the pathway of the sun.'

<sup>4</sup>Ibid., p.161.



them, and these squatters were the men who played out the drama of Australia. Inherited explicitly and implicitly from the reminiscences, and modified somewhat by Roberts, this is still a pervasive framework. As recently as 1967, Peter Burroughs<sup>1</sup> discussed New South Wales of the 1830s and 1840s in terms of large sheep farmers and small agriculturalists (there is here also, it will be observed, the shadow of the squatter as robber baron), a division of mankind that leaves out small sheep men, large agriculturists and all cattle men.

Roberts prosecuted his task with tremendous and enthusiastic vigour, and while it followed neither logically nor necessarily from his central intention, the principal casualty to his vigour was the vast body of homework he had laboured to amass. The book is extraordinarily slapdash: the errors begin with the frontispiece where the scale of the map is patently wrong, and end on page 446 where he either subsumes all of the southern district into Maneroo or drops it out of sight. More cogently, however, facts awkward to his vision were swept aside, or, more frequently, left strewn around his text to casually contradict each other and the principal argument itself: as, for instance, they do on pages 6, 7, 179, 182 and 183 when he makes Major Mitchell's march through Australia Felix the deus ex machina of the squatting 'rush' of 1836. Roberts' ultimate casualty is, in short, his original perception that 'the squatting movement only had meaning as projected against the general background of colonial experience'.

The career of the squatter as received man, then, is the warrant for my subsidiary aim of revising, in outline form and as far as it is relevant to my main purpose, the history of the rise of pastoralism and squatting in New South Wales. From the mass of primary sources available today, what I have done is to establish (subject to the many

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<sup>1</sup>Peter Burroughs, Britain and Australia 1831-1855 (Oxford, 1967), Chapters III and IV particularly.

flaws in colonial arithmetic) a number of chronological points so as to offer a continuity of outline. The lacunae are self-evident and not, I think, of prime importance. Colonial arithmetic merits a comment. In the sense that this arithmetic is defective, my figures, tables and graphs are to that extent provisional, and while I have weeded out obvious duplications and other errors in, for example, the 1828 Census, some problems remain such as the identification of individuals.

This outline revision of the history of the rise of pastoralism and squatting in New South Wales is interlocked with the reappraisal of the society that was responsible for that development. The warrant here is not to dispose of some received image of colonial society, but more to dispose of a habit, namely a certain historiographical introversion in things colonial. The squatter, for instance, like any other man, stood at the centre of a system of ever wider fields of reference: in his case as a man who was a pastoralist who was of a colonial society which derived from an hierarchic parent that was early nineteenth century and English that shared the world of the Western tradition.

The pragmatic basis for taking this large view can be demonstrated in a number of directions. It seems, for example, idle to talk about a squatter's relationship with his servant without taking to account the traditional relationship of master and servant, or Locke's notions about freedom and slavery, or the intrinsic nature of English liberty. Otherwise, the time, place and condition of the relationship is lost.

Again, it does not seem intelligible to talk about the fate of the aboriginal blacks in New South Wales without having regard for the traditional proposition that freedom was for free men, a self contained definition that variously excluded servants, soldiers, convicts and lesser subjects such as Irish peasants and Indians. It was a view that divided society implicitly into responsible and irresponsible men, which was no comment on personal

behaviour, but on the alleged capacity of a man to participate in the governance of freedom by free men. It was a proposition of heightened relevance to New South Wales that touched not only the blacks but also shaped the 'exclusivist' attempt to lock the emancipated convict out of a place in free society and helped shape Wentworth's notion of a colonial aristocracy.

Again, to accommodate the squatter, a large view is necessary of the structure and functioning of society. In an hierarchically shaped society, he was, according to his wealth and influence, an important person as well as being a squatter. In an age when patronage was an important agency in personal advancement, he could loom larger in society by the patronage he received, and his influence extend by the patronage he in turn dispensed. In an age when the family was generally still the natural unit for getting things done (whether running a business, attending to the welfare of its own bastards,<sup>1</sup> or transmitting a letter), some of his importance related directly to the size, geographical distribution and contact points of the family, business and friendship system to which he belonged. It was a kind of society of which it is necessary to keep asking as to who was patron to whom, and who was married to whom.

And finally it seems necessary to go to the large view to accommodate the three lateral structural tensions in this society of New South Wales of which the squatter was an integral part. Firstly, the historian has to recognise, in a young, numerically small society, the function of jealousy as a source of conflict and often if not always the seed-time basis of factional politics. Secondly, up to perhaps the founding of South Australia and its capital of Adelaide in 1836, the act of colonisation from hierarchically structured England brought its own internal tension with it: for in what might be called simply

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<sup>1</sup>Cf. Margaret Kiddle, *op.cit.*, p.505.

the colonial paradox, the colonist of Pennsylvania or Ontario or New South Wales was on the one hand implicitly invited to rise up in the world on a scale not possible at home, while on the other hand, when he did so rise, traditional habit and imported institutions called him to play the hierarch to his fellow colonists. He was, in short, simultaneously invited to be two different things - mobile and static.

The third lateral structural tension in New South Wales society was squatting itself. Squatting reflected a conceptual difference between tradition and environment; squatting was, as Michael Roe argued in 1965,<sup>1</sup> the utter antithesis of tradition, order, and social stability; and its roots were so deep in the history of New South Wales, the conceptual difference squatting reflected being half child of the colonial environment and half child of the intellectual baggage of the men who drafted Governor Phillip's Commission, that it verges on the ludicrous to explain it away as something that happened because Major Mitchell marched through Australia Felix.

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<sup>1</sup>Michael Roe, Quest for Authority in Eastern Australia, 1835-1851 (Melbourne, 1965), Chapter 3 particularly.

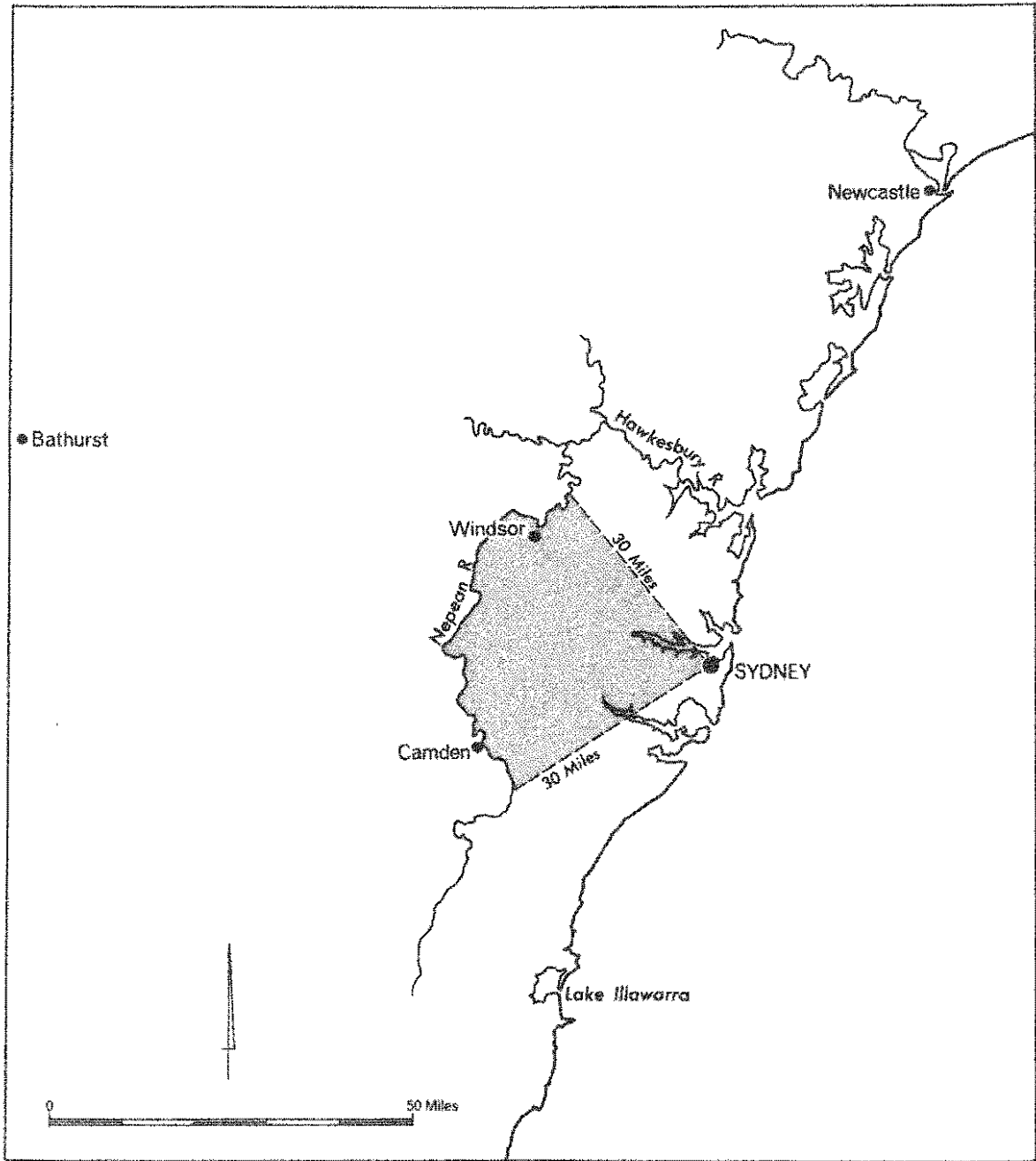


Fig. 1 Cumberland Plain, 1818

## CHAPTER 1

### THE HIERARCHIC SOCIETY, 1818-1828

The Cumberland Plain has dominated New South Wales since 1788. Directly or obliquely, the power of the state has always resided there: directly, because the seat of government has always been there; obliquely because even in the first half of the 1850's, under a partly-nominated, partly-elective form of government, the Plain was the permanent domicile of at least 30 of the 51 members of the Legislative Council, and the Plain that had a formal representation of seven among the 35 elected members was in fact home to at least 18 of them. The weight of the population of New South Wales was also here, in Sydney, the oldest and always the biggest town in Australia, sited on the eastern tip of the Plain. With responsible government in May 1856, and a measure of universal suffrage and equalisation of electorates in 1858, formal representation reinforced the domination of the Plain. In the half century that followed responsible government, this domination ensured that the railway system was centralised on Sydney. In the half century before responsible government, the rise of pastoralism was directed and controlled from the Plain. In 1818, there were only four tiny settlements beyond its edges: 30 years later, it was still home for men whose pastoral writ ran as far as 500 miles across New South Wales. Unless this simple fact of life is firmly grasped, any history of pastoralism and squatting is senseless.

The Plain is a 700 square mile quadrant of land having as its radial point the site of the town of Sydney.<sup>1</sup> One arm of the quadrant extends 30 miles south-west to a point on the Nepean River above Camden Park, the creation since 1804 of the colony's 'overmighty subject', John Macarthur. The other arm of the quadrant runs 30 miles north-west to the Hawkesbury River at the town of Windsor, founded at the direction

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<sup>1</sup>Figure 1 opposite.

of Governor Macquarie in 1811. The arc of the quadrant is formed by these two rivers, of which the Nepean is tributary to the Hawkesbury. In the years immediately following the Napoleonic Wars, this Plain was home to the two emergent life styles that in their turn have governed New South Wales ever since, and importantly, contended for power in the 1850's: the one a landed, traditional, social hierarchy, the other urban, middle-class, and industrial.

Which of these styles the early colonist chose was substantially chosen for him by his reading of the available economic avenues for success. The range was nominally extensive, sweeping from one so obvious as agriculture to shipping, whaling or inn-keeping, and extended by the free land grant designed to give immigrant and emancipist a material start in the colony. Some, probably many, men complicated the ultimate choice of life style by following multiple avenues (John Cobcroft of Windsor was farmer, grazier and innkeeper). As a direct interest or simply as a profitable sideline, many men also owned livestock, principally cattle, which as capital had the virtue of multiplying itself, and as outlet supplied the domestic meat market and the stocking requirements of newly arrived immigrants. Choice of life style in fact had a strong element of chance. James Wilshire, arriving in 1800 under the patronage of one of the colony's service officers,<sup>1</sup> built a tannery at Brickfield Hill, took up a land grant and developed a herd of cattle, lost much of the land and cattle in 1811 in restitution following the bankruptcy of his English agent, in 1818 possessed 51 cattle, 387 in 1828, but from the early 1820's had seen his tannery prosper. When he died in 1840, the factory was taken over by two of his sons, one of whom, James Robert, became in 1843-44 the second mayor of Sydney and in the next decade was prominent in the urban struggle to share power with the landed dominance of New South Wales.<sup>2</sup>

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<sup>1</sup> John Palmer, the second Commissary of New South Wales. See ADB, Vol.2.

<sup>2</sup> ADB, Vol.2, entry for James Wilshire; livestock returns of NSW for 1818 and 1828 (NSA 4/1226 and 1828 Census respectively).

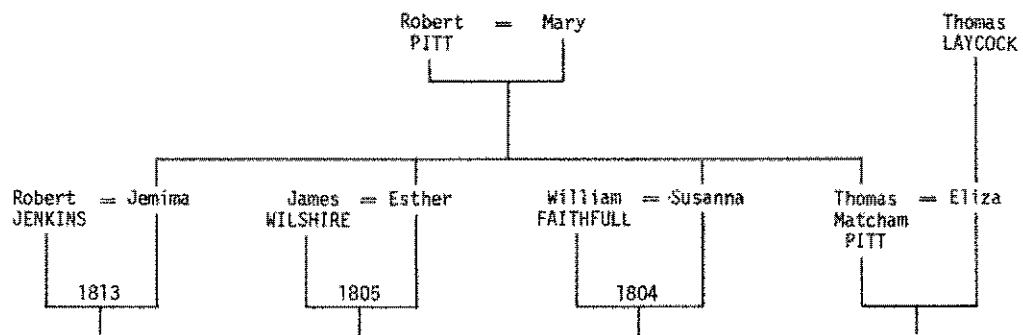


Fig. 2 Pitt family system



Thus in the long run James Wilshire was left with, rather than chose, an urban industrial life style, a decision that divorced him from the fate of much of his family, business and friendship system that (particularly in the Faithful and Jenkins families)<sup>1</sup> gave itself to the landed and pastoral life style that had the immediate future in New South Wales.

In 1818, the issue between town and land was not as clear-cut as this. A multiplicity of avenues, possession of a land grant, elements of chance, and no doubt the play of unvoiced individual perceptions of the world gave society on the Cumberland Plain a certain ambivalence. As the potential focus of a distinct life style, Sydney had to digest disparate kinds of men. Most of the British convicts who gave the colony its original and still basic purpose were housed there. It is probable that the bulk of emancipated convicts and time-expired soldiers and marines lived there, some on release or on discharge preferring Sydney to the country, some withdrawing there from failure as peasant farmers on farms granted them as a new start in life. Whether of convict or free immigrant origin, the retailers and provenders (even when they had other interests) necessarily lived there: as wine and spirit merchants, among many other things, here were the emancipist Thomas Rose and the free settler James Chisholm (late officer of the New South Wales Corps). As the port of the colony, Sydney was necessarily home to the merchants and warehousemen, men as diverse as the emancipist Samuel Lyons and the free settler Robert Campbell of Wharf House. Insofar as labour, material and power facilities were available there, Sydney was the focus of industrial activities. Sydney, finally, was the administrative centre of the colony, and it followed that the men were resident there who made this system function.

Immediately beyond the limits of the town, the other life style began, although here again there were disparate elements, perhaps of ambitions rather than of persons and

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<sup>1</sup>Figure 2 opposite.

occupations. In general, first were the country houses of those whose business was in Sydney, but who found Sydney as such or Sydney as town distasteful: after 1819, Chisholm himself did this, living at 'Newtown Farm', a 57-acre grant two miles south-west of the town. To the west of Sydney the soil was more fertile, and for the most part large estates faced the upper harbour and the Parramatta River for a distance of 13 miles to the head of navigation at Parramatta, the second oldest town in the colony. Beyond Parramatta, unevenly distributed by location and size of property, lived most of the landed proprietors of the colony. If their world had a geographic and social focus, it was Parramatta rather than Sydney: it was apposite to the landed life style that it was here, with one or two exceptions, that the governors of New South Wales lived for fifty years in the Georgian sandstone residence built in 1798 for Governor Hunter.

Along the river, around Parramatta itself, and beyond across the Cumberland Plain men had been at the business of building a landed life since as early as 1794. Here, dependant on the individual ambition, one could like Dr. Robert Townson of 'Varroville' lead the life of an educated gentleman, like Henry Baldwin of the Hawkesbury work for 20 years from a bare grant of land to the comfort of three farms, like the Sydney merchant Robert Campbell begin to stock his land grant as a profitable adjunct to his main urban concerns, or like William Tyson supplement farming with the government appointments of poundkeeper and district constable. Here were estates and yeomen farms worked by convicts in private assignment; middle-sized farms, perhaps of 100 to 200 acres, employing labour only on particular occasions; and a group of smaller farms grading down to subsistence level. As a rough rule, free settlers tended to own the larger properties, and emancipists the smaller: nevertheless, in 1818, three emancipists, D'Arcy Wentworth, Samuel Terry and Simeon Lord, were respectively the first, equal fourth and seventh major landowners of New South Wales.<sup>1</sup>

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<sup>1</sup>Livestock Returns of NSW for 1818, op.cit.:Wentworth, 20,000 acres; Terry, 8,000; Lord, 6,000.

As merchants, Terry and Lord exemplified one face of ambivalence on the Plain between the two emergent life styles, because as townsmen they went to the land for a portion of their economic substance. Another face of ambivalence was the traditional call of the land as a way of life, a call that in the end enveigled men like the merchant Robert Campbell and the wine and spirit trader Thomas Rose out of Sydney, the one to live the life of the landed gentleman, the other to build a model farm complete with an irrigation system. So James Wilshire went one way, and Robert Campbell another. What swung the balance immediately against the town was probably the free land grant and the scale of its distribution. In an environment where stock raising was one of the easiest and most profitable avenues, the grant made a natural headquarters for pastoralism: and when the grant was distributed widely to both free settler and emancipist, and scaled roughly to the capital and the standing of the recipient, then pastoralism tended to embrace all the ranks of free society (as far as they were interested) and arrange itself hierarchically by those ranks. Pastoralism, that is, tended to absorb the ambivalence and reinforce the overriding organic structure of free colonial society. As a variant sport of the traditional landed life, pastoralism might have had this effect sooner than it did if it had not been for a massive drought between 1814 and 1816 that left cattle and sheep numbers in 1818 at perhaps half the level they would otherwise have been.

In 1818, the pastoral future of New South Wales rested substantially, although not entirely, in the hands of 523 men and four women. Each of these 527 people owned ten or more cattle and/or owned some sheep. While this minimum level of assets seems a preposterous foundation for future eminence, some of the most enduring pastoral and squatting dynasties were laid by men like the free settler George Bowman of Windsor who in 1818 owned no land, three horses, 12 cattle, no sheep and six hogs, and by the emancipist Thomas Parnell, also of Windsor, who in the same year owned

one horse, 23 cattle, no land, no sheep and no hogs.<sup>1</sup>

Arranged in order of importance by the acreages their stock grazed (on the common notional basis of three acres for a sheep and 15 for a cow), these 527 people formed a land using hierarchy that in general terms matched a similarly constructed pyramid of land owners, and again in general terms matched the colony's conventional hierarchy of men of formal social rank - the knights, military and naval officers, clergy, legal dignitaries and magisterial esquires of New South Wales. Among the 100 premier land users<sup>2</sup> were 30 of the colony's 35 major landowners, men owning 2,000 or more acres. Of the remaining five major landowners, one ranked as the equal 104th land user, one as the equal 117th, two (the Sydney merchant Robert Campbell and the civil officer Thomas Moore) had just begun to stock their properties, and the fifth, Surveyor-General John Oxley, had but recently received his land - four years later he would be the ninth major land user of New South Wales.<sup>3</sup> In the same general pattern, 46 men of formal social rank distributed themselves 32 among the 100 premier land users<sup>4</sup>, 11 among the remaining 427, and again a then recent entry into pastoralism explained this tail of 11 men of rank. By comparisons of wealth and standing, therefore, the notional hierarchy of graziers generally corresponded with the shape and composition of free colonial society.

Below the premier 100 land users, whose notional grazing areas ranged down from John Macarthur's 27,819 acres to John Piper's 1,620 (or about  $4\frac{1}{2}$  square miles down to  $2\frac{1}{2}$ ), there were another 70 whose grazing areas ranged down from 1,605 to 900 acres (or  $2\frac{1}{2}$  square miles down to  $1\frac{1}{2}$ ). The premier

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<sup>1</sup>The foregoing is taken from the Livestock Returns of NSW for 1818, *ibid.*

<sup>2</sup>Appendix A, 'A Notional Hierarchy of Pastoral Land Users, to 100 places, in New South Wales, 1818'. Source, *ibid.*

<sup>3</sup>Source, *ibid.*, and see also Livestock Returns of NSW for 1822 (NSA-4/1231).

<sup>4</sup>Appendix A, *op.cit.*

100 graziers included 49 landholders each owning 1,000 or more acres; the next 70 included only four such landowners. Only six of the first 100, but 11 of the next 70 graziers, were owners of less than 100 acres. While three emancipists, Samuel Terry, D'Arcy Wentworth and William Redfern, were respectively the fourth, sixth and ninth major graziers of New South Wales, they were the only three in the first 20: thereafter emancipists formed an unevenly distributed minority of perhaps a third of the hierarchy. There was among the 170 premier graziers no simple equation between emancipism and small landholdings. What rather distinguished the free settlers from the emancipists was their degree of social cohesion: by 1818, 10 marriage systems linked 23 of the first 100 graziers and 8 of the next 70, a total of 31 of 170. The only emancipist in one of these 10 systems was the 23rd grazier, Isaac Nichols.<sup>1</sup>

This emergent pastoral hierarchy had its economic base in cattle rather than in sheep. 99 of the first 100 graziers, and 66 of the next 70 had a minimum of 10 cattle (the greatest holding was the 1,200 head of the second grazier, Richard Brooks). On the other hand, sheep were owned by only 62 of the first 100 and 22 of the next 70 graziers. In another light, the premier grazier, John Macarthur, owned less than two per cent of the cattle but 8.5 per cent of the sheep in private possession; the premier ten graziers, 18 and 37 per cent; the premier 100, 64 and 84 per cent; the premier 170, 75 and 92 per cent: the other two-thirds of the pastoral hierarchy (357 persons) owned 21 per cent of the cattle and 7 per cent of the sheep.<sup>2</sup>

<sup>1</sup>Ibid., for all references to the premier 100 graziers.

<sup>2</sup>These percentages are approximate, and minimise discrepancies between the totals shown in Livestock Returns ... 1818, op.cit; in HRA; and in my own calculations. The relative totals are :

(a)	Muster	Cattle 35,500	Sheep 67,582
(b)	<u>HRA</u>	" 40,094	" 73,364
(c)	Mine	" 39,912	" 73,570

Included in (b) and (c), if not in (a), are the livestock on Government farms, viz. 3,243 cattle and 1,455 sheep. A study of the period would require a complete audit of (a).

As one went down the ranks of the notional hierarchy, this lower two-thirds of people were increasingly emancipist in origin. But once again, there was no simple equation between emancipism and the scale of landholding, or for that matter, of stockholding. There was one obvious explanation. In an age of high birth rates, the oldest established families, whether free settler or ex-convict, had already produced one adult native born generation, and sometimes started a second. In an age of high birth rates, the sheer number of sons split in small portions the patrimony of even a successful settler: the long term fortune of William Bradley would seem to owe much to the fact that he was an only child. The man who died one of the richest pastoralists in New South Wales had in 1818 only 10 cattle and 200 sheep - his free settler father had 40 and 500. More typical perhaps was the emancipist Cobcroft family. John, the father, owned 70 acres and 90 cattle. John, the son, was in 1818 starting adult life with a land grant of 100 acres and with 10 cattle presumably the gift of his father. This holding was, as it happened, the foundation of a pastoral and squatting dynasty.

So the pastoral future of New South Wales rested substantially, although not entirely, in the hands of 527 people. From their ranks were to come at least 85 squatters, 45 of them from the premier 100 graziers, 17 from the next 70, and 23 (10 of free settler and 13 of emancipist origin) from the lower 357: or from the top third, 62, and from the lower two-thirds, 23. A perhaps slender majority of these future squatters would live all their lives on the Cumberland Plain.<sup>1</sup>

As one went down the hierarchic ranks of society, there was below the 527 pastoralists an immediate stratum of 271 people each owning no sheep and a maximum of nine cattle, together owning 1,169 head or under three per cent of the colony's privately owned cattle.<sup>2</sup> The dividing line between

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<sup>1</sup>For the foregoing, Livestock Returns ... 1818, op.cit.; Appendix A, op.cit., for all references to the premier 100 graziers; the last statement derives from many (and sometimes ambiguous) references.

<sup>2</sup>Livestock Returns ... 1818, op.cit.

the ownership of ten and nine cattle, or some and no sheep, is to an extent arbitrary and productive of minor absurdities - Mary McGee with four sheep becomes a part of the hierarchy with a pastoral future. But the division has merit. The lower group can be assumed generally to be using its cattle for draught or dairying purposes,<sup>1</sup> and to lack the economic base or the enterprise to diversify from agriculture into stock raising.

Below this layer again was a sub-stratum of 688 people who owned land and no stock, or as tenants owned neither. Apart from exceptions like Oxley who had yet to begin stocking, these two strata of non-pastoral landmen were mostly the impoverished emancipist wheatfarmers, subsisting on tiny grants or tenancies, whose future concerned Commissioner Bigge when he inspected New South Wales in 1819-1821. This peasantry, if that is what it was, of the late Macquarie period was to make but limited contribution to the pastoral and squatting future of New South Wales, although at Appin in 1819 there was born into this fag end of landed society James Tyson, to die the biggest squatter and the richest man Australia had ever bred. The other contribution the peasantry made to pastoralism was one Kibble, a tormented and tormenting man driven by some pathological compulsion to savaging and murdering the aboriginal blacks.<sup>2</sup>

What was significant about Tyson and Kibble was that it was Tyson who was the freak, because in the lower, poverty-stricken ranks of the peasantry, wherein men were ever rising up to touch independence, and forever falling back, or idling their lives in a lumpen existence as the case may be, one stood close to a median point in society that divided the free from the unfree. This was a division

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<sup>1</sup>Here for consistency I follow the argument and statistical division in G.J. Abbott, 'The Pastoral Industry' in Abbott and Nairn (Eds), Economic Growth of Australia 1788-1821 (Melbourne, 1969), p.239.

<sup>2</sup>James T. ('Toby') Ryan, Reminiscences of Australia (Sydney, 1894), pp.4-6.

inherited from England that on the Plain was given peculiar force from the penal nature of the colony. For somewhere in the ranks of the straitened and petty landholders, one crossed down from the world of English liberty into a state of slavery, a Lockeian concept that accommodated all those human beings who were not free agents and therefore not free human beings - servants who possessing no property could give only their person as security to a contract; soldiers who had surrendered their freedom and therefore had no liberties or rights; and most unfree of all, the convicts who in expiation of their offences against society were denied freedom, liberties or rights. All that was peculiar about this on the Cumberland Plain was that free society and these categories of unfree men lived, not antiseptically apart, but cheek by jowl.

In their successive degrees of unfreedom, despite this physical intimacy, servants, soldiers and convicts (and the blacks) lived in a world of caprice or consequences, for caprice was simply the other face of the English liberty that offered free men a liberty unparalleled in modern history. To check caprice, English freedom would have first needed to check itself. It was therefore entirely logical that the law courts established by the commissions of the early governors were prescribed to render non-capital punishment as they saw fit;<sup>1</sup> that under the Masters' and Servants' Act, as late as 1866, wherein 'disobedience' and 'negligence' neatly dovetailed, a servant using his initiative to preserve the welfare of his master's sheep laid himself open automatically to a charge of 'disobedience of orders';<sup>2</sup> entirely logical that a soldier could be whipped as much as, or more than, a convict;<sup>3</sup> entirely

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<sup>1</sup>See, for example, Warrant for the Charter of Justice, 2 April 1787, HRA IV/i, p.11.

<sup>2</sup>See, for example, Turner v. Schneider, before the Drayton Bench, DDG Editorial, 20 March 1866.

<sup>3</sup>Cf. [Peter] Cunningham, Two Years in New South Wales (London, 1827), Vol.II, p.333.



logical that by 1818, a convict could be flogged regularly until such time as he made confession;<sup>1</sup> entirely logical that as early as 1794, certain ex-marine and ex-convict settlers of the Hawkesbury allegedly captured an aboriginal boy they believed to be spying on them, bound him, dragged him through a fire, threw him still bound into the river, and there shot him.<sup>2</sup>

In sum, if what was entirely logical had prevailed all of the time, this separate world of consequences would have progressively been destroyed, or destroyed itself. That this did not happen in an absolute sense was attributable to the fact that enough free men simply never took up the options open to them to incarcerate every servant, flog every soldier and every convict, and shoot every black. In part, of course, self-interest ensured that these were intrinsically undesirable exercises, but left at that, an explanation of the restraint is incomplete.

The rest of the answer lay in the Western ethic, in the unwritten canons of personal behaviour that augmented the few written rules of English liberty. Gentlemen dispensed the canons, as they would dispense them to James Mudie in 1838 and to Thomas Coutts in 1847. While a number of other factors entered into society's view of Mudie's actions, they were of a piece with his systematic and regular floggings of his convict servants: his indirect reward for all of his deeds was a whipping in the streets of Sydney by an affronted peer, and ostracism.<sup>3</sup> For poisoning the Kangaroo Valley blacks in the Clarence district

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<sup>1</sup>Report of Enquiry by the Council on Alleged Illegal Punishments, 27 September 1825, HRA 1/xi, pp.854-58.

<sup>2</sup>D.G.Bowd, Macquarie Country (Melbourne, 1969), p.33, citing G.Barrington, History of New South Wales (London, 1810), p.136; and see also Governor Hunter to the Duke of Portland, 2 January 1800, with Enclosure No.1, HRA 1/ii, pp.401-22.

<sup>3</sup>Mudie's colonial career has been traversed most recently in C.M.H. Clark, A History of Australia (Melbourne, 1968), Vol. 2, refer index for entries.

the squatter Coutts escaped the whipping. He did not escape the sparse hierarchic damnation of his peer, Mr Commissioner Fry (himself soon to marry into a squatting family):<sup>1</sup> because when the blacks presently murdered one of Coutts' shepherds, Fry observed that :

It is exceedingly probable ... that the guilt attaching to [this transaction] may with more justice be imputed to Mr. Coutts himself, than to those actually concerned in them ... as ... his treatment of the Aborigines [has] been distinguished by the most barbarous inhumanity.<sup>2</sup>

This did not mean that Fry necessarily left the blacks unpunished, or that Mudie's convicts escaped hanging when they mutinied under his goading: almost by definition, it was not possible for unfree man to commit a justifiable crime. But it was clear that Mudie and Coutts had offended free society, and enough men in that society would consciously, or instinctively, and silently, thereafter avoid their company. Unfree men survived unscathed as much as they did not because the free citizen was unduly sensible to their humanness, but because he was concerned with his ethic, and this meant himself.

To the free citizen, whether free settler or emancipist, nothing could have been more rational. He behaved responsibly, acquired property, on both counts demonstrated his capacity to govern himself, was entrusted thereby with the safe-keeping of English liberty, and was obliged to govern irresponsible men - servants who did not work hard enough to attain the same propertied independence, soldiers who forfeited themselves to military discipline, convicts expiating their crimes against society. The lateral division of the hierarchic society was not quite as neat as this because the pragmatic demarcations, being human and individual, were necessarily fuzzy. There were nevertheless

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<sup>1</sup>Fry married Theresa Ann Spark, daughter of William Wilson of 'Lismore' and niece of Henry O'Brien of 'Douro' on 12 September 1853.

<sup>2</sup>Oliver Fry, Commissioner of Crown Lands, Clarence District, to Col. Sec., 17 January 1848, HRA 1/xxvi, p.392.

responsible and irresponsible men, industrious and lazy men, temperate and besotted, careful and dissipated, literate and illiterate, civilised and brutish men.

There was perhaps no man born to whom all of these systems of opposites applied simultaneously. The brute Kibble was probably illiterate, possibly lazy, not necessarily besotted, not necessarily dissipated, and he was certainly irresponsible. On balance, there could be no doubt where he belonged. The gentlemen Mudie and Coutts were almost all of the things that Kibble was not. They were propertied, educated, literate, probably industrious, probably careful, not necessarily temperate. But they were seen to be brutes, kin of Kibble. And while there was enough going for them to preserve them in the ranks of responsible society, it was so subject to a heavy social caveat.

Significantly, the fault was theirs. Here was the positive reading of the nature of irresponsible man, that he was what he was by his own choice or by his own failure: and it followed that he ought to be left sufficiently free to pick himself up again, or as the case might be, to turn about upon a responsible course. This was a moral doctrine of individual responsibility, so much so that the whole rationale of the convict system in New South Wales was shot through with this language of a fall from grace and a proffered redemption.

Moral choice and individual responsibility were implicit in the reasons advanced by the emancipist, Dr William Redfern, to explain both his acceptance of Henry Cowper as medical apprentice and his subsequent chastisement of Cowper.<sup>1</sup> Choice and responsibility were implicit again in the diligence of the middling and major emancipist traders and landowners. When pressed, the free citizen, whether free settler or emancipist, made the philosophy

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<sup>1</sup>William Redfern to Commissioner John Bigge, 5 February 1821 (ML - BT, Box 26, pp.6215-20).

explicit. In 1819, John Macarthur, free settler and premier grazier of New South Wales, told Commissioner Bigge that the production of Swiss wheat would increase the convicts' habits of industry and remove them from the towns where they were excited to indulge their vicious propensities.<sup>1</sup> The emancipist Rev. Henry Fulton was one of the Penrith magistrates who ordered that a convict be flogged 'every morning until he confessed'.<sup>2</sup> The emancipist lawyer Edward Eagar, 20th major grazier of New South Wales, implicitly accepted 'strict coercion' for convicts,<sup>3</sup> spoke of men 'dissipating their leisure hours in Gambling or ... one Vice or another', passing their time 'in Idleness and Vacancy, which in any circumstance must tend to corrupt the Man without Education',<sup>4</sup> and argued for a systematic assignment of convicts as private servants to landowners because 'thus the Convict is brought to support himself ... and ... Employed in the manner of all others best calculated for his reformation ....'<sup>5</sup>

Subject to formal social stratification and other restraints, English liberty in short supposed society to be mobile, and mobile because of the freedom of moral choice. The responsible emancipists on the Cumberland Plain, although once fallen, remained primarily and intractably Englishmen, informing His Majesty in 1821 that 'a very considerable number of your Petitioners, by their good Conduct and Industry, have acquired Wealth and respectability ...'<sup>6</sup> On the Cumberland Plain in these years the doctrine of moral

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<sup>1</sup> Macarthur to Bigge, 2 December 1819 (ibid., Box 20, pp. 3307-08), see John Ritchie, Punishment and Profit (Melbourne, 1970), p. 131.

<sup>2</sup> Report on Illegal Punishments, op.cit., p. 857. See ADB, Vol. 1, entry for Henry Fulton.

<sup>3</sup> Eagar to Bigge, 19 October 1819 (ibid., Box 19, p. 3039).

<sup>4</sup> Ibid., p. 3110.

<sup>5</sup> Ibid., pp. 3067-75 particularly, the quotation from p. 3070.

<sup>6</sup> Petition of the Emancipated Colonists of ... New South Wales..., HRA 1/x, p. 550.

choice was therefore seen to work in practice. Other free men ought to have rejoiced at this witness to the triumph of moral choice, and up to a point they did. It was, for instance, entirely proper to John Macarthur that he housed and fed his convict servants in a civilised manner, and entirely proper to him that he used his influence and his patronage to advance the welfare of emancipists and emancipists' children<sup>1</sup>, exactly as greater men had exercised their patronage in his own favour<sup>2</sup>. Yet no man could have done more than perhaps John Macarthur to promote the social conflict breaking out in these years between the 'exclusives', those free settlers reacting against the penal origins of their fellow men, and the emancipists, who found that their redemption was accordingly to be qualified by limited citizenship. This paradox in responsible attitudes has perhaps never been adequately explored. What is clear is that it was the 'exclusives' who were anti-traditional, for they sought to exclude hope, and sought it by drawing an impenetrable barrier across society - whereas the English tradition presupposed hope, and in England its stratified structures while formidable were not impenetrable.

But the 'exclusive' view had its weakness. Simply because it was anti-traditional, many free settlers remained untouched by it, and by its social and aristocratical undertones. The colony's most honoured settler, Sir John Jamison, had as yet to marry his housekeeper. The ex-commander of the New South Wales Corps, George Johnston, had gone further in marrying his housekeeper, for she was emancipist; forming a union that by 1818 had led to the connection by marriage of the free merchant David Brown, the emancipist Isaac Nichols, George Johnson Senior and Junior, and Macarthur's onetime military fellow officer,

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<sup>1</sup>See for example ADB, Vol.1, entries for Laurence Hynes Halloran and Charles Harpur; and ADB, Vol.4, entry for Henry Halloran.

<sup>2</sup>Sir Walter Farquhar, physician to the Prince of Wales, was a case in point.

James Chisholm.<sup>1</sup> Governor Macquarie's A.D.C., Henry Colden Antill, grandson of the last Royal governor of New York, had married an emancipist and become thereby the brother-in-law of William Redfern, the ninth major grazier; William Lawson, the 12th grazier of New South Wales, had married an ex-convict woman on Norfolk Island, as had the equal 99th grazier, John Piper, who in 1819 began the building of 'Henrietta Villa' (facing Sydney Harbour), the first great mansion built in New South Wales. Confronted with these men nursing their own ambitions to climb the hierarchic ladder of wealth and power, it was hardly surprising that the exclusives in the long run condemned themselves to be a colonial clique. Tradition and reality were simply against them.

Reality was a society coherently ordered and ranked, the grading done primarily by wealth, the whole packed neatly into a pyramidal shape. It was a proposition that Dr Robert Townson seemed to accept in his stride, and feel free as a gentleman to enquire into the corresponding behaviour of men. To Townson, refined, educated to natural science, capable of naming his estate after Varro and nursing ambition to be more than the 17th grazier of New South Wales,<sup>2</sup> the bulk of non-pastoral urban society was undoubtedly vulgar, and composed for the most part of 'persons'. But from Dr Townson's lofty eminence amid his books at 'Varroville', so also was much of the pastoral hierarchy of New South Wales, so that even a decade later Townson saw the sons and nephew of Samuel Terry as 'parvenus' and 'upstart lads', the son of emancipist Charles Tompson as son of a 'late Baker in Hunter Street', and the landed merchant and onetime military officer and gentleman James Chisholm as 'Mr. Chisholm late publican

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<sup>1</sup>The 23rd, 25th, 34th, 51st and 73rd premier graziers; Jamison was 18th; See Appendix A.

<sup>2</sup>ADB, Vol.2, entry for Robert Townson, 'the most eminent scholar in the colony'.

in George Street'.<sup>1</sup> Townson's 'exclusiveness', in short, descended directly from traditional mores.

In one respect, Townson was unkind. As a gentleman of some means, he had not had to engage in the hurly-burly of innkeeping, whaling, manufacturing, trading or merchandising to establish himself in a founding society. In this sense he was out of tune with the society he inclined to oversee. In a collegiate sense, he also remained outside of it in not marrying. This had its importance, because in a numerically small society, the developing marriage systems on the Cumberland Plain went far to unifying society and to providing an individual with a measure of collective strength and protection.

The extent of family, business and friendship systems both in bonding colonial society together and in bonding that society to Great Britain, cannot yet be definitively described. That awaits the formidable task of tracing the origin and interests of every member of responsible society. The clan, organisational and friendship ramifications of England and its empire will have to be unravelled and the related chains of migration connected. But some things are clear. In New South Wales were Loyalist descendants from North America, of whom Macquarie's A.D.C., Henry Colden Antill, was an example: the wife of Commissary John Palmer was another. There was in New South Wales, as part of a continuing process from elsewhere, a network of evangelical and missionary families - Marsdens, Hassalls and Shelleys were cases in point - that in New South Wales tended to marry inside the landed and clerical realms of man. There were in the colony in 1818 family networks that owed as much to previous relationships in England or the empire as they did to colonial acquaintanceship: such was the most extensive system of the colony in 1818, grounded in the first instance on the patronage of Lord Horatio Nelson, and separately on that of Admiral Collingwood, whose family

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<sup>1</sup>Townson to Col.Sec., 20 April 1827 (NSA - 2/7991, CSIL Land, 27/3973).

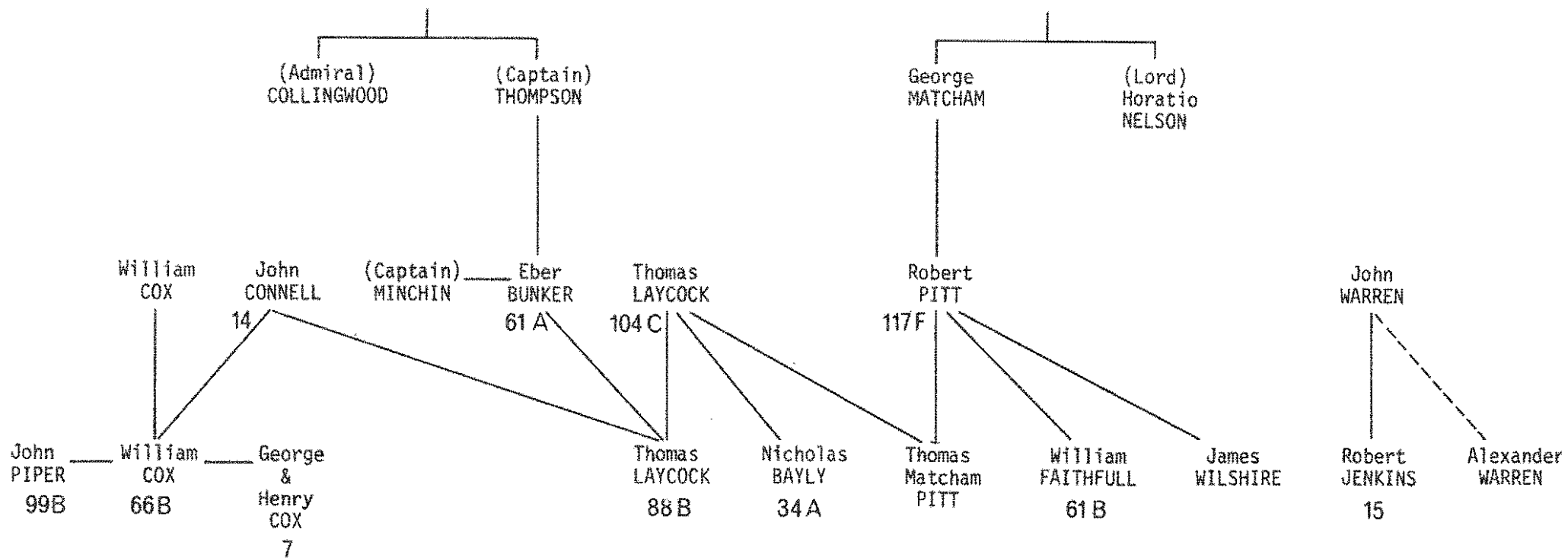


Fig. 3 Outline of the major marriage system in New South Wales before 1818  
(Marriage System 'C', first column, Appendix A)

Numbers show notional pastoral ranking in 1818, Appendix A.



connections to Eliza Pitt and Eber Bunker respectively, led in the colony to a clan system involving 11 families of the pastoral hierarchy together with the rising industrialist, James Wilshire.<sup>1</sup> There was also in New South Wales a substantial knot of men with family and business relationships linking London, Madras, Calcutta and - embryonically - China. Such were Robert Campbell, Richard Jones, Alexander Riley and William Walker, of whom in 1818 only Campbell was of the pastoral hierarchy. The links of homeland, empire and Cumberland Plain ran everywhere - Mary Pitt herself was the widow of Colonel Austin Forrest of the Honourable East India Company.

There must have been, obviously, precise limits to this collegiate existence, but they still elude location. Importantly for colonial society this unity had a continuing role, for immigration was to elaborate the systems it had already put down in the colony and provide new systems such as the Stephen family in law and administration; the enduring Walker-Archer combination in commerce, pastoralism and squatting; and the Darvall-Docker-Barton-Kater clan that like the Pitt derived directly from the service of the East India Company, and spread itself in public office, pastoralism, squatting, ministerial office (in the person of Sir Lyttleton Holyoake Bayly) and gave Australia the balladist Andrew Barton Paterson.

Almost axiomatically, by virtue of their disparate origins and preemptory removal to New South Wales, the bulk of emancipists did not share in these systems but had, given the requisite time, to create their own. The same thing, too, had some application to the early free settlers who, with the smaller emancipist landowners, were largely concentrated in the southern districts of the Plain - Minto, Airs and Appin - and in the northwest on the Hawkesbury River. There arose in these places district systems, the most conspicuous one in the south being the Hume-Kennedy-Broughton clan. The southern systems, however, were

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<sup>1</sup>Figure 3 opposite.

embryonic in 1818 - the district had been settled only six years. On the Hawkesbury, first settled in 1794, free settlers (such as the Bowman, Mein, Grono and Hall families) and emancipists (such as the Parnell, Onus, Cobcroft and Wiseman families) were each creating systems with a peculiar vigour of their own, each in large part impervious to outside linkage or reference. In time, the two River systems would begin to fuse, but even then would retain a distinct separateness, etched geographically by the River community's substantial possession of the Liverpool Plains, the Gwydir and the Maranoa.

What fundamentally attached the riverine community to free colonial society at large was simply that it subscribed to the same traditions, followed the same economic avenues, and in a combination of these two things, experienced the same colonial appeal to man to scale the hierarchic heights. In a general sense, of course, this society was a creature of the Western tradition rather than of the specifically English. There would always be a squatter to make the point: Henry Marsh to hang reproductions of the Grand Tour on his homestead walls,<sup>1</sup> George Hobler to welcome the arrival of his volumes of Shakespeare,<sup>2</sup> Brisbane Valley squatters to talk German with Ludwig Leichhardt,<sup>3</sup> William Macarthur of Camden to fight his battles in measured and elegant prose,<sup>4</sup> Turner to dig up diprotodon on the Darling Downs and know what he had found.<sup>5</sup> And as early as 1818

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<sup>1</sup>Eliza Marsh to her mother, 22 October 1848 (ML - Am 169/3, Marsh Papers).

<sup>2</sup>George Hobler, Journal, Vol.5, pp.120-21, entry dated 25 March 1848 (ML - C.426).

<sup>3</sup>Leichhardt to Schmalfluss, 2 February 1844, in M.Aurousseau (Ed), The Letters of F.W.Ludwig Leichhardt (Cambridge, 1968), Vol.II, p.716 and p.721.

<sup>4</sup>See, for instance, William Macarthur to Francis Taaffe, 2 June 1848 (ML - A.2933, Macarthur Papers, Vol.37B, pp.334-37).

<sup>5</sup>November, 1847.

there were people to make the same point: the itinerant George Caley to explore antipodean wonders and correspond with Sir Joseph Banks, the very personification of the leisured and amateur society; the daughters of Major Johnston, the equal 25th grazier of New South Wales, to gather and send botanical collections to the family patron, Percy of Northumberland.<sup>1</sup>

Below them, as became the shape of society, other men stood at more elementary levels of education and strove to the one immediately above. Somewhere below the overt bearers of the Western tradition stood William Lawson, 12th colonial grazier and future great squatter, an unevenly educated man who knew that education alone could carry his son far in the hierarchic society:

I trust you will not idle your time away; you must recollect you have been sent to England for your education, therefore don't lose sight of it, for it is you who will reap all the lasting advantages that will be derived from it.<sup>2</sup>

Below Lawson was the emancipist Henry Baldwin, equal 34th grazier and thereby the doyen of the Hawkesbury River farmers emancipist or free settler, of whom the assigned convict William Henry Jewell wrote in 1820:

[Baldwin] ... is considered a great Man indeed his house is the only brick built house for nearly 20 Miles [around]... he has been in the Country nearly 30 years and ... has upwards of 1200 Sheep and about 700 Bullocks and Cows....[he has] eight children the eldest about 16 six of these I have to instruct in reading, writing and common Arithmetic.<sup>3</sup>

And below Baldwin was the illiterate ex-convict Samuel Clift, who would remain illiterate all his life,<sup>4</sup> but leave a

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<sup>1</sup>ADB, Vol.2, entry for George Johnston, Senior.

<sup>2</sup>William Lawson to Nelson [Simmons] Lawson, 2 July 1824, in William Beard, Old Ironbark (Sydney, 1967), p.39.

<sup>3</sup>William Henry Jewell to his brother, May 1820 (ML - DOC - 1042).

<sup>4</sup>Private information from his great-grand-daughter, Miss Anne Christian.

memorial to his inner education in the graceful 'Wallis House' that he built on Wallis Plains.

On the way to the building of fine houses, Clift and most if not all of his fellow landowners were chronologically agriculturalists and then pastoralists. In what rough proportions this diversification contributed to landed income needs its own enquiry. What is clear is that the landowner who raised cattle or sheep harnessed himself to a self-functioning dynamic in that livestock generally doubled in numbers every three years. It was a fact perhaps statistically obscured before 1818. The relatively small numbers involved, the relatively high import of stock, the vicissitudes of meat and wool production, environmental vagaries inside the confines of the Cumberland Plain, all combined to produce small and uneven growth rates of stock.

After 1818, the dynamic emerged as a basic fact of pastoral life. In ten years, the colony's cattle multiplied six times,<sup>1</sup> and sheep seven,<sup>2</sup> during which time the colonial population less than doubled itself.<sup>3</sup> A pastoral economy essentially dependent on the domestic meat market ought to have seen a disastrous collapse of stock prices. But these were the years when the Imperial government discouraged small settlement and promoted the immigration of the free settler capitalist immigrant. He came in numbers out of all proportion to those of his class in New South Wales, and his needs started a stock boom. He had contradictory effects on colonial society. As did the Australian Agricultural Company formed in 1824, he enriched many a pastoralist by buying stock to set himself up on his own grant. Again like the Company, he tended to stress sheep raising for wool production. And while enriching the old hierarchy he

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<sup>1</sup>From 40,094 to 248,440.

<sup>2</sup>From 73,364 to 504,775.

<sup>3</sup>From about 20,000 to 36,598. There is no official figure for 1818.

penetrated it by virtue of his purchases, attenuated its old rankings and expanded it. Between 1823 and 1828, the price of horses rose from a range of £20 to £50<sup>1</sup> to an average of about £45<sup>2</sup>; cattle from £5 to £7<sup>3</sup> to as much as £12,<sup>4</sup> and sheep rose as high as four guineas.<sup>5</sup>

Over the decade, this vast transaction caused a considerable re-arrangement inside the notional hierarchy. In 1828, the premier 100 land-users included only 39 who had been among the major 100 in 1818; at least 19 new immigrants had bought their way into the pyramid, and up to 42 old settlers of free or emancipist origin had pushed their way up from the lesser 427 of 1818.<sup>6</sup> What the notional ranking cannot show, of course, are the profits made by the men with stock for sale. John Macarthur, premier grazier in 1818 was only 11th in 1828, but from the Australian Agricultural Company alone he received £5,816. 10. 8d.<sup>7</sup> Richard Brooks who in the same decade fell back from second to tenth place sold no stock to the Company, but his cattle that had numbered 1,200 in 1818, and 2,200 in 1822, had not grown notionally to about 7,000 in 1828, but fallen to 2,127.<sup>8</sup> Macarthur's nephew, Hannibal, fell slightly in ranking from equal 25th to 27th grazier, but in 1828 his stock numbers were well below notional

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<sup>1</sup>J.D.Lang, An Historical and Statistical Account of New South Wales (London, 1852), 3rd ed., Vol.1, p.211.

<sup>2</sup>Australian Agricultural Company Records (UNEA - A.A.Co., 78/9/1, pp.356-57.

<sup>3</sup>Lang, op.cit.

<sup>4</sup>A.A.Co., op.cit., pp.360-63.

<sup>5</sup>Ibid., pp.352-53.

<sup>6</sup>Appendix B.

<sup>7</sup>A.A.Co., op.cit., pp.352 and 360.

<sup>8</sup>Appendices A and B. For 1822, see Livestock Returns ... NSW...1822 (NSA-4/1231).

growth rates, and from the Company alone he received £5,520.<sup>1</sup>

In 1828, an actual ranking by land-usage had therefore less precision than in 1818. The period for many men was obviously one of asset formation: and it seems hardly coincidental that soon afterwards the immigrant architect John Verge designed the Georgian extensions to Brooks' 'Denham Court', and for the Macarthurs, uncle and nephew, the building of 'Camden Park House' facing the Nepean and of 'Vineyard Cottage' facing the Parramatta River. Asset formation also allowed the entry of more men into wool production. This venture was relatively expensive. While a ewe grazed three acres to a cow's 15, the price of a ewe was not one-fifth that of a cow, but about one-third.<sup>2</sup> Whether men looked at their investments in these per acreage terms is doubtful, but the statistic suffices to make the point. Operating in wool production was also relatively expensive and troublesome in freight costs, remote markets and an intensive labour force.<sup>3</sup>

In an era of surplus funds, engagement in wool production was a diversification of interests that spread down the pastoral hierarchy. In 1818, 38 of the 100 premier graziers had no sheep. Ten years later, only 14 had no sheep.<sup>4</sup> In 1818, this premier group had held about 64 per cent of the cattle and about 84 per cent of the sheep: in 1828 the group held only 40 per cent of the cattle and 56 per cent of the sheep.<sup>5</sup> It is important to stress here that there was no such thing as a swing to sheep: agriculturists who had previously diversified into cattle-raising now progressively diversified further into sheep

<sup>1</sup>A.A.Co., op.cit.

<sup>2</sup>The top A.A.Co. figures show cattle at £12, and sheep at £4. 4. Od. Text above.

<sup>3</sup>The text-book demonstration of labour requirements is the Liverpool Plains Pastoral District - Population and Live-stock Return, 1 July 1845 (NSA - 4/5498), showing cattle stations frequently operated by 2, 3 or 4 persons, while sheep stations required to plus 20.

<sup>4</sup>Appendices A and B.

<sup>5</sup>Ibid.

for wool production.

In the major group of pastoralists, where onetime leaders were notionally depressed by their sales, and where at least 19 immigrants had bought their way into the premier rankings as a consequence, the group of up to 42 old settlers of free or emancipist origin represented some sort of thrust from below. Generally their impediment was the Imperial government's promotion in these years of large investing immigrants and the discouragement of small settlement. This virtual plantation policy bore down immediately upon new emancipists and, almost if not entirely, as severely upon the native born sons of free settler and emancipist alike. This policy which in large degree interdicted small agriculture seems to have had the untoward effect of pushing the more enterprising and more vigorous into pastoralism, where the ownership of land was unimportant in face of extensive commonages and tracts of empty Crown land.

In 1818, George Bowman, son of a free settler, owned 12 cattle and no sheep.<sup>1</sup> In 1828, at the age of 33, he possessed 309 cattle and 1,666 sheep, and in the same period had advanced his landholding from nil to 7,546 acres.<sup>2</sup> In 1818, the emancipist Thomas Parnell of Windsor owned 23 cattle and no sheep;<sup>3</sup> a decade later his native-born heir of the same name, at the age of 31, owned 146 acres and 750 cattle.<sup>4</sup> Bowman in the decade had advanced from roughly 500th to about 130th in the scale of land-users; the Parnells (through father and son) from perhaps 400th to the 106th place in pastoral society. The Hawkesbury emancipist Joseph Onus likewise advanced from the ownership of 20 cattle to 905 cattle and 600 sheep, he

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<sup>1</sup>Text above.

<sup>2</sup>1828 Muster of Population and Livestock, entry for George Bowman.

<sup>3</sup>Text above.

<sup>4</sup>1828 Muster of Population and Livestock, entry for Thomas Parnell.

being in 1828 the 65th grazier of New South Wales.<sup>1</sup>

It would be tempting to say that cattle stealing founded these holdings, but that explanation is not necessary. Much stock was sold on credit in the 1820s.<sup>2</sup> The Surveyor-General, John Oxley, ninth grazier in 1822, and vendor of £1,427. 12. 0d. worth of sheep to the Company four years later,<sup>3</sup> complained in 1826 that nomadic individuals 'possessing scarcely any property and of doubtful Character' were receiving £400 to £500 per year by caring for other people's stock at the rate of ten shillings per head.<sup>4</sup> The emancipist John Grant who was not of the hierarchy in 1818 was in 1828 the 17th grazier: he held 4,150 acres, 370 cattle and 7,940 sheep recorded in his name, although on this scale he was probably superintendent for someone else; and he controlled also 2,500 acres, 2,744 cattle and 5,730 sheep in the name of Dr William Redfern, the colony's premier land-user.<sup>5</sup> To what extent Grant was the actual owner of the stock recorded in his name, it was at least substantial enough to set him up in later years as an independent squatter. Cattle stealing, briefly, is neither a necessary nor sufficient explanation for the way in which free settler and emancipist men of little substance worked around the obstacles of the plantation ideal in the 1820s. What can be said with more validity is that the ranks of free and responsible men on the Cumberland Plain who launched the pastoral occupation of eastern mainland Australia contained an element who found in pastoralism a freedom they were substantially denied in more orthodox paths. Their bitterness was still thirty years away when they would be criticised for being simply what they were.

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<sup>1</sup>Appendix B.

<sup>2</sup>Lang, *op.cit.*, p.214.

<sup>3</sup>A.A. Co., *op.cit.*, pp.352-53.

<sup>4</sup>Surveyor-General Oxley to Governor Darling, 26 January 1826, HRA 1/xii, p.387.

<sup>5</sup>Appendix B and see also 1828 Muster, *op.cit.*



Unlike these men who up to a point were in search of a viable socio-economic freedom, the major men in the 1820s had another problem, for they were the victims of a paradox. On the one hand, because society was hierarchical, tradition taught that domestic authority proceeded from them, and through the honorary magistracy cast them as the overseers and arbiters of social serenity. On the other hand, they were on the Cumberland Plain at the invitation, implicit in the act of colonisation, to better one's self with a speed and degree not possible in the homeland. The essence of the paradox was that as a virtually self-made source of authority, the successful man was logically the quarry of every other man armed with the colonising invitation. William Lawson described the battle in January, 1824:

I have had a hard battle to fight in the Colony, for as soon as a man begins to rise, some persons are ready to put him down; as you know there is Intrigue here as well as other places.<sup>1</sup>

He was qualified to speak. His own humourless preoccupation with John Macarthur penetrated almost all of his letters throughout the mid 1820s:

Take care that my wool is not sold [in London] by Macarthur's brother. He would be glad to see my wool sell at low prices in England, as it would rise the value of his sheep in New South Wales & as he tries to lessen every man's stock in the Colony.<sup>2</sup>

Being 'about the third Sheep Breeder in the Colony'<sup>3</sup> would never slake Lawson's ambition. 'I am following McArthur close by his heels', wrote Lawson in August 1822,<sup>4</sup> an almost pathological pursuit that rubbed off on his eldest son :

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<sup>1</sup> Lawson to Sloper, 27 January 1824, in William Beard (ed.) Old Ironbark (Sydney, 1967), p.32.

<sup>2</sup> Ibid.

<sup>3</sup> Lawson to Sloper, 28 February 1822, *ibid.*, p.23.

<sup>4</sup> Lawson to Sloper, 16 August 1822, *ibid.*, p.25.

Father has sent to Mr. Sloper to send a few ewes and rams out from England, which I considered is a most excellent plan, for if we purchase rams in the Colony we only get the rifraf, such as they please to give us, and then at a most enormous price and then I hope we shall come upon a level with the great Macarthur.<sup>1</sup>

It was a measure of Lawson's passions that he, ranking himself 'about third' to Macarthur, nowhere ever said who he ranked second. Whoever that person was,<sup>2</sup> because he was not first, he was irrelevant.

Again it was Lawson who betrayed succinctly the internalising of the conflict between a man's public authority and his private ambition. This internalised conflict did not follow out of the colonial paradox in logic, and some men - certainly 'the gentle knight', Sir John Jamison, and probably Edward Eagar, an emancipist lawyer - kept their conflicting pressures in separate compartments. By and large, however, it was not logic but passion that governed most men: there was otherwise no need to single out Jamison as the 'gentle' one; and in 1826 and 1827, it was Lawson's turn to journey, on the Parramatta Bench, into public vulgarity.

Many reasons might be hypothesised to explain the timing. Perhaps it was simply that the Macarthur-directed Australian Agricultural Company failed to purchase any of Lawson's sheep. Certainly, when the Macarthur family and friendship system embracing Archdeacon Scott, James Bowman and Lachlan Macallister came within Lawson's magisterial purview, Lawson was seen to be the two men the colonial paradox made him: when Archdeacon Scott sought from the Parramatta Bench a summons against his servants Broadbear and wife, 'Mr. Lawson with Mr. Harris were on the Bench, when I applied for the Summons, and grossly insulted me....'<sup>3</sup> And when the

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<sup>1</sup>William Lawson, Junior, to Nelson [Simmons] Lawson, 14 June 1824, *ibid.*, p.37.

<sup>2</sup>The most probable candidate was Samuel Marsden, or failing him, the brothers George and Henry Cox who operated in partnership. Purely in terms of sheep numbers, Lawson in 1822 was only the sixth major sheepowner of New South Wales: Live-stock Returns ... 1822 (NSA 4/1231).

<sup>3</sup>Scott to Governor Darling, 19 March 1827, HRA 1/xiii, p.234.

cause celebre of Scott v. Broadbear and wife went further, and called into question the propriety of Bowman, Macallister and James Macarthur joining the Parramatta Bench for the Petty Sessions hearing, Lawson and Harris went different ways in the witness-box of the Supreme Court. Harris<sup>1</sup> confined himself to two objective facts. Firstly, the Broadbears had been found guilty by the Parramatta Bench according to law. Secondly, neither before nor since their case had Bowman, Macallister and Macarthur sat on the Parramatta Bench.

As a magistrate, Lawson need have said no more than did Harris, but gave evidence both hearsay and gratuitous, interlaced with skilful frankness, about the singular appearance on the Bench of the visiting magistrates, his own lack of close knowledge of them, their intimacy with the Archdeacon, and their judicial severity vis-a-vis the rest of the Bench:

Dr.Harris as Chairman passed a paper round for each of the Magistrates to give their opinion. Dr.Harris and Mr. Palmer were for One Month's Imprisonment, myself and Mr.J.Palmer for two Months, and [Messrs.Bowman, Macallister and Macarthur] for three months.

Then he wrapped up all the damage he had done with an air of magisterial calm:

I do not think from this circumstance that the proper punishment to be awarded the Defendants would have been for six weeks; each of the Magistrates signed the Warrant for three Months Imprisonment.<sup>2</sup>

In such ways, free and responsible men were seduced into vulgarising authority, and as a concomitant into vulgarising society. But the paradox between restraint and individualism took them further in this destructive process,

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<sup>1</sup> Surgeon John Harris of 'Shane Park': see Appendices A and B.

<sup>2</sup> Report of Proceedings in Broadbear and wife v Macarthur, J. and others, 14-16 March 1827, HRA 1/xiii, pp.324-52. For the evidence of John Harris and William Lawson, see pp.333-34.

into pursuing the governor and denouncing him as an autocrat. Partly, of course, the denunciation stemmed from the absence of self-government, and in one guise or another was as old as the history of British colonisation. Partly, the denunciation stemmed from, and therefore only made sense against, a negative and hence peculiar reading of English liberty.

Given the complex institutional and stratified structure in which this liberty operated (and was indeed made meaningful), English government was by Continental standards minimal, and thereby directed in a positive sense to the freedom of the responsible individual. When government viewed New South Wales (or any other settlement colony) from this fount of philosophical largesse, then a land grant to a colonist became a gift from the Crown's material largesse to promote his freedom to fulfil himself. This outward-going, positive view of the world coloured its own language. If one effect of Darling's 'limits of location' in 1826 was to halt settlement beyond them, his language nevertheless was not about that at all, but about the freedom of settlement inside them he was able to confer on responsible man: 'The following Boundaries have been fixed within which Persons, who may be allowed to purchase or to receive Grants... will be permitted to make their Selection'.<sup>1</sup> It was in this philosophical spirit of largesse that the commissions issued to every Governor from Phillip to Brisbane included the direction (the wording altered occasionally) that:

It is also Our Will and Pleasure that in all grants of land to be made by You, as aforesaid, regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionate number of one sort and of the other....<sup>2</sup>

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<sup>1</sup>Government Order, 5 September 1826, Paragraph 5, HRA 1/xii, p.540.

<sup>2</sup>Phillip's Instructions re Land Grants, 20 August 1789, HRA 1/i, p.126 and see also Brisbane's Instructions re Land Grants, 5 February 1821, HRA 1/x, p.601.

The difficulty with this positive view of the world was that it was not readily exportable. The colonial invitation to better one's self in a way not possible in the homeland was intrinsically open-ended. What became pertinent in scaling the hierarchic heights was therefore not freedoms but the obstacles; at its crudest level, not the territorial and economic freedom of a land grant, but the limiting boundaries and conditions of the grant. As these obstacles to the open-ended invitation were man-made, they were infringements of liberty and therefore autocratic. The governor as the immediate autocrat had thus to be bent, moulded, intimidated or subverted. The British government perhaps never understood this mode of reasoning whether it came from the mouths of American revolutionaries, Jamaican tea-planters, settlers on the Cumberland Plain in the 1820s, or New South Wales squatters in the 1840s.<sup>1</sup> It was a line of thought not altogether lost on Sir Thomas Brisbane who, apropos of conditional land grants, was to observe in 1823:

It was a measure which...could not have been popular with those to whom grants had been promised, because the love of liberty is too deeply planted in our breasts to be pleased with any restriction.<sup>2</sup>

But the fuss had died down. 'Clamour', wrote Brisbane the same day, 'is nowhere a long liver'.<sup>3</sup> And here Brisbane lost the line of thought again, not calling to relevance those men as humourless as William Lawson in their vulgarisation of authority and of society.

For mindful of 'Our Will and Pleasure' to have regard for 'the profitable and unprofitable acres', Brisbane had wished John Macarthur to balance his possession of the river flats of Camden with the stony ridges of the Razorback. Nothing to Macarthur could have been more

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<sup>1</sup> See, for instance, Lord Stanley to Governor Gipps, 30 January 1845, HRA 1/xxiv, pp.219-20, and cf. Roe, Quest for Authority in Eastern Australia, op.cit., p.63.

<sup>2</sup> Brisbane to Earl Bathurst, 29 November 1823, HRA 1/xi, p.183.

<sup>3</sup> Ibid.

fatuous: he already had the Razorback without owning it, for the Camden grants blocked it off and rendered it useless to anyone else. What he wanted with any new grant were the Cawdor lands to the east, which had no stony ridges, and could not readily be blocked off from competitors; what he wanted in short was 'the surrender...into his hands of the Government establishment at [Cawdor]'.<sup>1</sup>

And as befitted this 'demand', to which Brisbane found it 'impossible to yield', Macarthur's long campaign to get hold of Cawdor opened not with clamour but with menaces: 'Mr. Macarthur is...daily displaying irritation'<sup>2</sup> leaving his son James to explain to the fount-head of social order and stability the terms on which the Macarthurs of Camden and Elizabeth Farm would promote the hierarchic harmony of New South Wales. The price, in part, was Cawdor:

[My brother and I] are both deeply impressed with gratitude for the highly flattering mark of distinction [of a proffered magistracy], conferred upon us by Lord Bathurst, but many painful local considerations make us the reverse of anxious, at present, to undertake the responsibility of any public Office. Whenever these may cease, nothing will more gratify my brother and myself than zealously to devote our humble Services to the support of His Majesty's Government, and the promotion of the peace and happiness of our Native Land.<sup>3</sup>

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<sup>1</sup> Ibid., p. 182, and Macarthur to Brisbane, 29 November 1822, *ibid.*; pp. 184-85.

<sup>2</sup> Ibid., pp. 182-83.

<sup>3</sup> James Macarthur to Secretary Goulburn, 17 October 1823, *ibid.*, pp. 185-86.

## CHAPTER 2

### THE MAKING OF THE SQUATTER, 1819-1847

The colonial paradox was an unresolved dilemma when in about 1819 society on the Cumberland Plain began the pastoral occupation of eastern mainland Australia. Given time, it was not unreasonable to suppose that the growth of institutions and structural restraints would resolve the dilemma between authority and ambition by providing the framework that gave English liberty its meaning. In about 1819, however, the people who held the pastoral future of New South Wales in their hands launched themselves, or more properly were launched, upon an anarchic course that overlaid the paradox and put free and responsible man into a much more profound and much more enduring conflict with all his tradition.

Why this should be so had four aspects. There was a strictly arithmetical aspect in which a dynamic broke loose of control - the doubling of stock numbers every three years, at some point in time, tore loose from the estate or farm boundary, that most prosaic and basic restraint of English traditional landed social order. For in that ancient system, a boundary was effectively a geographical expression of and extension of the self, while in the opposite direction it marked off the rest of the world to other men, making the rest of the world synonymous with other men. So much of English traditional order depended entirely on the fact that England was full up, with every responsible citizen inside his personal territorial boundaries. But in 1818, in New South Wales, only seven of the premier 100 graziers (and only ten of the premier 170) could conceivably have maintained this unity of self and land: the stock of the other 93 premier graziers in whole or in part roamed upon other men's land or upon the Crown's.<sup>1</sup>

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<sup>1</sup>Appendix A for comparisons of 'areas grazed' with 'areas owned': the seven exceptions among the major 100 graziers were D'Arcy Wentworth (6th grazier), Sir John Jamison (18th), John Harris (41st), James Chisholm (equal 73rd), William Charles Wentworth (equal 92nd), Simeon Lord (also equal 92nd) and John Piper (equal 99th).

As a test of what the dynamic meant, the number of graziers who needed 25 square miles (16,000 acres) increased from six in 1818<sup>1</sup> to 21 by 1822 and to 60 by 1828.<sup>2</sup>

In the second aspect the colonial environment distorted traditional landed economy. This economy was generally a complex of inter-dependant, inter-locked diversification: the growing of grain, for instance, for human consumption allowed inter alia a food source for cattle and sheep raising and for the breeding of poultry. In many ways not yet always appreciated, emigrating man simply transferred this economic model into New South Wales. It was, for instance, no farther from the Barwon River to Sydney than it was from the west coast of Scotland to London, and a system that raised cattle in those highlands and droved them south to fatten in Anglia for the London Market was distinguishable from colonial practice only in terms of hazards.<sup>3</sup> As early as 1832 the squatter Benjamin Warby regularly sent butter and cheese to the Sydney market from the Tumut River,<sup>4</sup> as did the squatter John Miller in 1849 from the Barwon to Maitland.<sup>5</sup> In 1848, salt, butter, hams and bacon went to Sydney from Henry Colden Antill's out-property on the Molonglo Plains.<sup>6</sup>

Yet despite this power of tradition, environment distorted the shape and proportions of the economic model.

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<sup>1</sup>Appendix A.

<sup>2</sup>Appendix B.

<sup>3</sup>For the most recent work on British droving, see K.J.Bonser, The Drovers (London, 1970), and see particularly Chapter 16 for the above.

<sup>4</sup>George Bennett, Wanderings in New South Wales (London, 1834), Vol.1, p.308.

<sup>5</sup>Wee Waa Bench to Attorney-General, 20 December 1849 (NSA-4/7547, Wee Waa Police Office Letter Book, 1849-1880).

<sup>6</sup>James Macquarie Antill, 'Major Henry Colden Antill', in JRAHS, Vol.32, 1946, p.196. 'salt, butter' should possibly read 'salted butter'.



It tended to inhibit, for instance, the principal and ancillary functions of grain-growing. When the colonists were by and large unskilled husbandmen, as Commissioner Bigge and other commentators perceived over the years,<sup>1</sup> then they were doubly at the mercies of the environment, and acutely dependent on its immediately useful attributes. In this sense of going with the environment, they took the easy way out, taking the pastoral pickings from the environment until such time as there came the capital, the vision and the skills to come to proper terms with it. Mid century would see the rise of the great tenant-farming estates of New South Wales, and thus the return of some men at least to the landed economic ways of tradition. That that great day would come was never doubted by the motherland, by the Colonial Office, by the governors, or even by some of the colonial hierarchy. It was never doubted, perhaps never questioned, for it was part of the wider assumption that time would bring a colony the complex structure of social restraint that gave English liberty its meaning.

Here, in this second aspect, the pastoral anarchy began. On the one hand, if a man went with the environment and distorted the traditional economic model, then he was in serious trouble with his boundaries, for these were designed to contain that model, and none other. He needed a new kind of boundaries, boundaries inside which he could create a new, an almost exclusively pastoral model of landed economy. On the other hand, the widespread assumption that traditional ways would in the end prevail obliged men to look upon a deviation such as pastoralism as a passing aberration. From this view of the world, and more particularly from the Colonial Office that shared this view, the man who went with the environment could not expect to be

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<sup>1</sup>For this see B.H.Fletcher, 'Agriculture' in G.J.Abbott and N.B.Nairn, Economic Growth in Australia 1788-1821 (Melbourne, 1969), p.215 for Bigge: for other commentators, see e.g. [Thomas Walker], A Month in the Bush of Australia (London, 1838), pp.4-6 for implied criticism of most settlers; and see Macquarie to Bathurst, 7 October 1814, HRA 1/viii,p.303.

conceded his new kind of boundaries, for they would be necessarily permanent. At best, his activity would be tolerated - the word 'temporary' (or its sense) was plentifully bestrewn through directives and government notices about pastoralism - and at worst, if his activity became too aberrant, he was to be sent about his business:

I am commanded to signify to you His Majesty's... pleasure that you do not permit, under any circumstances, the sale of any portion of Land, so extensive as to be employed as a Grazing Farm, on the Coast, or along the Banks of any Navigable river, unless the Land, so situated, should be ascertained to be unfit for Agricultural purposes, or that it should be in a distant part of the Colony, to which it may be expedient to invite future Settlers. It is understood that, in the more popular districts, the quantity of unappropriated land, to be found under such circumstances, is very limited; and, if engrossed by large proprietors in the way in which several tracts are at present held, namely, for purposes of grazing, a considerable line of Country, capable by its position of great improvement, and which might otherwise be occupied by an industrious and thriving population, would be kept in a wild and uncultivated state.<sup>1</sup>

Thus the pastoralist was driven to find his own 'permanent' solutions and consequently driven into a varying degree of conflict with other men and with the Crown. In the third aspect, that had to do with the discovery of territorial space, he synthesised his problem by turning space to his advantage. John Macarthur learned how to block off the Razorback without obtaining any claim to it; Charles Throsby discovered virtue in the isolation of his land grant at Liverpool and grazed the surrounding crown land to whatever extent he needed; Oxley's persons of little property and little character learned to contract the care of other people's stock and graze the stock nomadically in crown land spaces between locations; Phillip Parker King learned to 'peacock' a site, locating for his grant a long narrow-gutted site lying north-south, with five miles of

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<sup>1</sup>Additional Royal Instructions to Darling, 26 August 1826, HRA 1/xii, pp.502-3.

water frontage for a western boundary, and five miles of eastern frontage to the government reservation at Rooty Hill. In the sum of it, men learned to take all that they could, and take it free: and perhaps in this process there was nothing novel that had not been learned on the North American continent or even at an older time in England.<sup>1</sup> It is a fair generalisation that almost all of the pastoral and squatting techniques of the control of space were probably imported, and even if not, were practised and perfected on the Cumberland Plain. Nor did government impede the process of learning, because as pastoralism as an aberration would presently go away, it could in the meanwhile be usefully tolerated and even accommodated.

In this Macquarie followed the ground-work laid down by his predecessors. Particularly in the north, where the locations of the Hawkesbury River farmers were packed closely together, there were outlets for stock numbers in the network of reservations and commons - the Windsor Common was sixteen square miles, and the Wilberforce Common across the river was limited on the west only by the dictates of mountain geography. Until 1822, Phillip Parker King's self-generating stock found all the land they needed in the government reservation at Rooty Hill: and for many years afterwards a twenty-four square mile block of land immediately west and north of Liverpool remained available for grazing by its neighbours' stock. Further south again, there was no need for vice-regal accommodation: in 1812, from Charles Throsby's 'Glenfield' south-west to John Macarthur's 'Camden' across the Nepean River, and thence down the river to a point almost due west of Liverpool, perhaps eight ambitious free settlers (apart from a few riverine pockets of emancipist farmers) had open to them, if they could use it, about 140 unlocated square miles of

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<sup>1</sup>The instructions to all governors from Phillip to Darling respecting the surveying of granted lands reflect previous experience in attempting an equitable distribution to grantees.

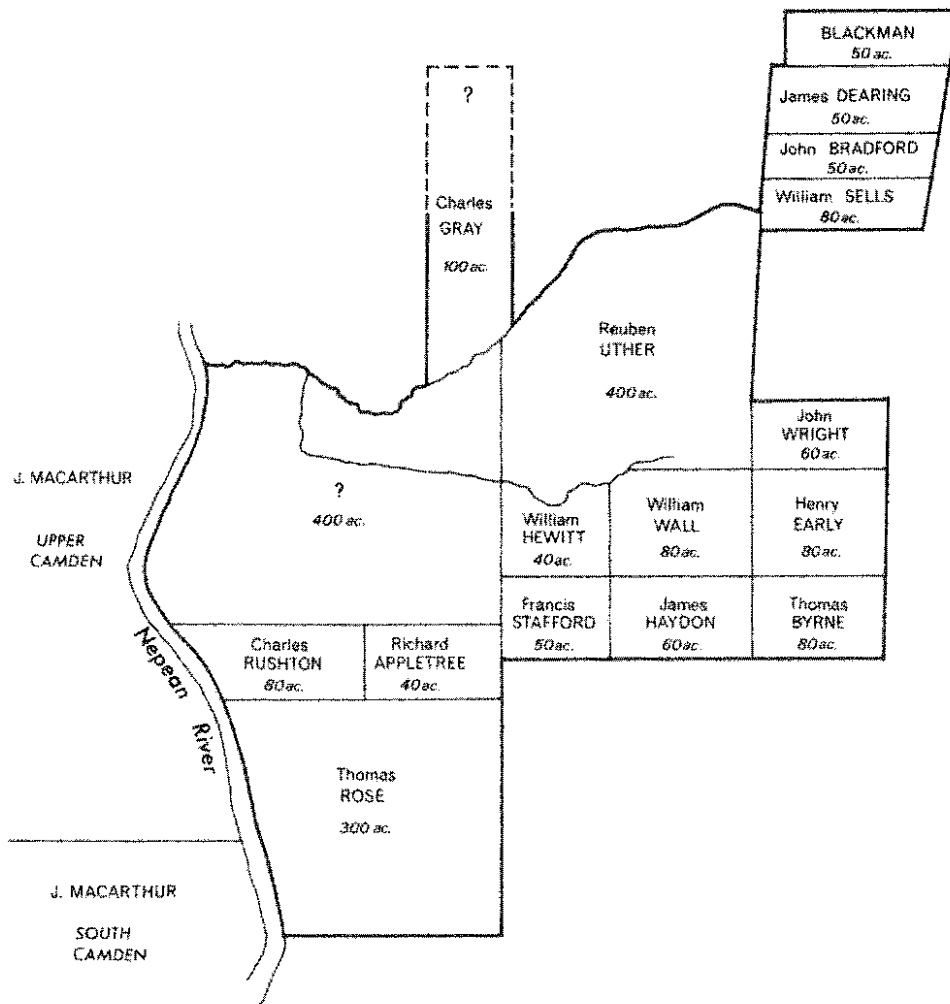


Fig. 4 Thomas Rose's extension of 'Mount Gilead' farm by purchase of neighbouring grants (after Wells' Map of The County of Cumberland, 1848).

the Cumberland Plain. Under Macquarie, this huge wedge of lightly-located country became an area of 'temporary' occupation, in times of drought and caterpillar plagues, to relieve grazing pressures elsewhere on the Plain.<sup>1</sup>

What matured under Macquarie was a system of official toleration: so that in varying degrees stock were liable to be depastured legally upon an owner's location, legally by traditional practice upon a common, by special permission upon a government reservation, by 'temporary' permit on crown land in time of drought or plague, and - by government silence - upon any empty crown land. This last was compatible with tolerating pastoralism providing that it was possible to contain pastoralism. To this end on the Cumberland Plain, Macquarie held two effective restraints, each dependent on the notion of competition.

One was simply the systems of priority of tenure. The unauthorised user of crown land was always subject to ousting by the bearer of a 'temporary' permit to depasture, both the unauthorised user and the bearer of the permit were always subject to ousting by a grantee with a right to locate. A grantee being crowded by fresh locations, could, if he wished or was able, buy them out. As early as 1819, William Lawson was buying out his neighbours around Prospect,<sup>2</sup> and between 1823 and perhaps 1827, the emancipist Thomas Rose was forced to buy 1,700 acres from new locations around his 'Mount Gilead' property at Appin.<sup>3</sup> This notion of the availability and priority of a range of options is important, for the rise of pastoral anarchy and

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<sup>1</sup>See his reference to this in Government and General Order, 25 November 1820, in Sydney Gazette, 25 November 1820.

<sup>2</sup>See William Lawson to Sloper, 29 March 1819, in William Beard (Ed), Old Ironbark (Sydney, 1967), p.21.

<sup>3</sup>Figure 4 opposite.

of squatting was directly related to whatever options, in whatever grading of priority, were open to a man at a given time. On the Cumberland Plain the terms and conditions of three of the four prevailing options - purchase, grant, and permit - were firmly in Macquarie's hands. He could afford to tolerate the unauthorised grazing.

The other restraint on the Plain, if a less elegant form of competition, was the jealous and egotistical conflict so much of which stemmed from the colonial paradox. This was a conflict no one, not even John Macarthur, could escape, as Brisbane discovered in 1822 when he wished to make Macarthur a magistrate.<sup>1</sup> The governors not infrequently found their military and civil officers engrossed in the colonial conflict,<sup>2</sup> and the governors more than once lamented one reason for the involvement, that they gave more time to their estates and interests than to their official duties.<sup>3</sup> Yet this involvement had its other side, for it ensured that men like Surveyor-General John Oxley, the ninth premier grazier of New South Wales in 1822, or the emancipist Deputy Surveyor-General James Meehan, 29th grazier in 1822, kept a personally interested eye on the behaviour of their peers. Jealousy was an ingredient in the functioning of government, and whatever profit was in the ingredient came logically to rest in Macquarie's hands.

So in this third aspect, of the exploration of space, there was a balance on the Cumberland Plain between order and incipient anarchy. On the one hand, the insistent multiplication of stock numbers drove men into a search for a new kind of boundaries, and in turn tradition pushed

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<sup>1</sup>Brisbane to Bathurst, 27 February 1822, with enclosure, HRA 1/x, pp.624-26.

<sup>2</sup>For the military, see Macquarie to the Duke of York, 25 July 1817, HRA 1/ix, pp.441-51; for the civil officers, see Macquarie to Bathurst, 1 December 1817, *ibid.*, pp.497-98.

<sup>3</sup>For the military, Macquarie to the Duke of York, *op.cit.*, p.450; for the civil officers, see Macquarie to Bathurst, 24 February 1815, HRA 1/viii, p.393; and Brisbane to Bathurst, 2 September 1822, HRA 1/x, pp.729-30.

this search into techniques of anarchy because tradition held that pastoralism was a transient aberration from the proper ways of men. On the other hand, the prospect of uncontrolled egotism was held in check by official accommodation of the pastoral problem, and by the competitive restraints of four-tiered land tenure and of jealousy functioning as a form of social self-criticism.

The balance was precarious, and its opposing tendencies were personified in Lachlan Macquarie, society's fount-head of order, and Charles Throsby, 13th grazier in 1818,<sup>1</sup> the man who was to put words to the egocentric thrust of pastoralism. While in 1817 the Cumberland Plain was not crowded in any absolute sense, such a state was nevertheless foreseeable through the growth of stock numbers and the dwindling of unlocated crown land. In August 1817, Throsby made the first of his southward explorations beyond the Cumberland Plain, reaching the middle of the Southern Highlands, 70 miles from Sydney. In December, Macquarie observed that land worth locating was 'getting Very Scarce in this part of the Colony, as far as forty Miles in every Direction from the Seat of Government....'<sup>2</sup> It was characteristic of the shape of society on the Plain that Deputy Surveyor-General Meehan, who accompanied Throsby on some of his expeditions over the next two years, was Throsby's landed neighbour, and characteristic of this society that Macquarie, as a reward for Throsby's initiative, pressed upon Throsby 'his Acceptance of One Thousand Acres of Land in any Part of the Country discovered by himself that he may chuse to select'.<sup>3</sup>

It was partly the man and partly the circumstance that made Throsby the first man to voice the virtues of territorial space. The surgeon son of the historian

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<sup>1</sup>Appendix A.

<sup>2</sup>Macquarie to Bathurst, 12 December 1817, HRA 1/ix,p.713.

<sup>3</sup>Government and General Order, 31 May 1819, HRA 1/x,p.183.

John Throsby, Charles was kind to the blacks, evoked strong loyalty from his servants, and quarrelled with officials, relatives and peers, on which occasions his tongue was prone to over-run his discretion.<sup>1</sup> As for the circumstance, while the filling of the Plain was foreseeable in 1817, it was an extremely uneven process that took another decade to complete. In this decade, the Plain filled absolutely in terms of people, of land located, of cattle and sheep numbers, and therefore of area grazed. At the same time, the notional levels of occupation were lowered by drought, caterpillar plague and deterioration of pasture.<sup>2</sup> After 1825, stock numbers on the Plain declined heavily, and there was also a decline in the human population.

As none of these trends developed in strict parallel, there was no point in time in this decade when a universal condition governed the Plain. It is true that for about ten years on from 1817 livestock and men were pushed off the Plain for approximately the same reasons, but of any one man it was his particular condition that governed the time, scale and kind of his departure. Until 1822, for instance, mere place circumstanced Phillip Parker King who with 'the advantage of a large Government run being open to us, in common with our neighbours', built up a stock of 850 cattle and 1,800 sheep on a grant of only 1,260 acres before 'the extention of Grants in my neighbourhood [having] excluded [me] from the depasturage of those Crown Lands, I am compelled either to decrease my Stock or increase my lands....'<sup>3</sup> On the other hand, for instance, Hannibal Hawkins Macarthur in 1815 was granted 800 acres on the Nepean. In 1816, 1817, and 1819 progressively, the open crown land to his east disappeared in new locations by other grantees. A man like Throsby gave particularity an added

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<sup>1</sup>Scattered sources, and ADB, Vol.2, entry for Charles Throsby.

<sup>2</sup>This is discussed in detail in T.M. Perry, Australia's First Frontier (Melbourne, 1963), pp.26-33.

<sup>3</sup>King to Brisbane, 22 July 1822, HRA 1/xi, pp.314-315.



dimension, for Throsby simply anticipated the event: he sent most of his stock off the Cumberland Plain in 1819-20, although for many years to come his 'Glenfield' estate near Liverpool would retain a common boundary with the extensive and grazable Orphan School Lands. Taking up the grant pressed upon him by Macquarie, he chose a site at Bong Bong (later 'Throsby Park') on the Southern Highlands, 50 miles to the south of 'Glenfield' and 40 miles beyond the edge of the Cumberland Plain.

When it came time for Macquarie to release movement off the Plain, he thought of the pastoral problem beyond it in the terms that he viewed it on the Plain. For a variety of reasons, including his immediate aims, the location of new land outside Cumberland in his and Brisbane's time was very uneven, concentrated heavily in the Hunter Valley, thinly on the western slopes around Bathurst, and more thinly again on the Southern Highlands and beyond. Part of this arose from Macquarie's intent to discharge southwards the immediate troubles of the Plain. The Plain was 'exhausted...in part from its being overstocked, but principally from the destructive Ravages of the Caterpillar, by which [it was] sometime Since visited'. Accordingly, 'such Settlers, as are possessed of Herds or Flocks, may send them for a Time' to the Southern Highlands. Then, as was customary, he invoked the competitive threat, for those who chose to avail themselves of his indulgence were 'to hold themselves in Readiness to withdraw their...Herds and Flocks from the New Country, so soon as the same shall have been specially located....'<sup>1</sup>

Yet if Macquarie gave this issue any especial thought, there were flaws in his reasoning. His order did not comprehend men like Dr Robert Townson whose absolute

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<sup>1</sup>Government and General Order, 25 November 1820, in Sydney Gazette, 25 November 1820: see also Government Notice, 9 December 1820, for an extended definition of the 'New Country' so as to include the Breadalbane and Goulburn Plains, in Sydney Gazette, 9 December 1820.

increase in stock numbers could not by definition, once geographically released, be withdrawn anywhere. In 1818, Townson owned almost 3,000 acres and grazed almost 9,000<sup>1</sup>, and would need in another three years about 18,000. Again, the degree of competitive pressure that sustained vice-regal authority on the Plain would be dissipated just as soon as it was distributed over an area six or seven times the size: the Southern Highlands alone was at least twice the size of the Plain. The man more closely attuned to these realities was Throsby, and in one of his quarrelsome moments he betrayed the fact.

For if it was characteristic of the hierarchic society that Macquarie and Meehan and Throsby worked extensively in harmony with each other, it was also characteristic of that society that Meehan, professionally or privately bestirred by his neighbour's activities, belittled the worth of Throsby's exploring discoveries in the Southern Highlands. The reply of the master of 'Glenfield' told the master of 'Macquarie Field' that man was to be an island:

I...am not sorry to learn you think the country about my establishment [on the Southern Highlands] so inferior, as such I hope to be less troubled with neighbours.<sup>2</sup>

Within five years Earl Bathurst would gaze upon this state of mind and lament that 'a new territory is subdued to the use of man rather by the unassisted efforts of Individuals than the co-operation of neighbours engaged in similar undertakings'.<sup>3</sup> And a generation later Ludwig Leichhardt would reflect upon the state of mind itself:

As many of the stations are 20 miles and more away from others, it's seldom, very seldom, that they're in touch with each other. Nor is communication between them so friendly on the whole as might be expected from their seclusion.

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<sup>1</sup>Appendix A.

<sup>2</sup>Throsby to Meehan, 21 April 1820 (ML - a.1940, Throsby Papers, 1810-1821), quoted in Perry, *op.cit.*, p.102.

<sup>3</sup>Bathurst to Brisbane, 1 January 1825, HRA 1/xi, p.439.

The boundaries of their 'runs'...are often subject to dispute; and men who live alone seem to be more unyielding in matters of self-interest than those who live in community with their fellows.<sup>1</sup>

So in this third aspect of the anarchy inherent in colonial pastoralism, territorial space was a discovery explored on the Cumberland Plain and given a rationale by Throsby when it was time to move out. It is probable that outside Cumberland the precarious balance between order and incipient anarchy was lost at once. The temporary grazing permit as Macquarie conceived it was a licence to wander the land: that issued to Joshua John Moore<sup>2</sup> referred only to 'the Country lying to the Southward and Westward of the Cookbundoon Range' in the Southern Highlands,<sup>3</sup> a description so vague as to be almost meaningless, and Moore never reached the Cookbundoon Range, settling his servants and stock down on a site he called Greenwich Park.<sup>4</sup> Then he returned to his 'Horningsea' estate near Liverpool, leaving his highland site subject to trespass by any casual transient or neighbour, his cattle subject to being frightened off their water facilities by sheep pushed in by anyone coveting the site, his assigned convict servants<sup>5</sup> subject to the 'vicious propensities' of their class, and any local blacks subject to whatever whims those propensities might stir in the convict servants.

Whether or not any of these disorders ensued at 'Greenwich Park', gone were the effective suzerainty of the

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<sup>1</sup>Leichhardt to William Leichhardt, 6 February [1844], in Arousseau, *op.cit.*, pp.725-26 and 732.

<sup>2</sup>Equal 141st grazier in 1818, Moore was brother-in-law of, and clerk to, Judge Advocate John Wylde. *ADB*, Vol.2, entries for both men.

<sup>3</sup>Order to the Constables on Duty in the Cowpastures and to all others Concerned, issued from Col.Sec.Office, 15 September 1821 (ML - MSS 70/2, Moore Family Papers).

<sup>4</sup>See comments and annotations made by Moore on reverse side of *ibid.*

<sup>5</sup>Four in all, plus one with a Ticket of Leave, *ibid.*

governor, the bases of amity with one's neighbours, Eagar's 'strict control' of irresponsible man as convict, and the Royal command 'enjoining all our subjects' to live in amity and kindness with the blacks. Faced with the territorial anarchies that did ensue, Brisbane who replaced Macquarie in December 1821 abandoned Macquarie's vague 'temporary' permits and created the Ticket of Occupation, relating it as clearly as a land grant to a specified site and area (generally of two miles radius from the nominated site,<sup>1</sup> a formula that offered the pastoralist about 13 square miles or about 8,000 acres).<sup>2</sup> Brisbane went further. When in 1824 he introduced to the colony the purchase of Crown land as a new option,<sup>3</sup> he established a routine wherein a Ticket holder, under threat of location by an incoming grantee, could exercise a kind of pre-emptive right to purchase the site. On the other hand, the individual was limited to the purchase of 4,000 acres, and a family of 5,000 acres,<sup>4</sup> areas of about half of that covered generally by a Ticket.

Squatting as the ultimate territorial anarchy began just as soon as men over-ran the options open to them, and in over-running them they found the new kind of boundaries they had been seeking. Hindsight provides a rough rule of thumb for what they were looking, for an area ranging from 30,000 acres to 300,000 acres: in the 1850s the minimum offered men like John Everett of New England a gentlemanly, albeit prudent, independence; the maximum was the lot of Clark Irving with about 23,000 cattle, William Charles Wentworth with about 90,000 sheep, and Matthew Henry Marsh with 100,000 sheep.

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<sup>1</sup>Perry, *op.cit.*, pp.34 and 86 for examples of wording; and for a Ticket issued to Phillip Parker King applicable to the Cumberland Plain, see HRA 1/xi, pp.317-18.

<sup>2</sup>The Ticket was never the subject of promulgated orders, except respecting crown timber rights, Government Notice, 27 October 1824, in Sydney Gazette, 28 October 1824.

<sup>3</sup>Brisbane to Bathurst, 24 July 1824, HRA 1/xi, pp.330-32.

<sup>4</sup>*Ibid.*, Enclosure No.1, *ibid.*, p.333.

Immediately across the Nepean River from the Cumberland Plain, John Macarthur's Camden country approximated this ideal minimum size, and while by default he had always had use of it, he was not content until in the mid 1820s he owned 26,000 acres of it, held another 2,000 on indefinite loan from Walter Stevenson Davidson,<sup>1</sup> and blocked off effectively perhaps 48,000 acres of the Razor Back. Yet this was not a solution for anyone else. The patronage wielded to Macarthur's ends in Britain, and the cost in terms of colonial conflict, involving a substantial sacrifice of Macarthur's authority in society, were of a scale few men could have commanded.

Dr Robert Townson, if he did not lead, was prominent in establishing the way most men went in search of the new kind of boundaries. In 1818, as the 17th grazier of the colony, Townson grazed almost 9,000 acres,<sup>2</sup> owned 1,000 acres of Varroville where all adjacent land had been located for some years, and had the use of 1,600 acres<sup>3</sup> owned by his brother John.<sup>4</sup> Four years later, still owning only 2,680 acres, his needs had grown from 9,000 to 21,300 acres. Townson was in serious trouble probably by 1819. He had exhausted his entitlement to granted land, and therefore that option was closed to him. His application in 1819 for a temporary grazing permit in the Southern Highlands was deferred for reasons unconnected with his case,<sup>5</sup> although the permit was evidently granted in due course. It is not improbable that between 1820 and 1822 Townson's stock were moved on at least once by a grantee locating on their temporary site. In 1822, Brisbane granted Townson a Ticket of Occupation at Turrano (later known as Tirranna) on the Goulburn Plains. At this

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<sup>1</sup>ADB, Vol.1, entry for Walter Stevenson Davidson.

<sup>2</sup>Appendix A.

<sup>3</sup>This area is variously described as 1,605, as 1,632, and as 1,682 acres.

<sup>4</sup>ADB, Vol.2, entry for John Townson.

<sup>5</sup>Perry, op.cit., p.101 and fn.28.

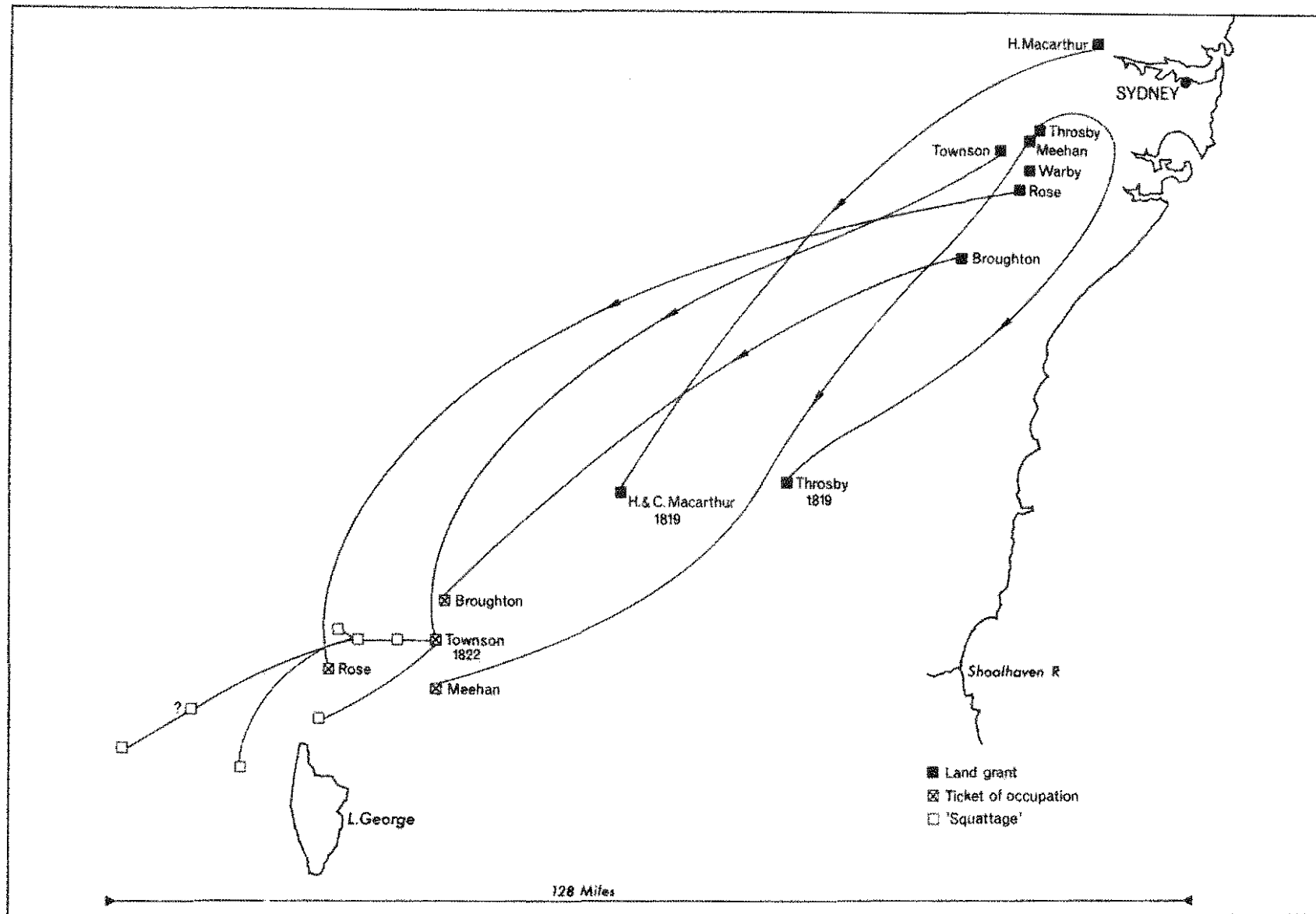


Fig. 5 Outline of pastoral occupation of Southern Highlands and beyond, 1819-1825

point, Townson still owned 2,680 acres and held a Ticket to 8,000 acres at Turrano, while his stock required 21,300. On arrival at Turrano, therefore, he grazed also about 10,000 acres of crown land outside his Ticket. As Brisbane never envisaged the issue of more than one Ticket to an individual, this option was now closed, and as the sale of crown land was not introduced until mid 1824, Townson's options were reduced to one - the unilateral occupation of crown land, or squatting.

Oncoming competitors helped him. Approaching from the north, from the Cumberland Plain, they appear to have beat a corridor southwards, down the eastern side of Lake George and onto the Southern Tablelands. To Townson's westward, only James Hannibal Rose, son of emancipist Thomas Rose of 'Mount Gilead' at Appin, appeared to contest the land. Here Townson spread himself. By the end of 1825, in addition to Turanno, seven well-chosen (or 'peacocked') sites on water commanded four hundred square miles of New South Wales, from Turanno in the east to Murrumbateman in the west, from the Bredalbane Plains in the north to Lake George in the south.<sup>1</sup> With about 1,000 cattle and about 7,000 sheep grazing in all about 36,000 acres Townson was, when Governor Darling succeeded Brisbane at the end of 1825, perhaps the third or fourth major grazier, and was planning the opening in the forthcoming winter of four or five new stations to accommodate his next lambing.<sup>2</sup>

Darling came with the instructions<sup>3</sup> and the intention to redefine the landholding options open to pastoralists. His policy, evolved throughout 1826 and the first half of 1827,<sup>4</sup> confined free grants to 2,560 acres (four square

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<sup>1</sup>Figure 5 opposite.

<sup>2</sup>Townson to Surveyor-General Oxley, 11 February 1826 (NSA-2/7991, CSIL, Land).

<sup>3</sup>Darling's Commission, HRA 1/xii, pp.113-24 respecting land.

<sup>4</sup>See HRA 1/xii and 1/xiii, Index entries under 'Land' for the complex working out of land policy.

miles), purchase grants to 9,600 acres (15 square miles), cancelled the system of Tickets of Occupation and substituted for them the rental of crown land with a view to purchase: and in conjunction with this, in September 1826 prescribed 'boundaries' to further outward settlement,<sup>1</sup> 'the Survey of the country being in arrear'.<sup>2</sup>

Concurrently with Darling's arrival, competition for Townson's lands began to develop, and on 1 February 1826, Surveyor-General Oxley formally notified Townson 'to quit the Said lands within Six Months from the date hereof according to the conditions of your Ticket'.<sup>3</sup> It is probable that Oxley knew Townson intended to resist losing his squatted stations. There were precedents for resistance, Oxley citing 'the late Judge Advocate Wylde'<sup>4</sup> and one 'Mr. Wills'.<sup>5</sup> Townson's long campaign to preserve his vast holding lasted from February 1826 to May 1827, and therefore paralleled in time the evolution of Darling's land policy. Oxley was perhaps the chief architect of this policy, and it is fair to say that Townson, his district neighbour on the Liverpool-Camden road, was the principal obstacle that helped mould the policy.

Signifying that he wished to exercise the pre-emptive right to buy his Turanno site, Townson requested Oxley to survey the purchase grant along the water frontage, an

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<sup>1</sup>Government Order, 5 September 1826, HRA 1/xii, pp.539-40.

<sup>2</sup>Minute for the Executive Council, 23 August 1826, *ibid.*, p.537.

<sup>3</sup>Surveyor-General Oxley to Townson, 1 February 1826 (NSA-2/7991, CSIL, Land).

<sup>4</sup>Surveyor-General Oxley to Col.Sec., 20 June 1826, *ibid.* Wylde left New South Wales in February 1825.

<sup>5</sup>*Ibid.* Wills was probably Thomas Wills, son of emancipist Edward Spencer Wills, and brother-in-law of Dr William Redfern and of Major Henry Colden Antill, as well as brother of Horatio Spencer Howe Wills killed by the blacks at the massacre of Cullin-la-ringo in Queensland, October 1861.



ambition that Oxley told him would 'destroy and render useless a great extent of Country, thus affording you at a trifling expense the possession of a whole district'.<sup>1</sup> Wielding his economic and social standing, Townson went over Oxley's head and thereafter traded only with Darling and Alexander Macleay the Colonial Secretary, exercising towards them a complex mixture of indecision, naviete, intransigence, injured innocence and professed ignorance of land regulations,<sup>2</sup> culminating in January 1827 in a request to split his purchase over Turanno and each of his squatted sites.<sup>3</sup> This 'peacocking' proposal would have handed him 'the exclusive possession of a tract of Country, of considerably greater extent, than has ever been hitherto granted to any Individual in the Colony'.<sup>4</sup>

Yet Darling's advisory Land Board<sup>5</sup> that wrote this in the course of an unsympathetic review of Townson's case, bent somewhat to the facts of life and recommended, contrary to 'the practice' and 'the spirit of the King's Instructions', that as 'the Applicant however is known to be wealthy...he might be allowed to complete his selection...from any two of his Stations which are nearest to each other'.<sup>6</sup> On 24 May 1827, Darling ordered to this effect, and that Townson be allowed on a rental basis to cross the Boundaries with excess stock.<sup>7</sup> Townson, a bachelor, died less than five weeks later, on 27 June, and his estate was realised.

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<sup>1</sup>Surveyor-General Oxley to Townson, 16 February 1826, op.cit.

<sup>2</sup>For his many letters, see NSA - 2/7991, CSIL, Land, TOWNSON.

<sup>3</sup>Townson to Col.Sec., 29 January 1827, ibid.

<sup>4</sup>The Land Board's Report No.142, 2 May 1827, ibid.

<sup>5</sup>The Land Board at this time comprised the Lieutenant-Governor, William Stewart; Darling's brother-in-law, William Dumaresq; and James Busby, later government Resident in New Zealand. None of these men were then pastoralists. ADB, Vols. 1 and 2 for entries.

<sup>6</sup>Ibid.

<sup>7</sup>Minute by Governor, 24 May 1827, ibid.

His compromise victory had more lasting effects on other men, and upon social order. Only five days before Oxley issued Townson with formal notice to give up his squatted lands, the Surveyor-General urged Darling to abandon the system of Tickets of Occupation as productive of too much unauthorised grazing, too much nomadic pastoralism and too much lawlessness.<sup>1</sup> Oxley reflected the dilemma between traditional stability and the pastoral dynamic. In tune with the reality of what livestock expansion meant, he might profitably have urged the multi-issue of Tickets, to preserve the maximum of territorial order: but he recoiled in the other direction, and it is not impossible that he allowed his role as master of 'Kirkham' to interfere with his role as Surveyor-General, for on the face of it he induced the Land Board to magnify Wylde, Wills and Townson into 'a considerable number of the Old Settlers'.<sup>2</sup> His 'exclusivist' view of the emancipists, too, almost certainly explained his objection to the opportunities afforded by the Tickets to those of 'scarcely any property and of doubtful Character'.<sup>3</sup>

The promulgation by Darling in September 1826 of his extended boundaries obliquely repealed the Ticket system, and the effects were drastic. There was a scramble by the de-licenced Ticket holders to obtain a free grant if they were entitled to one, to purchase pre-emptively if they could afford it, or to squat. And there was a sometimes unedifying counter-scramble by alert opportunists to beat any dilatory ex-Ticket holder out of his site. In short, while the options were narrowed, the pressures of stock numbers increased and thereby increased competition. Much

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<sup>1</sup> Surveyor-General Oxley to Governor Darling, 26 January 1826, paragraphs 34 and 35, HRA 1/xii, pp.387-88.

<sup>2</sup> Cf. *ibid.* and Members of the Land Board to Governor Darling, 20 March 1826, paragraph 25, *ibid.*, p.419.

<sup>3</sup> Oxley, *op.cit.*, paragraph 34.

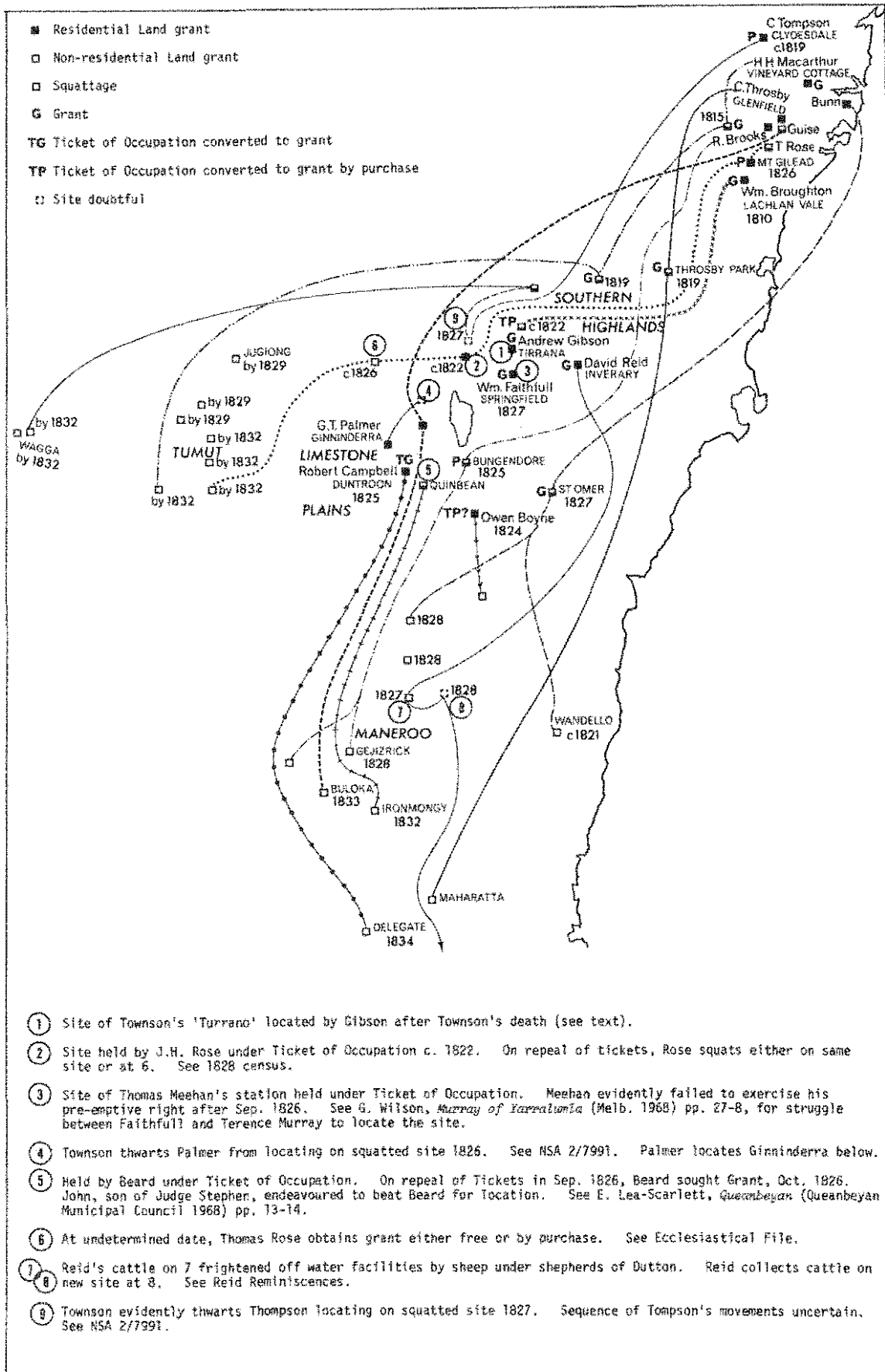


Fig. 6 Examples of southward and westward movement from Cumberland Plain, late 1820s

of what happened still needs elucidation,<sup>1</sup> but two cases of squatting are perhaps indicative. James Hannibal Rose, son of the emancipist Thomas Rose of 'Mount Gilead', either remained squatting on the site he had held by Ticket north of Lake George, or he moved westward and squatted in the vicinity of Townson's old Murrumbateman station located by Samuel Terry's sons and nephew. Wherever Rose was at the time, the Census of 1828 recorded him as being 'on government land'. The Guise family of Liverpool remained even more shadowy. The Census missed them, although not their stock near Lake George, and another 12 years passed before William Guise was officially recorded as a squatter. What generally happened was that pushed by new grantees, and with the options narrowed, men who had been squatters, or who became squatters after revocation of the Ticket system, were pushed southward towards the Monaro and westward toward Yass.<sup>2</sup> When the stock of the new grantees multiplied, these followed them, and all were overlaid by a fresh exodus from the Cumberland Plain during the Great Drought of 1826-1828.<sup>3</sup>

The instincts of Oxley and the Land Board were sound in recognising in Townson a fourth aspect, one of permanence, in the anarchic progress of pastoralism, for it was Townson (as well as the mostly young men who took to pastoralism as a way around the plantation ideal of the 1820s) who signalled both the fact that because harnessed to pastoralism men were harnessing themselves to an anarchic relationship with society, and the fact that the pastoral dynamic had already carried some of them perilously close

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<sup>1</sup>Cf. Perry, *op.cit.*, pp.101 and 105.

<sup>2</sup>Figure 6 opposite.

<sup>3</sup>Appendix C. The population of Cumberland also fell, from 26,041 to 25,142, due to the continuing forward movement of pastoralists' assigned and emancipated servants, and of new and frequently immigrant grantees and their families (particularly northward into the Hunter Valley). See Perry, *op.cit.*, p.130, Table1.

to a point of no return. Wealthy or poor, large or small, men committed themselves, or were committed: William Lawson, the fifth major grazier in 1828,<sup>1</sup> and the emancipist Peter Cooney on his 30-acre grant near Lake George, emerged together from the older ambivalences of life-styles to represent the pastoral future.

Tradition had no answer for them, except to revoke the Ticket's recognition and protection of them. Having crossed Macquarie's and Brisbane's boundaries with that recognition and protection, they now began to cross Darling's extended boundaries,<sup>2</sup> entering a realm unhampered by any system of government options through which government could have asserted the rights of the crown and by which competitors could have thrown them out. Freed of the 8,000-acre restriction of the Ticket, they found and set themselves up with the new kind of boundaries predicated by Townson. The long-term significance of this was that few men could have paid for that much land. Oxley barely lived to see the results of revocation of the Ticket system. He died on 26 May 1828, and at some point between Darling's adjudication on Townson's case in May 1827 and the end of 1829, Darling also gave up his own intent to charge rent beyond the boundaries, bogged down as he was by the 'arrear' of the Survey that interfered with grants and leases inside the boundaries.<sup>3</sup>

Left to their own devices, men who had been squatters inside the boundaries, and men who would be squatters automatically as soon as they crossed the boundaries, moved forward unevenly. Their progress in 1826-1827, 1829, 1831-1832 and after late 1835 was interspersed with drought in

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<sup>1</sup>Appendix B.

<sup>2</sup>Darling's 'boundaries' of 1826 were geographically defined with more precision by Government Order, 14 October 1829.

<sup>3</sup>See, for example, Darling to Right Hon.W. Huskisson, 13 May 1828, and Enclosure No.1, Deputy Surveyor-General T.L. Mitchell, 29 April 1828, HRA, 1/xiv, pp.176-79.

front and periodic slackening of pressures for livestock outlets. Behind them, in the late 1820s and early 1830s, Darling's 'temporary' boundaries slowly ossified into permanence as the continuing backwardness of the colonial survey merged with mounting pressure from Britain to concentrate settlement, partly to reduce pastoral lawlessness,<sup>1</sup> and with the effect of the British decision to abandon free grants in favour of sale of all lands.<sup>2</sup> Viscount Goderich, then Secretary of State for the Colonies, wrote in March 1831:

...I would press upon your attention the extreme importance of checking, by every means in your power, the too great dispersion of Settlers, and of promoting, as far as it may be practicable, the concentration of the Inhabitants of the Colony.

Then in words not dissimilar from eighteenth century forebodings of the future of men in North America, Goderich voiced the apocalyptic vision of the end of tradition:

Nothing would be more unfortunate than the formation of a race of Men, wandering with their Cattle over the extensive Regions of the Interior, and losing, like the descendants of the Spaniards in the Pampas of South America, almost all traces of their original Civilization.<sup>3</sup>

Neither the analogy, the vision, nor the cure was appropriate. What was at stake in Throsby's anarchic doctrine was whether the individual was to be subject to the force of law, or subject only to the force of other individuals. In past years the insensate Kibble had raised this conflict on the Plain, Macarthur on his Camden lands, Throsby and Moore on the Southern Highlands, Townson on the Goulburn Plains: another 16 years were to pass beyond the boundaries before men grew weary of living the life that Throsby prescribed for them, and went in search of a more rational

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<sup>1</sup> See, for example, Viscount Goderich to Darling, 23 March 1831, HRA 1/xvi, pp.115-16.

<sup>2</sup> Goderich to Darling, 14 February 1831, with Enclosure, ibid., pp.80-84 and 850-51.

<sup>3</sup> Goderich to Darling, 23 March 1831, op.cit.

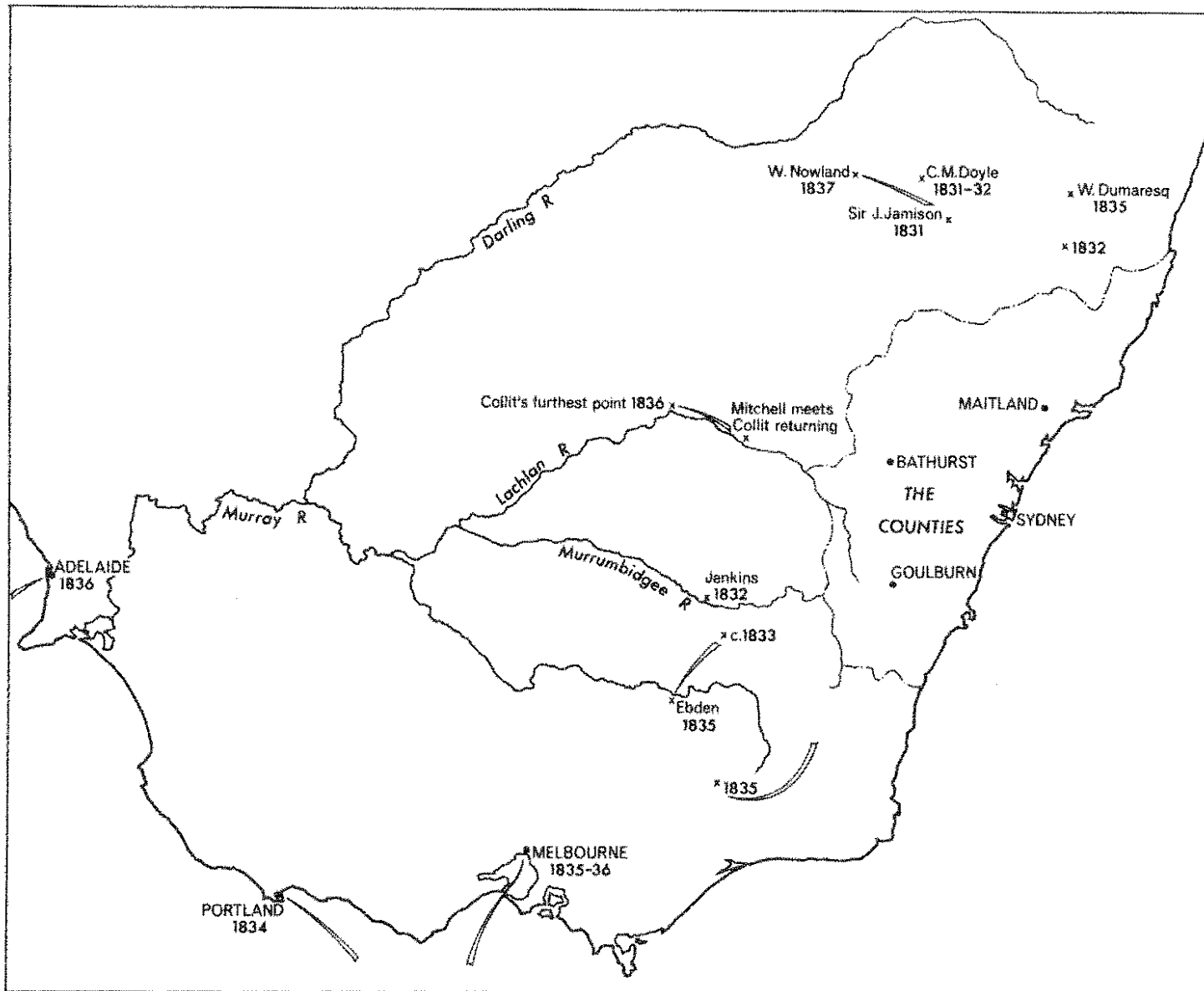


Fig. 7 Sketch of pastoral movement in New South Wales, mid 1830s

existence with government, their peers, servants and the blacks. In the interim, they continued to occupy the land.

The evidence suggests that an extensive inland drought began to break in late 1835. Between that time and March of 1836, a general forward movement began, releasing the pressure of stock build up over the previous two to three years. In August 1835 the first stock crossed southward over the Murray. On the 'Warrah' grant of the Australian Agricultural Company on the Liverpool Plains beyond the boundaries, 'several Flocks of Scabby Sheep' and 'numerous Herds of Cattle'<sup>1</sup> which were 'in virtual possession of the Company's Lands',<sup>2</sup> disappeared at the beginning of 1836.<sup>3</sup> To the west, on the Lachlan at Coradgery in March 1836, Surveyor-General Mitchell marching westward enroute to the Darling River and Port Phillip, met a son of the emancipist Mount York publican Pierce Collits marching east again after his own survey of the Lachlan,<sup>4</sup> and soon afterwards Collits squatted at Cadow in the vicinity of the meeting.<sup>5</sup>

Not until the mid 1840s did this outward movement falter, and the scale of it against earlier movements has always seemed to have marked a qualitative change. In the mid 1830s, there was an upsurge in wool production from which time dates the real rise of the Australian wool industry. In 1835-36, pastoralists from Van Diemen's Land began to establish the town of Melbourne on the south coast. In 1836, Major Mitchell discovered Australia Felix, the

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<sup>1</sup>Henry Dumaresq to Col. Sec., 17 September 1834 (ANUA - A.A. Co. Despatches, 78/1/15).

<sup>2</sup>Dumaresq to the Court of Directors, A.A.Co., January 1835, *ibid.*

<sup>3</sup>Dumaresq to the Court of Directors, 25 February 1836, *ibid.*

<sup>4</sup>Mitchell, Three Expeditions into the Interior of Australia (London, 1838), entry dated 28 March 1836; ADB, Vol. 1, entry for Pierce Collits. Mitchell met either John or James Collits, both of whom squatted on the Lachlan.

<sup>5</sup>Figure 7 opposite.



fertile district abutting Melbourne. In October 1836, ten years after Darling revoked the Ticket system, Governor Bourke introduced an annual licence system for squatting. In 1836 or 1837, pastoralists beyond the boundaries began to call themselves 'squatters' as such. 1836, in short, marks the time of the so-called squatting rush.

The facts were more prosaic. It is true that these years saw a rapidly increasing diversification into sheep for wool production, and it is true that Australia Felix tended to attract people so concerned. Here, within four years, were packed perhaps a quarter (about 250) of the squatters, about one thirteenth (10,291) of the population and perhaps two fifths (782,283) of the sheep in eastern mainland Australia.<sup>1</sup> Yet the Port Phillip District, of which Australia Felix was the fertile heart, was a very small place, remote from Sydney, settled largely from Van Diemen's Land, and possessing its own port town of Melbourne. While Port Phillip nominally remained part of New South Wales until separated as the colony of Victoria in 1851, it was almost from the beginning treated by government at Sydney virtually as a semi-autonomous region, ruled by a police magistrate and then by a superintendent, and made the subject of separate statistics. To a substantial degree, therefore, the so-called squatting rush was an event that happened in a remote and very small corner of New South Wales.

Yet even there, as throughout New South Wales north of the Murray River, there were explanations other than wool for the marked speeding up of pastoral advance after 1835. A whole new generation of pastoralists' sons needed its own space for its fulfilment, and as their fathers had done, they committed themselves to pastoralism, and thereby harnessed themselves to the pastoral dynamic and to territorial space. In committing themselves to pastoralism, some

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<sup>1</sup> Statistics from Abstracts of Crown Lands Commissioners' Returns, V & P, 1843, unpaginated; and from Brian Fitzpatrick, The British Empire in Australia (Melbourne, 1941), p.78.

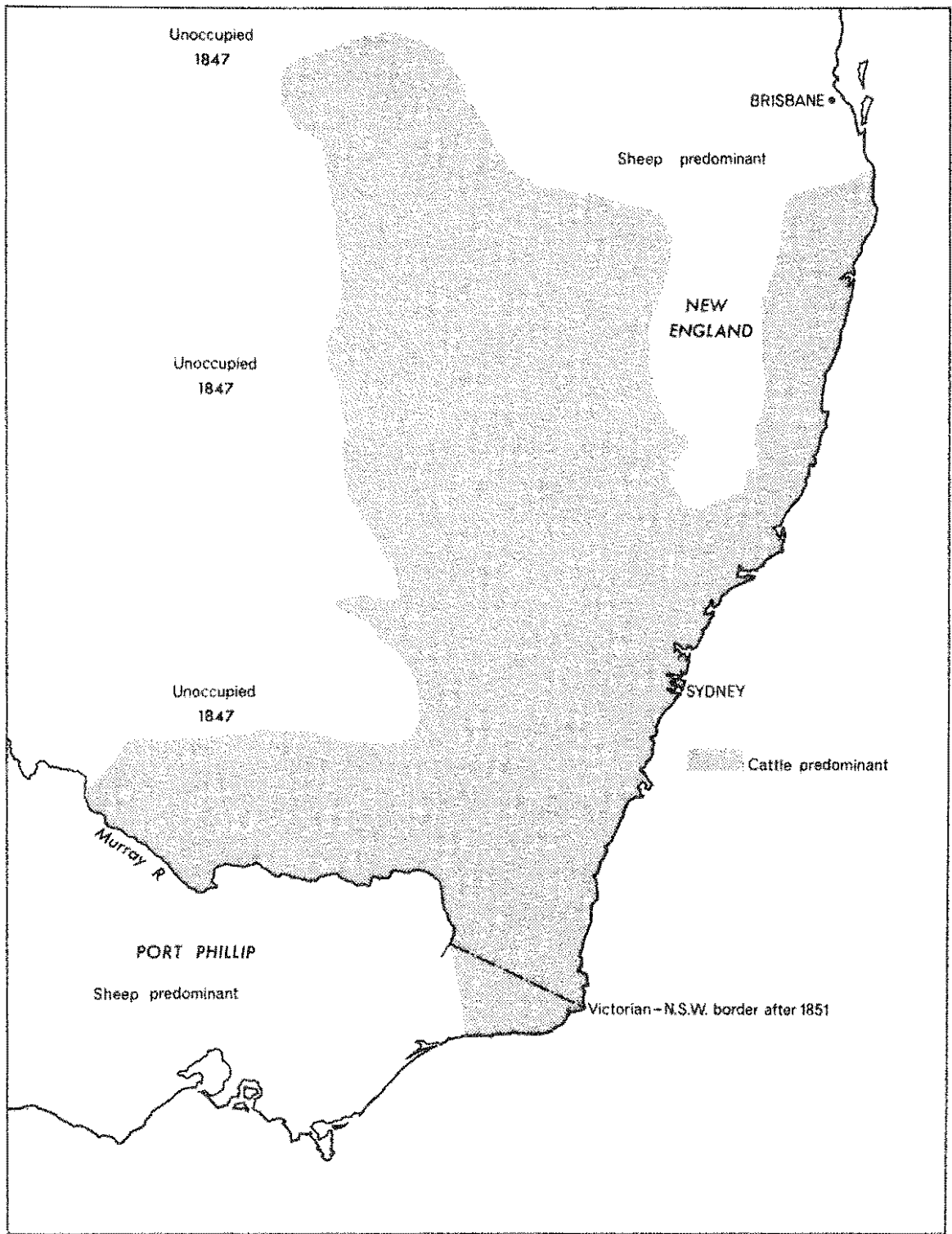


Fig. 8 Distribution of cattle and sheep in New South Wales, in notional grazing terms, 1847

of them reached only 40 miles from Melbourne before the Van Diemen's Land squatters met them; and in committing themselves to the pastoral dynamic and to space, much of their space was occupied by their cattle. Between 1828 and 1843 (there are no comprehensive statistics for the intervening years), due probably to the increased activity in wool production, sheep multiplied seven times while cattle multiplied only three and a half times.<sup>1</sup> Nevertheless, in notional grazing terms, cattle which in 1828 had grazed two and a half times the area than did sheep, were in 1843 still grazing marginally more than were sheep. Cattle and sheep contested the margin for the next 20 years.<sup>2</sup> In a territorial sense, therefore, half of pastoralism and half of squatting had nothing to do with sheep or wool. Geographically, and again in notional grazing terms, cattle predominated or contested the margin with sheep in 1847 in all of New South Wales except New England and the other so-called Northern Districts of Darling Downs and Moreton,<sup>3</sup> and once again, with regional fluctuations from time to time, this remained generally true into the 1860s.

This geographical line between the predominance of cattle and that of sheep corresponded roughly with a sociological line between the squatters who issued from the Cumberland Plain and those who came as immigrants in the late

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<sup>1</sup> Stock numbers in New South Wales proper:

(a)	1828	Cattle	248,440	Sheep	504,775
(b)	1843		897,219		4,804,946

Sources: (a) Perry, *op.cit.*, p.132, Tables 5 and 6;  
 (b) V & P, 1844, Vol.2, p.7.

<sup>2</sup> Stock numbers in New South Wales proper:

1843	Cattle	796,427	Sheep	3,400,513	Grazing margin -	cattle
1846		1,116,420		4,409,504		cattle
1851		1,360,159		7,026,541		sheep
1856		1,858,407		8,603,499		cattle
1862		2,832,119		9,708,435		cattle

Sources: V & P (NSW) for annual livestock returns, and for 1862 see also V & P (Qld), 1863.

<sup>3</sup> Figure 8 opposite.

1830s. In 1837, following Bourke's order for the issue of squatting licences,<sup>1</sup> 368 licences were taken out by 385 squatters acting individually or in partnership.<sup>2</sup> Of the 354 of them whose place of residence has been identified, 151 (43 per cent) were resident on the Cumberland Plain, 157 (44 per cent) in the counties inside the boundaries, and 46 (13 per cent) were resident squatters half of whom, 24, were in the Monaro to the south of the Southern Highlands. Eighteen years after Throsby had sent his stock into the Southern Highlands, here was the commitment of the generations to pastoralism, and here was the foundation of the political power of squatting that Townson had lacked. The tendency, partly fused in the commitment, to want to live in great houses concentrated that power. In New South Wales, after Throsby, the frontier was only partly beyond the last cattle or sheep station: it ran, too, through the drawing-rooms of the Cumberland Plain. It focussed itself more sharply again in the Legislative Council, the organ by which free and responsible society had been progressively admitted into a share of government since 1824, and where after 1843 the elected members were to have the majority.

There is no comparable residential data for 1847 as there is for 1837, but there is some piecemeal evidence. In 1847, in the squatted district of Bligh, nine families resident in Sydney, on the Cumberland Plain and at Bathurst owned 71 of the 148 licenced runs.<sup>3</sup> In a similar pattern, by that time, the Hawkesbury River farmers - the men whom Robert Fitzgerald, M.L.C. referred to in the early 1850s as his 'squatting constituents at Windsor' - were the substantial possessors of the 40,000 square miles of the Liverpool

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<sup>1</sup>GG, 21 December 1836.

<sup>2</sup>GG for 1837, pp.43-45, 118-19, 168, 191, 202, 215, 232, 256, 264, 278, 288, 330 and 474.

<sup>3</sup>GG 1848, Vol.2, pp.1247-60; and GG 1849, Vol.2, pp.1623-24: the families were those of Andrew Brown, Bettington, Cornish, Duihunty, Lawson, Lowe, Rouse, W.C.Wentworth and James Walker.

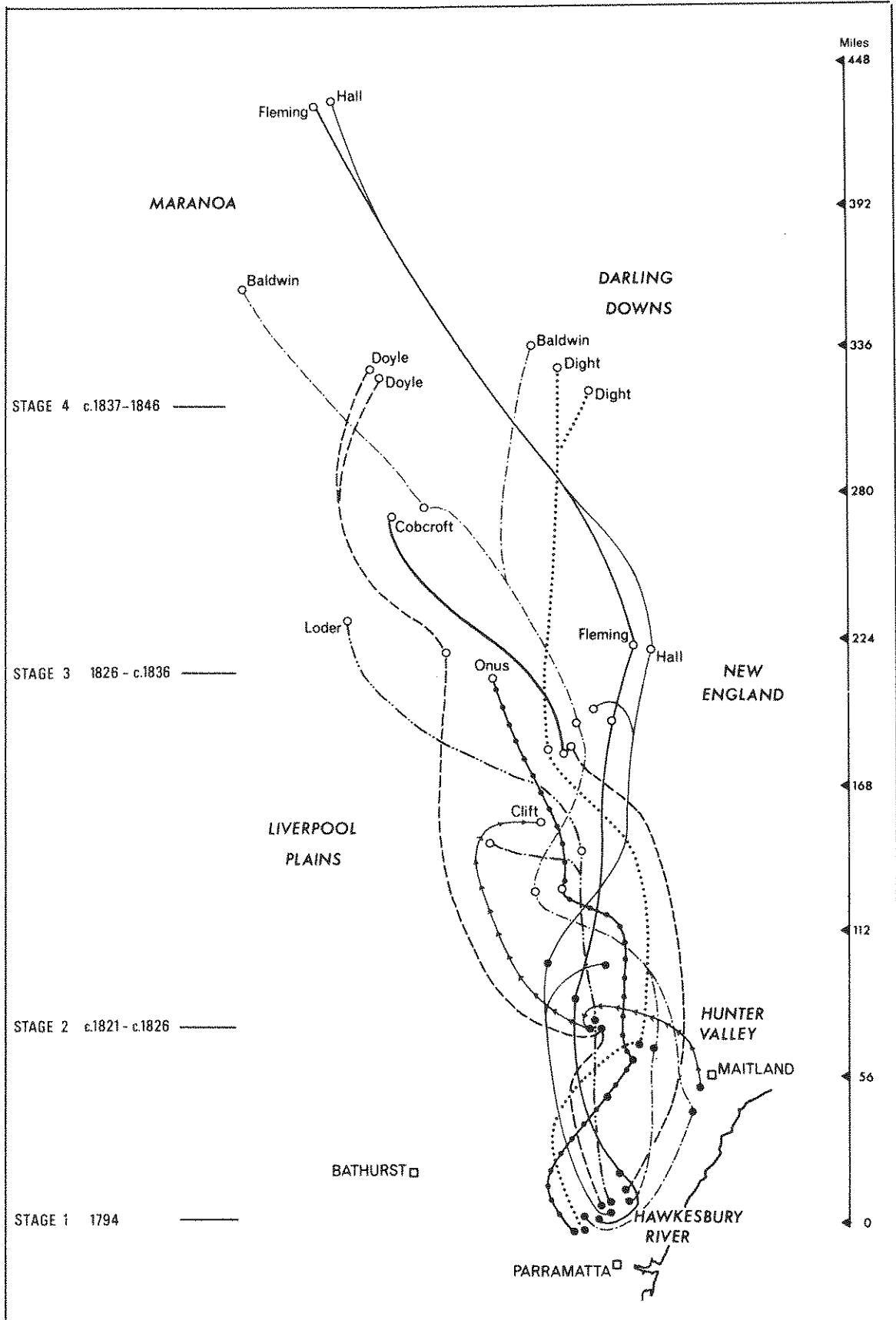


Fig. 9 Some Hawkesbury River Farmers

Plains, the Gwydir and the Maranoa.<sup>1</sup> In the Liverpool Plains in 1847 there were 25 runs occupied by squatters, another 20 by family kin of squatters, and another 125 that knew only a superintendent or an overseer.<sup>2</sup> Ten years later again, in 1857, the 73 runs in the Gwydir District were occupied by 14 squatters, nine family kin of squatters, and 50 superintendents or overseers.<sup>3</sup> In more southerly parts of New South Wales there was not this high degree of absentee ownership - the data will not admit of precision - but here political power extended from Sydney, Cumberland and the counties in the multiple holdings of men like Wentworth, Benjamin Boyd, William Guise, the Osborne family, Challis, William Bradley and the Kinghorne, Manning and Chisholm families. Of Bourke's largely absentee 385 squatters in 1837, 141 remained in squatting in 1848, possessing 328 runs.<sup>4</sup> Each of these 141 men owned almost two and a half runs each, and constituted 12.3 per cent of the squatters, owning 21.6 per cent of the licenced runs.<sup>5</sup>

This was the society that had been progressively diversifying into sheep since 1818, so that if economic strength is political power, then the distribution of cattle and sheep in New South Wales might be balanced by saying that cattle tended to give pastoralism and squatting their sheer territorial scale and sheep tended to give them social and political strength. Sheep, too, gave the colony a characteristic seasonal rhythm akin to the London season.<sup>6</sup>

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<sup>1</sup>Figure 9 opposite.

<sup>2</sup>Appendix D. Liverpool Plains Pastoral District (NSA-4/5498, Livestock Returns, 1846); no information re another 11 runs.

<sup>3</sup>Gwydir Pastoral District (NSA-2/7632, Livestock Returns, 1856-57).

<sup>4</sup>Calculated from 1848-50 run lists. GG for these years.

<sup>5</sup>141 squatters of 1,146: 328 runs of 1,513. Owing to the difficulty of identifying individuals in partnerships, the figure of 1,146 squatters is subject to an error of plus 4 per cent.

<sup>6</sup>In using the term 'season' of London for this early date, I follow F.M.L.Thompson, English Landed Society in the Nineteenth Century (London, 1963).

A man could, within liberal limits, leave his cattle at any time: the same man found that lambing and shearing ordained when the legislature met,<sup>1</sup> and this in turn ordained the timing of the town visit and the 'season'.

The sheep did something more spectacular, for in the late 1830s the supposed rewards in wool and the squatting access to free land in New South Wales attracted from overseas a rush of immigrants bent on sudden fortune :

About midnight went on board of the Ship Thomas Harrison, Capt. Harrison, bound for Sydney direct-- My intention at present on arrival in NS Wales is to purchase sheep & go with them into the unappropriated lands.<sup>2</sup>

These immigrants came to rest wherever there was space. In the heart-land of squatting, they took second pick at the sites the hierarchic society had passed over, so that there was still room in the Monaro for Mackenzie, and on the Lachlan for Hugh Hamilton who squatted on Tonambil, forty-five miles behind Cadow, the eye of the country, that Collits had picked out four years before. In the long run, second pick was not always the worst. Boyd's superintendents went into a Monaro that had known squatters for 13 years and took out, by luck or by perception, the basalt belt on which William Bradley later crowned his fortune.<sup>3</sup> Wherever they went, they lifted the texture of resident squatting. Down the Namoi, John Glennie and Arthur Edward Selwyn squatted and lived in that land of 25 resident squatters, 20 resident relatives of squatters and 125 superintendents or overseers. The immigrants could, of course, emulate the absentee squatters, as did Joseph Phelps Robinson of the Irish gentry, who stayed in Sydney and sent his brother George to superintend in the Monaro, while their cousin John Lecky Phelps

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<sup>1</sup>Cf. Governor Fitzroy's remarks to the Legislative Council, 4 May 1847, V & P, 1847, Vol.1, p.1.

<sup>2</sup>Farquhar Mackenzie, Journal, 5 October 1836 (ML-B.926).

<sup>3</sup>Bradley augmented his own runs by buying Boyd's.

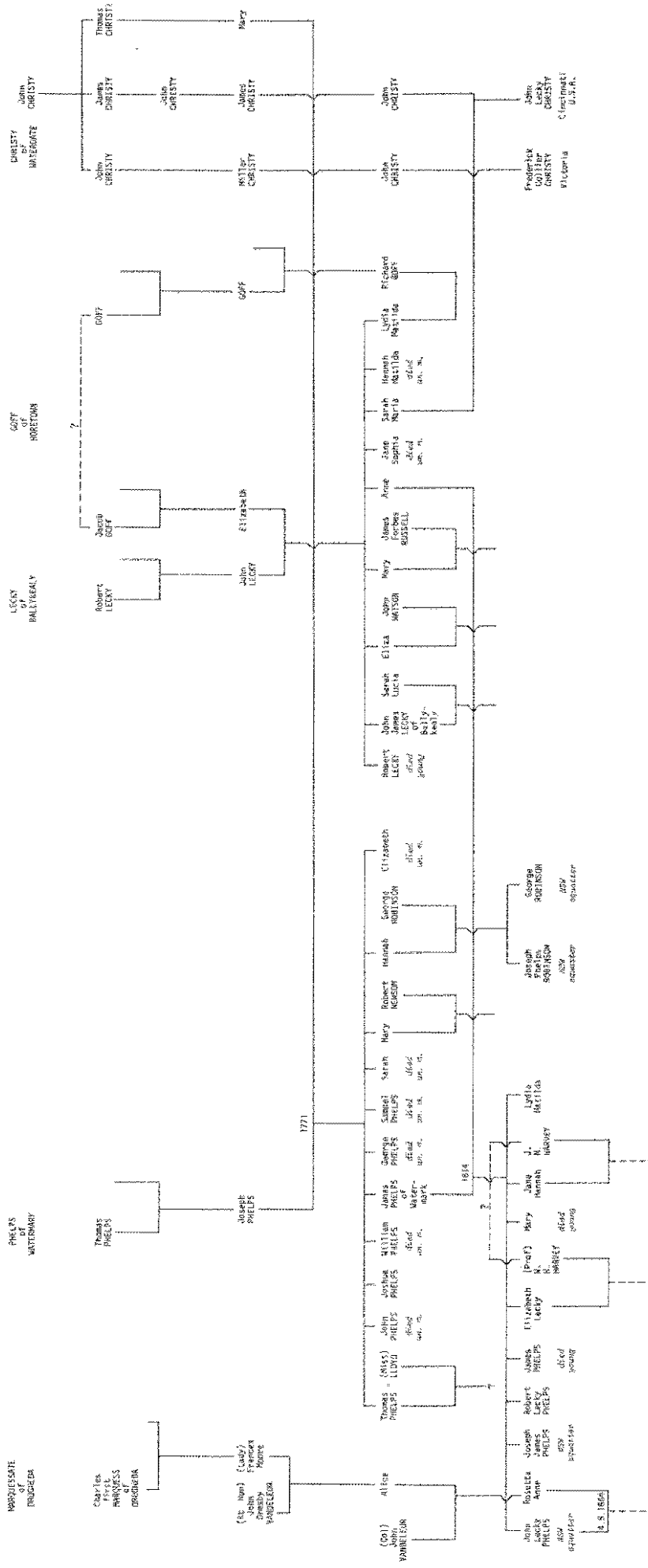


Fig. 10 Phelps - Robinson family system



became a resident squatter in the Riverina.<sup>1</sup>

But significantly, a number of the immigrants came to rest in two distinct geographical clumps; one in Port Phillip where it augmented the Vandemonian separateness from New South Wales, and the other in the north so that much of New England and virtually all of the Darling Downs and Moreton was an immigrant enclave equally separated as was the south from the hierarchic society of New South Wales. There were other particularist features and consequences. The immigrant interest in sheep concentrated sheep at the expense of cattle. The direct consequence of this reversal was that, because wool-growing was heavily labour intensive compared with cattle-raising, labour shortages and labour problems common to the whole colony were intensified at the geographical poles of the colony. It was hardly surprising that Port Phillip District and the Northern Districts became the seed-beds of exotic solutions for these problems, and that these in turn generated political separatism. Another particularist feature was simply that the immigrant squatter inherited the frontier on its most rewarding, even lushest, sectors. Here therefore were more blacks, and more blacks willing, or driven, to fight: and once again it was hardly surprising that the Native Police were creations for Port Phillip and, with some minor exception, for the Northern Districts.

None of these patterns, of course, were ever still. From their very inception they were being forever exacerbated here and moderated there. They were tendencies, and not absolute states of being. The central problem created by the immigrant squatter was that he came in such numbers as to over-run the resources of colonial society and its capacity to absorb him at once into its marriage, friendship, business and political systems. For the most part, he was a resident squatter, the antithesis of the central core of squatting, and as a resident licence holder not

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<sup>1</sup>Figure 10 opposite.

owning freehold inside the boundaries he remained from the late 1830s until 1851 both unfranchised and unrepresented in the exercise of formal power. He was to be frequently criticised by established colonists for his motives in seeking to make from pastoralism the fortune that he would then return to Britain to spend. His kind, said the master of 'Yarralumla', Terence Aubrey Murray in 1847, were 'strangers and sojourners in the land'.<sup>1</sup>

On the other hand, as with the earlier colonists, the collegiate nature of British society abroad tended to bring him within the upper hierarchic ranks of colonial society, and in many cases operated to bring him specifically to New South Wales. Perhaps the most complex family, business and friendship system operating between Britain and the colony was the Farquhar-Davidson-Macarthur combination with its continuing points of contact in the aristocracy, in the Royal palaces, in the imperial outposts of Canton, Ceylon and Calcutta, in Camden House and Vineyard Cottage, on the Darling Downs where it brought the Leslie brothers, and in colonial government where it linked three colonial secretaries, the management of the Australian Agricultural Company, the first Registrar-General of New South Wales and at least 16 squatters.<sup>2</sup>

The linking intricacies of British society abroad have still to be followed out. The immediate benefit to the individual was the collegiate ethos in which he frequently conducted his business. 'Canning Downs' was emphatically not a branch office of William Leslie the Laird of 'Warthill', but for many years the Laird of 'Warthill' in Aberdeenshire held a registered mortgage over the assets of 'Canning Downs' in New South Wales, as a legal barrier between his squatter sons and the possibility of sequestration.<sup>3</sup> The point was that frequently 'business' was an

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<sup>1</sup> LC Debates, SMH, 23 June 1847, p.2.

<sup>2</sup>Appendix E.

<sup>3</sup>See George Leslie to his parents, 10 July 1850 (OML - Leslie Letters).

affair conducted primarily for the individual by the individual in a context of mutual assistance - sometimes systematic and sometimes occasional - between brothers, parents, friends, patrons and anyone else within the orbit of the particular system. The five brothers McKay who addressed their Sydney-based merchant father from New England, the Liverpool Plains, the Macleay, the Darling Downs and the Burnett as 'My dear Sir' and sometimes as 'My very dear Sir' exemplified perfectly this dual relationship of the individual to his 'business'. It is simply not possible to find from their letters, for instance, a neat demarcation between the affairs of any two of the correspondents.<sup>1</sup>

This resilient, decentralised and Sydney-coordinated operation served the same cohesive function as the commitment of the Cumberland Plain to squatting: it gave pioneering a certain structure and a resilience it did not superficially possess. Beyond the boundaries was a land where owners, and owners' sons, and squatting partners, were forever in motion, taking over the superintendence here, giving it back there, helping, inspecting, overlanding, quarrelling over boundary disputes, building, and sometimes indulging in a little exploration of new country. Strategically, their power lay near Sydney where on balance they tended to live and to vote. Tactically, they were often 'up the country' among their resident peers. Ultimately, the important thing they took with them was their mental baggage - Throsby's anarchic doctrine and their habituated responses to its consequences.

They would have carried this around had there never been squatting, for squatting was not a cause of the doctrine but one of its end products. Even if driven to squatting across a course of many years stretching from Throsby to Townson to the expansion of the mid 1830s and into the 1840s, they had in terms of wealth or of sheer

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<sup>1</sup>Letters to J.C. McKay (ML - MSS 84/1).

existence committed themselves to social fragmentation and learned, up to a point, to live with the consequences. The more astute of them had perhaps perceived that their anarchic course had subsumed the conflicts of the colonial paradox and subsumed the disorders never entirely absent from the affairs of men, and that in subsuming these conflicts their course rendered resolution of all conflict much more difficult. Estranged from government, peer, servant and black, they lived out a life of whim where, for good and for bad, the force of law was significantly subordinated to the force of individuals.

Thus when John Fleming, grandson of an ex-marine Hawkesbury River settler, went to the Gwydir to superintend his brother's station, he took with him among other things the dark side of the Hawkesbury River tradition, that side that had once bound an aboriginal boy, dragged him through a fire, thrown him still bound into the river, and shot him there. In June 1838, at Myall Creek on the Gwydir, Fleming chose to live out the tradition, leading the notorious raid on some 30 aboriginal men, women, and children, all of whom were led away prisoner and shot. Yet there was another side to the River tradition, which owed something perhaps to the evangelical streak in British history, and something perhaps to the innate nature of the doyen of the Hawkesbury River farmers, the emancipist Henry Baldwin who in 1820 had engaged the convict Jewell to tutor his children. For it was Otto Baldwin on the Barwon in the early 1840s who befriended aboriginal boys and endeavoured to teach them, if not the academic lessons of Jewell, at least in the principles which Baldwin believed to govern civilised man.<sup>1</sup>

With servants, peers and government, as with the blacks, it was not always possible to distinguish between what came generally out of colonial history and what came specifically out of squatting. At heart, it was a land without direct

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<sup>1</sup>Commissioner of Crown Lands, Liverpool Plains District to Col.Sec., 11 Feb 1848, HRA 1/xxvi, p.396.

and effective rule of law. Between 1826 and 1838, while the writ of British law, apart from the Scab Act, was deemed to run wherever there was British 'possession',<sup>1</sup> complaint and defence had to be brought into the counties for jurisdiction, a proceeding rendered difficult and unattractive by the problem of distance. And after Myall Creek, in 1839 there was direct law in the office of the district Commissioner of Crown Lands,<sup>2</sup> a de jure autocrat who wore all the faces of the crown in all the affairs of men and therefore wore few of them effectively, but who was tolerated by squatters because his presence was both expedient and cheap, and behind that again because he was almost always their peer in the hierarchic society. Sometimes he had been a squatter himself - Mayne<sup>3</sup> and Bingham,<sup>4</sup> for instance - and sometimes he would be a squatter in the future, and sometimes, like Rolleston<sup>5</sup> and Fry,<sup>6</sup> he was already or would soon be absorbed by marriage into the clan systems of the hierarchic society.

Almost by definition, he could not resolve the anarchic element in squatting, but ameliorate particular consequences. It was in the nature of squatting that the illiterate ex-convict Samuel Clift picked out 'Doona' on the Liverpool Plains from the middle of a territorial argument between John Eales and Andrew Lang in 1836: but it was also in the nature of squatting that three adjudications in Clift's favour by different Commissioners did not save Clift from 23 years of struggle to preserve the boundaries he said

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<sup>1</sup>Col.Sec. to Sir Edward Parry, 6 December 1833, enclosed with Parry to Court of Directors, A.A.Co., 8 January 1834 (ANUA - A.A.Co., 78/1/13, p.874).

<sup>2</sup>2 Vic 27.

<sup>3</sup>Edward Mayne, Commissioner for Liverpool Plains District.

<sup>4</sup>Henry Bingham, Commissioner for Murrumbidgee District.

<sup>5</sup>Christopher Rolleston, Commissioner for Darling Downs District. See Appendix E.

<sup>6</sup>Chapter 1 above.

Of those families among the colony's premier 100 graziers in 1818 and in 1828, 55 of them

- a) in 1824-1856, filled about one-fifth (35 of 169) of the vacancies in the Legislative Council
- b) in 1844, occupied about one-third (12 of 33) of the places on the Committee of the Pastoral Association of New South Wales
- c) in 1846, cast about one-third (6 of 19) of the votes which defeated Governor Gipps' administration
- d) in 1847, owned about one-sixth (at least 244 of 1513) of the fenced squattages of New South Wales; distributed as under:-

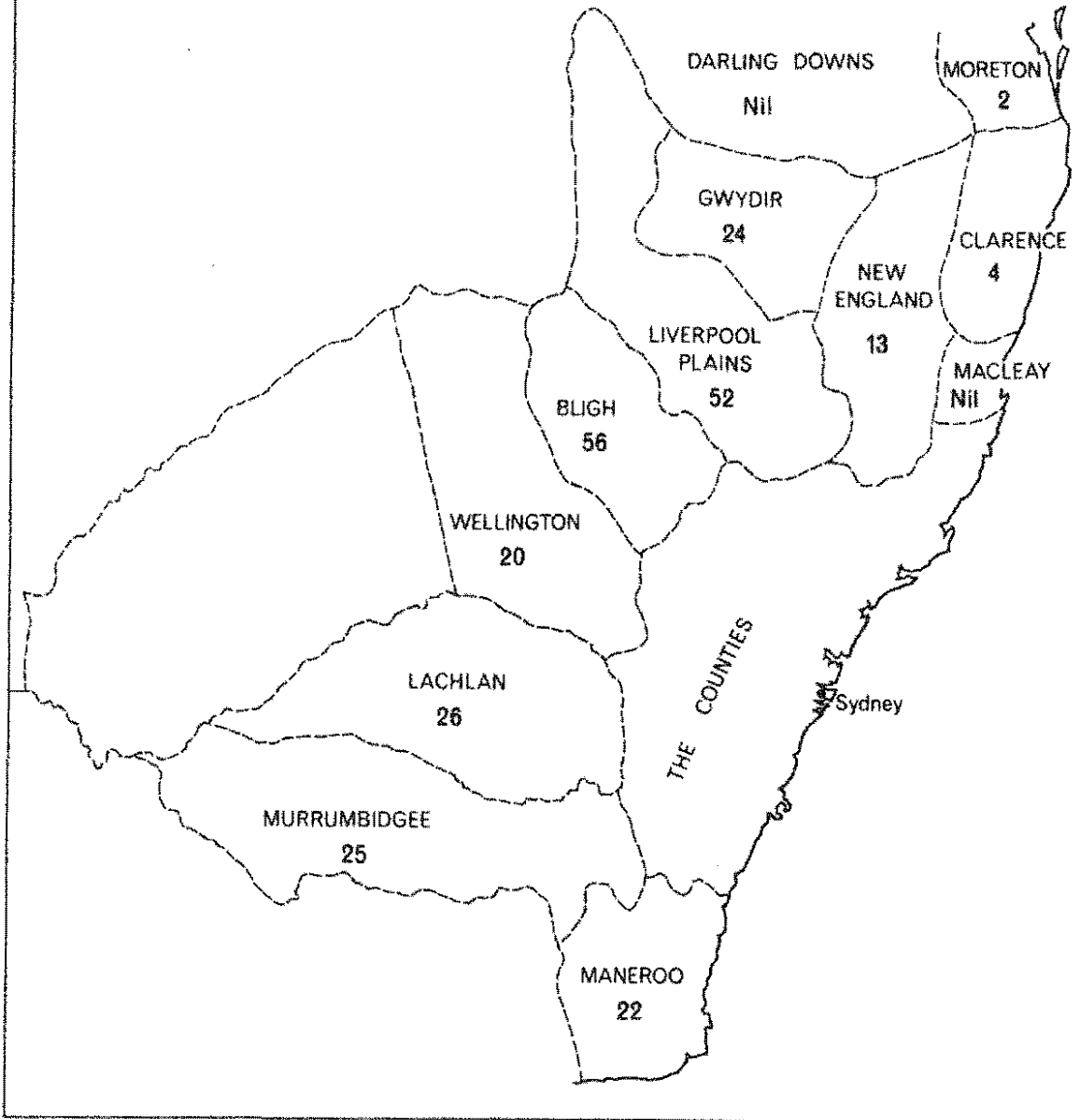


Fig. 10a Centralisation of squatting power, 1824-1847

were his.<sup>1</sup> Here was the crux of the anarchy inherent in pastoralism and then squatting that set peers at odds with one another - that one man's share of the earth was only what he said it to be. His peers were equally free to, and did, object: pushing in sheep to scare off his cattle; 'lambing down' on him in the Spring and then claiming possession by occupation (a claim as good as his own); overbearing a superintendent irresolute, placid or indifferent to his owner's interests.

It was in large part a subterranean struggle, for the most part eschewing physical violence and conducted often with a civilised urbanity as befitted responsible man. There could be violence, or intimations of violence, but in 1834 Henry Dumaresq rejected violence as a method of getting the strange sheep, cattle and horses off Warrah,<sup>2</sup> and in 1847 William Macarthur would twit Francis Taaffe with ironic surprise (over a boundary dispute) that Taaffe might be suggesting violence.<sup>3</sup>

This moderation owed something to the hold on men of tradition, and something to the fact that the frontier ran through many of the drawing-rooms at and near the seat of power,<sup>4</sup> and owed something perhaps to the supposed nature of unfree and irresponsible man. For if this creature did not seriously expect very much from free men, and walked alone in an inscrutable, inexplicable and therefore infuriating world of his own keeping, he was an unlikely candidate for doing violence on behalf of his master. The underlying irony was that, if this was so, colonial history in general and squatting in particular had brought master and servant independently to the same conclusion, that man was an island: and ironical also that each kept the discovery to himself. In the long run, it was a discovery

<sup>1</sup>V & P (NSW), 1859-60, Vol.3, pp.905-07.

<sup>2</sup>Dumaresq to Col.Sec., 17 September 1834 (ANUA - A.A. Despatches 78/1/15).

<sup>3</sup>William Macarthur to Francis Taaffe, 2 June 1848 (ML - A.2933, Macarthur Papers, Vol. 37B, p.334).

<sup>4</sup>Figure 10A opposite.

neither really relished, and independently of one another, each went in search of a warmer companionship with his fellows. This journey on the part of irresponsible man would lead him towards the egalitarian notion of the 'fair go'.

For his part, responsible man would repair to tradition. In a general sense, this was hardly surprising, but in a more particular sense, this urging in the late 1840s came not improbably from the Hegelian cage of restraint that men had constructed since the 1820s on the Cumberland Plain. If the outside lands had become progressively disordered over the years, there had grown up on the Plain a city that needs its own historical review, and on the Plain and in the counties a certain civilised maturity, whether this was measured in terms of gracious houses or of ordered minds. Here the English tradition, or something approximating it, could be seen to be working. The achievement was astonishing: a gulf greater than mere personality separated James Macarthur of Camden, 'brave in pure intent and honest deed',<sup>1</sup> from his father of whom Governor Darling had written 20 years before, 'Mr. McArthur...very significantly informed me he had never Yet failed in ruining a Man, who had become obnoxious to him'.<sup>2</sup> From the late 1840s into the early 1860s, men laboured to extend the achievement into the land beyond the boundaries. They were not always successful, but they tried, having grown weary of their divorce from government, peer, servant and black.

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<sup>1</sup> From the poem by Henry Parkes, 'Gone over to the Majority', written at Macarthur's death.

<sup>2</sup> Darling to Under Secretary Hay, 1 May 1826, HRA 1/xii, pp.254-55.



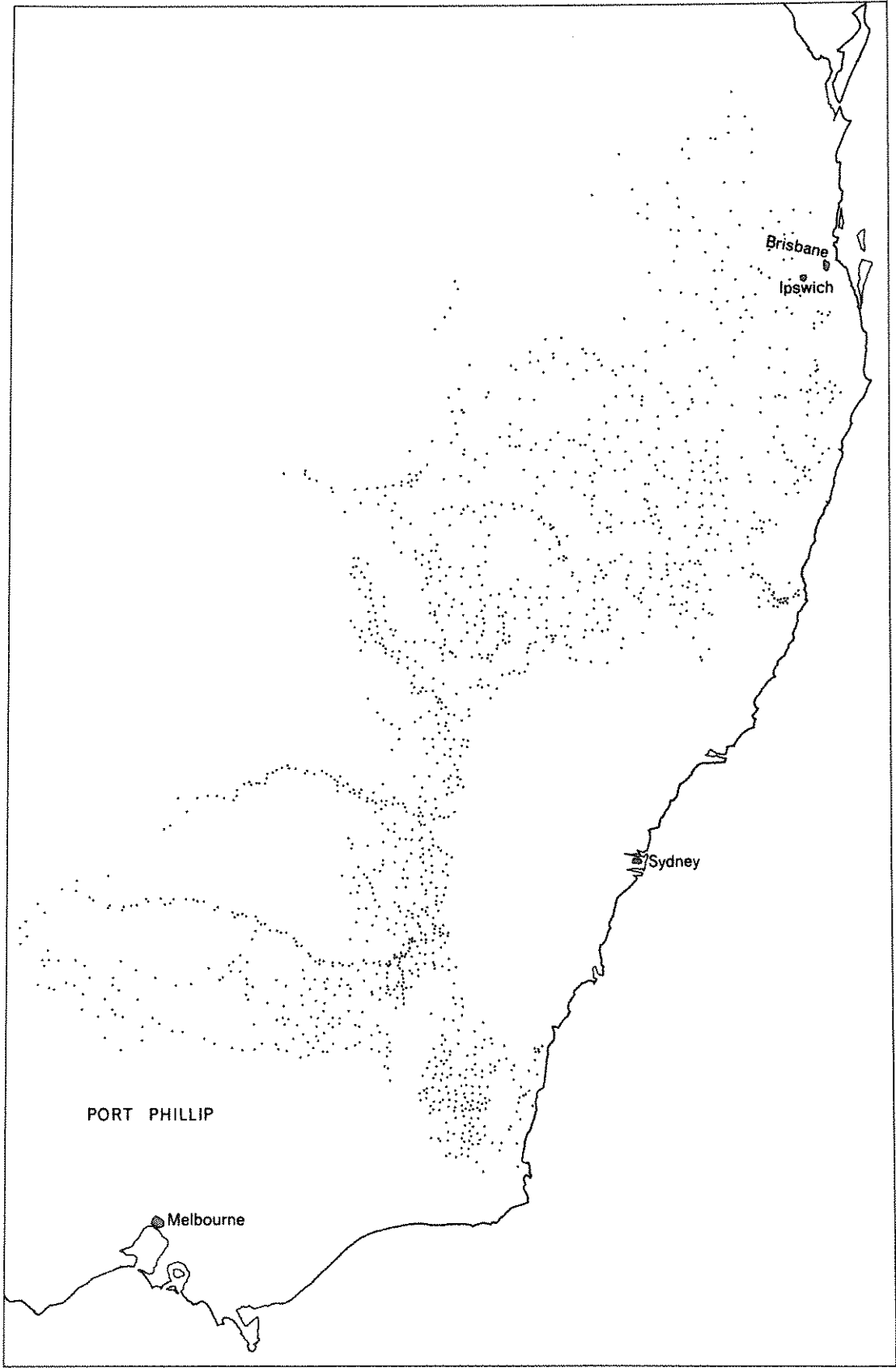


Fig. 11 Squatting locations of N.S.W. (excluding Port Phillip) as licensed per Government Gazettes, 1848-50, plus identified unlicensed locations on forward fringes of settlement

## CHAPTER 3

### THE DISINTEGRATION OF SOCIETY, 1847-1849

By 1847, social coherence on the frontier of New South Wales had been coming apart for more than fifty years. In whichever principal direction responsible man looked inside society - to government, to his peers, to his servants, to the blacks - he found himself increasingly estranged from his fellow man. Partly this was a matter of distance. As the frontier moved progressively inland,<sup>1</sup> it tended progressively to detach itself from government as formal government exercised from Britain and from government as the general will of the hierarchic society. Government in both of these senses progressively lost control of the frontier. Men consulted government less: a line of unlicensed squatters established themselves on the Lower Murrumbidgee beyond the last districts of the Commissioners, a proceeding more akin to the squatting history of the late 1820s and early 1830s. Men took less recourse to government, and even in a case of trespass, one tended to appeal to government last: 'I trust Mr. Morris at his return from Sydney will remove the sheep & save me the trouble of obliging him to do so'.<sup>2</sup>

But distance alone did not explain this estrangement from the centre. Partly, the basis of it was sociological, founded in that particularist combination of sheep and immigrant squatters that marked off the north and the south and foreshadowed the separatism of Victoria and Queensland. One of the unremarked end-results of the Legislative Council anti-squatter debates was to sharpen this particularism, for when Terence Aubrey Murray attacked his 'strangers and sojourners in the land'<sup>3</sup> the proposition struck with peculiar (if unintended) force to the north and to the south.

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<sup>1</sup>Figure 11 opposite.

<sup>2</sup>George Hobler, Journal, Vol.4, p.153, entry dated 18 September 1846' (ML - C.425).

<sup>3</sup>LC Debates, 22 June 1847, SMH, 23 June 1847, p.2, cols.2-3.

Wrote George Leslie:

I was up being examined by the Council committee for a [Muroon?] some days ago, and got considerably bullied. All the committee were against the squatters, so they gave A. Hodgson & myself being both Darling Downs men, a great examination.<sup>1</sup>

The estrangement went further, for insofar as Murray's 'birds of passage'<sup>2</sup> were resident squatters owning no freehold inside the boundaries, they were unenfranchised and unrepresented in the Legislative Council, and in 1847 a motion by Captain O'Connell to secure them these rights was withdrawn with the statement that he would 'bring the motion forward at some future period, when the apathy of those members affected by it would be, perhaps, less apparent'.<sup>3</sup>

This estrangement of the frontier squatter from government and from his peers in government ought not to be exaggerated. There was never a complete schism because there were too many counter-currents. Patrick Leslie in 1840 and George Leslie in 1847, in marrying daughters of Hannibal Hawkins Macarthur, married into the social core of New South Wales; Francis and Frederick Bigge of Mount Brisbane, as nephews of Commissioner Bigge and of Archdeacon Thomas Scott, were life-long intimates of the Macarthurs of Camden; and the Marshes of New England belonged to an intricate family and friendship system that took in Governor George Gipps and John Hubert Plunkett. The semantics of estrangement, furthermore, had their limitations. 'Birds of passage', 'strangers and sojourners in the land' and 'cormorants' (this last a term possibly introduced by Richard Windeyer<sup>4</sup>) were phrases built on shifting semantic sand; for sometimes by context the birds of passage included James Walker, William Lawson and

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<sup>1</sup>George Leslie to his parents, 20 August 1847 (OML - Leslie Letters).

<sup>2</sup>LC Debates, 23 July 1847, SMH, 24 July 1847, p.2, col.5.

<sup>3</sup>LC Debates, 10 August 1847, SMH, 11 August 1847, p.2, col.3.

<sup>4</sup>ADE, Vol.2, entry for Richard Windeyer.

William Charles Wentworth, and the anti-squatter debate turned itself inside out when Windeyer appeared to define his 'cormorants' as 'the gentlemen who wanted fixity of tenure, who longed for family hearths and domestic comforts on their stations'.<sup>1</sup> Most of the 'cormorants', in fact, had their hearths and their comforts in their great houses of 'Veteran Hall', 'Vaucluse', 'Neotsfield', 'Walleragang' and 'Rouse Hill', among others. And it was not one of the birds of passage but William Forster, New England squatter and member of the Blaxland family system who took concise pen to the leader of the anti-squatter critics:

Here lie the bones of Robert Lowe,  
A faithless friend, and bitter foe,  
Whither his restless spirit's fled,  
Cannot be thought of, much less said.  
If to the realms of peace and love,  
Farewell to Happiness above;  
If he's gone to a lower level  
We must commiserate the devil.

The frontier squatter was, in short, the pawn of two opposing tendencies. On the one hand, insofar as he was an immigrant squatter, society tended to absorb him as it had absorbed past immigrants, consolidating them into a continuing historical process called the colonial society of New South Wales. In absorbing the immigrant squatter, there were difficulties of scale and counter-intention, but the hierarchic society embarked on the process, unaware perhaps that the scale and the counter-intentions of enough of the immigrant squatters might alter the nature of the hierarchic society itself.

On the other hand, the frontier squatter immigrant or native, resident or absentee, continued to fragment from his fellow man, living out Throsby's anarchic doctrine and finding its implications progressively magnified the further he went into the interior. So that he became a man of two worlds, one capable of being gratuitously kind to a neighbour in need, and one capable of robbing the neighbour

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<sup>1</sup>LC Debates, 22 October 1845, SMH, 23 October 1845, p.2, col.6.

to meet one's own need: Wentworth's Tala superintendents in May 1846 'kindly lent' Hobler 140 rams for a month to promote his breeding program,<sup>1</sup> and in September resumed their campaign of trespass and encroachment on Hobler's grass.<sup>2</sup> The point was that by the mid and later 1840s this balance on the frontier between society and the individual had tipped towards social disintegration, and the loneliness of man showed through when Hobler wrote in February 1847,

Yesterday Mr. Stack started for Melbourne and I for Paika visited two cattle camps on the road, and today returned having had the satisfaction of finding the place undisturbed by blacks or whites.<sup>3</sup>

The same disintegration, the same estrangement awaited a man when he looked in the direction of his servants. Apart from the influence of his moral suasion (which might like John Everett's be pervasive enough to offset the estrangement), his command of their loyalties or their affections decreased with distance from Sydney and from the ordered forms and habits of the hierarchic society. Partly, too, the progression of estrangement arose from the nature of irresponsible man. When pastoral servants were for the most part assigned convicts, a man might not command their loyalty or their affection, but he could command their attendance and a certain diligence. When after 1840 the assigned servant was increasingly replaced by free labour, these certainties were correspondingly eroded; and it was entirely appropriate that irresponsible society itself disintegrated on the frontier.

To this there was another cumulative dimension. The absentee nature of so much of the development of squatting allotted irresponsible society the role of pioneer and

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<sup>1</sup>George Hobler, Journal, Vol.4, p.138, entry dated 20 May 1846 (ML - C.425).

<sup>2</sup>Ibid., p.151, entry dated 5 September 1846.

<sup>3</sup>Ibid., Vol.5, p.9, entry dated 10 February 1847 (ML - C.426).

cutting edge of civilisation. It is difficult to comprehend adequately the mindless, endless consequences of this simple fact. The surface of it showed in Governor Darling's appeal in 1826 to the cattle proprietors to accept responsibility for the behaviour of their servants;<sup>1</sup> in the near imbecility of mind and body that John Lhotsky found in the Monaro in the early 1830s;<sup>2</sup> in the creation of a vested interest in a world devoid of masters;<sup>3</sup> and in the freedom of the Hawkesbury River stockless ex-convict Richard Kibble to spend years devoted to provoking, stirring up and killing blacks. In a very real way, if the frontier progressively detached itself from the hierarchic society, so also did the lower half of this society detach itself from the upper; and this disjunction was not healed but promoted when free labour replaced the assigned, for the free labour was virtually the assigned men, now free. Then, for instance, it was said there were men to improve on Kibble by stirring up the blacks in order to keep competitive labour scarce and wages thereby high.<sup>4</sup>

The progressive disintegration of social coherence was perhaps most vivid in relation to the blacks. And being vivid, highlighted that the roads to estrangement were not repetitive series of acts, but acts feeding on their predecessors so that the nature of the acts changed and the minds that informed them changed. For in the case of the blacks, there was on the part of Christian men, of men of good will like Otto Baldwin, and of officers committed in greater or lesser degree to justice and protection, a progression across sixty years from enlightened optimism to

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<sup>1</sup>Government Notice, 5 May 1826, HRA 1/xii, pp.270-71.

<sup>2</sup>Dr. John Lhotsky, A Journey from Sydney to the Australian Alps (Sydney, 1835), p.83.

<sup>3</sup>Hobler, Journal, Vol.4, p.148, entry dated 9 August 1846 (ML - C.425).

<sup>4</sup>V & P, 1852, Vol.1, pp.802-3.

uncomprehending despair. In the late 1840s, one by one, the Commissioners of Crown Land in their capacity as Protectors of Aborigines put the despair on paper,<sup>1</sup> and Roderick Mitchell wrote from the Gwydir that Otto Baldwin's endeavours to train aboriginal boys in the precepts of civilised men were at an end.<sup>2</sup> Never again for another fifty years would there shine through the transactions of government and its officers the notion of Christian or even secular redemption for the blacks. Here and there among squatters a residuum of interest flickered upon occasion, but it was a flicker easily extinguishable. George Hobler, uncharacteristically, wrote the epitaph to this journey to despair in mid 1847:

visited by 8 or 10 blacks, they are very timid when approaching as if doubtful of the reception they are to have poor dirty devils, we must just starve them off - to get rid of them - they are a squalid dirty lot - with the exception of two or three.<sup>3</sup>

But in the case of the blacks, there was another road to estrangement, for the path that led men from the late eighteenth century cruelty on the Hawkesbury River to the massacre at Myall Creek in 1838 had led men on again in the late 1840s to something verging on guerilla war along the Macintyre, the Balonne and the Maranoa.

Wherever responsible man looked inside society, then, he found himself increasingly estranged from the rest of mankind. It followed that he found his authority diminished, a deficiency that could to some degree be overcome by the force of personality or a perception of mankind itself :

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<sup>1</sup>See Commissioners' reports on aborigines, HRA 1/xxiv, 1/xxv and 1/xxvi.

<sup>2</sup>Commissioner of Crown Lands, Liverpool Plains District, to Col. Sec., 11 Feb 1848, HRA 1/xxvi, p.396.

<sup>3</sup>Hobler, Journal, Vol. 5, pp.41-42, entry dated 31 May 1847 (ML-C.426).

I wrote a letter to Canning to go with the box, to tell him that we were afraid that upon inquiry that he could not get a free passage until the middle of September or the beginning of October, but that we hoped that at that time he would come, and I added that we should be happy to have him as our servant I wrote to him, knowing that these sort of people think so much of a letter.<sup>1</sup>

If this was a calculating perception, the same man nevertheless was capable of unstudied sensibility to mankind around him. Sheltering one night on the road at a shepherd's hut, he found

one young man who acted as overseer the rest were convicts - Altho these men are for the most part, an insolent and thieving set, yet they will share their rations willingly with the passing traveller, & think themselves well repaid by a fig or two of tobacco.<sup>2</sup>

And here perhaps John Everett came as close as he ever did to his own key to corporate existence, that for every transaction there need be a consideration. Here in fact was the traditional notion inherited from his Wiltshire gentry origins that responsibilities beget duties, for he was to voice it as such in the 1850s:

There is one great disadvantage arising from the manner in which sheep farming is obliged to be carried on in this country, I mean the difficulty of attending to the education, of the children, & of their attending a church...it certainly is a duty which devolves upon us, when we invite so many families to leave their old homes & settle in this distant land.<sup>3</sup>

Yet this benignity, this acceptance of responsibilities, this sharp awareness of mankind around him, did not completely save John Everett from the social disintegration of the frontier. In March 1846 he was to comment upon the

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<sup>1</sup>John Everett to Ann Everett, 17 June [1838] (UNEA - Ollera Letters).

<sup>2</sup>John Everett to Ann Everett, 1 September 1840 (UNEA - Ollera Letters).

<sup>3</sup>John Everett to [Rev.] Charles Everett, 16 August 1853 (UNEA - Ollera Letters).



crumbling of the stable core of Ollera's community:

We have lost our two best shepherds, Jem Mundy and an old Irishman, both of whom have made their fortunes in our service, the former has gone to join his friends at Adelaide, & the latter is gone home to Ireland. Our sheep are now principally in the hands of men who have been prisoners, who require a great deal of looking after, & who are a race in whom you can place little or no confidence. Perhaps the greatest drawback to enjoyment in this country is the want of servants both in doors and out.<sup>1</sup>

A year later he was writing in a vein indistinguishable from many another master in the hierarchic society :

The idlest vagabond can get employment and is more often requested to do you the favour of working for you, than reduced to the necessity of asking himself for a job - & moreover, if he dislikes his job, he coolly walks off, & such is the difficulty of apprehending a rogue that in nine cases out of ten the wretch walks off with impunity.<sup>2</sup>

It was self-evidently a letter written in similar strain by Christopher Dawson Fenwick of Europambella on New England that invoked the response from England a year later:

What devils your servants must be[,] in this part they are bad enough but yours seem to surpass them [,] your poor wife has to work very hard[,] little time for what ladies do in this part to pass their time.<sup>3</sup>

Men fared worse when they were less responsive to tradition than Everett, or less equipped than Everett with an awareness of mankind around them. They fared worse, too, the nearer they were to the frontier, and it is only occasionally that the role of mental equipment and the role of place can reasonably be separated. How much of it was the preemptory nature of Edward David Stewart Ogilvie; and how much of it was the mountainous, close forested confines

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<sup>1</sup> John Everett to [Rev.] Tom Everett, 23 March 1846 (UNEA - Ollera Letters).

<sup>2</sup> John Everett to [Rev.] Charles Everett, 24 April 1847 (UNEA - Ollera Letters).

<sup>3</sup> John Walker to C.D.Fenwicke, 24 September 1848 (UNEA - A.215(A) ).

	May 1841	May 1842	May 1843	May 1844	May 1845	May 1846	May 1847
1	X						
2	X						
3	X						
4	X						
5	X						
6	X						
7	X			X			
8	X	X	X	X	X		
9	X						
10		X	X				
11		X	X	X			
12		X					
13		X	X				
14		X					
15		X					
16		X	X				
17		X	X				
18		X					
19		X	X				
20		X					
21		X	X	X		X	X
22		X			X	X	
23		X					
24		X	X	X			
25		X		X	X		
26			X	X	X	X	X
27			X				
28			X				
29			X				
30			X				
31			X				
32			X				
33			X				
34			X				
35			X				
36			X				
37			X	X		X	
38			X				
39			X				
40			X				
41				X	X		
42				X			
43				X	X		
44				X	X		
45				X	X	X	
46				X			
47				X			X
48				X			
49					X		
50					X		
51					X	X	
52					X		
53					X		X
54					X	X	
55					X	X	
56					X	X	X
57					X	X	
58					X	X	
59					X	X	
60					X	X	
61					X	X	
62					X	X	X
63					X		
64							X
65							X
66							X
67							X
68							X
69							X
Yearly Totals	9	17	24	16	15	18	12

Fig. 12 EXAMPLE OF LABOUR INSTABILITY IN 1840s.

Yulgilbar station - Clarence River: Shepherds named in Flock Book in May of each year.

Source (ML-A.6992)

of the Clarence River valley, cannot be measured, but among the coastal ranges of Yulgilbar station, between 1841 and 1847, one shepherd stayed six years, three stayed five years, four remained four years, four remained three years, thirteen remained two years, and thirty-eight stayed for one year or less.<sup>1</sup>

It was also possible that some men were so intent on what they were at that they failed to notice the social disintegration proceeding on the frontier in the late 1840s. For it was to the frontier that the brothers John and Hugh Mackay proposed to go in order to escape their immediate problems at 'Aberbaldie' on New England. At Aberbaldie it was

too cold for sheep that is to say you don't get the same increase there as you do to the North. . .I have heard of country to the north and inland. . .the great advantage to be gained is, I can there breed much finer-wooled sheep, and here I can never get them much finer to stand the climate.<sup>2</sup>

On the Darling Downs there was a run for sale where there was 'Open country that you could run 3000 or 4000 sheep in a flock. . .there would be a very great saving in shepherds wages. . . .'<sup>3</sup> But this was to exchange one problem for another, for at the beginning of 1847 Joseph Phelps Robinson was writing to his brother in the Maneroo

We start the Velocity in a day or two for a cargo of South Sea Islanders for shepherds they are to be landed at Twofold Bay & are to go to Maneroo & the Murray I intend sending you fifty . . . .The present high price of han[ds] & low price of wool w[ill] ruin one half of the settlers & we must take some decided steps to save our property.<sup>4</sup>

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<sup>1</sup>Figure 12 opposite.

<sup>2</sup>J.C. Mackay to John Mackay, 21 September 1845 (ML - MSS 84/1 - Letters to John Mackay).

<sup>3</sup>J.C. Mackay to John Mackay, 7 August 1846, *ibid.*

<sup>4</sup>Joseph Phelps Robinson to George Robinson, 22 January 1847, text torn (ML DOC 1116 - Four letters to George Robinson).

and a few months later from the north George Leslie was telling his parents that

I do not at present see how we are to obtain labour, and I do not care, so long as we get it, whether it be free, or Convict, altho I wd prefer the former. Still Labour is required, & labour we must have.<sup>1</sup>

Within a year, Hugh Mackay had come to the same end. In spite of the supposed wage economies, wages were higher on the western Darling Downs than in New England and 'I have only got two men [left] that came from Sydney'.<sup>2</sup> Here were two different but related facts about the frontier of New South Wales in the 1840s. A man had to be more highly rewarded, he had to be paid more, to go there and stay there:

By the Chairman: What wages have you given to the shepherds whom you may have engaged for your stations on the Barwin?

William Lawson: I could not get any under £25 to £35, per annum; they are unwilling to go there, as the natives have shewn themselves so hostile in that quarter.<sup>3</sup>

This first fact led to a second, that the frontier of New South Wales was a particular kind of purgatory, in which no man, woman or child could dwell unscathed. Of equal particularity, each was called to undergo the ordeal significantly alone, because it was here that the fruits of the colonial paradox and the anarchic element in pastoralism came logically home to roost, making man an island in that 'new territory' which was 'subdued to the use of man rather by the unassisted efforts of Individuals than the 'co-operation of neighbours engaged in similar undertakings' as Earl Bathurst had perceived the matter a generation before.<sup>4</sup>

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<sup>1</sup>George Leslie to his parents, 10 May 1847 (OML - Leslie Letters).

<sup>2</sup>Hugh Mackay to John Mackay, 20 March 1848 (ML - MSS 84/1, Letters to John Mackay).

<sup>3</sup>Report from the Select Committee, on the Petition from Distressed Mechanics and Labourers, Minutes of Evidence, p.25, in V & P., 1843.

<sup>4</sup>Chapter 2 above; Bathurst to Brisbane, 1 January 1825, HRA 1/xi, p.439.

Like Bishop John Brady in the 1840s whose 'first episcopal residence was a...four feet square...room formed by encasing with boards the four wooden posts that supported the church bell', with a chair for a bed and an umbrella for a roof,<sup>1</sup> or like Commandant Lieutenant Percy Simpson who in the 1820s at Wellington Vale spent 'between three and four years...estranged from Society...buried in Solitude; under every privation', with convicts only for company, and sustained only by 'the prospect of future reward',<sup>2</sup> one could endure the frontier. But to survive unscathed was open perhaps only to a mind, like that of Kibble, already dead before it encountered the frontier.

In his duty to God, the frontier drove Canon Glennie to the farthest fringes of physical and mental exhaustion, or it made him neurotic, and perhaps these are different names for the same thing. The sheer strain textured his diary, and he was driven like a battle-fatigued soldier to hide behind the inconsequential, in this case in the counting and recording of the number of fleas he killed at each of his nightly rests.<sup>3</sup> According to his reserves and his equipment, the frontier could search a man more deeply than this. There was perhaps more to Vincent James Dowling and to William Forster than to Glennie, but in the 1860s Dowling would take refuge in a hymn of Lutheran thunder and certitude that Dowling may have himself written, or may, having found it elsewhere, committed it to his diary for daily recourse;<sup>4</sup> and the frontier of the 1850s would in the 1870s extract from Forster a cry of pain the more desolate because transfigured inside poetic form.<sup>5</sup> There

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<sup>1</sup>Patrick O'Farrell, The Catholic Church in Australia (Melbourne, 1968), p.64.

<sup>2</sup>Quoted in D.I. McDonald, They Came to a Valley (Wellington, N.S.W., 1968), p.11.

<sup>3</sup>Glennie Diary (OML).

<sup>4</sup>Text below.

<sup>5</sup>Text below.

FIGURE 13

The first step therefore is to impress upon my mind the truths of christianity -- which I must consider not as a matter of indifference -- but of the most vital importance -- I must learn to think clearly & definedly -- to govern my mind & passions, & to devote to this purpose a certain space out of every 24 hours during which time I must endeavour to exclude wordly thoughts --

Yet Man, fool man! here buries all his thoughts;  
Inters celestial hopes without one sigh,  
Prisoner of Earth and pent beneath the moon,  
Here pinions all his wishes, wing'd by heaven  
To fly at infinite; & reach at thee  
Where Seraphs gather immortality,  
On life's fair tree fast by the throne of God.

And is it in the flight of three score years  
To push eternity from human thought,  
And smother souls immortal in the dust?  
A soul immortal, spending all her fires,  
Wasting her strength in strenuous idleness,  
Thrown into tumult, raptur'd or alarm'd  
At aught this scene can threaten or indulge,  
Resembles Ocean into tempest wrought  
To waft a feather, or to drown a fly.

Spring is now pretty far advanced, even in this high cold country; the weather is getting agreeably warm -- Grass springing, Flowers blowing & the mimosas & other shrubs covered with a profusion of blossoms -- Foals, lambs, calves & young birds are also making their appearance in this world of care, where, like human beings, they have to expect more bitter than sweet....

From Farquhar Mackenzie's Journal, written on the Maneroo high plains, October 1837 (ML - B.926, pp.34-35).

were squatters, too - George Hobler was one, Farquhar Mackenzie was another - who saw the frontier simply as one particular version of life's struggle, and as a kind of Everyman, Farquhar Mackenzie instinctively flung up his cultural guard.<sup>1</sup> More prosaically, but with the same intellectual honesty, Terence Aubrey Murray in 1846 told the Legislative Council what the frontier had done to him:

[I have] gone through the various gradations of a squatter's life -- [I have] known its worst parts, [I have] enjoyed its best; but [I] would not go through the same ordeal of hardship again even for the best enjoyments.<sup>2</sup>

So man an island might endure this frontier of New South Wales, but if he did he would not do so unscathed. The less purpose a man found in the frontier, the sooner he quailed. Before the 1840s were done, there were squatters who would quail from their trial, and that would be because the 'prospects of future reward' had then sunk below the price the frontier exacted; and if in their case 'future reward' was a gentlemanly independence high in society, then much feebler purposes governed at the other extreme of frontier society among the ranks of irresponsible man. By and large, he cracked first, and because he was an island, and consulted only himself, he frequently seemed to be exactly what responsible society said he was, trivial and irrational:

It is one of the greatest annoyances in our present mode of life that, every vagabond in the employment who, is bilious or out of humour from any other cause may unburden himself of his ill-humour upon his employer who can not without great inconvenience, say go about your business.<sup>3</sup>

Hobler was hardly the man to examine this proposition with any depth. He was perhaps as insensitive to mankind around him as John Everett was aware, so that while Everett

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<sup>1</sup>Figure 13 opposite.

<sup>2</sup>LC Debates, 4 June 1846, SMH, 5 June 1846, p.2, col.6.

<sup>3</sup>George Hobler, Journal, Vol.5, p.11, entry dated 19 February 1847 (ML - C.426).

could remark drily that 'we encourage the little rivalry which appears to exist between the [shepherds at lambing time] as being greatly to the advantage of the masters'.<sup>1</sup> Hobler more than once kept his gratitudes to himself: 'found some little insubordination existing [which] I soon repressed the sheep were thriving....'<sup>2</sup> But more perception on Hobler's part could not really have taken him beyond the point, questions of personal authority apart, that the frontier burnt all men. The enigmatic, trivial and irrational marks of the burning remained exactly that: 'no clue to the cause of this conduct [which] is so general - not an angry word has passed to him, nor has [ ----, any?] thing else been wanting'.<sup>3</sup> In the sense of being necessarily organic or coherent, frontier society degenerated to the imbecile when men abandoned the cash nexus:

a hut Keeper & bullock driver bolted without any known cause within the last ten days, and the two men who contracted to fence in the point walked off for fear they should be without tobacco till<sup>4</sup> the drays returned [which] was not likely to be.

In this socially crazy world of the frontier, disintegration was compounded when men discharged their irritations and animus not at a real or imaginary cause but at the nearest person. On 13 July 1847, Pitt the sawyer found Hobler the handiest and:

gave notice to quit if I did not weigh his tobacco, instead of as is the practice counting the number of figs 18 to the lb -- he is a saucy vagabond and had nothing to lose by going -- perhaps he may to my inconvenience.<sup>5</sup>

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<sup>1</sup>John Everett to William Everett, 9 October 1842 (UNEA - Ollera Letters).

<sup>2</sup>George Hobler, Journal, Vol.4, p.128, entry dated 10 August 1845 (ML - C.425).

<sup>3</sup>Hobler, Journal, Vol.5, p.13, entry dated 25 February 1847 (ML - C.426).

<sup>4</sup>Ibid., p.26, entry dated 6 April 1847.

<sup>5</sup>Ibid., p.58, entry dated 13 July 1847.



But 'going' could not have been further from Pitt's mind. Three days later he was quarrelling with his partner Beckett,<sup>1</sup> a quarrel so bitter that three days later again the two men separated their partnership by consent, and it was not Pitt, but Beckett, who departed from the scene,<sup>2</sup> and ten days later again Pitt set off for the Edward River to recruit a new sawing mate.<sup>3</sup> No one, perhaps not even Pitt himself, could have rationally explained what the storm had been all about. But even Pitt's actions, or the sequence of them, had a certain logic. Logic or rationality was altogether missing when 'another shepherd bolted, in consequence of quarrelling & fighting with his hutkeeper, Paddy Tigh [my overseer] obliged to take his place'.<sup>4</sup> On the face of it, the shepherd had but to ask to be teamed with a different hutkeeper, but instead took with him the mystery of why departure from the frontier was a greater priority than were his unpaid wages.

Yet there were probable general explanations of which even Hobler was aware, although in the nature of things he could no more connect them up firmly to specific cases than could anyone else then or since. On 1 March 1847, six months to the day after Hobler's unnamed shepherd had bolted 'in consequence of quarrelling & fighting with his hutkeeper', Hobler wrote in his journal that 'The blacks are clustering about here in considerable numbers, as they say to make an onslaught upon the tribes lower down the river'.<sup>5</sup> And three days later he was probably reflecting a consequent state of nerves around Nap Nap and Paika in his observation that :

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<sup>1</sup>Ibid., p.59, entry dated 16 July 1847.

<sup>2</sup>Ibid., p.60, entry dated 19 July 1847.

<sup>3</sup>Ibid., p.65, entry dated 29 July 1847.

<sup>4</sup>Hobler, Journal, Vol.4, p.154, entry dated 1 October 1846 (ML - C.425).

<sup>5</sup>Hobler, Journal, Vol.5, p.16, entry dated 1 March 1847 (ML - C.426).

I am inclined to expect that this part of the country will at no distant day be better supplied with men, as there are so many new settlements forming in the direction of Adelaide, and the inner bank of the Murray -- that this part will soon be considered perfectly safe from blacks, and such men as are brought down by the new settlers and take fright may be tempted to take service here.<sup>1</sup>

It was within the probabilities that the process which led the anonymous shepherd in the previous October to quarrel and fight and then bolt from the frontier had its origins in an ever-present fear of the blacks, that his accumulating tension provoked him to discharge it at the handiest human being, the watchman, and that this proving abortive he fled, sacrificing his due but unpaid wages for tranquillity of mind. It was probably coincidence, but certainly as a realisation of the ever-present fear that at Paika, two days after he bolted,

five blacks burst in the door of the hut....Mrs. Cooley had [the] presence of mind to begin ringing the large bell I had slung in case of attack... but for [which]...the woman and her two children would have been destroyed...sent Taafe back with Fox to act as hutkeeper for the present, as the woman must not be left alone any more.<sup>2</sup>

It was perhaps unkind of Hobler, but entirely in the nature of man as an island on the frontier, that ten days later he took a traditionally hierarchic view of irresponsible man:

today Cooley brought his family from Paika [to Nap Nap], and was accompanied by the other two men Taafe and Fox, they had left at nightfall, for fear of the blacks -- and brought away none of the stores or tools -- 15th -- sent them back yesterday to bring all away in a dray as I must abandon the hut till I can get some men to work there -- these people are too much frightened to be of any use there when I can get two or three men I will go there myself -- and keep up their courage -- this class of people, are with a few exceptions miserable cowards -- and quite lost without a leader -- born without heart or brains.<sup>3</sup>

<sup>1</sup>Ibid., pp.17-18, entry dated 4 March 1847.

<sup>2</sup>Hobler, Journal, Vol.4, pp.154-55, entry dated 3 October 1846 (ML - C.425).

<sup>3</sup>Ibid., p.157, entry dated 13-15 October 1846.

But in that six months of blacks and the ever-present fear of blacks, between the beginning of October 1846 and the end of March 1847, the frontier found other ways to harass, discomfort and dislodge its uneasy citizens. It was a summer of high, dry temperatures and the wind was inland and hot. The usual indoor temperature range was 90 to 100 degrees.<sup>1</sup> By 25 February, the hut temperature was 106 and the sun temperature 136 degrees.<sup>2</sup> 'Any little abrasion of the skin soon becomes a sore place -- festering and unwilling to heal'.<sup>3</sup> Mosquitoes by night, cow-dung fires to keep them out, smoke in the ~~eyes~~, flies by day, fleas on account of cats, dogs, parrots and floors of dust... 'So many of the plagues of Egypt we now are enduring'. 'No gardening can possibly stand [against] such extreme exhaustion without irrigation'.<sup>4</sup>

Once again, while it was not possible to link probable general explanations firmly to specific cases, the foundation was there (as other squatters had and would discover)<sup>5</sup> for animosities, fighting and trouble. And trouble came from the unexpected and serious direction of the overseer, Paddy Tigh. A year before, Hobler had been overjoyed to get him:

Paddy Tigh a well known bush man whom I engaged on the Hunter, as a stockman, arrived today with his family -- I purpose making him my working overseer, and from his experience among the blacks, and his known & oft tried strength & courage, I anticipate much satisfaction from his services.<sup>6</sup>

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<sup>1</sup>Except where indicated, the description is from Hobler, Journal, Vol.5, pp.4-5, entry dated 21 January 1847 (ML - C.426).

<sup>2</sup>Ibid., p.12, entry dated 25 February 1847.

<sup>3</sup>Ibid., p.14, entry dated 26 February 1847.

<sup>4</sup>Ibid., p.6, entry dated 24 January 1847.

<sup>5</sup>Compare, for instance, the journal account of the fortnight leading to Christmas Day 1854 on Gigoomgan Station (OML - Gigoomgan Journal 1854-1857).

<sup>6</sup>Hobler, Journal, Vol.4, p.134, entry dated 10 March 1846 (ML - C.425).

But in February 1847, the overseer was done with the lower Murrumbidgee:

Another little bush comfort this [morning?]. Paddy Tigh putting himself in a great passion & demanding his discharge because he is 'treated like a sweep put to all jobs that I won't put any one else to -- & I have a down upon him and all of his country & creed', -- and all this because he has been jobbing about home since shearing, in the absence of any other man.<sup>1</sup>

Two days later the fury had turned cold:

Paddy Tigh and his family left this morning in spite of an attempt, to arrange for his remaining till a dray was going for the benefit of carrying his family....<sup>2</sup>

It would be tempting to say that in the end the frontier burnt even Hobler too hotly, and thus logically completed the disintegrating process of destroying corporate existence and corporate activity on Nap Nap and Paika. At least in a metaphorical sense, this destruction is what happened at Paika, but Hobler was curiously unassailable by his environment; and the frontier went about its assault on Hobler by pursuing Throsby's anarchic doctrine to its absurd and logical end, a development which would leave Hobler where Throsby said a man should be -- alone.

Despite his frequent insensitivity to mankind around him, Hobler was a man of peculiar depths and generousities which made him immune to place. It was Hobler who could turn from writing at Nap Nap

all the men 10 in number that I sent down to reinforce this establishment were frightened at the reports at the huts on the river, and absconded with the exception of three one of whom was discharged for misconduct, one as useless -- and one remains as hut keeper, with a good character so far

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<sup>1</sup>Hobler, Journal, Vol.5, pp.10-11, entry dated 19th February 1847 (ML - C.426).

<sup>2</sup>Ibid., p.11, entry dated 21 February 1847.

to record that across the river there were 98 black swans afloat on Lake Paika.<sup>1</sup> There were boundary disputes and trespass, but it was Hobler who saw the sixteen brolgas on the Lake.<sup>2</sup> In an age when there was 'a general unwillingness on the part of the settlers to [take] men with large families of young children' because 'the settlers cannot afford to give rations to children who render them no service',<sup>3</sup> it was Hobler who employed Tigh, Doyle, Cooley and McGlashin with a total of children Hobler never bothered to count (there were possibly 17), let alone comment on their effect on the station profits. Hobler's immunity to environment simply kept the frontier in its place:

he recognized only two of them, the strange blacks forming the outer circle to screen those that were known -- I was glad to find it no worse, and left word, how angry we were with them & [would] shoot any of them that came on this side of the river... returning saw many emus, ran a party of four pretty hard but without success -- Beppo ran first, Ben second & Sancho close up with him -- this was the first time the [ ----- ] young dogs ran together....<sup>4</sup>

With this indifference to place, in fact, Hobler charged the frontier with the special task of being his homeland. This middle-aged man (he was ten to twenty years older than most resident squatters) was English-born of Swiss descent and it is possible that this fact had some significance in his life-long search for a piece of the world that offered identification and permanence:

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<sup>1</sup>Hobler, Journal, Vol.4, pp.137-38, entry dated 15 May 1846 (ML - C.425).

<sup>2</sup>Hobler, Journal, Vol.5, pp.45, 53, 51, entries dated 11 June, 2 July and 28 June 1847 (ML - C.426).

<sup>3</sup>The words were Caroline Chisholm's, in Report from the Select Committee, on the Petition from Distressed Mechanics and Labourers, Minutes of Evidence, p.17, V & P 1843; but compare also evidence to same committee by John Panton (Minutes, p.2) and George Bowman (Minutes, p.25).

<sup>4</sup>Hobler, op.cit., pp.23-24, entry dated 25 March 1847.

Mine is certainly a curious career, if I could please myself I should spend the whole of my life upon any place that [would] allow of the few quiet amusements I care for without desiring change a garden on a river side, in [which] I could occasionally catch a dish of fish [would] reconcile me to almost any place and simple as my desire is, I am constrained to leave such places when in possession....<sup>1</sup>

It was ironic that he had perhaps ever lost such places through reaching too impetuously or too urgently for them. The impetuous memorial to his ambition was 'Aberglasslyn' in the Hunter Valley where in the 1830s and early 1840s he had thought to come to rest. 'Aberglasslyn' was a great three-storied mansion, surrounded by tenant farms and supported from further out by stations both inside and outside the boundaries; but he over-reached in the building of 'Aberglasslyn' and was caught by the economic disasters of the 1840s.<sup>2</sup>

Nap Nap was his only on lease, but Paika was his and the passer-by extolled his choice:

The party on reaching the Murrumbidgee, found Mr. Hobler settled on it below the junction of that river with the Lachlan, on a fine tract of country....Here he has been fortunate to secure about twenty-five miles on opposite sides of the river -- so far out that it is even beyond the Commissioners of Crown Lands' boundaries, but within reach of the Port Phillip and Adelaide markets....<sup>3</sup>

Into Paika in 1847, quite simply, Hobler poured his dreaming, and throughout the winter while sheep and cattle were undemanding of time and attention, a pise house began to rise by the beautiful lake of swans, brolgas, bustard and duck. There stood the house in the next summer, half-risen, work

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<sup>1</sup>Ibid., pp.115-16, entry dated 25 March 1848.

<sup>2</sup>Hobler filed his schedule of bankruptcy on 3 April 1843.

<sup>3</sup>'Mr. Bagot's Overland Trip to South Australia' in Maitland Mercury, 9 January 1847: see also Hobler, Journal, Vol.4, p.140, entry dated 15 June 1846 (ML - C.425).

halted on account of wet weather and of a journey to Sydney by Hobler to be free of the lease of Nap Nap. And in Sydney Hobler missed the frontier summer until he was back at Melbourne to take journey home overland to the river:

at Melbourne I found letters awaiting me -- one from Nap Nap told me all endeavours to grow even a melon had failed owing to the heat of the sun, and total absence of rain or moisture -- this in spite of much trouble taken to water them -- a wish was expressed that some place nearer Melbourne enjoying better climate for a garden could be found for the family to live at ....<sup>1</sup>

Quite simply, the frontier disintegration of social coherence which eroded the corporate endeavours of responsible man anywhere in New South Wales had in the case of Hobler worked the process out to its logical end. He remained immune to the frontier, and society abandoned him to it; and this was the chiefest irony of it, that where Paddy Tigh had dragged his family with him away from the frontier, George Hobler was perforce dragged after Ann Hobler and her children, back to his 'vagabondizing life'<sup>2</sup> he had failed to escape.

The substance of Paika remained, but the human spirit to inform Paika had gone out of it. And at the intimate family level of frontier disintegration, it was apposite that the station on which the Hoblers finished their retreat was available to them only because its owner had been 'induced by his wife's disinclination to go into the bush to let his run & some sheep on it -- situated 35 miles from Melbourne ....'<sup>3</sup> It was this quality of the frontier that prompted Robert Lowe's satire:

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<sup>1</sup>Hobler, Journal, Vol.5, pp.113-14, entry dated 25 March 1848 (ML - C.426).

<sup>2</sup>Ibid., p.115.

<sup>3</sup>Ibid., p.114.

So fear not, fair lady,  
 Your desolate way,  
 Your clothes will arrive  
 In three months with my dray.  
 Then mount, lady, mount, to the wilderness fly,  
 My stores are laid in, and my shearing is nigh,  
 And our steeds, that through Sydney exultingly wheel,  
 Must graze in a week on the banks of the Peel.<sup>1</sup>

It was soon possible for the new bride Emmeline Leslie to appear to stick a pin in the satire:

I most thoroughly enjoy our Bush life. My only objection to it is in the number of visitors we are obliged to entertain but time alone and the establishment of Inns can remedy this evil.<sup>2</sup>

but the deflation was superficial, for in the person of George Leslie, it was doubtful whether the human spirit had ever entered into Canning Downs in order that it could go out again:

The first thing [which] you my dearest Mother will think is that by marrying in this country my affection for my native country, will be transferred to this, but such is not the case, for as soon as practicable you shall see me & my dear Emmeline at home, & my intention is as it always was, if our present prospects are realized eventually to return home.<sup>3</sup>

The same bland deception of appearances attached to 'Salisbury Court', the neat stone house Matthew Henry Marsh built on New England the year before Hobler began the pise house at Paika. Here Eliza Marsh might live, and on her way to it find parts of the Hunter Valley to be not unlike Bohemia,<sup>4</sup> but here too dwelt a limited commitment to the country, and therefore a limited involvement in the frontier, and because limited that much easier to face than the

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<sup>1</sup>Viscount Sherbrooke, Poems of a Life (London, 1885), 2nd Ed., 'Songs of the Squatters no.3'.

<sup>2</sup>Emmeline Leslie to William Leslie, 24 May 1848 (OML - Leslie Letters).

<sup>3</sup>George Leslie to his Parents, 20 August 1847 (OML - Leslie Letters).

<sup>4</sup>Eliza Marsh to her mother, undated, [1844?] (ML - Am169/4, Marsh Papers).



unreserved commitment sought of Ann Hobler, of the Mrs. Ball whose place she filled at Bacchus Marsh, or for that matter of the native-born wives of the native-born resident squatters like the Doyles of the Namoi or the Tysons of the lower Murrumbidgee. But it yet remained a fact that even most of the Hawkesbury River farmers turned squatter continued to live on the River or in the Hunter and preserve their wives from the scathing of the frontier.

In the sum of it, social coherence had been coming apart on the frontier for more than fifty years. Here the divisive strands in the social fabric came logically home to roost, and no man, woman or child, no priest, labourer or squatter, and no shepherd, Commissioner or bullock-driver could survive this unscathed. A relatively immense traffic of people characterised the tracks to and from the edge of white civilisation, and the frontier itself survived only because out of this traffic just enough people found there a prospect of future or immediate reward that warranted getting burnt. It was hardly a matter of courage or of the lack of it. It was more a matter of balancing values, even if in the process the value predominant were as trivial as the next fig of tobacco.

The ultimate point about this social disintegration was that across fifty years the frontier grew prodigiously wasteful of human endeavour. In the 1820s and early 1830s men as diverse as Ralph Darling and Charles Campbell interpreted the mounting waste in social and economic terms, and diagnosed the ill as being absentee ownership and, in Campbell's view, the convict assignment system. In the mid 1830s Richard Bourke evolved the commissionerships of crown land to mitigate frontier disorder and its attendant waste; and in the late 1830s George Gipps gave the commissionerships substance with police of their own, autocratic authority direct from the governor, a charge to protect the aborigines, magisterial power to judge all men, the office of crown agent and the office of bailiff -- and to make this substance real, levied upon the tax-free, unenfranchised squatted lands a stock assessment tax to defray the expense.

In the 1840s men came to agree with Gipps' diagnosis that the hierarchic society had progressively lost control of the frontier, for the growth of disorder and waste over-ran Gipps' sketchy and autocratic administrative system of the squatted lands. The great political fight of the 1840s between Gipps and the hierarchic society of New South Wales was never about the prodigious waste or the loss of control, nor was the fight ever about the need for responsible man to reassert the writ of government and society: the fight was entirely about specific prescriptions, for while responsible man, like Gipps, desired to be done with Throsby's anarchic doctrine, responsible man, unlike Gipps, desired to keep the fruits of past anarchy. So that sometimes in agreement, and sometimes in violent opposition, governor and society spent the mid and late 1840s moving piecemeal to a reassertion of order over all the affairs of colonial man. Security of tenure for the squatted lands, the dismantling of the boundless power of the commissioners, the advent of courts of petty sessions beyond the boundaries, new office and machinery to deal with the aborigines; these were the principal heads under which government and society, between 1844 and 1849, laboured to restore order and tranquillity to the affairs of man.

But it was a labour impeded by its piecemeal nature, by the lack of human and economic resources, and by environmental problems of decision, organisation, communication and execution. The list is not definitive. The point was that ten months,<sup>1</sup> or twelve months,<sup>2</sup> or even two years<sup>3</sup> could pass before an Act of Council or a decision of Executive Council bore any organisational fruit, and even more time would pass before new organisation in turn produced results. And here almost undoubtedly, this movement of reform, cast

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<sup>1</sup>In the case of the termination of the Commissioners' Border Police.

<sup>2</sup>In the case of the formation of a Native Police Force.

<sup>3</sup>In the case of the establishment of some Courts of Petty Sessions.

partly in traditional and partly in novel forms, was victim of a decade of economic depression which itself had done much to accelerate the prodigious waste of frontier endeavour. The effect was that depression promoted the disease and stimulated the search for a cure and inhibited the cure when it had been found.

Nowhere perhaps were the effects of depression on the frontier more evident than they were in the north-west, for insofar as the forward movement of the frontier was geared to a growth economy (as it had been between 1818 and 1828, and between 1832 and 1841), the 1840s saw the frontier moving forward very slowly in some directions, or standing still in others. Cattle and sheep continued to multiply as they had always done, but the growth was coming very slowly onto the frontier, for very few immigrant or native-born squatters sought their beginning on the frontier in a time of poor wool and meat sales, almost non-existent stock sales, and a bed-rock dependence on tallow sales. By 1847, in the north-west, the frontier had degenerated to a point where it had neither the will nor the resources to fight the blacks, and thereafter in time and place the frontier began to retreat from the Condamine and the Maranoa. The blacks were never slow to recognise debilitation of the frontier and if they could not drive in the squatters on the lower Macintyre they at least contested the land on terms of equality. And as the frontier was not a thin, formal line, but a state of circumstances governed by local conditions and liable to be found one or two hundred miles behind the nominal frontier, it was not improbable that Thomas Coutts shared the same debilitation, for it was not improbable that his poisoning in 1846 of the Kangaroo Valley blacks on the Clarence indicated that he had no one to fight the blacks, or perhaps more probably, no one willing to fight the blacks.

The curative reforms proposed for the frontier therefore had to contend with a certain socio-economic desperation before they could begin an effective course. At the same time they had to contend with the history of New South Wales, and there were occasions when their first effect was not at

all therapeutic but actively provocative. In early and mid 1847, men carefully read the draft regulations granting security of tenure to the squatted lands. To Patrick Leslie on a visit to Canning Downs, security increased the value of the squatted runs.<sup>1</sup> To John Everett the next day, the proposals were well balanced, the proposed stock assessment being all that could be paid 'unless labour falls considerably or wool rises': that the assessment was applicable also to land held for an increase in stock was 'fair enough & well worth doing'.<sup>2</sup> To George Leslie a fortnight later, the draft rules were 'more favourable than I ever could expect'.<sup>3</sup> Then a great, generally unpublicised stirring began among the absentee and resident squatters as they realised one by one that security of tenure logically required each of them publicly to proclaim his boundaries, a proclamation calculated to stir up afresh all of the territorial brawling of the past twenty years.

It was the sheer scale of this kind of disputation that prevents accurate squatting maps being drawn from the run lists gazetted in 1848 and 1849, for each individual description was nothing more than a personal assertion to a piece of the colonial earth.<sup>4</sup> The descriptions were in substance a series of claims and counter-claims, and the more intractable of them were crystallised in a series of caveats lodged with the Crown Lands Office before March 1849.<sup>5</sup> Simply, 1323 descriptions published in 1848 attracted 617 caveats, so that in 1848 the boundaries of about 45 per cent of the squatters were in serious dispute, and in some cases had been so for twenty years - Throsby's anarchic doctrine had divided even father and son in the case of

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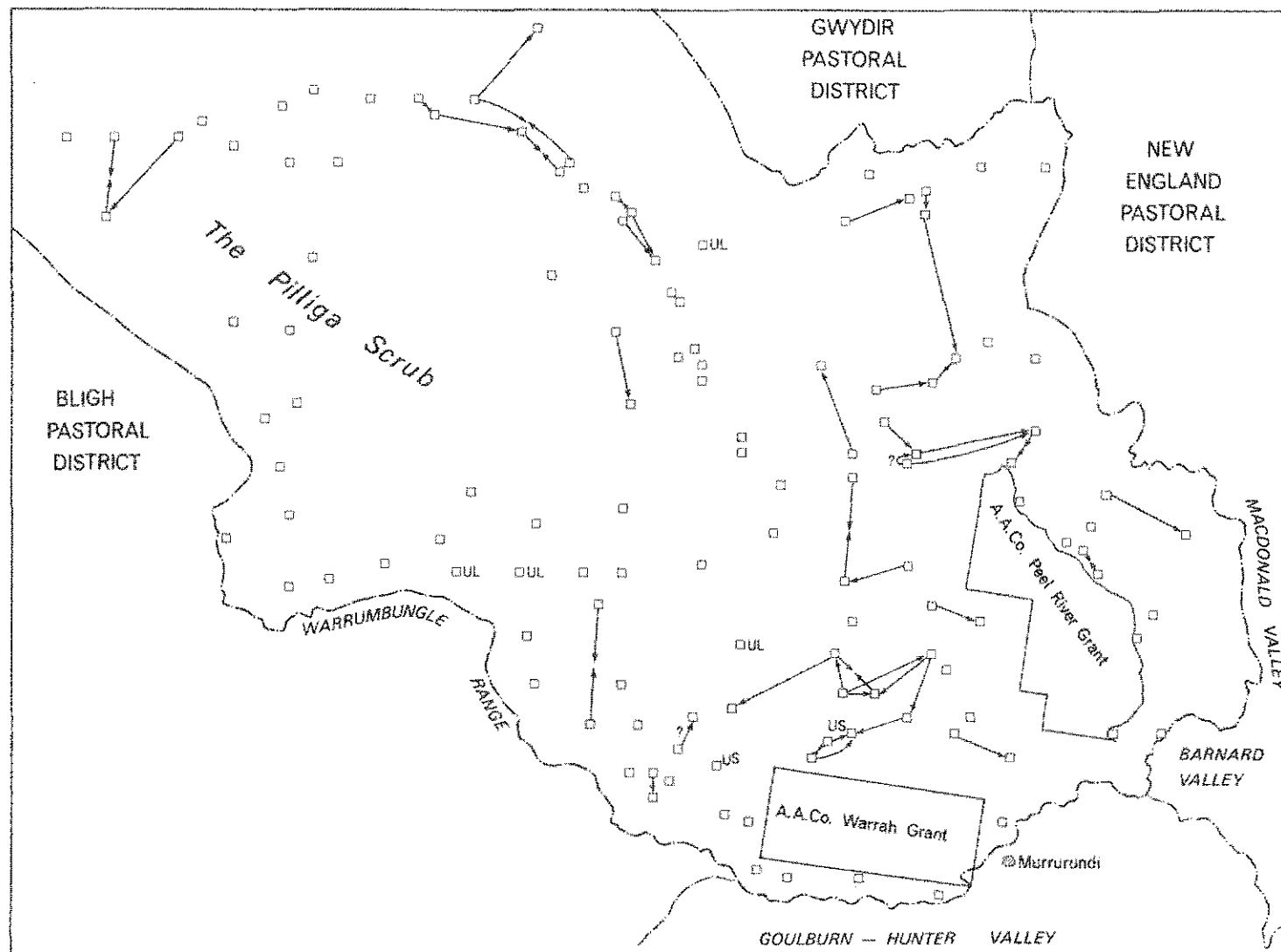
<sup>1</sup>Patrick Leslie to his father, 23 April 1847 (OML - Leslie Letters).

<sup>2</sup>John to Charles Everett, 24 April 1847 (UNEA - Ollera Letters).

<sup>3</sup>George Leslie to his parents, 10 May 1847 (OML - Leslie Letters).

<sup>4</sup>See Government Gazette Indexes for this period.

<sup>5</sup>Government Gazette, 1849, Vol.1, pp.368-77.



District	Runs	Caveats Lodged	Caveats not Withdrawn
MacLeay River	33	3	2
New England	122	54	32
Liverpool Plains	166	69	61
Bligh	133	1	10
Wellington	112	44	27
Lachlan	185	139	89
Murrumbidgee	189	151	95
Maneroo	147	51	39
Clarence River	54	14	7
Gwydir	92	54	33
Darling Downs	49	15	5
Lower Darling	12	2	2
Moreton Bay	29	<i>nil</i>	<i>nil</i>
	1323	617	402

for Caveats lodged:-  
 GOV. GAZ. 1849, Vol. 1 pp. 368-377

for Caveats not withdrawn:-  
 GOV. GAZ. 1849, Vol. 2 pp. 1000-1006

Fig. 14a Table of runs in Gov. Gazettes of 1848 with caveats lodged 1848-1849

Fig. 14 Distribution of serious boundary disputes existing in 1848-1849 on Liverpool Plains and north-westwards along the Namoi River (only 14 caveats lodged in the rest of Liverpool Plains Pastoral District)

the Stuckeys whom Sturt had found on the Murrumbidgee in 1829. Between March and July 1849, a third of the caveats were withdrawn, compromise agreement presumably being more economic than the cost of prosecution. 402 caveats remained<sup>1</sup> for consideration and report by the Commissioners of Disputed Boundaries, so that about 30 per cent of the described runs were compromised in almost intractable dispute.<sup>2</sup>

On the Liverpool Plains the stakes were very high, because here for fifteen years argument had been so endemic, and territorial trespass and encroachment so extensive, that at times what was at stake was not a dispute about a boundary, but a fight for the identity and possession of a whole claimed run. The prospect of security of tenure, and the prospect of increased value stemming from security, invested claim and counter-claim with a special sense of urgency, and a part of this over-flowed in September 1847 in the Supreme Court battle between two of the Hunter River gentry, Andrew Lang and John Eales, for the ownership of Breeza.<sup>3</sup> Much of the discord on the Plains revolved, in fact, around the person of John Eales, although it was not possible to say whether the discord stemmed from aggression by Eales, from a desire by smaller neighbours to do Eales down, or from a combination of both impulses. Smaller men were less equipped than he to take expensive recourse to the Supreme Court, and if men were cheered by the Court's verdict in favour of Lang, there were contentions on the Plains not settled for at least another twelve years.

The prospect of security stirred men everywhere. In November 1847, William Macarthur rode down from Camden to Nangus, the Murrumbidgee station the Macarthurs had held since 1832 but which no one of them had ever seen. In fact,

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<sup>1</sup>Government Gazette, 1849, Vol.2, pp.1000-1006.

<sup>2</sup>Figures 14 and 14A opposite.

<sup>3</sup>For report of proceedings in *Eales v. Lang*, see Maitland Mercury, 22 Sep 1847, p.4, cols. 1-4.

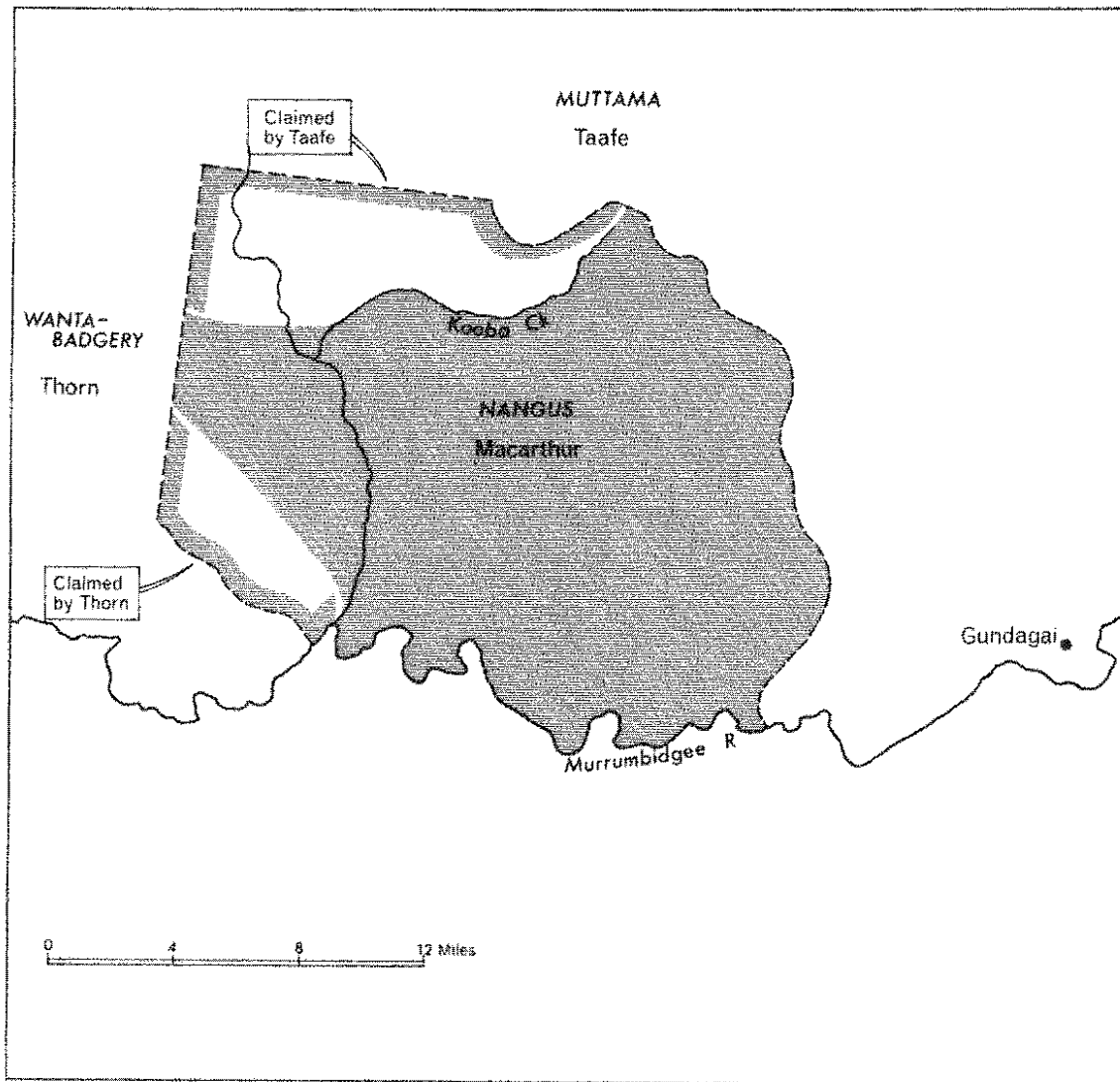


Fig. 14b Counter-claims to Nangus land (Approx. only on account of generalised run descriptions)

not until forced to it, did the Macarthurs ever appreciate what had been theirs for fifteen years:

My time since I came up has been chiefly occupied in examining the run. I have ridden over it from 20 to 30 miles every day and there is still much to see. It is far far more extensive than I had any idea of, and must comprise 100 sections [i.e., 100 square miles] at least. A large part of it is a most beautiful sheep country but very badly watered. The river frontage is estimated at about 8 miles direct from East to West....<sup>1</sup>

And there were neighbours to be dealt with, as they had dealt with Nangus. In the north, Frank Taafe had

shoved in a sheep station, to maintain himself in which he has been compelled to water his sheep at a creek called Kooba Creek which contains several nice springs and is undoubtedly, & admitted to be within our boundaries....[Our superintendent] has unfortunately been a great deal too quiet and undecided for such an encroaching neighbour as Mr. T.<sup>2</sup>

and there was

another portion of the run which we did occupy and to which I believe we have a just claim, but James Thorn has been suffered to have possession of it so long that I fear our claim [would] not hold good.<sup>3</sup>

But this did not mean acquiescence or surrender by the Macarthurs. The fight with Thorn would go on as long as he held 'Wantabadgery', and six years later, after the Jeffreys brothers had bought 'Wantabadgery', then they willingly inherited and pursued the fight.<sup>4</sup>

In the meantime, Frank Taafe was to be dealt with. With William Macarthur present at Nangus, Taafe incautiously withdrew his sheep from Kooba Creek for shearing, and there

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<sup>1</sup>William Macarthur to James Macarthur, from Nangus, 26 November 1847 (ML - A.2934, Macarthur Papers, Vol.38, p.6.).

<sup>2</sup>Ibid.

<sup>3</sup>Ibid. Figure 14B opposite.

<sup>4</sup>R. and J. Jeffreys to E. Beckham, 16 July 1853 (ML - A.2962, Macarthur Papers, Vol.66, p.359).



was a strong inference in William Macarthur's report that Macarthur sheep moved at once onto Kooba Creek:

I have ordered the sheep to feed wherever there is the indisputable evidence of the old cattle beds to prove that it is part of our run.<sup>1</sup>

And as befitted the hierarchic society, Frank Taafe was to be addressed as 'My dear Sir' and lectured urbanely:

You alledge [sic] that you claim only what your sheep have had possession of undisturbed for years. How were they to have been disturbed? By actual force? Your shepherds I am afraid...were in the frequent practice of trespassing as far as Kooba Springs, a trespass against which [our superintendent] made repeated remonstrances. I can put my hand upon copies of his letters to you on this subject.

'I write', said Macarthur, 'in perfect good humour and not you may believe me with the most distant wish to imply a threat', reserving the threat for the second last paragraph:

I do not think any impartial person can call [ours] an unreasonable [offer]. Should you agree to it this matter can be settled at once by having the distances measured and the line marked. If otherwise, why then however unwillingly we must contest our claim as we best can and get all we can.

And finally as one gentleman to just conceivably another:

I hope your search for water at Mitta Mitta [Creek] has been attended with more success than our well sinking at Booba. They sank 45 feet without the sign of water. But I disapprove of the spot chosen. Water must exist in many parts of that kind of country and needs only to be judiciously sought after.<sup>2</sup>

There were some men who might have borne the anarchies for the larger stake, but who in 1847 were free only to lament the past. Patrick Leslie wrote from a visit to Canning Downs

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<sup>1</sup>William Macarthur to James Macarthur, op.cit.

<sup>2</sup>William Macarthur to Frank Taafe, 2 June 1848 (ML - A.2933, Macarthur Papers, Vol. 37B, pp.334-37).

I only wish I had a run to have derived some advantage from [the regulations] but it is very doubtful now if I will ever be in a position to buy one as their value is so much increased by the tenure of them. They say fools build houses for wise men and I suppose it applies also to me in the way of runs. I was the first to come out to the finest country in the colony and have no claim to an acre of any part of it, a loss I much more deeply regret than my stock ten times told.

It remained for William Charles Wentworth to find in the squatting regulations the substance to act out the colonial paradox afresh, for he found in the regulations the chance of quick profit to ease his economic desperation. In Wentworth were gathered all of the strands of the depression of the 1840s, and there is oblique, inconclusive and persistent evidence in the late 1840s and early 1850s that the man who had once inherited the greatest freeholding in New South Wales teetered close to ruin. In a general sense, he shared with his fellow colonists the poor wool prices of the decade, subsisted on tallow and indeed established at Windermere one of the principal boiling down works in the Hunter, on whatever town rents he could derive from a city shattered by the depression, and on the poor prices in the domestic meat market: and even these last collapsed in the late 1840s. In a particular sense, he was a substantial shareholder in the Bank of Australia and therefore like his fellow-shareholders open to unlimited liability for its debts: and ever since the Bank had closed in 1843, the shareholders had lived on borrowed time, pending the evolution of a legal settlement. This time expired in June 1848 with the advice that the Privy Council had ruled against the Bank.<sup>2</sup> Some of the colonial shareholders of the Bank, among them the oldest squatters of New South Wales, went to their end with a peculiar dignity, Hannibal Hawkins Macarthur placing his personal honour before his money and

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<sup>1</sup>Patrick Leslie to his father, 23 April 1847 (OML - Leslie Letters).

<sup>2</sup>S.J. Butlin, Foundations of the Australian Monetary System, 1788-1851 (Melbourne, 1953), pp.345-54, for the failure of the Bank of Australia generally, p.352 and fn.143, 144 and 145 particularly.

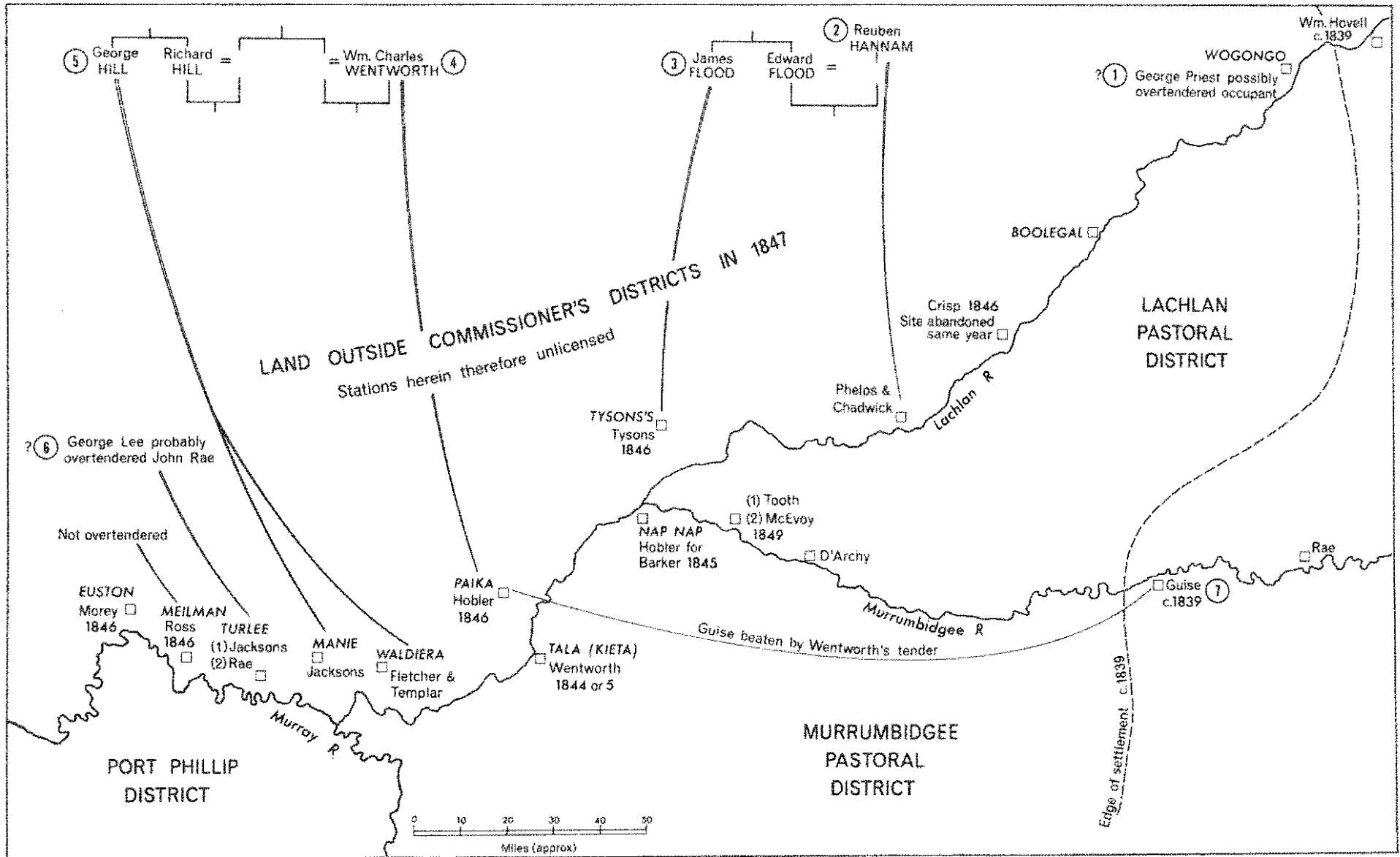


Fig. 15 Runs overtended 1848-50 by Hoblers 'Dirty Dogs'

leaving the splendour of 'Vineyard Cottage' on the Parramatta River for a police magistracy at Ipswich.

William Charles Wentworth by that time was involved with getting Paika off George Hobler. In outline, the plan was quite simple. Wentworth would overtender Hobler and then sell Paika back to him at a considerable profit. This plan was absorbed in a larger one to get possession of all of the trans-Murrumbidgee and trans-Lachlan runs by Wentworth, by his fellow absentee squatter and brother-in-law George Hill, by absentee squatter and Sydney alderman Edward Flood, by his brother James Flood and by his father-in-law Reuben Hannam. Independently of this grouping, the absentee squatter William Guise of Bywong, probably one George Lee and possibly one George Priest essayed similar plans.<sup>1</sup> The uniform success of the Wentworth and Flood combinations was strongly suggestive that one of these parties had access to the owners' tenders - a suspicion reinforced by the wide disparity of the successful tenders along the river.<sup>2</sup>

But for a man in economic desperation as Wentworth certainly appeared to be, success with this plan required simplicity and speed. James Tyson obliged the Floods by appearing in Sydney at the end of March 1850, some six weeks before the successful tenderers were due to put up their money to the Government, and negotiated repurchase of 'Tysons'<sup>3</sup> from the Floods.<sup>4</sup> It seems likely that the partnership of John Lecky Phelps and Nicholas Chadwick also obliged the Floods, although in this case settlement probably involved an exchange of lands to enhance consolidation of holdings: a real estate deal the more possible

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<sup>1</sup>Figure 15 opposite.

<sup>2</sup>These ranged from £18 to £152 in the case of Paika: Accepted Tenders - New Runs, 9 May 1848 - 31 December 1855, Lower Darling Pastoral District (NSA-2/1940).

<sup>3</sup>Otherwise Tupra, otherwise Juanbung.

<sup>4</sup>Hobler, Journal, Vol.7, p.109, entry dated 2 March 1850 (ML - C.428): GG, 1850, Vol.1, p.930, 19 June 1850 for transfer of Flood to Tyson.

because unlike the Tysons and the Hoblers, Phelps and Chadwick had never lived on their trans-riverine runs, but at Thelangerin inside the Lachlan Pastoral District.

But Wentworth was in trouble, because in involving himself with a Hobler who had already lost Paika as a spiritual homeland, Wentworth was treading where money could not unlock all the problems of indecision, depression and inconsistency to which Hobler was prey; nor cope with a man whose dearest daughter had migrated with her husband to the new California. As the time drew near for Wentworth to put up his tender money to government, a message went down to Bacchus Marsh:

this mornings post brought me through Mr. Barker's letter confirmation of my fears for Paika -- he had been to the Chief Commissioner and learnt that Mr. Wentworth's tender had been accepted.... Mr. Barker further mentioned that my next neighbour Mr. Tyson was in Sydney treating with Mr. Flood....for the repurchase of his run....and Mr. B[arker] proposes my attempting to purchase from Wentworth for 4 or 500£ is not this monstrous -- after five years possession with the knowledge & acquiescence of the Government....<sup>1</sup>

Hobler's reaction was to proceed to Sydney and interview the Governor, and on the day after this interview

in the course of the evening I learnt that Wentworth had made a mistake in his tender and would not pay up -- so [I considered] it best to wait till the 60 days allowed him to pay up had expired....<sup>2</sup>

While waiting this due date of 29 April 1850, Hobler went to visit friends at Campbelltown and the Hunter, and the Executive Council turned to consider his appeal to FitzRoy. A point that eluded Hobler all his life, because the substance of the point was buried in the Colonial Secretary's correspondence, was that only £40 had to be met by Wentworth on 29 April, the balance, called a premium, being due upon

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<sup>1</sup>Hobler, op.cit.

<sup>2</sup>Ibid., p.125, entry dated 15 May 1850.

demand by government or by fourteen annual instalments added to the tender assessment: and Wentworth's 'mistake' was designed to evade payment of the premium by denying the legality of the second method of its collection.

Wentworth's economic desperation was such that he could not raise the basic tender of £40 by 29 April. But on 26 April Hobler returned from the Hunter to learn that

Wentworth had paid up -- he had that day<sup>1</sup> -- and had raised the means to do so by selling part of his interest in my run to Tertius Campbell.<sup>2</sup>

On the afternoon of the next day or perhaps the next, the Executive Council deliberated on Hobler's appeal to FitzRoy. As Hobler was given to understand the matter, Plunkett as Attorney-General took the view that the regulations as codified in the Order-in-Council of 7 March 1847 left government no option in law but to 'acknowledge no occupation but by license'.<sup>3</sup> And so Paika fell twice, once as a matter of the spirit, fallen to the frontier, and once in reality fallen to the colonial paradox as it worked itself out in William Charles Wentworth.

For Wentworth, the hierarchic society of New South Wales indicated its displeasure. There were, after all, unwritten canons which governed the open territories of English liberty, as Thomas Coutts had but recently discovered when he disposed of his Kangaroo Valley blacks, and an even shorter time had elapsed since Hannibal Hawkins Macarthur had gone memorably out from his great sand-stone house on the Parramatta River. On the evening before the Executive Council meeting which ruled against Hobler, FitzRoy had felt strongly enough about the issue to have interviewed Plunkett for an opening to side with Hobler, but there were no openings. There was, FitzRoy afterwards told Hobler,

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<sup>1</sup>Actually 23 April, in Accepted Tenders - Lower Darling, op.cit.

<sup>2</sup>Hobler, op.cit., p.126.

<sup>3</sup>Hobler, ibid., p.127.

'no getting over the lawyers'.<sup>1</sup> The squatter spokesman Gideon Scott Lang found the issue substance for an open letter to FitzRoy,<sup>2</sup> and on the following day the Herald reserved its leading article for the then imminent fall of Paika to Wentworth.<sup>3</sup> Plunkett's displeasure had to wait for a suitable opportunity, and Wentworth appropriately provided the opportunity when he sought to escape payment of the premium on Paika. He had tendered in terms of annual instalments: he now contended that these were illegal with 'the letter and spirit of Her Majesty's Order-in-Council'. But FitzRoy, Deas Thomson, Plunkett and the Solicitor-General had had enough. The Attorney-General and the Solicitor-General 'adhere to the opinion already more than once expressed by them' that the premiums were payable either as one sum or by way of annual additions to the Rent, as the party making the tender may think proper.

The Law Officers further remark, that your Tender is expressed in terms which distinctly point to the latter description of premium, and that if you consider the premium could by law be only in one sum you should have therefore altered the language of the printed form which you used, and then your tender would have been received in the sense in which you now contend that it must be legally understood, and would accordingly have been acted upon in relation to other tenders.

And presumably ever-mindful of the economic desperation that governed all of these transactions of Wentworth, government might be said to have presented Wentworth with a pistol loaded with blanks:

I am instructed to add that the Government will be prepared to consent to the trial of the question in the manner suggested by the Law Officers, should you<sup>4</sup> be disposed to take it into the Supreme Court.

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<sup>1</sup>Hobler, *ibid.*, p.128.

<sup>2</sup>SMH, 23 April 1850, p.3, cols.2-3.

<sup>3</sup>*Ibid.*, 24 April 1850, p.2, cols.2-3.

<sup>4</sup>Colonial Secretary to Wentworth, 21 July 1851 (NSA - Col. Sec., Letters to Individuals re Land - 4/3591).

For his part, by this time, George Hobler had sailed for California, 'on blue water hastening from Botany Bay'.<sup>1</sup> The frontier, characteristically, reserved one last smack for him, a belated hit at the man who had once thought to make his homeland on the frontier. The social disintegration which denied him that was completed in the middle of 1850 as his son, George Junior, went back to the river to remove the last of the Hobler stock:

George left today for Paika, to send off the remainder of the sheep -- he expressed himself well pleased at having done with Paika I hope the next employment will be more profitable [to him] I can hardly hope it will be less irksome....<sup>2</sup>

But in this respect in the last years of the 1840s, neither Hobler Senior nor Junior were alone in finding that the frontier no longer had the prospect of future reward to warrant getting burnt. This remained as always a matter of circumstance and time and place. Henry Dangar of 'Neotsfield', whose affairs prospered exceedingly throughout the 1840s, was able to confine his attention to mundane matters:

...you will please look upon him as an amateur, but of course it will be his duty to assist you in every manner he can,

...I do hope that a little more mature age will show him the receipts of using a civil bearing and address not only towards his parents, but towards the world also. In allusion to the indifferent line of conduct spoken of, there is also the disposition to lay late in bed, which amidst other faults, is a very prominent one in my eyes, should it be allowed to grow into a habit,

You will conclude that he is intended for a squatter....<sup>3</sup>

And two years later, E.G. Clerk of Clerkness in western New

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<sup>1</sup>Hobler, Journal, Vol.7, p.232, entry dated 1 December 1850 (ML - C.428).

<sup>2</sup>Hobler, *ibid.*, p.144, entry dated 3 June 1850.

<sup>3</sup>Henry Dangar to Arthur Hunter Palmer, 27 August 1846, quoted in A.D. Fraser (Ed. and Comp.), This Century of Ours (Sydney, 1938), pp.54-55.



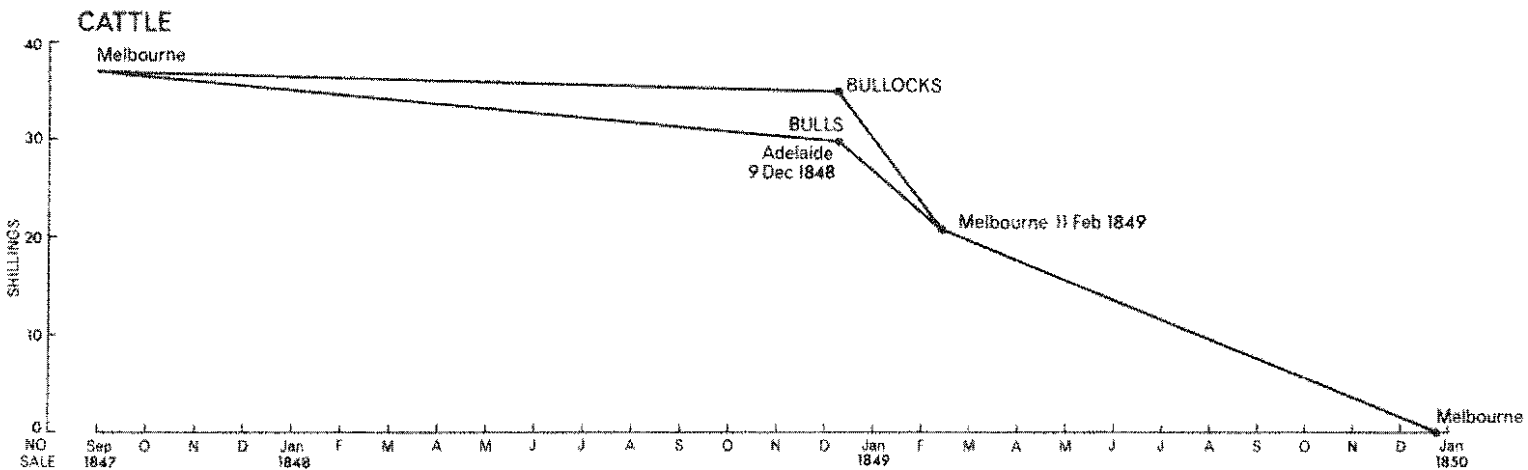
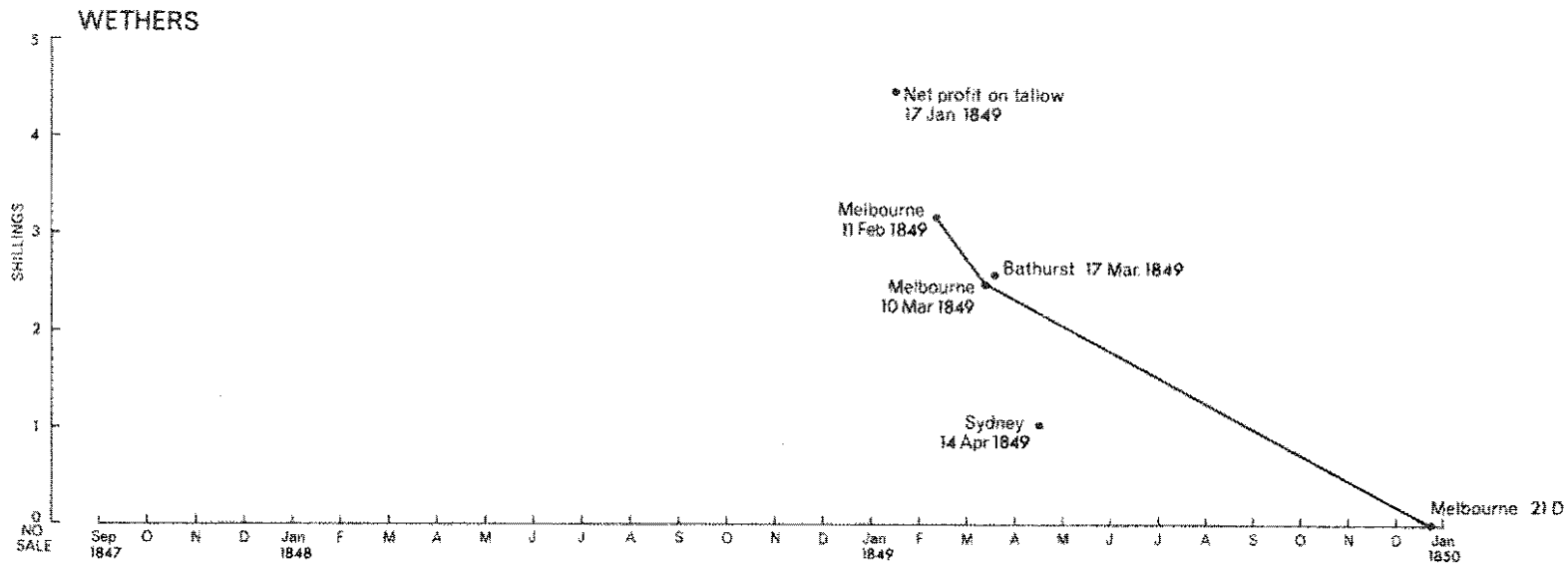


Fig. 16 Collapse of domestic meat market as recorded by George Hobler - Sep. 1847 to Dec. 1849 (Hobler, Journal, Vols. 5 & 6, (ML-C.426 & C.427) entries dated as shown)

England had time to fret about his reading matter:

...call at the Atlas office and stop my Paper. And I should be obliged if you get from Colemans' the end of a book called Dombey & Son from No.13. I bought from him the first 13 Numbers when I was in Sydney....<sup>1</sup>

It was left to Hobler to chart the collapse of the domestic meat market between late 1847 and the end of 1849,<sup>2</sup> to George Leslie to lament on the 'disastrous wool prices of the 1847 season',<sup>3</sup> and to the Sydney merchant Robert Towns to say

Trade and business never was known to be so dull and I see very little prospect of improvement. The late low prices for our ruling staple in the home market, wool, has thrown us out of all calculation'.<sup>4</sup>

and a few weeks later, on the eve of Christmas, 1848

This colony is in a shocking state from the late low prices of wool, the amount to refund is very serious -- it will require years to bring the settlers round.<sup>5</sup>

And it was left to relatives and friends to chart the extent and ramifications of the fall of the Bank of Australia, because official lists of bankruptcies<sup>6</sup> and Governor Gipps' list of the shareholders of the Bank<sup>7</sup> described not very much more than the surface of the colonial shaking. The strands ran everywhere throughout the hierarchic society, and George Leslie, for instance, in recording the fall of his father-in-law Hannibal Macarthur went on to say that the Blaxlands of Newington were gone, 'totally ruined',

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<sup>1</sup>E.G. Clerk to W.C.Uhr, 8 October 1848 (ML - MSS 946,Uhr Family).

<sup>2</sup>Figure 16 opposite.

<sup>3</sup>George Leslie to his parents, 10 July 1850 (OML - Leslie Letters).

<sup>4</sup>Robert Towns to D.C. Mackey & Co., 29 November 1848 (ML - Towns MSS, Uncat Set 307, item 58).

<sup>5</sup>Towns to Captain Goldsmith, 23 December 1848, *ibid.*

<sup>6</sup>See Government Gazette Indexes for 1842 onwards.

<sup>7</sup>Gipps to Lord Stanley, 1 January 1845, HRA 1/xxiv, pp.164-70, Enclosure No.4, pp.167-70.

and that the Camden Macarthurs were in 'a very shaky position',<sup>1</sup>

The fall of the Bank was not a thing separate from the decade of economic depression: it was an integral part of the depression and in its high social effects a crystallisation of the depression. This economic carnage needs extensive examination, and carnage seems not too strong a word for the process which shook Camden, left Vineyard Cottage and Newington lifeless shells, bankrupted Alexander Macleay the master of Elizabeth Bay, and rendered the master of Vaucluse unable to raise the £40 in cash required for his tender of Paika. Certainly it would seem that three generations of colonial endeavour, and more particularly two generations of pastoral growth economy, had in a substantial measure gone for nought: and certainly the evolved composition and the structural tightness of the hierarchic society of New South Wales altered beyond repair.

On the weakened frontier men balanced their hurts against their diminished prospects, and the social disintegration inherent in the frontier reached up more firmly and embraced the superintendents and the squatters. It was a natural and not uncommon road for a superintendent to go out on his own as a pastoralist: but at the end of 1846, Wentworth's Tala superintendent, Frederick Walker, gave up the frontier for the clerkship of Petty Sessions at Tumut and soon afterwards at Wagga Wagga.<sup>2</sup> Then as Commandant of the Native Police, with a higher salary, a standing as a government officer of important rank, and the opportunity to employ his peculiar rapport with aborigines, he went back to the frontier, not passively to endure it but to reshape it. It was to his headquarters at Callandoon on the lower Macintyre that the Riverina squatter Francis Gwynne addressed him in August 1849, telling him that Gwynne's brother Henry had sailed for California

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<sup>1</sup>George Leslie to his parents, 20 July 1848 (OML - Leslie Letters): cf. John Everett to Ann Everett, 8 December 1843 (UNEA - Ollera Letters).

<sup>2</sup>GG, 1847, Vol.2, p.481. It is likely Walker took up neither appointment.

Figure 17

A list of some Squatters who  
sailed for California

Archer Thomas		1849
Boyd, Benjamin	26 Oct	1849
Buchanan, Charles Henry		
Buchanan, William Frederick, and 2 brothers		
Davison, Simpson		
Dawson, Robert Barrington		
De Sailly, Francis William Wisdom	27 Jul	1849
De Sailly, George Peter	27 Jul	1849
Forbes, Francis	27 Jul	1849
Gwynne, Henry	24 May	1849
Hawkins, 'Ned'		
Hobler, George, wife and 8 children	12 Mar	1851
Potts, [Laurence?]		
Rudder, Enoch		

heartily sick of this horrible hole. If there is a place in the world where an enterprising fellow like you would get on, I believe California above all others would be the place, and I am surprised that you have not turned your attention to it. By Heavens, dear Walker, if you'll go there I'll go with you, for this country after all is 'weary stale flat and unprofitable.' Think on it.<sup>1</sup>

The point was that like the rest of society, squatters had always balanced the frontier against a longer view, endured the frontier for 'the prospect of future reward'. In their demoralisation at the end of the 1840s, they stripped the frontier of a compensating balance:

Here all is getting so dry that we have begun to water such things as must require it -- and if the summer was to set in from this time, the garden [would] be totally unproductive and the run bare of grass to an extent that [would] be destructive of stock -- as May says -- 'after all Australia is a wretched country'. I for my part anticipate much pleasure from living in a country where the trees are deciduous, and the passing of the year marked by the bursting bud [and] opening leaf...<sup>2</sup>

And if this was a mixture of the illogical and the nostalgic, then California where the trees were deciduous nevertheless claimed more squatters than Henry Gwynne and George Hobler.<sup>3</sup> This was perhaps the most spectacular evidence of the estrangement of responsible man on the frontier. How many squatters went to California has yet to be established. It is not impossible that they were represented in this migration according to their numbers in colonial society. What is certain is that many of them, like the other groups and categories of Australian emigrants to California, eventually returned again. But then they would be returning

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<sup>1</sup>Francis Gwynne to Frederick Walker, 16 August 1849 (QSA - 48/111, Correspondence with Officers of Native Police).

<sup>2</sup>Hobler, Journal, Vol.7, p.183, entry dated 18 August 1850 (ML - C.428).

<sup>3</sup>Figure 17 opposite.

to a New South Wales made over, and a New South Wales in which while the frontier was still a kind of purgatory there would be prospects there to warrant getting burnt, and on their return to New South Wales, and to the frontier, they would find there the very many more who had stayed and, during the absence of the migrants, had reshaped the frontier of New South Wales.

## CHAPTER 4

### THE RE-ORDERING OF SOCIETY : THE MAGISTRACY, 1849-1850

In a fundamental sense the reshaping of the frontier meant that long-lease security of tenure offered men the purpose and incentive to build an ordered civilisation of towns and stations beyond the boundaries. Beyond this, and of more immediate consequence, the reshaping of the frontier meant substantially the restructuring of authority. This in turn involved the dismantling of the apparatus of the commissionership of crown lands. Gipps who had in 1839 given the apparatus substance, began in 1841 to dismantle it again when he appointed a number of resident squatters to the magistracy to assist the commissioners' bench work;<sup>1</sup> and in 1844 Gipps would envisage the reign of traditional English justice over the squatted lands when he observed in the presence in the bush of well-educated, young gentlemen 'the materials for a local Magistracy'.<sup>2</sup> This process of dismantling and restructuring the substance of authority was virtually completed at the end of 1848 when Frederick Walker led his newly-formed Native Police Force north from the Murray River to the Macintyre.

The lawyers and absentee squatters who refused to renew the Border Police Act in the Legislative Council on 10 June 1846 tended to believe that they had accomplished this transition from autocracy to liberty in the course of an afternoon. It was a belief with some substance, but the most that could be conceded them was that they had speeded up a process already long set in motion by Gipps. They tended to appropriate all the credit to themselves, because in an odd way their attention had not been focussed

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<sup>1</sup>GG (1841) Index for appointments to the Commission of the Peace. Archibald Boyd and Matthew Henry Marsh, both of New England, and Arthur Hodgson of the Darling Downs were among the more prominent of these appointments.

<sup>2</sup>Gipps to Stanley, 3 April 1844, HRA 1/xxiii, p.511.

primarily on the transition of authority, but on the price they were prepared to pay for an end to frontier disorder and pastoral anarchy. They found Gipps' price too high. Whether it was so has perhaps never been seriously examined, but if the financial situation of men like Hannibal Macarthur, Archibald Clunes Innes and William Charles Wentworth late in the decade is any criterion, then it probably was too high. And even if a man's finances were nominally sound, there were probably not many men as insulated against the direct and indirect impacts of depression as was John Everett of New England:

I am sorry to say that I cannot give a more favourable report of money matters in this colony, a large proportion of the old settlers either gone or going to the dogs, their stock having been sold off at an immense sacrifice -- two thousand sheep sold lately at a shilling per head -- the Sydney Merchants horrid rogues are almost all broken & several of the Colonial Banks are in the same state....What little money we have is in the hands of the Australasian Bank, & Donaldson Dawes & Co both of which are supported from England & we hope on that account will survive the times.<sup>1</sup>

But when the passions are cut away from the great fight in the mid 1840s between Gipps and the hierarchic society, what remains underneath was that both Gipps and that society had made progressive contributions to the transition from autocracy to liberty in the squatted lands. It could hardly have been otherwise, for both Gipps and that society had had a hand in the creation of the autocratic commissionership. It was at the time expedient, cheap, non-permanent because requiring periodic and formal re-newal, because of all of these things very much in the evolving English tradition of the special magistrate appointed to handle a difficult problem,<sup>2</sup> and because of all of these things the commissionership was autocratic only in a relative sense inside the

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<sup>1</sup> From fragment of letter written by John Everett, dated by context about 1843 or 1844 (UNEA - Ollera Letters).

<sup>2</sup> For an excellent discussion of the evolving role of the special magistrate, see Galen Broeker, Rural Disorder and Police Reform in Ireland, 1812-36 (London, 1970).



formal and philosophical frames of the English tradition. If in the colonial paradox responsible man frequently denounced the commissioner as an autocrat, autocrat must remain the same convenient shorthand to distinguish two themes or strands in the English tradition. And it was precisely this tradition which formally allowed the Legislative Council of New South Wales its day of glory on 10 June 1846.

It followed by the same token that the whole process of dismantling and of restructuring the substance of authority beyond the boundaries was governed by this larger context of tradition. Tradition counselled the architects of this process, urged them to its execution, and embraced what they did in a tidy, simple, comprehensive logic. Every part of the transition effected between 1841 and the end of 1848 was an integral but sublimated part of a greater whole. It was a task that many hands could have undertaken without overt direction, for the direction came from the mental baggage of the hierarchic society of New South Wales.

So much was this so that the nominal transfer on 10 June 1846 from autocracy to liberty was executed with one eye cast firmly on English history, because refusal to renew the Border Police Act in effect denied Supply to the apparatus of the commissionership: and when an acceptable long-lease security of tenure was presently forthcoming from the Imperial Parliament, then in 1847 the Council followed out the historical script -- to the mystification of the Maitland Mercury:

What with the known objections of some honorable members to the imposition upon the Squatters of a police rate, because all other classes of the population had been expressly exempted from such a tax; what with the known aversion of the organs and supporters of Government to the imposition upon the Squatters of a rent supplementary to that directed by the Order in Council; and what with the assumed unwillingness of the Squatters themselves to submit to extra taxation in any form, or under any name, there did certainly appear to us to be no moral possibility of the Assessment Bill passing into a law. But into a law, nevertheless, it virtually has passed, the second reading having

been carried by a majority of 21 to 9. Who can read the riddles of that enigmatical, inconsistent, ever-changing body, the Legislative Council of New South Wales? Who can venture to infer its future from its past, or dare to calculate even what will be its decisions of to-morrow from what are its decisions of to-day?<sup>1</sup>

But the Mercury, momentarily at least, had taken its eye off English history, and perhaps in the passions of the political fight with Gipps the Mercury had come to interpreting self-interest too crudely. The self-interest was neatly laid out for all to read in the preamble of the Bill itself, whereas

it is necessary to make provision for the protection and good government of all persons residing beyond the settled districts, and by reason thereof it is expedient that an assessment should be raised and levied upon all stock pastured beyond the boundaries.<sup>2</sup>

On a frontier where social coherence had been disintegrating for over fifty years, it was the self-interest of the hierarchic society to remake the frontier in its own likeness: for this free exercise of authority it would tax itself as far as it found it necessary, and would do so gladly.

Authority on the frontier was thus to be cheap government, and therefore minimal and therefore safe government: the traditional trinity of restraints that English liberty needed for survival. Central to this whole philosophy was the honorary magistracy. Such a magistrate was cheap, because he was not paid; his reign was minimal, because he and/or his peers made the very laws he implemented; and he was safe because in him, in his own self-interest, responsible society governed itself. And it was in the nature of a pragmatic and largely unwritten tradition that the hierarchic society of New South Wales frequently advanced these propositions negatively:

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<sup>1</sup> Maitland Mercury, editorial, 13 August 1847, p.2, col.2.

<sup>2</sup> Quoted in Maitland Mercury, 11 August 1847, p.2, col.2.

With regard to Police Magistrates, your Committee desire to express their opinion, that except under very peculiar circumstances, they do not consider them to be necessary...The amount of the Police Expenditure of the Colony is already so enormous, that your Committee feel it to be their duty to recommend the Council not to sanction any appointments which can possibly be dispensed with.<sup>1</sup>

That is to say that tradition was appealed to by belittling the alternatives:

Look at the Maneroo district [which had] contributed a sum of some £4500 and odd pounds, and all the protection which [had been] afforded for this was one Commissioner and two border policemen... The Commissioners had power to act like other magistrates, and an Act of this Council had given them jurisdiction over cases arising between masters and servants; but the Commissioners would not interfere further than to grant a summons to attend at the nearest bench; at Queanbeyan probably, to get to which parties had...to travel not infrequently some 200 miles.<sup>2</sup>

And tradition could be appealed to by sounding a note of warning about the alternatives. The appointment of police magistrates, said Henry Dangar of 'Neotsfield', would be an 'un-English like procedure', pernicious and injurious and leading to an extension of patronage 'which is not desirable'.<sup>3</sup>

And much of the three-fold appeal of tradition, and therefore much of the resistance to change, was conducted silently. Men more alert to the demands of necessity might speak out, but they might speak a long time before there was social agreement that change was possible inside traditional frames. Ever since Commissioner Bigge, men had advocated a centralised police force; and in 1835, 1839, and again in 1847, Select Committees of the Legislative Council had urged upon society a centralised police force

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<sup>1</sup>Report from the Select Committee on Police, 10 September 1847, V & P (NSW), 1847, Vol.2, pp.20-21.

<sup>2</sup>Terence Aubrey Murray in LC Debates, 4 June 1846, SMH, 5 June 1846, p.2, col.5.

<sup>3</sup>Report...Police, op.cit., p.144.

'upon the principle of the Metropolitan Police, or Irish Constabulary'.<sup>1</sup> There was exhortation, too, by example - by the Irish Constabulary itself, and by the South Australian Police Force which had been centralised in 1840 within four years of that colony's founding.

On whatever grounds silent men chose to cling to traditional forms - be it cheapness, or minimal government, or individual freedom, or a combination of all three - these thirty years of exhortation by word and by example established only that the hierarchic society of New South Wales had put down deep English roots and was not easily to be deflected by environmental peculiarities. Environmental and historical necessity had produced such quirks as the military Mounted Police and the Border Police, but the very durability of tradition was guaranteed in treating them as quirks, aberrations to be tolerated and dispensed with in due course - the Border Police when the Commissioner's autocratic day was done, the Mounted Police when 'the Civil Police of the Colony is put upon a good system'.<sup>2</sup> These and other oddities would have their day. What remained central to the ordered existence of responsible man was the honorary bench, where responsible man, in governing society, governed himself.

It was eminently proper, then, that the bench rule the frontier. Granted this, responsible man was not at all disconcerted when environment or history made it necessary to raise up fresh oddities of office. He formed and ruled them too. Away to one side of the bench, in the restructuring of frontier authority, were the Commissioners of Disputed Boundaries, the inheritors of two generations of

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<sup>1</sup>See, e.g., the last paragraph of Report from the Select Committee on Police, *op.cit.*, p.33: see also Hazel King, 'Problems of Police Administration in New South Wales, 1825-1851', in *J.R.A.H.S.*, Vol.44, Part 2, pp.49-70 generally and pp.65-66 particularly; together with corrigenda in *ibid.*, Part 4, p.259.

<sup>2</sup>Report from the Select Committee on Police, 10 September 1847, *V & P*, 1847, Vol.2, p.27.

pastoral territorial anarchy. It was characteristic of the hierarchic society that the debates to the enabling act were confined entirely to procedural matters,<sup>1</sup> and characteristic of the hierarchic society that the appointed Commissioners were for the most part absentee and resident squatters, chosen presumably for their acceptability to their disputing peers.<sup>2</sup> It was practicable in this state of mind for James Macarthur of Camden to be the Commissioner for the Murrumbidgee District while he was yet party to a boundary dispute in the Lachlan District.<sup>3</sup>

But these commissionerships were by definition self-terminating, gone into history just as soon as the last dispute had been laid to rest. The honorary bench on the frontier would have more enduring satellites. To one flank stood the remodelled Commissioner of Crown Lands. He gave up his arbitrary image:

The Commissioner bet me a pony, I won,  
So he cut off exactly two-thirds of my run...<sup>4</sup>

and re-appeared as the familiar nineteenth century figure of the arbitrator. Freed from his autocratic box, he was seen to be what he had often been in the past - a gentleman and peer of pastoralist and squatter, now taking his rightful place in the hierarchic society according to his assets of ability and/or of place in a family, business or friendship system. And the subsequent marriages of Christopher Rolleston and Oliver Fry, the one to the sister of the Leslies of Canning Downs, the other to a daughter of William Wilson of Lismore, indicated the social whereabouts of the two Commissioners in these years, and the terms of their entree.

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<sup>1</sup>SMH, 1 and 9 June 1848, for second reading and Committee debates.

<sup>2</sup>See GG, 1849, Vol.2, pp.1000-1006.

<sup>3</sup>James Thorn v. J. & W. Macarthur, *ibid.*, p.1005; see also Chapter 3 above.

<sup>4</sup>From Viscount Sherbrooke, 'Songs of the Squatters'.

To the other flank of the honorary bench stood the Native Police, newly created under Frederick Walker, once Tala superintendent for Wentworth on the lower Murrumbidgee, once Clerk of Petty Sessions at Wagga Wagga,<sup>1</sup> now Esquire, J.P. On the face of it, creation of the Native Police completed the handiwork on the frontier of the hierarchic society, comprehending the aboriginal native within the grand structure of authority which would govern all men. As a para-military force, the Police would be 'the means of preventing those collisions between the natives and the Europeans which unfortunately in some districts were of frequent occurrence';<sup>2</sup> and as a special kind of Police, the Force would complement the constabulary of the Benches in bringing aborigines under the application of every day law. It was in this comprehensive sense that the Warialda Bench seemed to view the matter in May 1849 when the Native Police arrived from its training ground;

...we beg to be permitted to express the satisfaction with which we have observed the state of discipline and efficient order of [the Native Police], and we desire to state our confident expectation that they will be found of the greatest service in restraining the disorder which has hitherto been too characteristic of the Macintyre population of either colour.<sup>3</sup>

But surfaces were not at all what they seemed. Insofar as aborigines could not give evidence in a court of law (because they were deemed unable to comprehend the nature of an oath), they were not under the law at all; and in the lowest ranking below the other classes of irresponsible man - servants, soldiers and convicts - they lived most fully in the world of consequences, the place where it was by definition not possible to commit a justifiable crime. Again, the aborigine was morally distinguishable from convicts,

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<sup>1</sup>Chapter 3 above.

<sup>2</sup>Col. Sec. in LC Debates, 12 June 1848; SMH, 13 June 1848, p.2, col.4.

<sup>3</sup>Bench of Magistrates, Warialda, to Col. Sec., 1 May 1849, SMH, 21 June 1849, p.2, col.3.

soldiers and servants. These higher denizens of the world of consequences were there through their own choice, their own failure, or their own inertia; a moral view that allocated to man the full responsibility for himself. The situation of the aborigine arose from his personal misfortune in having been born outside and below this moral writ.

Two broad courses were therefore open to responsible man. He could endeavour to lift the aborigine up over this bar into that world where other barriers would be only of his own moral making: or the aborigine could be left where he was, in some unique and unpleasant way, man without rational mind, man with 'scarce human lineaments'.<sup>1</sup> Inside these two broad courses, there were probably as many refined courses as there were lawyers, squatters, missionaries and others to hold them: Otto Baldwin upon his course of teaching aborigine boys in civilised precepts was a case in point; as was the insenate Kibble upon his own course. But when in 1844 John Hubert Plunkett as Attorney-General endeavoured with his Aborigines' Evidence Bill to partially overcome the aborigine's unique bar, then the two broad courses open to responsible man were given almost classic definition.

On the one hand, Richard Windeyer told the Legislative Council

...the Bill could [not] be rejected, unless they came to the conclusion that the savage should be barred from all improvement; for by depriving him of the means of redress in every shape, they deprived him of all inducement to acquire property, or to conform to the habits of civilised man.<sup>2</sup>

While on the other hand William Charles Wentworth was goaded to something approaching vituperation:

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<sup>1</sup>Robert Lowe in LC Debates, 20 June 1844, SMH, 21 June 1844, p.2, col.5.

<sup>2</sup>LC Debates, *ibid.*, p.3, col.1.

The proper title of such a Bill as the one before the House would be 'A Bill to encourage murder and outrage on the part of the black population, against the lives and properties of the white settlers;'. . . . It would be quite as defensible to receive in evidence in a Court of Justice the chatterings to the ourang-outang as of this savage race. . . .<sup>1</sup>

Responsible man was in fact fairly evenly divided, even if those who joined Wentworth in voting down the bill viewed the aborigine with less virulence. Nor were they prepared to meet the bill head on, despite their majority in the Council on the day (voting 14 to 10), prepared only to follow William Bowman's amendment that 'the Bill be read that day six months', a voting that divided squatter from squatter, lawyer from lawyer, and government member from government member.<sup>2</sup> The only ready sense in this otherwise individualistic response to the aborigine in society was that the marked majority of absentee squatters followed their squatting colleagues Bowman and Wentworth.

The appearance was therefore superficial that creation of the Native Police brought the aborigine fully within the restructured authority of the frontier, and so the Warialda Bench was day-dreaming if it thought that the Police were going to restrain the disorder of the Macintyre population of 'either' colour. But in this year of 1849 when the most disillusioned of squatters were sailing for California and when the restructuring of authority on the frontier had reached full working order, it was the fate of the Native Police and their Commandant to appear something larger than life.

The rump of enlightenment that the aborigines had working for them in the late 1840s was recognisably not an intrinsic interest in, or an intrinsic concern for their person, but rather the hierarchic society's concern for its own responsible and civilised ethic. As one of the

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<sup>1</sup>Ibid., p.2, col.7.

<sup>2</sup>For division list, *ibid.*, p.3, col.2.



disillusioned, it was therefore open to George Hobler to admit his repulsion: '...disgusting devils nothing is too filthy for them, this is worse than the feast of tadpoles I witnessed at Nap Nap.'<sup>1</sup> It meant nothing more than simple repulsion: in the late 1840s this negative attitude to the blacks was the rump of enlightenment remaining after the positive optimism of the past sixty years had withered away. In these terms, it was not possible for civilised men to have social intercourse with a Thomas Coutts of Kangaroo Valley who had poisoned his blacks; and it followed inexorably that the only way of readmitting Coutts to the pale was to say, as George Robert Nichols indeed said in the Legislative Council in 1849, that the horrendous crime had been committed by someone other than Coutts.<sup>2</sup>

And the fundamental distinction to be drawn inside responsible society between optimistic and pessimistic attitudes to the blacks, a distinction to be drawn as crudely as possible by formal divisions in the Legislative Council, was whether it behoved society or not to formalise its horror in legislative action, whether it behoved society or not to interfere with that liberty in which alone man could be meaningfully responsible. Precisely here Frederick Walker and his troopers loomed something larger than life, because he seemed to tear up the entire propositions that governed men as far apart as Richard Windeyer and William Charles Wentworth, and seemed to rewrite the terms within which the hierarchic society ought to consider the admittance of the aborigine to the comity of man.

Before society's astonished gaze, there seemed to rise from the lower Murrumbidgee, as an ex-superintendent of Wentworth's, a man who shared peculiar rapport with the blacks, spoke a number of their languages, and with calm assurance offered to rebuild the frontier as a place of peace for both black and white. With a fine eye to elan, he

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<sup>1</sup>Hobler, Journal, Vol.5, p.78, entry dated 5 September 1847 (ML - C.426).

<sup>2</sup>LC Debates, 28 June 1849, SMH, 29 June 1849, p.2, col.6.

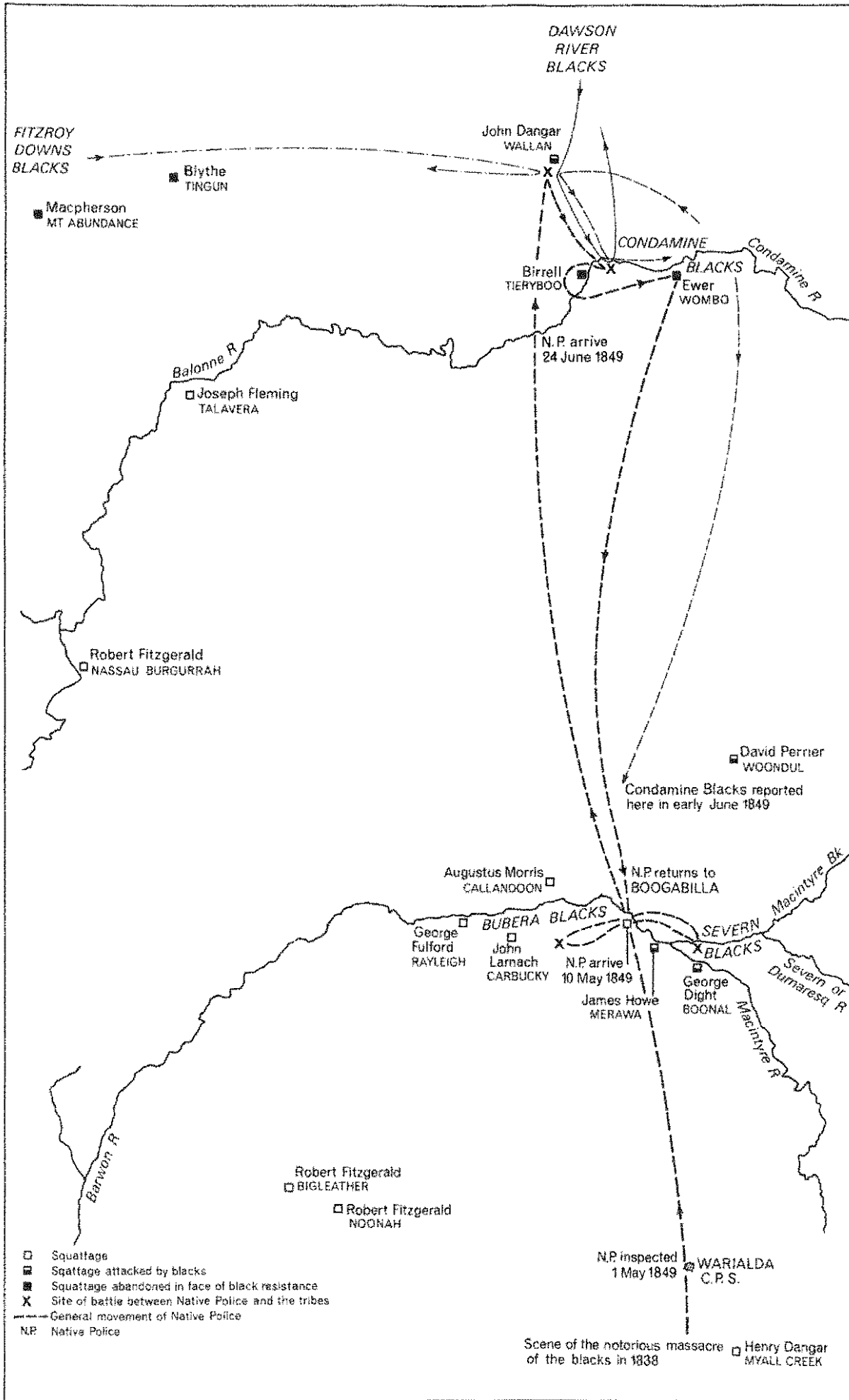


Fig. 18 First Native Police expeditions in Northern Districts, mid 1849

embroidered his troopers with cloaks and swords, and informed the hierarchic society that, properly officered,

the natives of this Colony would make as good troops as the natives of India. I know that as long as the officer stood none of the Native Police would stir.<sup>1</sup>

There was, in short, some excuse for the daydreaming of the Warialda Bench at sight of the Native Police. And the haze of euphoria continued to thicken when the Police reached the Macintyre in mid May and caused the Severn blacks to retire from their depredations on the riverine runs upstream from Boogabilla.<sup>2</sup> Then on 9 June 1849, on John Larnach's 'Carbucky' south-west of Boogabilla, the Bubera tribe met the Native Police head-on in a 'desperate' night fight 'yelling and beating their war implements in defiance'. Mr. Walker and his party 'fired at twelve paces, and

we are informed that spears and boomerangs were flying in every direction, the flashing of the fire arms shewing the blacks the position of their assailants; the yells of the savages, answered by the war cry of the police, and the ring of the carbines, must have had a most exciting effect.<sup>3</sup>

The exciting effect spread outwards fairly rapidly. Robert Purvis Marshall, a Macintyre squatter present at the engagement abandoned his pastoral endeavours and enrolled as a subaltern in the Native Police. George Fulford of 'Rayleigh', the station immediately north-west of Carbucky,<sup>4</sup> soon did likewise. When the press carried south the news of the engagement, some of his Murrumbidgee acquaintances were stirred to write to Walker, one of them seeking a command in the Force.<sup>5</sup>

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<sup>1</sup>Commandant of Native Police to Col. Sec., 31 December 1849, V & P, 1850, Vol.1, p.588.

<sup>2</sup>Figure 18 opposite.

<sup>3</sup>Maitland Mercury, 1 August 1849, p.2, col.5; and SMH, 2 August 1849, p.2, col.7. In these reports, for 'July' read 'June'.

<sup>4</sup>Figure 18, op.cit.

<sup>5</sup>See Correspondence with Officers of Native Police (QSA - 48/111).

News of Carbucky did not reach society at large until 1 August, by which time the Police had been to the Condamine and back to Boogabilla, having in the interim met and defeated the Dawson, Fitzroy Downs and Condamine blacks in two stand-up fights near John Dangar's 'Wailan', and in the interim begun a process of restoring squatters to their abandoned runs.<sup>1</sup> By the end of June, Walker was back in Boogabilla, having made it clear to irresponsible man that by definition he could not commit a justifiable crime. But Walker now began to lecture responsible man on his own crimes. For nine years

With the exception of three Stations, the Blacks... were in a manner outlawed in their country, being hunted from the river and creek frontages, and thus deprived of means of lawfully obtaining food. Driven to desperation, they carried on a constant war of retaliation with the Whites, and lived solely on cattle. So accustomed were they become to this life, that force had to be resorted to [i.e., by the Native Police], to make the ring-leaders submit....The best argument I have heard yet in support of the system was that of a settler, who said his reason for not admitting the Blacks at his station was, that he could not prevent quarrels between his servants and them, arising principally from the intercourse of the Europeans with the females. It is rather too bad that for such a reason the unfortunate Aborigines should be expelled from their own fatherland.<sup>2</sup>

There would be peace on the Macintyre, said Walker, just as soon as the blacks were allowed back onto the stations:

It is impossible to persuade me that a station is more safe because the Europeans do not see the Blacks at it, for they may be unknown to them in a scrub only one mile from a sheep station, ready to pounce out at an advantage upon some unprepared and solitary shepherd....If every settler were to allow only ten Aborigines on his station, there would be such a small number of them in the bush that they would hardly be dangerous. It is the hostile bearing of the settlers that causes the Blacks to keep in large numbers, for they cannot continue the assemblies customary to them for more

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<sup>1</sup>Figure 18, op.cit.

<sup>2</sup>Commandant to Col. Sec., 1 March 1852, V & P, 1852, Vol.1, pp.801-03.

than a few days at a time, on account of the want of food, (the Bunya seasons are of course an exception). They supply this want from the herds of the settler, and are compelled to do so.<sup>1</sup>

There was to, Walker subsequently wrote, a class of men on the Macintyre 'who for years, for the sake of profiting by the high rate of wages, endeavoured to keep up the old state of things'.<sup>2</sup>

But at the end of June 1849, when Walker was newly back at Boogabilla from the Condamine, his lecturing of the Macintyre squatters had barely begun and had not yet produced the harmonious results of the next few months. The press that he was getting, and which was productive of the euphoria in which he was viewed, was in a substantial degree unwelcome; because the necessarily punitive nature of his initial forays lent itself to 'exciting effects', and the press which extolled him indicated clearly that what the Warialda correspondent wanted from the Native Police was much more of the same thing:

It is surprising the government does not declare the disturbed districts in a state of siege, and thus relieve the Commandant from his great responsibility. Why does the government not at once acknowledge there is a war.....<sup>3</sup>

The effect on government was precisely the opposite. If Walker was fresh from victory on the Macintyre and the Condamine, Deas Thomson and John Hubert Plunkett were fresh from a narrow (9 to 10) defeat in the Council on Plunkett's second attempt in five years to bring into law a bill to permit aboriginal evidence in court proceedings. This time no one had mentioned ourang-outangs, but the lawyer George Robert Nichols had told the Council that:

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<sup>1</sup>Ibid., p.803.

<sup>2</sup>Ibid., p.802. The New England version was Terrible Billy, apparently a latter day Kibble. It is perhaps relevant to the motivation of such men that Terrible Billy committed suicide. Wallabadah (Telfer's) Journal, p.83 (typescript, ANUA - P.85, p.58).

<sup>3</sup>Maitland Mercury, 1 August 1849, p.2, col.5.

There was no doubt that such a race as [the aboriginal] must give way before the march of civilisation; they could not be instructed, and must eventually perish from the earth, as white men approached to occupy it.<sup>1</sup>

And as though to anticipate an objection that 'instructing' aborigines was precisely what Walker had been doing in coherently organising his troopers, John Fitzgerald Leslie Foster of Port Phillip dismissed the southern native police under Poultney Dana as 'very good bloodhounds...but this was all'.<sup>2</sup> And Wentworth, having been joined by several of his absentee squatter colleagues in condemning the Exeter Hall influence on government, and in labelling as 'judicial murder' the execution in 1839 of the convicts found guilty of the Myall Creek massacre, informed the House that the aborigines had to give way before the arms and diseases of civilised nations before the aborigines acquired the power of those nations; and was followed by the Gwydir absentee squatter Robert Fitzgerald of Windsor when he, Wentworth, told his audience what should happen to the blacks:

...he denied the policy of Government interference in this matter altogether. He could not see if the whites in this colony were to go out into the land and possess it, that the Government had much to do with them. No doubt there would be battles between the settlers and the border tribes, but they might be settled without the aid of the Government. The civilized people had come in, and the savage must go back. (Cheers).<sup>3</sup>

Fitzgerald was terser and, perhaps unconsciously, put voice to the Hawkesbury River tradition that ran across the fifty years and five hundred miles that stretched from Windsor to the Maranoa: '...the wisest plan was to let the two races settle it between themselves...'<sup>4</sup>

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<sup>1</sup>LC Debates, 28 June 1849, SMH, 29 June 1849, p.2, col.6.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p.2, col.7.

<sup>4</sup>Ibid., p.3, col.3.

It was possible to read into this a fear of how far Walker's dispassion might take the Native Police down the road to amity between black and white. Certainly, Deas Thomson and Plunkett freshly retired from the naked debate could only draw back startled from the 'exciting effects' of Walker's battle at Carbucky, the news of which reached the Sydney Morning Herald on 2 August 1849. It seems probable that government already had Walker's report of 12 July, but had found it routine and uncolourful. Deas Thomson's letter to Walker on 8 August owed much more to the press call for a declaration of seige than to Walker's own letter:

...you should again be cautioned to be careful not to allow your zeal to excite you to acts of aggressive warfare against the Aboriginal Tribes with which you may come in contact.

The Command of the Native Police, I am to add, has been entrusted to you in the confidence that you will use it for the maintenance of order and peace and not for the purpose of carrying war into an enemy's country.<sup>1</sup>

In reply, Walker pointed out that amongst an insurgent population he had gone to Carbucky to arrest alleged murderers of whites, but '...they the murderers were aided and abetted by a large number of other blacks and I was obliged to engage them or retire...'.<sup>2</sup> Walker was perhaps beginning to realise that he, unlike the honorary magistracy, was completely unprotected by tradition, by accepted forms and institutions, and by simple acceptance of his task. It was possible that every legislative councillor, every magistrate and every squatter had a separate opinion of how the Native Police should be used. Clearly, there were some like the Warialda correspondent of the Maitland Mercury who believed that the Police should shoot more blacks, clearly, government were worried that the Police might shoot too many; and clearly, men like Fitzgerald and Wentworth thought the

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<sup>1</sup> Col. Sec. to Commandant, NP, 8 August 1849 - Letters to Magistrates, 49/264 (NSA - 4/3860).

<sup>2</sup> Commandant of NP to Col. Sec., copy undated, 49/19 (QSA - 48/111).

shooting ought to be left to private hands. There were infinite variations, and more would become overt with time. In the middle stood Walker, pressured from every direction, as he lectured the Macintyre squatters on amity between black and white. It may have been a matter of coincidence, or it may have proffered an intangible clue to Wentworth's subterranean animus, that Walker was his ex-superintendent of Tala, and that Walker's warmest and staunchest advocate, Augustus Morris, Esquire, J.P., of Calandoon<sup>1</sup> on the Macintyre, was the man who had joined and then superseded Walker as Wentworth's superintendent of Tala. Clearly, however, when it came to the blacks, Wentworth and his ex-managers were at opposite ends of the possible spectrum of opinion.

There was, however, one thing no councillor, no other magistrate and no squatter could presume to advise Walker. It was he, and no other, who could command the mass affection of diverse blacks. In this very peculiar way, he verged on the indispensable. When he came south with Fulford at the end of 1849 to recruit more troopers from the Murrumbidgee, the dissonant voices were still, and the Sydney Morning Herald saluted him with a mixture of confused geography (placing Callandoon on the Murrumbidgee), distinct traces of euphoria: 'We are informed that the black troopers are very proud of their position, and are much envied by their sable bretheren', some appreciation of what had happened on the north-western frontier

where but a year since the shepherds dare scarcely leave their huts, and every person went about armed for fear of the blacks...it is now very uncommon to meet a person armed even when he is travelling from station to station,

and a quite sharp perception of where Walker himself believed that the Native Police were going. To a society sunk despairing in ever 'instructing' the aboriginal native, the Police appeared 'to hold out more hopes of permanently

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<sup>1</sup>Figure 18 op.cit.



civilizing the natives, than any experiment that has yet been tried'.<sup>1</sup>

And so, momentarily, Walker came back to the real world where he was only one magistrate, albeit a peculiar one, among the several hundred magistrates of New South Wales. These stood in the central traditions of the honorary Bench, to which the Commandant and the Commissioners were flanking satellites. While Walker had been creating and deploying his Native Police force, the squatter magistrates had been engaged in setting up a traditional structure of law. They had other problems, and therefore different criteria had gone to the assembling of their elevated ranks. But what the Sydney Morning Herald said in its eulogy of Walker could have been said of nearly all of them: '...he was recommended to the Government by several gentlemen who were acquainted with his character and habits...'<sup>2</sup>, for this was the way that the amateur society operated, by a consensus among responsible men. Here was one source of the colonial distrust of the stipendary magistrate, for it was this society, through the Legislative Council, that had between 1840 and 1846 reduced the number of police magistracies in New South Wales from twenty-six to seven.<sup>3</sup>

Yet patronage was a hard-worked word made to say more than it could properly connote. Formal patronage was everywhere - it was hardly coincidence that the brothers Samuel, Alfred, and Henry Elyard were each employed in the Colonial Secretary's office,<sup>4</sup> and hardly coincidence that in the mid 1840s three men called Bligh acquired government positions; James William Bligh as Collector of Quit Rents in 1843; Richard Bligh as Clerk of Petty Sessions at Scone in 1845 and again as Acting Commissioner of Crown Lands for

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<sup>1</sup>SMH, 10 January 1850, Editorial, p.2, cols.1-2.

<sup>2</sup>Ibid.

<sup>3</sup>For a discussion of this see Hazel King, 'Problems of Police Administration in New South Wales, 1825-1851', in J.R.A.H.S., vol.44, 1958, pp.57-58.

<sup>4</sup>The source of the Elyard patronage has not been traced.

Liverpool Plains District in 1846 and again as Commissioner of Crown Lands for Gwydir District in 1847; and William Bligh as Clerk of Petty Sessions, Armidale, in 1847.<sup>1</sup> The other end of this process was described in passing by Patrick Leslie, writing to his father, the Laird of Warthill, in 1847:

Many thanks my dearest Father for the trouble you have taken in applying through Sir A. Luthbay for an appointment here for me but I do not anticipate any new appointments here being made now as all the districts in the Colony now have got their own police force at their respective benches under the local unpaid Magistrates and no Police Magistrates are to be appointed outside the boundaries.<sup>2</sup>

But it were perhaps impossible to say where formal patronage ended and the hierarchic amateur ethos took over. The one rather shaded into the other so that, subject to local influence of environment and colonial history, traditional criteria selected the honorary magistrates outside the boundaries as they had done inside: and where environment and colonial sociological history permitted, produced a magistracy recognisably traditional. On the Darling Downs at the end of the 1840s, the Commissioner of Crown Lands, Christopher Rolleston, and ten of the nineteen justices belonged directly to the titled and untitled aristocracy of Great Britain.<sup>3</sup> Here, indeed, were the 'materials for a local Magistracy'. As for New England 'considered by far the most Aristocratic Part of New South Wales [where] almost

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<sup>1</sup>Government Gazette - Indexes 1843-1847. The patron of the Blighs was most probably Governor Bligh's son-in-law, Maurice Charles O'Connell: see ADB, Vol.2.

<sup>2</sup>Patrick Leslie to his father, 18 June 1847 (OML - Leslie Letters).

<sup>3</sup>Burke's Peerage, and Landed Gentry: Gilbert Elliot, G.K.E. Fairholme, the three brothers Gore, the two brothers Leith Hay and the three brothers Leslie. Fairholme inherited his family title, as did a son of one of the Gores. Here again I follow F.M.L.Thompson, English Landed Society in the Nineteenth Century (London, 1963), p.109, in his usage of 'aristocracy'. Rolleston's patron was Sir Robert Peel: see HRA 1/xxiii, p.333.

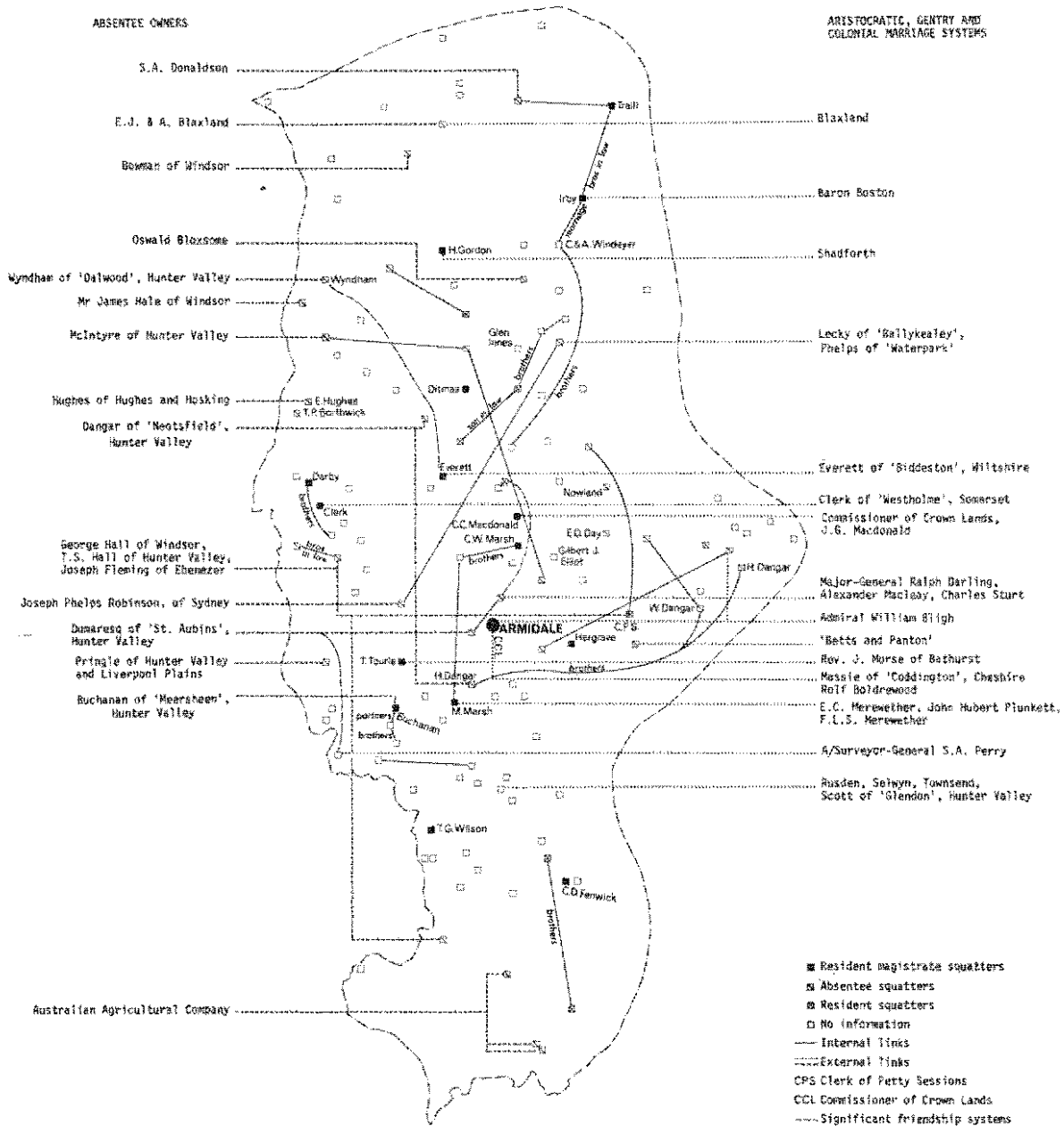


Fig. 19 New England Squatting c. 1850. Patterns in social composition of squatters, as far as has been established.

all the young settlers are either Oxford or Cambridge'<sup>1</sup> colonial society intruded to make the social structure more complex. New England was not as aristocratic as the Darling Downs and, in 1848 at any rate, mustered only one Oxford graduate, Matthew Henry Marsh of 'Salisbury Court'. The Commissioner, Robert George Massie, and two of the justices, Edward Irby and Edward George Clerk, had recognised claims to membership of the aristocracy: John Everett and Matthew Henry Marsh with his brother Charles William were not formally recognised by Burke's, but were nevertheless of the English west country gentry, and Christopher Dawson Fenwick and Philip Ditmas might nourish more tenuous claims,<sup>2</sup> as did Claudius Cheeseborough Macdonald who could claim distant descent from Alexander Macdonald, Earl of Ross and Lord of the Isles.<sup>3</sup>

So Tourle's aristocratic claims for New England were exaggerated. Nevertheless, it was here on New England that the hierarchic society of New South Wales had been most immediately successful in absorbing the deluge of immigrant squatters of the late 1830s and early 1840s. This would seem one reason that ultimately New England stayed in New South Wales. At the end of the 1840s, as far as can be fairly readily determined, at least one half of the runs on New England were in the hands of men whose family, business and friendship systems linked them internally to New England and externally to the aristocracy and gentry of Great Britain and to the hierarchic society of New South Wales. On the face of it, only three of the magistrates of New England stood outside this collegiality, and it is always possible that further research might bring these three men inside it.<sup>4</sup>

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<sup>1</sup>Thomas Tourle, quoted in R.B.Walker, Old New England (Sydney, 1966), p.24.

<sup>2</sup>Burke, op.cit.

<sup>3</sup>Walker, op.cit., p.15 and fn.20, and p.38.

<sup>4</sup>Figure 19 opposite.

Particularly in the nature of friendship systems, the links were informal and therefore subterranean, and it is not possible to rank higher than probability that the friendship between the Everetts of New England and Wyndham of 'Dalwood' in the Hunter Valley owed something to their common Wiltshire gentry derivation: precisely as Wiltshire at a lesser level of consequence was the denominator in John Everett's discovery that his brother Edwin had been in the same class at school as Charles William Marsh.<sup>1</sup> The real point about the friendship between Wyndham and the Everetts was that in an amateur society that largely ruled itself, the friendship was an extension of Wyndham's person and influence, through which Everett's acceptance in the hierarchic society was facilitated, and his elevation to the magistracy advanced, if not indeed originated. It is not possible, and would be perhaps tautological, to pursue the degree to which this was so, for at some point explicit friendship systems shaded over into social commonalities. If Wiltshire in whole or in part attached the Everetts to Wyndham, then by the same token Hunter Valley residence attached Wyndham to the brothers Glennie, ecclesiastical interests provided a dialogue between Glennies and Selwyns, and those interests and squatting strengthened the links between Glennies, Selwyns and Rusdens and led back again to the Hunter Valley to the Scotts of 'Glendon'.

It was therefore entirely in the order of things that one could pursue the links, in the resident squatting magistracy created in the 1840s, even into such unlikely territory as the Liverpool Plains and the Gwydir, that vast absentee 'electorate' of Robert Fitzgerald of Windsor, in which in the Liverpool Plains District alone 25 resident squatters, 20 relatives of squatters, and 125 superintendents and overseers<sup>2</sup> shared 29,000 square miles of New South Wales. Here the ecclesiastical and friendship systems went down the

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<sup>1</sup> John Everett to (Rev.) Charles Everett, 8 June 1843 (UNEA - Ollera Letters).

<sup>2</sup> No information about another 11 runs. See Appendix D.

Namoi to John Glennie and Arthur Edward Selwyn, and down the Gwydir to Francis Townsend Rusden and to William Ogilvie, son of Ogilvie of 'Merton' in the Hunter Valley and brother of the Clarence River magistrate Edward David Stewart Ogilvie: the Glennie and Selwyn links made a territorial triangle by crossing to the Darling Downs, to the itinerant missionary, Benjamin Glennie, and via the Dukedom of Atholl to the magistrate George Knight Erskine Fairholme, heir apparent to the Lugate.<sup>1</sup>

Nevertheless, the effects of the wave of the immigrant squatters of the late 1830s which threatened to overrun the hierarchic society of New South Wales sat much more lightly on Robert Fitzgerald's 'electorate' than on the Downs or New England. Apart from a stray John Lecky Phelps with his Irish gentry and Sydney connections, the magistracy in the north-west and in all the remaining squatted lands relied next on the resident off-spring of the officer, official and settler classes which had built New South Wales: William Ogilvie, Junior, of the Namoi; E.D.S. Ogilvie of the Clarence; John Arthur Broughton of the Tumut; Thomas Broughton Carne of the lower Murrumbidgee; Joseph Horwood Bettington of the Liverpool Plains proper; and George Macleay of the Murrumbidgee, were cases in point.

If the Downs and New England represented some aristocratic peak, and the Ogilvies, Broughton, Bettington and Macleay a colonial gentry slightly (and presumably in Tourle's view, rightly) below that, there was below this upper colonial gentry again another stratum of magistrate not readily amenable to historical identification. More knowledge of him, and of the systems in which he lived, might make it necessary on occasion to promote him in the hierarchic society, on occasion to leave him where he was, somewhat below a Macleay, and on occasion to demote him even further from the rarified atmosphere of Thomas Tourle or of Walter Leslie of Canning Downs who had once asked his parents

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<sup>1</sup>Burke's Peerage, and Landed Gentry.

to post out a copy of the Leslie genealogy and in the asking placed New South Wales in the Leslie perspective: 'I know there is none better here [than us] and I assure you we are not inclined to allow many as good.'<sup>1</sup>

The magistracy in short was unevenly recruited from society, for tradition had to make do with the kinds of resident squatter to be found in differing districts. Apart from the fact that tradition could not of necessity find any leisured candidates - they were too involved with the disintegration of the frontier to be leisured - it had according to pastoral sociology to take whatever educated specimens of responsible man were available. When Edmund Morey was elevated to the Balranald Bench at the age of twenty-four or -five, several hundred years of tradition was stood on its head: and if the most prestigious magistrate of the Commission of the Peace were indeed heir to a British title or an estate - a Gore or a Fairholme - the same Commission on the Monaro admitted William Adams Brodribb, the son of an emancipist. The Commission went on to link the son of the emancipist with Rowland John Traill of Tenterfield on New England, brother-in-law of Edward Irby, grandson of Baron Boston, for Brodribb and Traill were not squatters at all, but merely superintendents.

The human parts of the Commission in the pastoral districts might in fact have sat uneasily together, if it had not been that the regional independence of each Bench tended to preserve a regional homogeneity. What the aristocratically minded George Leslie might have thought of sharing a Bench with Brodribb was never likely, because of 800 intervening miles, to be brought to issue. And there were counter tendencies in the possession of property, education and good presence: if tradition could extract this much from an emancipist or the son of an emancipist, then on balance tradition was probably well served, and proffered a certain flexibility. If the Jenkins of 'Bangus' on the

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<sup>1</sup>Walter Leslie to his father, 29 October 1839 (OML - Leslie Letters).

Murrumbidgee found it necessary to advise that the emancipist Jenkins of 'Tooyal' further downstream were unrelated and were 'not nice people',<sup>1</sup> the advice was for private consumption only, and could well have meant simply that the Jenkins of Tooyal had neither the education nor the presence to rise above their emancipist origins.

Yet for any number of reasons, whether of convict origins, education, presence, habits, rectitude, suspicion of stock stealing, or simple scale of property wealth, the view of society as seen from the Bench was unmistakably hierarchic. Below the Esquires, J.P., were the Esquires against whom there was no intrinsic impediment to their being elevated in due time to the Bench. Below them again were men who, whether by social consensus or by their own modesty, were emphatically not gentlemen: Samuel Clift of the Hunter Valley and of 'Doona' on the Liverpool Plains was such a one;<sup>2</sup> James Hale, the Hawkesbury River absentee owner of six stations in Bligh, Gwydir, Liverpool Plains and New England was another.<sup>3</sup> Below these again were, amongst others, the small squatters west of Yass whom their larger neighbours refused publicly to dignify as squatters at all, but put them in their hierarchic place as 'settlers'.<sup>4</sup> And on the Monaro the Clerk of Petty Sessions, Robert Dawson, himself the son of a squatter, scaled men hierarchically in his correspondence. Brodribb, along with his fellow magistrates and heads of departments, was addressed as Esquire by 'Your very Obedient Servant'. Patrick Clifford, the owner of Nudrum Nadran and Greenland, was addressed as Mister by 'Your obedient Servant'.<sup>5</sup>

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<sup>1</sup>Personal communication.

<sup>2</sup>V & P, 1859-60, Vol.3, p.905.

<sup>3</sup>V & P, 1847, Vol.2, p.17.

<sup>4</sup>See, for instance, description of Run No. 89, Lachlan Pastoral District, GG, 1848, Vol.2, p.1316.

<sup>5</sup>Cooma Bench, Letter Book, 1847-1861, for examples, pp.37-39 (NSA - 4/5532).



The restructuring of authority on the frontier meant that hierarchically the concerns of the Bench began not at the bottom where Walker had to begin, with irresponsible man, but at or near the top of the social pyramid. The concern of the Magistrates in large part began, in fact, with their own behaviour. They were amateur doubly over, firstly by traditional definition, and secondly insofar as they had not been recruited from traditional sources. If they were to reshape the frontier, they needed to accept instruction, which was what gave substance to George Hobler's observation when he was re-elevated to the Bench in 1848:

Attended at the Supreme Court and took the usual ridiculous oath required upon taking up the style & title of Justice of the Peace - I was only four days within the time of 6 months, allowed to be sworn in after Gazetting, and would have been inclined to let the time pass over had I not considered, the dignity, [which] I know many are anxious to attain who cannot....I only hope I shall not be called upon to act frequently, as besides the risk of doing so, away from the assistance of a police clerk and a stipendary magistrate, I would be but pleased to lead a quiet unobstrusive life.<sup>1</sup>

What escaped Hobler was that on many of the new pastoral benches the Clerks of Petty Sessions were no better instructed than the magistrates, and the Benches survived perhaps largely because the magistrates promptly set about improving their knowledge of the law.

In the first week of May 1849, in the week that the Warialda Bench hoped that the Native Police would restrain the Macintyre disorder of either colour, Brodrigg for the Cooma Bench, in many fewer words, addressed a string of procedural questions to the Colonial Secretary. Two were directly about the Master and Servant Act, one partly about the same Act but perhaps moreso about the correct behaviour of magistrates in issuing summons or warrants; the fourth largely concerned the behaviour of squatters in general:

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<sup>1</sup>Hobler, Journal, Vol.6, pp.50-51, entry dated 16 October 1848 (ML - C.427).

Can any party legally boil down his own sheep or cattle on his own station for the purpose of procuring Tallow for sale without first obtaining a Slaughtering Licence?<sup>1</sup>

Writing a month later on the same subject, the Wee Waa Bench, too, sought advice from government. There were, said David Ryan and John Glennie, Esquires, J.P., several recently-erected and unlicensed boiling-down establishments on the Namoi 'beyond the supervision of the Inspector at Wei-Waa [sic]'. The Bench went on to say that

Such Establishments afford great facilities for the disposal of stolen cattle and as the reputed character of the parties who hold them is not unexceptionable they are calculated to become Public nuisances.

The Bench came then to its procedural point:

As it will be difficult to prove the tallow manufactured at such Establishments has been sold or is intended for sale, we are at a loss to know, whether in the absence of such proof a Conviction could be sustained under the Act of Council No.5 William 4th, No.1?<sup>2</sup>

In mid July, the Wee Waa Bench, with Arthur Selwyn in addition, addressed the Attorney-General again, having 'reason to believe [our] letter was destroyed in the late robbery of the Singleton Mail'. In the absence of the Attorney-General's opinion, the Bench had in the interim proceeded against James Smith Adams of Yarraldool 'on our own judgement' and fined him '£10 each for four head of cattle proved to have been slaughtered by him for boiling without a [sic] holding a Licence'. Against this judgement Adams had entered an appeal. In the meanwhile, the Bench urged the Attorney-General, the Slaughtering Act should be strengthened to 'more strictly...control the already numerous and daily increasing Public and Private boiling-down Establishments'. And once more the Wee Waa Bench glanced

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<sup>1</sup>Cooma Bench to Col. Sec., 7 May 1849 (NSA-4/5532, Cooma Bench, Letter Book, op.cit., p.26).

<sup>2</sup>Wee Waa Bench to Attorney-General, 5 June 1849 (NSA-4/7547, Wee Waa Bench, Letter Book, p.10).

hierarchically down squatting society:

At the present moment these [Private] places especially afford a dangerous and easily available means of disposing of any number of stolen cattle with scarcely a chance of detection. There are many men of no character whether owners or others living on isolated stations beyond the reach of any constables who slaughter and boil cattle but against whom from circumstances it is impossible to bring any specific charge, and we are confident that unless these are placed under the strictest control the crime of cattle stealing will increase to a fearful extent.<sup>1</sup>

In that vast 'electorate' of Robert Fitzgerald's occupied mostly by superintendents and overseers, the possible field of owners whose characters were not unexceptional was quite small. In 1847, apart from the magistrates, the resident owners of the Namoi in the Bench's province were Charles Button of Burran, Bagot and Bailey of Cambo Cambo and Youendah, Thomas Capp of Milihomi, John Millar or Miller of Kiambir, Daniel McFarlane of Ulambie, Charles Morrison of Weeta Waa and the Messrs. Spencer of Ironbark.<sup>2</sup> Between then and 1849, James Smith Adams of Yarraldool for one had moved into residence in place of his superintendent. Apart from Capp who was the son of an emancipist, and Bagot and Bailey who were both responsible and respectable,<sup>3</sup> this small field was sufficiently obscure to elude ready historical identification. Who the Wee Waa Bench had in mind was therefore impossible to say, other than that the charge rested somewhere among six or seven men. Once 'others' were admitted to the charge, of course, then the field extended through owners' relatives, superintendents and overseers.

In December, however, Charles Ferdinand Hamilton Smith, Esquire, J.P., of Mogil Mogil, had occasion to advise the Attorney-General from the Wee Waa Bench that he had the honor

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<sup>1</sup>Wee Waa Bench to Attorney-General, 18 July 1849, op.cit., p.11.

<sup>2</sup>Liverpool Plains District, Returns of population and live-stock 1846 (NSA - 5/5498).

<sup>3</sup>See the press given them by Maitland Mercury, 9 January 1847.

to forward Depositions taken in the case 'Regina v. McGuire' for Cattle-stealing. I beg leave to remark that the evidence of Mr. John Miller is by no means satisfactory, and I account for it, from the intimidation he has received from many parties in this District, added to his own unwillingness to prosecute the person above alluded to, for a Crime, I am sorry to say, so common on the Namoi River.

Yet the view that the Wee Waa Bench, or for that matter any other Bench, took of the hierarchic society below it was not selective in its criticisms but comprehensive, prepared to detect crime and irresponsibility wherever and at whatever levels of society they might be found; for C.F.H. Smith went directly on to say that

In consequence of a report having reached the Chief Constable (a letter from a respectable person) that several carts laden with Spirits were on the Barwan River, and that the owners were carrying on an illicit traffic, I felt it my duty to dispatch two constables to that locality.

Then Smith sought assurance respecting his own conduct. One of the constables despatched over one hundred miles to the Barwan was a material witness in the cattle-stealing case, and 'I therefore trust I have not done wrong in putting off the case until the 4th March[, ] the next sittings of the Circuit Court in Maitland'.<sup>1</sup>

This concern for good law was, of course, a form of enlightened self-interest. Apart from whatever traditional respect for English justice a Smith or a Glennie might entertain in his mental baggage, application of bad law left him open to accusation and criticism. There would be criticism anyway, if only from an adverse decision against the critic: and there were enough laws for enforcement to provide a wide range of critics, from squatters to shepherds. In August 1849 at the quarterly sitting of the Armidale Petty Debts Court, Thomas Tourle and Christopher Dawson Fenwick from the Bench found eleven small debts proved against W.M. Borthwick of Auburn Vale. When Borthwick

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<sup>1</sup>Wee Waa Bench to Attorney-General, 20 December 1849, op.cit.

complained to the Colonial Secretary about the proceedings, the brothers Marsh, as the magistrates dealing with the complaint, pointed out to the Colonial Secretary that at the sitting on 7 August the cases had been defended neither by Borthwick nor any appointed agent, and that in the absence of defence, the sitting magistrates had applied the terms of the Small Debts Recovery Act, 10 Vic 10.<sup>1</sup> This in fact was a lesson that the squatters had to learn in the restructuring of the frontier, that their magisterial fellows were no longer their peers, but their superiors.

Sometimes, of course, the critic kept his views to himself, or to his journal. Two years before, Henry Sayer Lewes, Patrick Brougham and Henry Gwynne had marked the early launching of the Deniliquin Bench, in *Shaw v. Craske*, by ordering the squatter John Craske to pay due back wages to the shepherd, Samuel Shaw.<sup>2</sup> As news of this spread across the frontier, George Hobler who had not at that time been re-elevated to the Commission, wrote in his journal that he was briefing his son George

for proceeding to [Deniliquin] on a summons from Hyams a shepherd who left his flock in the middle of the day and walked off -- I hope the tables can be turned on him to check this game but have very green magistrates to handle the case.<sup>3</sup>

And sometimes, of course, the criticism was inspired by malice or in some cases by jealousy of those who had missed the dignity of magisterial office which according to Hobler many were anxious to attain who could not. William Skinkwin, sometime butcher in the Hunter Valley, on 19 April 1849 gained from the Armidale Bench a publican's general licence for premises at Walcha. Thomas George Rusden of neighbouring

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<sup>1</sup> Armidale Bench to Col. Sec., 8 October 1849 (NSA-4/5484, Armidale Bench, Letter Book, letter 49/63).

<sup>2</sup> Deniliquin Bench (NSA-4/5589, Deniliquin Bench, Depositions Book, 2 August 1847, p.3).

<sup>3</sup> Hobler, Journal, Vol.5, p.71, entry dated 21 August 1847 (ML - C.426). In the event, on 31 August, the case was dismissed, 'from non-attendance of parties', Deniliquin Bench, op.cit., p.4.

'Europambella' complained bitterly to the Colonial Secretary at the lack of discretion and indifference of the Armidale Bench to both the granting of the licence and of the consequences of the granting, for the opening of the premises had been the occasion for large-scale intoxication, and the incapacitation of Rusden's shepherds and labourers.<sup>1</sup>

Via the Colonial Secretary, the Armidale Bench lectured Rusden from its elevated position in the hierarchic society, most pertinently remarking that Rusden's legal remedies were in his own hands, meaning that he had failed to summons his shepherds under the Master and Servant Act for neglect of duty, and that it therefore ill-became Rusden to criticise the Armidale Bench in the manner he had chosen.<sup>2</sup> A week later, presumably after cogitating on the untidy issue, the Bench decided it might not be amiss to address a few words of admonition to Skinkwin - who was addressed sparsely as Mr. Skinkwin, Publican, Walcha, and lectured by responsible man in full flight:

Complaints having been made to the Colonial Secretary that there was a good deal of rioting, fighting and other disorderly Conduct on the occasion of your licensed house being opened on the 1st & 2nd July last and as we believe there has been some Cause for such a complaint we beg to remind you that a licence for a house in such a situation as Walcha is granted solely for the convenience and necessary refreshment of travellers and is not intended to supply additional means of intoxication to the labouring classes residing in your neighbourhood who are already sufficiently degraded and demoralized in their habits without unnecessary temptation being thrown into their way of indulging their intemperate propensities.<sup>3</sup>

It was not impossible, in fact, that Rusden's ambition was to cause the forfeiture of the licencing security posted by the bondsman to cover Skinkwin, and these bonds were

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<sup>1</sup> Col. Sec. to Armidale Bench, 25 July 1849, letter 49/248 (NSA-4/3860, Letters to Magistrates).

<sup>2</sup> Armidale Bench to Col. Sec., 13 September 1849, op.cit., letter 49/56.

<sup>3</sup> Armidale Bench to Skinkwin, 20 September 1849, ibid, letter 49/57.

substantial enough to be beyond the capacity of anyone in a pastoral district except a squatter. Certainly at Balranald and Deniliquin, the magistrates themselves stood bondsmen for the licences they granted,<sup>1</sup> which gave the magistrates a direct interest in the behaviour of their proteges.

So the new pastoral magistrates were a natural target for disgruntled litigants, for malice, for jealousy, and for wilful and unwilful misconstruction of intent. Henry O'Brien after a sitting at Gundagai in 1850 felt it necessary to defend his actions by a letter to the Sydney Morning Herald, asserting that neither he nor the Chief Constable of Gundagai had retained some of a prisoner's money at arrest: rather it was, said O'Brien, that when the prisoner was arrested he was badly in need of a meal, and that he, O'Brien, had directed the Chief Constable to take enough change from the prisoner's monies to buy him the meal.<sup>2</sup>

The man who on the face of it was the most ill-equipped to make public complaint was classic irresponsible man, he whose degraded and demoralised habits were directed to indulging his intemperate propensities. As in the Lockean sense he was visibly irresponsible because he was the one without property, his only security was his person; and it followed naturally that where master and servant contracted with each other, then under the law meaningful punishment for the master was a monetary fine and for the servant imprisonment of his person. At mid century there was still an even chance that the servant was illiterate, so that on the face of it he was heavily circumscribed when it came to protesting against any instance of injustice he might feel.

Yet he was by no means the helpless pawn of his master's magisterial peers. In the gradations that marked the irresponsible world, he was in a rank superior to vagabonds,

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<sup>1</sup>Deniliquin Bench, op.cit., p.9, and Balranald Bench (NSA-4/5505, Depositions Book, entries 3 April and 18 April 1850).

<sup>2</sup>SMH, 24 August 1850, p.3, col.4.

soldiers, convicts and blacks. And in large terms, he was superior among irresponsible society precisely because he had contractual access to civil law. The consequence of this went far beyond the purely formal matter of law suits under the Master and Servant Act, and went into the realms of devious usages of law forms. The surviving bench books of the pastoral districts show more than a few examples of masters having servants arrested on warrants under the Act, with the magistrates subsequently ordering a remand or remands because of the non-attendance of the master to prosecute, the magistrates then dismissing the case after what was detention of the servant's person for two or sometimes three weeks.<sup>1</sup> The frequency of this proceeding raises the suspicion that, apart from occasions when environmental obstacles precluded prosecution, there were masters who used the law deliberately in this fashion. Yet the real point was that devious usage of the law forms was open to anyone who had access to the law, and here the servant stood on terms of equality with the master. When, in early August 1846 George Hobler fired his bullock-driver, Lowcock, from Paika without wages, for non-performance of duties, Lowcock took his own quid pro quo for a case he could never have won:

returned [to Nap Nap] from Paika, to answer letters, and send up George to appear for me to summonses to the Tumut at the instance of two unlikely servants who I had turned off for their misconduct -- Lowcock and Hennessy....<sup>2</sup>

Yet this was not the only pointless five hundred mile round journey Lowcock imposed on the Hoblers, although this second occasion, thirteen months afterwards, seemed to validate the traditional view of irresponsible man:

...despatches from Nap Nap two summons to Woga Woga from my friend Lowcock -- the cheques in his hands having been kept so long as to be dishonoured -- sent off [-illegible-] this morning with explanatory letter to Mr.Peters [sic] newly dubbed J.P.....<sup>3</sup>

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<sup>1</sup>There was a case of six weeks at Balranald, in McCullum v. Michael Mulligan. Balranald Courts of Petty Sessions, 5 February and 5 and 19 March 1851 (NSA-4/5505, Deposition Book).

<sup>2</sup>Hobler, Journal, Vol.4, pp.149-50, entry dated 1 September 1846 (ML - C.425).

<sup>3</sup>Ibid., Vol.5, p.98, entry dated 27 October 1847 (ML - C.426).



It is in fact not possible from the evidence to apportion what parts of devious usage, personality and environmental circumstance went into the large body of unfinalised prosecutions. All of those parts were present, structurally favouring the master and servant no more than the other. And if in practice the profit lay to the master, it were by default, insofar as irresponsible man was indeed all of the things he was said to be -- dissipated, illiterate, inconstant, besotted, immoral, incapable and brutish. And in turn, if this were so, the default was cancelled and the balance redressed insofar as his intelligence (which the traditional view always omitted) rose unfettered by these liabilities.<sup>1</sup> Among the scrappy evidence, in the one direction, was the fact that, between 1 January 1850 and 30 September 1851, of 17 servants brought before the Wellingrove Bench in custody, only 5 were ultimately prosecuted; while 28 arrests for other offences were followed by 21 prosecutions.<sup>2</sup> In the other direction, between July 1847 and December 1848 at what was more or less a joint Bench of Deniliquin and Moulamein, servants as plaintiffs won their cases 4 to 2, masters as plaintiffs won 5 to 1, while the prosecution lost 5 to 9 for other offences.<sup>3</sup> Another five actions were laid by servants, but were not proceeded with, although in three of these cases neither plaintiff nor defendant appeared, and it is not impossible that these were 'compromised' or settled out of court, a course of action encouraged, for instance, by the Wagga Wagga Bench.<sup>4</sup>

It was not impossible, of course, that in time magisterial attitudes might harden and become embedded in the law

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<sup>1</sup>Chapter 2 above.

<sup>2</sup>Wellingrove Bench, Return of Persons taken into Custody (NSA-4/5555, Wellingrove Bench, Record Book).

<sup>3</sup>Deniliquin and Moulamein Benches (NSA-4/5589, Deposition Book, 1847-1848, pp.1-10).

<sup>4</sup>See, for instance, *Tompson v. Evans*, Wagga Wagga Court of Petty Sessions, 28 November 1848 (NSA-3242, Police Letter Book).

that the magistrates dispensed. But at the end of the 1840s and the beginning of the 1850s, the best security for the servant was perhaps that the pastoral magistrates were as engrossed as they were in learning their law and in exercising the magisterial discretions allowed them by the law. On the one hand were their appeals to Colonial Secretary and Attorney-General for guidance or clarification: on the other hand they used the discretions which allowed justice to enter into strictly legal interpretations.

Under different Acts, vagabonds and absconding servants were liable to three months imprisonment. And such was the traditional view of the vagabond (it was no light figure of speech when Hobler lamented his own 'vagabonding life') that the vagabond not improbably always drew the maximum penalty from a pastoral Bench - although on occasion the environment might come to his aid, as it did when John Lecky Phelps at Balranald committed one Fogg 'to Goulburn House of Correction for three months'. Seven weeks later Phelps and John Scott discharged him from the Balranald Lock-up, 'there being no means of forwarding him to Goulburn Jail'.<sup>1</sup>

A more flexible justice attached to servants. In October 1850, the brothers Edmund and George John Dowling Morey awarded the maximum penalty against one John Williams who had absconded only one week after entering his contract, been 'apprehended on the highroad below Euston', and who at his trial made no defence.<sup>2</sup> In November 1848, when Phelps and Chadwick through their superintendent charged four men before the Moulamein Bench with 'absenting themselves from hired service', Patrick Brougham and Thomas Broughton Carne sentenced three of them to two months' goal and remanded the fourth who was subsequently 'discharged'. Brougham and Carne, through the Chief Constable, then proceeded against one of the plaintiffs, Chadwick, for hiring three of the defendants

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<sup>1</sup>Balranald Courts of Petty Sessions, 9 December 1850 and 28 January 1851 (NSA -4/5505, Deposition Book).

<sup>2</sup>Ibid., Court of Petty Sessions, 9 October 1850.

'without discharge', and fined Chadwick £5 for each offence; two of these three findings being subsequently reversed on the production of documentary support for Chadwick.<sup>1</sup>

What a servant, or for that matter anyone else, probably found extremely difficult to obtain before a pastoral bench was a decision against a magistrate either as plaintiff or defendant. When Brougham and Carne decided against Chadwick, they came perhaps as close as they could to criticising John Lecky Phelps, Chadwick's business partner and Brougham's and Carne's fellow magistrate. At Wagga Wagga, on 19 December 1845, with William Macleay, William Pitt Faithfull and Robert Pitt Jenkins presiding, the Bench disposed of four summonses under the Master and Servant Act. On one absconding charge brought by Charles Tompson, brother of the Clerk of Petty Sessions, the magistrates made a compromise decision between master and servant. In *Macleay v. Shiel*, with John Peter taking Macleay's place on the Bench, Shiel was heavily punished for absconding - the maximum three months goal and then to be returned to Macleay to complete his time. In *Mackellar v. Shaw*, Shaw admitted absconding from George Macleay's station, had a good reference from the complaintant, Macleay's superintendent, and was awarded only one month. In *Peter v. Apps*, for disobedience of orders, Faithful, Jenkins and William Macleay fined Apps two pounds, with costs of 3/6d. after Peter in evidence had told Apps 'I was sorry you did refuse [my orders], as you were always a good, quiet Servant'.<sup>2</sup>

The more intelligent or sensitive magistrate might avoid this conflict, of course, by simply not bringing cases before the bench to which he belonged. It is perhaps significant that in the sum of the Deniliquin, Moulamein and Balranald Bench Books in these years, only one case under the Master and Servant Act was brought by a magistrate, that of John

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<sup>1</sup>Moulamein Court of Petty Sessions, 4 November and 13 November 1848 (NSA-4/5589, Deniliquin/Moulamein Benches, Deposition Book).

<sup>2</sup>Wagga Wagga Court of Petty Sessions, 19 December 1848 (NSA-4/5676, Bench Book 1848-1858).

Scott, Esq., J.P., v. John Williams, and here the evidence was indisputable, for having absconded only one week after contracting, Williams had been 'apprehended on the highroad below Euston', which meant that he was already at least fifty miles away from Scott's Benongal on the Murrumbidgee.<sup>1</sup>

But the real subtlety of the magistrates' position in society was perhaps best conveyed by Brougham, Carne and Henry Gwynne when they constituted the Moulamein Bench on 7 August 1848. In the first case of the day, they sentenced an absconding servant to two months' imprisonment, but directed that the master pay his wages up to the time of absconding. In the second case, a plaint by servant for wages, the magistrates found for the servant to the unusually heavy amount of £25 2s 6d. (which must have been nearly a year's wages) and ordered the master to pay £2 costs. Through the Chief Constable, the magistrates thirdly charged one Christie, presumably Wentworth's Tala superintendent and soon to be a magistrate himself, and fined him £5 for 'Hiring without discharge'. The fourth case, a plaint against a shepherd for the loss of 173 sheep, was postponed. The magistrates fifthly fined one Rutherford £10 for 'Illegal [occupation] of [Crown] Lands'. And at the end of the sitting, when sundry squatters, superintendents and shepherds had been variously fined, jailed or given satisfaction, then the magistrates resolved the slaughtering and boiling-down problem that had exercised the Wee Waa and the Cooma Benches. As in the nature of summary jurisdiction and the frontier, justice was finite, Messrs. Patrick Brougham, Thomas Broughton Carne and Henry Gwynne awarded slaughtering licences to Henry Sayer Lewes, Thomas Broughton Carne, Henry Gwynne, Esquires, J.P., and to Brougham and Woodforde, the first Patrick Brougham's brother, and the second the brother's partner.<sup>2</sup>

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<sup>1</sup>Balranald Court of Petty Sessions, 9 October 1850 (NSA-4/5505, Deposition Book).

<sup>2</sup>Moulamein Court of Petty Sessions, 7 August 1847, *op.cit.* In marrying daughters of John Kennedy of Gunning, Carne, the brothers Brougham, William Adams Brodribb and George Peter Desailly, all of the Murrumbidgee, became brothers-in-law.

Here, in essence, was the hierarchic self-governing community, and here in the bench was the power that went into the restructuring of authority on the frontier. Here at the bench the Commissioner could take action against the illegal occupation of crown lands; masters and servants could lay complaints against each other; publicans', auctioneers', carriers' and pedlars' licences could be issued; drunken men and vagabonds given their axiomatic punishment for irresponsibility; and murderers, rapists, bushrangers and cattle-stealers remanded to Circuit Court inside the boundaries. In less than two years, for instance, the Wellingrove Bench dealt with 45 persons taken into custody under 16 broad classes of offences,<sup>1</sup> and no record remains of the work of the Bench where custody was not involved, including, for instance, servants' summons against masters. And in less than two years the Wagga Wagga Bench dealt with 169 cases, in 29 categories ranging widely from cattle-stealing to 'assault with intent to ravish'.<sup>2</sup>

It is clear, in short, that in the restructuring of the frontier, the magistrates applied themselves with diligence to the rule of law, and there is some evidence that a sense of justice informed their law. In this process, they were guided by their own self-criticism as it came to them from their mental baggage, and by public criticism which while sometimes suspect in its motivations and not always informed, was calculated to keep the attention of a magistrate on the performance of his duties.

This function of social criticism was historically based. Tradition distrusted summary justice, and while it had not always been so, by the early nineteenth century Englishmen had come to keeping a tight rein on the legal jurisdiction of magistrates. As an amateur, the magistrate was excluded from the whole process of Common Law or civil jurisdiction, from equity law, courts of conscience, and in

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<sup>1</sup>Wellingrove Bench, *op.cit.*

<sup>2</sup>Wagga Wagga Bench to Col. Sec., 25 November 1851 (NSA - 3242, Police Letter Book).

substantial part from the process of criminal law. In Petty Sessions, he dealt only with minor crime and with complaints under the acts controlling apprentices and masters and servants. In Petty Sessions, he did not even conduct criminal remand hearings. These were the province of the Grand Jury. Throughout the eighteenth and the early nineteenth century the practice and the theory had moved closer together, a trend not without its residual anachronisms such as the magistrate in his jurisdiction of Quarter Sessions, where he as amateur with four or five of his kind presided over jury trials under the Criminal Law (exclusive of capital charges) and heard appeals from Quarter Sessions.

There was an opposite trend in New South Wales to let the magistrate out of his traditional strait-jacket. Under environmental stimulus (a scattered population, distance, economic incapacity to sustain and staff traditional judicial systems), the magistrate's jurisdiction burgeoned. This trend sharpened the need for social control. Charles Windeyer, the Police Magistrate of Sydney in 1845, was emphatic that he thought 'the presence of a public absolutely necessary in all summary jurisdiction cases'.<sup>1</sup> Thirteen years later, the Chief Justice of New South Wales, Sir Alfred Stephen, and the radical lawyer Daniel Deniehy, specified the press and a professional element in the population as necessary controls on summary jurisdiction.<sup>2</sup>

There was in New South Wales the occasional Bench that warranted this control. Unlike the Riverina Benches that between them could show a solitary instance of a magistrate's servant brought before Petty Sessions, at Tenterfield in northern New England, between November 1847 and December 1850, the magistrate Dr Rowland John Traill summonsed a total of 22 of his station servants; his brother-in-law, Edward Irby, presiding over seven of the cases. Six of the 22 were awarded the maximum gaol sentence of three months, and another six were awarded three months in default of monetary fines which themselves varied. In the adjoining jurisdiction

<sup>1</sup>Report of Select Committee...Masters' and Servants' Act, V & P, 1845, evidence, p.534.

<sup>2</sup>Ibid., evidence, pp.121 and 149, and cf. p.129.

of the Wellingrove (later Glen Innes) Bench, a similar severity probably prevailed: the evidence is inadequate for certainty. But if it is a sound argument that servants initiated actions before Benches they trusted, it is eloquent that in the late 1840s there is no record of a servant summoning a master before the Tenterfield or Wellingrove Benches.<sup>1</sup>

On the face of it, neither distance nor the frontier explained this exceptional severity. Tenterfield was no further from Sydney than was Balranald. At Armidale on New England, servants initiated actions, and as at Wagga Wagga there were cases where the Armidale Bench sought compromise solutions,<sup>2</sup> while between 1848 and 1851 actions under the Masters' and Servants' Act became almost rare. Personality perhaps explained the severity immediately north of Armidale: both Traill and Irby were irascible men - the one left a set of irascible letters,<sup>3</sup> the other left a reputation for stern dealing, particularly with the blacks.<sup>4</sup> From the extant bench books of New South Wales, the Tenterfield and Wellingrove Benches remained almost freakish outposts of summary justice beyond the boundaries.

Perhaps the best evidence that the magistracy was accepted by the frontier was that the people of the towns growing around the benches took their fights and arguments to the pastoral justices. When the kitchenmaid at the 'Castle Bally Duggan Inn' at Balranald took the licensee to court for assault, and the licensee of the 'Good Cheer for All' was her chief prosecution witness, then something significant had happened to the frontier that the Native

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<sup>1</sup>For the foregoing, see Tenterfield Court of Petty Sessions (NSA - 7/73, Bench Book) and Wellingrove Court of Petty Sessions (NSA - 4/5555, Record Book) for the years 1847 to 1850.

<sup>2</sup>See, for instance, Tierney v. Mackenzie, 20 October 1847 (NSA - 4/5489, Armidale Bench, Record Book).

<sup>3</sup>Traill Letter-Book, 1852-1854 (ML).

<sup>4</sup>Walker, Old New England, op.cit., p.29 and fn.34 and 35.

Police and the magistrates had gone out to bring within the aegis of the hierarchic society. And as the kitchenmaid, the two licencees, and eleven other citizens of Balranald metaphorically played musical chairs through a marathon sitting of nine cases<sup>1</sup> it is reasonable to assume that John Lecky Phelps, George John Dowling Morey and John Scott, Esquires, J.P., saw in the complex squabble an amused confirmation that the hierarchic society was the shape it was for eminent good sense.

The humdrum normalcy of this semi-literate comedy had its counterparts elsewhere. The frontier would appear to have been made over when the Wellingrove Bench was able to concern itself with, amongst other things, a 'Breach of Post Office Act',<sup>2</sup> and tranquility would appear to be the order of the day when John Brougham on the Edward River employed a nursery maid in his household, although regrettably she had to be charged with the theft of a gold ring.<sup>3</sup> These mundane events marked the growth of a more traditional world in which the Native Police and the magistrates were simply the systematisers of society's affairs.

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<sup>1</sup>Balranald Court of Petty Sessions, 18 November 1850, op.cit.

<sup>2</sup>Wellingrove Bench, Return of Persons taken into Custody, op.cit.

<sup>3</sup>Deniliquin Bench, Court of Petty Sessions, 28 October 1847, op.cit.



## CHAPTER 5

### THE RE-ORDERING OF SOCIETY : MEN, WOMEN, CHILDREN, AND CONVICTS, 1849-1851

There were two truths about the frontier, the one containing the other. The larger one was an anarchic individualism bred out of the colonial paradox and out of the anarchy inherent in pastoralism. Inside this truth was another, that as anywhere else men refused to be stereotypes, and in large measure the actions of one man could not be prognosticated from the actions of another. On the one hand, in May 1849, Henry Gwynne, Esquire, J.P., of the Moulamein Bench gave up the effort to reorder the frontier and sailed for California 'heartily sick of this horrible hole'.<sup>1</sup> On the other hand, a month later, Cornelius De Witt Jebb, Esquire, Clerk of Petty Sessions to the same Moulamein Bench, consulted his own priorities, married one Miss Mary Ann Meehan, and was presently reported by Henry Gwynne's brother Francis to be 'doing his best to multiply images of his own self'.<sup>2</sup> And having offered to go to California if Frederick Walker would do so, Frank Gwynne went on, perhaps unwittingly, to reveal a certain youthful horror of matrimony, a certain hierarchic respect for his elders, and a measure of the priorities open to other men:

Old Lewes is in status quo, grumbling as usual. Daniels has taken unto himself an illegitimate rib, that is to say he keeps a woman, who was servant at the Woolshed, to the extreme displeasure of old Hindmarsh and the rest of that creditable establishment. [Who] would have thought that D. would have been so foolish...The Moulamein certainly is an awful place for breeding and matrimony...there won't be an unmarried man on the river...<sup>3</sup>

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<sup>1</sup>SMH, 'Shipping Intelligence', 25 May 1849, p.2, col.1; and Francis Gwynne to Frederick Walker, 16 August 1849 (QSA-48/111, Correspondence with Officers of Native Police).

<sup>2</sup>SMH, 17 July 1849, p.4, col.2; and Gwynne to Walker, *ibid.*

<sup>3</sup>*Ibid.*

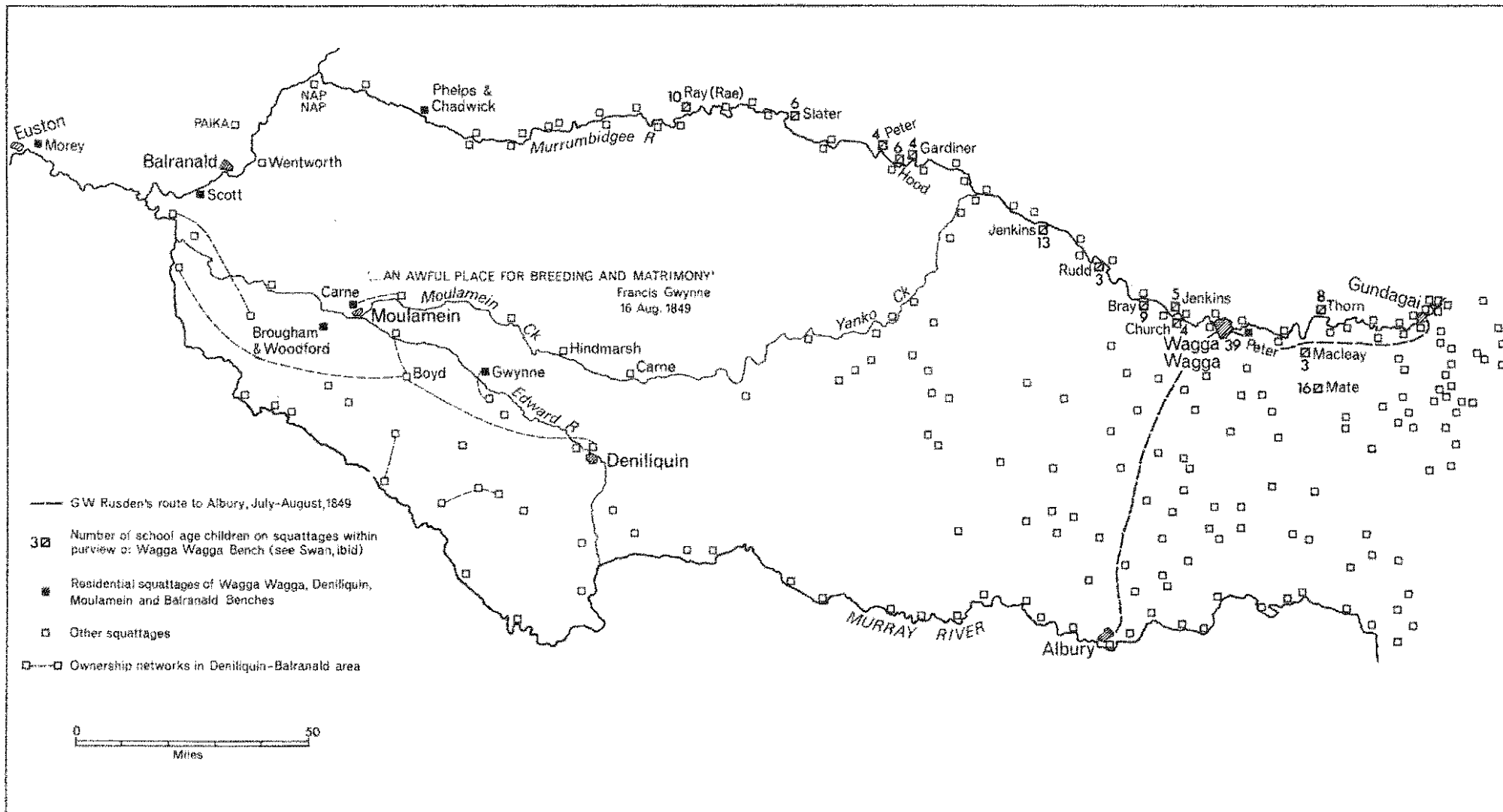


Fig. 20 Matrimony and Education in Murrumbidgee Pastoral District, 1849

The three months that spanned Henry Gwynne's departure and Francis Gwynne's letter to Walker, embraced also Walker's initial rebuilding of the frontier on the Macintyre and the Condamine, embraced most of Thomas George Rusden's feud with the Armidale magistrates, and covered all of the journey made down the Murrumbidgee and over to the Murray by Rusden's brother, George William, in his capacity as agent for the Board of National Education. At Wagga Wagga on 7 August, a week before Gwynne wrote to Walker, the clerk of petty sessions, a builder, and three of the pastoral magistrates were commissioned at a public meeting to build and manage a school; one of the squatter magistrates, John Peter, volunteering to bring into Wagga Wagga his employees' children from the Peter runs down river towards the Moulamein.<sup>1</sup>

All that could be said of these and other such disparate activities of men beyond the boundaries was that frontier disintegration and frontier rebuilding overlapped each other: and sometimes this duality existed inside families, as it did in the case of the Gwynnes, and as it did in the case of the squatter sons of Sir Francis Forbes sometime Chief Justice of New South Wales. Within the space of a few months, on the one hand, David was able to advertise in the press that on 18 October 1849 'At Clifton, Darling Downs, the lady of David Forbes, Esq., of a daughter',<sup>2</sup> while on the other hand, Francis of Ellangowan, also on the Darling Downs, sailed to California and a quick death there from cholera.

But on balance, it was clear at the end of the 1840s and the beginning of the 1850s that the hierarchic society was establishing its writ over large parts of the squatted lands. The ideal, of course, would be attained when future frontier development took place under rules laid down by

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<sup>1</sup> Figure 20 opposite: for an account of the Wagga Wagga school activity see Keith Swan, A History of Wagga Wagga (City of Wagga Wagga, 1970), pp.30-31 and 45-47.

<sup>2</sup> Maitland Mercury, 3 November 1849.

government in society, but this was a matter some years away. And in the reverse direction, the tightening grip of the hierarchic society upon the frontier did not dispose of the fruits of past anarchy. It did, for the moment, constrain freshly originated anarchy, and in this process of restraint the honorary magistrates, the officers of the Native Police and the remodelled Commissioners of Crown Land played out their formal roles of authority. The greater substance to the reordered frontier was to be found in the spreading matrimony that Frank Gwynne lamented on the Moulamein, and in the schools that George William Rusden planned for between Yass and Albury in July and August 1849.

Up to a point this re-assertion of the familiar forced on the restructuring of authority on the frontier, and up to a point the restructuring encouraged the re-assertion. They had perhaps separate sources, but played complementary and inter-acting roles. And it was difficult to say whether either had a significant chronological starting point: it was more that each began haphazardly, now here, now there, until at the beginning of the 1850s each had flourished enough to be coherent wholes. Yet out of considerations of time, place and local circumstances, the haphazard remained to colour the changes. So that it was possible for George Hobler at Bacchus Marsh 35 miles from Melbourne to lament in October 1848 that

...it will I fear be many years before the bulk of the settlers in this country will have the comfort of a Church within reach on Sundays...<sup>1</sup>

while it had yet been possible, 300 miles from Sydney and 18 months before, for John Everett to lament that:

We also subscribed to the building of a church at Armadale, but so badly was the work done that just as they had reached the roof down came the walls -- & there they remain & appear likely to do so for the present. The same money that has been expended upon that building would have built three wooden churches, but our Bishop thinks that wood is

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<sup>1</sup>Hobler, Journal, Vol.6, pp.43-44, entry dated 1 October 1848 (ML - C.427).

not a proper material for building a church. Bishop Broughton is greatly inclined towards Puseyism, & very bigoted which does much mischief....<sup>1</sup>

And here in the fall of the walls at Armadale (or Armidale) was perhaps a clue to the haphazard advance of an ordered society beyond the boundaries, in that a simple wish or decision was contingent for action on the resources of the frontier and upon the disintegrated nature of the frontier. It was, for instance, one thing for the pastoral magistrates of Wagga Wagga to concur with their fellow man in the building of a school. But a lack of labour delayed the school's completion for twenty months, and lack of a teacher then prevented its use.<sup>2</sup>

The lands beyond the boundaries had therefore become a place where disintegration and reordering overlapped and for a time reacted adversely on one another, so much so that the effects of disintegration contributed to the haphazard growth of order. Order, among other attributes, meant women and children, so that some of the momentum of order arose directly out of the spread of marriage and the begetting of children. Families such as the Tompsons of Wagga Wagga with emancipist origins and continuing family links to the Cumberland Plain had lived beyond the boundaries since the early 1840s, and perhaps the substantial point here was that much squatting family growth represented clan spill-over from the Cumberland Plain and the counties finding its way down the pastoral networks of the heads of family as absentee owners. Just so had Cyrus Matthew Doyle of the Hunter in 1832 claimed a territory around Narrabri on the Namoi that would in due time be home for his sons, and in due time again, for their sons. This was the commitment of the generations to pastoralism and squatting that gave squatting much of its wholeness, its continuity and, when criticised, its tenacity.

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<sup>1</sup>John Everett to (Rev.) Charles Everett, 24 April 1847 (UNEA - Ollera Letters).

<sup>2</sup>Swan, *op.cit.*, pp.45-46.

The immigrant squatters, scattered across New South Wales generally and clumped particularly on New England and northwards, offered a variation on this theme. They were committed in their own right, they were at their arrival mostly young and single (there were exceptions such as Edward George Clerk of 'Clerkness' on New England), and they were in large terms as committed to the land they had left as to the one to which they had come. Again in large terms, it followed that they tended to come to marrying age as a group, whereas the Tompsons and the Doyles and all of those who traced back in New South Wales to and before the times of Macquarie came to marrying age individually as befitted a society of differentiated origins.

What characterised both groups, as indeed it characterised much of the hierarchic society, was a high marrying age. Archibald Windeyer's sons married at 31, 43 and 31; his daughters at 30, 27 and 23. The Blaxland, Blomfield, Boydell, Busby and Chisholm families together contained 32 family founders and their sons whose wedding dates are known. Their average marrying age was 30. The youngest at 23 were Arthur Blaxland and James Chisholm, the latter whom Robert Townson had once described as 'a young man the son of Mr. Chisholm late publican in George Street':<sup>1</sup> the eldest was John Blaxland at 44; he was 46 when his first son was born in October 1846.<sup>2</sup> If late marriage was in some way a self-imposed fate, then this was the price that hierarchic man had to pay to establish his viable independence in the world. And it was not impossible that this discipline lent added authority and asperity to responsible man's view of lesser and therefore weaker men. They were the words of a man who had reached a tangible state of repose when in May 1851 Frederick Bigge, Esquire, J.P., of Mount Brisbane turned upon his callow critics:

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<sup>1</sup>Chapter 1 above.

<sup>2</sup>The foregoing statistics calculated from P.C. Mowle, A Genealogical History of Pioneer Families of Australia, 4th Ed., (Sydney, 1948).

[We will] not be deterred by the denunciation of the press....After having been the first persons to form stations and establish [ourselves] in the interior parts of the colony, [we will] not be likely to receive complacently the dicta of other people.

It was not necessary to be married to speak with this confidence, but late marriage, as an ultimate rounding out of man, could have generally only enhanced the confidence.

It was apposite, then, as the squatters approached the rounding out of their lives, that colonial society entered upon the last chapter of the anti-transportation debate: apposite because the debate was really about the kind of society that men wanted in New South Wales, the kind of society in which among other people the squatters were preparing to marry and raise children; and therefore a debate about the kind of society in which these children would grow and go in search of themselves.

Put like that, the matter was momentous, latent with high passion, and in the nature of passion liable to polarise the advocate and opponent of transportation into two fairly unrecognisable creatures. But colonial society could not be divided in such a preposterous fashion, for a debate as to whether New South Wales should or should not continue to receive convicts from Britain was a debate that stirred other animosities in the whole width and height of the hierarchic society. It was easy to say that Wentworth was a transportationist because he was a big squatter in search of cheap labour -- but even this much stirred more than it resolved.

The stirring was in who said it, and who heard it, so that it released connotations. If the speaker was an immigrant, a native-born labouring audience might cry that any immigrant at all, free or bond, cheapened the price of labour, and men like William Lawson knew very well the intimidation practised by the native-born against immigrants who accepted lower than the prevailing wages.<sup>2</sup> For it was the fate of

<sup>1</sup>MBC, 17 May 1851.

<sup>2</sup>Evidence of William Lawson, answer to Question 9, Report from Select Committee...Distressed...Labourers, p.25 (V & P, 1843).

irresponsible society in New South Wales to be everlastingly over-run by fresh waves of immigration, precisely as responsible society had been over-run by the immigrant squatters at the end of the 1830s.

And if it were implied that Wentworth had sold out society for the boon of cheap labour, it had to be asked exactly what sort of a society he had sold out. His own emancipist society? In a public fashion, the exclusivist-emancipist war had been laid to rest in the early 1840s, but only in a public fashion. Two of the greatest squatters in New South Wales, Wentworth himself and Robert Fitzgerald, were of emancipist origins as were their slightly lesser fellow-squatters Edward Flood, Cyrus Matthew Doyle and James Hale. Some of the most prominent merchants and legal men were emancipist or of emancipist origin - Samuel Lyons and Geoffrey Eagar; and so too was William Bland, the most eminent surgeon of New South Wales, the man who 16,000 miles from the founthead of medical inspiration developed a surgical technique for by-passing blood-vessels.<sup>1</sup> Metaphorically if not literally, the transportation debate could only stir in an insecure man like Wentworth remembrance of the Birthday Ball in 1833, of which Henry Dumaresq had written to Darling:

Mrs. Wentworth and such Ladies were not invited....  
General Bourke manages very well in this way and  
is very determined.<sup>2</sup>

Doctor Bland, serene and confident, drafted two letters to Earl Grey that incorporated in the colony's labour needs a role for transportation in providing redemption for fallen man.<sup>3</sup> Geoffrey Eagar's father had written in the same terms to Commissioner Bigge 30 years before.

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<sup>1</sup>ADB, Vol.2, entry for William Bland.

<sup>2</sup>Henry Dumaresq to Ralph Darling, 3 July 1833 (ML - A.2571, Letters of Colonel Henry Dumaresq).

<sup>3</sup>Draft letters, 26 September and 30 November 1850 (ML - A.2229, Lang Papers, pp.108-12, 115-27).



Like any other great public issue, the transportation debate was governed by the ever-shifting systems of priorities that responsible men carried around inside his head. The variety of these systems, and the multitudinous responses within them to new stimuli or problems, simply made a mockery of polarised debate. One could, like George Bowman, M.L.C., (he who in 1818 possessed no land, 3 horses, 12 cattle and 6 hogs) be native born of a free settler and opposed to transportation as an enduring way of life, yet be prepared to accommodate transportation as a solution for immediate need. To Bowman himself it was therefore utterly rational that, almost in the same breath, he engaged ticket-of-leave convicts straight off their ship and seconded a motion calling for the end of transportation.

The working of need looked most impressive when John Everett of New England took ticket-of-leave men in the late 1840s,<sup>2</sup> for this was the man of sensibility for whom responsibility walked hand-in-hand with privilege, the man who had built Ollera around a corps of immigrants he had personally recruited from the West Country, the man whose wage levels were perceptibly above New England averages.<sup>3</sup> Everett wrote in 1846 that

Our sheep are now principally in the hands of men who have been prisoners, who require a great deal of looking after, & who, are a race in whom you can place little or no confidence.<sup>4</sup>

This was the man who the previous year appeared to look down on his fellow men from some lofty height in New England:

People are quite mad here...to import Indian Coolies. These chaps they say would make excellent household servants. I should think they would be very useful to employ in vineyards....<sup>5</sup>

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<sup>1</sup>SMH, 6 September 1850, p.2, col.6; see also V & P, 1851, Vol.2, p.429.

<sup>2</sup>Clerk of Petty Sessions, Armidale, to John Everett, 16 November 1847 (NSA - 4/5484, Police Letter Book).

<sup>3</sup>A.V. Cane, Ollera (unpub. M.A. Thesis, UNE, 1949), p.75.

<sup>4</sup>John Everett to (Rev.) Tom Everett, 23 March 1846 (UNEA - Ollera Letters).

<sup>5</sup>Ibid., 23 February 1845.

The role of need was perhaps most forcefully expressed by George Leslie in May 1847:

I do not at present see how we are to obtain labour, and I do not care, so long as we get it, whether it be free, or Convict, altho I [would] prefer the former. Still Labour is required, & labour we must have.

The starving paupers and vagabonds of England, Scotland and Ireland 'would do us a great deal of good' and their departure 'a great benefit to their native country'.<sup>1</sup> Despite the hyperbole of seeking to discipline one set of vagabonds with another (and perhaps the hyperbole lay in the stress of the moment), here was the succinct plea of need. And the plea had its integrity, for within a few years the same Leslie was to spend time on two letters instructing his brother in great detail in how to bend the emigration laws in order to secure more emigrants to New South Wales.<sup>2</sup> Immediate needs, in short, rode high among Leslie's priorities.

Yet immediate need was not always an explanation. George Hobler in his Vandemonian and Hunter River days had had his fair share of convicts as assigned servants, and according to family legend had used them so severely that he and all generations after him were fitted with the Hobler Curse bestowed upon them by his convicts.<sup>3</sup> Yet if Hobler's massive journal fairly reported the essence of his thinking on the lower Murrumbidgee, then convicts in any guise were never mentioned, let alone advanced as a possible counter-discipline for his 'saucy vagabonds'. On the occasions that he specified a cure for the disintegrating frontier, he turned to the Everett formula:

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<sup>1</sup>George Leslie to his parents, 10 May 1847 (OML - Leslie Letters).

<sup>2</sup>George Leslie to William Leslie, 8 April and 23 April 1853, *ibid.*

<sup>3</sup>Private information from Hobler's great-grand-daughter, Mrs. Florence Rohigrass.

...the men are the masters and if discharged can't be replaced -- [which] makes them utterly careless -- it is much to be deplored that the home government will not send us some of the starving thousands....<sup>1</sup>

And a few months later, in July 1848: '...the influx of immigrants will soon turn the tables upon these ruffians....'<sup>2</sup>

For explanations other than need, perhaps it was safest to go back to Charles Campbell of Duntroon, the squatter who directed the anti-transportation debate in the mid 1830s to the proposition that bonded labour was inefficient labour. This was not an explanation alternative to that of need, but a deeper, more long-ranging one on which people like George Bowman could, if they wished, superimpose immediate need. And there was a time, in 1838, when Campbell himself had obliquely acknowledged need, or rather perhaps the plausibility of need.<sup>3</sup> It was Campbell who told a public meeting at Queanbeyan in September 1850 that

I, for one, regret that the colonists did not rise up as one man and send back from Sydney the ships laden with convicts, as the Americans sent back from Boston the ships laden with the East India Company's tea.<sup>4</sup>

It was Campbell and the convenor of the Queanbeyan meeting, Dr. James Murray, who eight years earlier had petitioned for the importation of Indian labour into New South Wales.

This petition was heterogeneously signed. Here were William Lee, of obscure birth on Norfolk Island, ranking in 1818 as the 160th major grazier of New South Wales, in 1843 the absentee squatter residing on his 'Clairmont' estate at Bathurst; Charles Cowper numbered among the squatters who lived on the Cumberland Plain; Edward Denny

<sup>1</sup>Hobler, *Journal*, Vol.5, pp.124-25, entry dated 28 March 1848 (ML - C.426).

<sup>2</sup>Ibid., Vol.6, p.13, entry dated 19 July 1848 (ML - C.427).

<sup>3</sup>Roe, Quest for Authority in Eastern Australia, p.71 and p.71 fn73.

<sup>4</sup>Goulburn Herald, 28 September 1850, quoted in Gwendoline Wilson, Murray of Yarralumla (Melbourne, 1968), p.209.

<sup>5</sup>Petition, *Indian Labour for New South Wales, 1842* (ML-A.2029); and see also Barrie Dyster, 'The Fate of Colonial Conservation on the Eve of Gold-Rush', In J.R.A.H.S., Vol.54, 1968, pp.329-51 generally and pp.345-46 particularly.

Day, the Police Magistrate of Maitland; free born men like Scott of 'Glendon', Lockyer of 'Ermington', Wyndham of 'Dalwood', Lawson of 'Greystanes' and Barber of 'Glenrock'; and the off-spring of irresponsible man, making their way up the hierarchic society - Lee himself, Edward Flood soon to be Mayor of Sydney and Chief Magistrate of the town, Benjamin Warby, Wentworth of 'Vaucluse' and William Adams Brodribb.

If there were intelligible continuities in all of this, the man to watch was probably Charles Campbell, for what he seemed to sketch was a man hearkening to the tradition of a free society and being obstructed by transient necessities in his search for that society. More accurately, one was pushed to accommodating the need, with hypocritical or comic results, depending on the observer's state of mind - for in 1849 the squatter Edward Flood felt forced to accept convicts from the 'Hashemy',<sup>1</sup> while the alderman Edward Flood publicly denounced transportation and all its works.<sup>2</sup> It was possible therefore for transient necessity to push a man to a point where there was little rational basis for considered controversy, and the squatter and A.A. Company manager Edward William Terrick Hamilton was indulging in almost unverifiable and perhaps irrelevant opinion when he accused the transportation advocates of having 'no one thought but the recovery of their own shattered fortunes'.<sup>3</sup>

In the long run, the only real test for a man's attitude to the traditional free society was to make the options real before him. This was a service that Earl Grey provided in August and September 1847. Firstly, he accepted Fitzroy's recommendation of January<sup>4</sup> that assisted immigration be recommenced - the debenture deficit from the immigration of 1840-1842 having been almost paid off. Grey now authorised

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<sup>1</sup>'Hashemy' - History, entries No.59 and No.112 (NSA-4/4526).

<sup>2</sup>See, for example, SMH, 13 August 1850, p.4, col.1.

<sup>3</sup>Hamilton to James Macarthur, 27 October 1846 (ML - A.2922, Macarthur Papers, Vol.26), quoted in Dyster, op.cit., p.341 and fn.73.

<sup>4</sup>Fitzroy to Grey, 30 January 1847, HRA 1/xxv, pp.332ff.

the raising of £100,000 of fresh debentures<sup>1</sup> and in December was to urge Fitzroy to consider additional measures to increase the proposed immigration.<sup>2</sup> But free immigration was primarily a problem generated in New South Wales. Earl Grey had the British problem of disposing of its convicts. Four days after accepting Fitzroy's recommendation, Grey wrote afresh, proposing that New South Wales take convicts, in equal numbers to free immigrants, as 'exiles' as he called them, men on protracted parole.<sup>3</sup>

This did not of itself open the last chapter of the transportation debate. When Grey's despatch arrived in early 1848, there had been no assisted immigration for two years, and the 917 unassisted immigrants of the period, almost by definition, contained little unskilled labour.<sup>4</sup> Between November 1844 and January 1848, 1,368 exiles had entered Port Phillip, but none, at least directly, into the Middle and Northern Districts.<sup>5</sup> Throughout 1847, Benjamin Boyd and Joseph Phelps Robinson had imported South Sea Islanders into the Monaro and the Murrumbidgee, and after much human and economic disaster, sent them home again. When Grey's despatch arrived in early 1848, need silenced even the anti-transportation leaders. They accepted the exiles as a quid pro quo for the gratuitous costless extra free immigrants.<sup>6</sup>

The assisted immigrants financed by colonial debentures began sailing for New South Wales, 4,521 arriving throughout 1848. It was Grey's problem for the British Parliament to approve the funds to finance the extra immigrants who would

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<sup>1</sup>Grey to Fitzroy, 30 August 1847, *ibid.*, pp.728-31.

<sup>2</sup>Grey to Fitzroy, 18 December 1847, HRA 1/xxvi, pp.104-108.

<sup>3</sup>Grey to Fitzroy, 3 September 1847, HRA 1/xxv, pp.735-38.

<sup>4</sup>See the classifications and the notes to this effect in Immigration statistics, in respective V & P (NSW).

<sup>5</sup>V & P (NSW), 1848, p.379.

<sup>6</sup>See Dyster, *op.cit.*, pp.344-45.

be the quid pro quo for the convicts. With singular ineptitude Grey failed to secure parliamentary authorisation before the Commons rose for the winter recess, and with an insensibility that justified his colonial critics advised Fitzroy in September 1848 that in the interests of New South Wales he would send the convicts anyway.<sup>1</sup>

And so in early 1849, at about the time that this inept communication reached Sydney, the 'Hashemy' sailed for New South Wales without Grey's gratuitous free settlers, and it was possible to view the approach of the 'Hashemy' from several different vantage points. To the urban anti-transportation groupings of Melbourne and Sydney fell the task of massed and uproarious obstruction of attempts to land the convicts. To government at Sydney fell the task of finding employers to take the convicts when landed. To the squatters, the most likely employers because of needs made by distance from Sydney and frontier disintegration, fell the task of deciding whether they wanted convicts.

This was no abstract or moral decision. In varying proportions in the pastoral districts irresponsible society was composed of several layers. On the bottom were the 'old hands', the rump of mankind whose convict assigned status had been converted into probationary tickets-of-leave in 1840. In the first week of January 1849, for instance, there were still on the Darling Downs 66 of these men, whose transportation dates ranged from 1826 to 1840.<sup>2</sup> In May, if the Armidale magistrates were to be believed, there were still 380 such men on New England,<sup>3</sup> a figure not unreasonable if the populations of New England and the Darling Downs had remained proportionate since the census of 1846.<sup>4</sup>

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<sup>1</sup>Grey to Fitzroy, 8 September 1848, HRA 1/xxvi, pp.587ff.

<sup>2</sup>Muster of tickets-of-leave at Warwick, Drayton and Cambooya, 2 and 9 January 1849, holding passports and not holding passports (ML - A.1764/1, Record Book 1845-1852, Commissioner of Crown Lands, Darling Downs).

<sup>3</sup>Armidale Bench to Principal Superintendent of Convicts, 11 May 1849 (NSA - 4/5484, Armidale Police Letter Book 1848-1854).

<sup>4</sup>At the March 1846 Census, there were on the Darling Downs 64 men holding tickets-of-leave and on New England 339. The intervening increases were attributable most probably to the territorial movement of their employers.

If the census figures of 1846 remained roughly relevant to early 1849 throughout the rest of the squatted districts, then there could have been beyond the boundaries in early 1849 about 1600 to 1700 of these 'old hands':<sup>1</sup> although a northward drift of masters to the edge of the frontier might distort the distribution of the 'old hands', thinning them out of districts more southerly to the benefit of the north.

Above this stratum of irresponsible man was that of the emancipist. There is a statistical probability that he was remarkably stable, not precisely within whichever pastoral district he had served out his ticket-of-leave, but within wider historical, sociological and geographic regions. The statistical point was simply that inside four or five such regions of New South Wales, the convict-originated male population (i.e., both emancipist and ticket-of-leave) of 1846, plus Grey's 'exiles' of 1848-1851, statistically accounted for the convict-originated population of 1851. The calculation was rendered impure by not considering a death rate or a numerically compensatory drift of men to the frontier. And in the northern districts that became Queensland, this calculation left the presence there in 1851 of about 600 such men completely unexplained, although explanation possibly lay in movement by sea from Sydney to Brisbane of convict-originated men in search of employment.

Stability was not improbable. The regions in which it appears to have been maintained were large enough to accommodate both participation in frontier disintegration and in social tranquillity closer to Sydney. When, for instance 'my friend Lowcock' abandoned George Hobler, for the comforts of the Tumut and Wagga Wagga, he had moved eastward 250 to 300 miles but he was still a statistic in the Murrumbidgee Pastoral District. It was perhaps no accident that towns grew up in the bases of the radially-distributed pastoral districts to absorb people like Lowcock.

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<sup>1</sup>1657 at the 1846 census.

Individual shepherds and labourers stable after emancipation are necessarily hard to detect. Emancipists turned entrepreneur are more readily tracked. In 1847 Henry Alphans (or Alphan or Alphonse), a ticket-of-leave stockman of the Leslies, discovered the Spicer Gap pass down the Great Dividing Range and thereby presented the southern Downs with a relatively easy route to the coast.<sup>1</sup> At the expiry of his ticket, somewhere between 1847 and 1849, Alphans built the Spicer's Gap Inn, and took one of Earl Grey's ticket-of-leave men to work for him.<sup>2</sup> The same kind of regional stability seems to have attached to Stephen Meehan of Drayton and to Goode of Goode's Inn in the Burnett, both men completing the parallel when they hired some of Earl Grey's 'exciles'.<sup>3</sup> And in this realm of becoming responsible man in familiar and developing territory, it is probable that 'my friend Lowcock' was the same George Lowcock who began a general store in Balranald in about 1850 and presently hauled his servant Samuel Kershaw before the pastoral magistrates of Balranald for dereliction of duty.<sup>4</sup>

Above the ticket-of-leave men and the emancipists, who in 1846 accounted for half of the male squatting population, were 4,255 white free immigrants and 2,471 native born males. Collectively, they outnumbered those of convict origin in the Monaro by some 1300 to 800 and in the Murrumbidgee by 1000 to 800. On New England they were outnumbered 700 to 1000, and in the Lachlan there were about 700 of each. Perhaps one in ten of the free and native born population were themselves resident squatters.

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<sup>1</sup>Maitland Mercury, 28 April 1847, p.4, col.1.

<sup>2</sup>A Return shewing the Names and Residences of all Persons who have hired any of the Exiles introduced into the Colony since July, 1848, Entry No.13, in V & P (NSW), 1851, Vol.2, p.431.

<sup>3</sup>Ibid., pp.433 and 435.

<sup>4</sup>Balranald Court of Petty Sessions, 30 January 1851 (NSA - 4/5505, Deposition Book).



This then was the kind of society into which the assisted free immigration of 1848 had begun to dribble, the kind of society over which the squatting magistrates presided when in April 1849, as the 'Hashemy' approached, government asked some of them for district requirements of ticket-of-leave men. The Wagga Wagga Bench requested 50, because of 'the very great scarcity of labor in this District, and the remote probability' of assisted immigration.<sup>1</sup> By the end of the year, however, assisted immigration had resolved the district's labour shortage.<sup>2</sup>

The Armidale Bench was noticeably unenthusiastic:

We do ourselves the honor to inform you that the general opinion of the resident Magistrates in this District appears to be that the introduction of passholders having naturally a tendency to reduce the present high price of labour would be very desirable, but at the same time that any other description of labourers, whether Chinese or Emigrants from the mother country would be preferable.

The Bench then appeared to retire inside a vague generalisation in order to avoid committing itself:

With regard to the number [of passholders] likely to be required it is impossible to give a decisive answer as this would be entirely dependent on the reduction of the present high rate of wages.

But in this land where irresponsible men degraded and demoralised in their habits spent their spare time indulging their intemperate propensities, the Armidale magistrates could eschew abstract argument for the pragmatic. In the consolidation of the frontier, there came a point when towns, as the highest development of order and tranquillity, were obliged to dictate their environment - and Armidale was the most advanced of the squatting towns, for it was the oldest, the biggest, and was still growing. It was enough that the magistrates set their objections to ticket-of-leave men in

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<sup>1</sup>Wagga Wagga Bench to Col.Sec., 2 April 1849 (NSA - 3242, Police Letter Book).

<sup>2</sup>SMH, 14 December 1849, quoted in Keith Swan, A History of Wagga Wagga (Wagga Wagga, 1970), p.42.

In a judicial perspective:

...we beg to observe that there are at present in New England 380 [Ticket] Holders... & that with the present inefficient & limited Police force it would be utterly impossible to keep a much larger number in anything like control.<sup>1</sup>

On the other hand, in September, northern frontier particularism began to surface. Here was the northern flank of old New South Wales where sheep grazed more grass than did cattle, and where the immigrant squatters of the early 1840s had come to rest in a distinct group. The same was true of New England, of course, but by 1849 New England had been materially absorbed into the business, family and friendship systems of New South Wales. In this sense, New England was a Sydney concern. But to the north, as it had done to the south in Port Phillip, the frontier had slipped away from Sydney's concern and grasp. To government in society the north was remote, and in turn the north lacked the concentration and vitality that might, like Port Phillip, have forced itself on government attention at both Sydney and London.

In September 1849, Arthur Hodgson, George Knight Erskine Fairholme and four other northern squatters then in London, approached Earl Grey, knowing that only one immigrant ship had ever been despatched to Moreton Bay direct, that convicts were then sailing directly there on the 'Mount Stuart Elphinstone', and that the Emigration Commissioners in London had no plans to allot Moreton Bay a direct share of the substantial emigration then proceeding. In these circumstances, said Hodgson and his fellows, they were induced to approach Grey 'in the hope that you will be pleased to authorise the introduction and continuous supply of exiles into that district...'. Here was a special plea of circumstance and an appeal for certitude in arrangements, together with an implication that such an arrangement

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<sup>1</sup>Armidale Bench to Principal Superintendent of Convicts, 11 May 1849 (NSA - 4/5484, Armidale Police Letter Book 1848-1854).

proceed regardless of whatever else might happen. Here the northern squatters seemed to come closest to the charge that they valued ticket-of-leave men intrinsically above free immigrants, a much more serious charge that had nothing to do with transient need.

Yet the evidence was contradictory. They themselves went on to say to Grey that

the [transportation] system has generally worked well, whether we consider the amount of reformation or the benefit derived by the employers of labour; and we may add that many of our most trustworthy and useful servants have been originally convicts.<sup>1</sup>

An anti-transportationist might have found the first half of this proposition cant: as for the second half, Cyrus Matthew Doyle, Otto Baldwin, Dr Bland and also Henry Alphans of the Spicer's Gap Inn would have had no doubts. The most explicit suggestion of an intrinsic attachement to exiles appeared to emanate several months later from David Forbes of Clifton who claimed that the introduction of exiles would not interfere with any stream of emigration to Moreton Bay,<sup>2</sup> but it was perhaps necessary to realise that the past 'stream' consisted of the 'Artemesia' thirteen months previously. What was perhaps more to the point was that at the time that Hodgson and his colleagues were addressing Grey, and at the time that the 'Mount Stuart Elphinstone' was enroute direct to Moreton Bay, the ship 'Cadet' was also sailing direct to Moreton Bay with Chinese servants recruited in Amoy.<sup>3</sup> Moreton Bay, in short, was driven by need to recruit immigrants wherever it could. This did not mean necessarily that there were no squatters who intrinsically preferred convicts to free immigrants, but the closer one looks at the evidence, the more difficulty

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<sup>1</sup>Arthur Hodgson and others to Grey, 24 September 1849 - copy sighted in Maitland Mercury, 17 April 1850, p.4, col.3.

<sup>2</sup>Moreton Bay Courier, 12 January 1850, p.2, col.3.

<sup>3</sup>Ibid., 27 October 1849.

such squatters are to locate; and Hodgson and his colleagues might have been wryly amused had they known that on the arrival of the 'Mount Stuart Elphinstone' in Moreton Bay, those townspeople of Brisbane who had (along with the squatters) requisitioned for ticket-of-leave men did not wait for their new servants to be brought up the river, but had them brought up at their own expense:

Amongst the most eager of the competitors Asmodeus would have smiled to see many of the bold patriots who were lately loudest in their condemnation of the convict system.<sup>1</sup>

On balance, George Leslie was probably near the reality when he had written two and a half years before that he did not care whether his servants were free or convict, so long as he got them. Canning Downs took ticket-of-leave men, Chinese, free immigrants both British and German, men directly off ships at Moreton Bay, and men from the Bush Registry Office in Sydney.<sup>2</sup> Canning Downs was pragmatic: the Leslies took whoever turned up.

What men in the Leslies' position were up against when they tried to obtain labour from Sydney, 600 miles away, was exemplified by the magistrates of Cooma on the Monaro when at the end of 1849 the Bench advised the Principal Superintendent of Convicts that

...although there is a great scarcity of labour at present in the District of Monaroo, yet the distance of Twofold Bay from this part, is upwards of 100 miles, and the inconvenience of transit so great, that [we] do not consider it advisable to recommend the Government to send any Prisoners of the Crown holding Tickets of leave to [the Monaroo], with the expectation that the Settlers here would take the trouble or be at the expense of hiring and forwarding them to their respective stations.

Then striking an echo of the Armidale Bench the magistrates went on to suggest that government send 50 or 60 men to Cooma, from where they would receive ready employment

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<sup>1</sup>Ibid, 3 November 1849, p.2, col.2.

<sup>2</sup>Ibid, 20 July 1850, p.1, col.2.

and as a Barrack has been offered to the Bench for the use of the Prisoners, for the time, they would be under the immediate surveillance of the Police during their stay [in Cooma].<sup>1</sup>

In the sum of it all, in a general sense, while the anti-transportation debate in Sydney proceeded in largely idealistic terms of competing values, the debate beyond the boundaries partook more of pragmatic evolution, an evolution impeded, obscured and variegated by a thousand transient needs and compromises. And both beyond the boundaries and in the city that founded squatting, it was compounded by the perception given to some of the contenders that convicts and emancipists, too, were human beings; and that if the English tradition meant anything, then these, too, were entitled to the chance open to all to enter responsible society. In the process of debate, some of the most conspicuous anti-transportation leaders and some of the conspicuous defenders of the old system were squatters. To the one side stood George Bowman, Gideon Scott Lang, Edward Flood and William Suttor - to the other, William Charles Wentworth, Robert Fitzgerald, Patrick Leslie and William Lawson, Junior. In March 1851, when the census came to examine the society that had emerged from the victory of tradition in 1850, it found in the lands beyond the boundaries that between 1846 and 1851, convict-originated males comprised only one-sixth of the male population increase. Even in the north beyond New England, white immigrant increase outnumbered the emancipist plus 'exile' by 1500 to 1200. By themselves, the figures might leave the observer wondering what all the fuss had been about.

Somewhere at the core of the debate was a question of the source and exercise of social authority. And this in turn had much to do with the dynamic of colonial development. In 1818, the future of New South Wales had rested substantially, although not entirely, in the hands of 527 embryonic

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<sup>1</sup>Cooma Bench to Principal Superintendent of Convicts, 26 December 1849 (NSA - 4/5532, Cooma Bench, Letter Book).

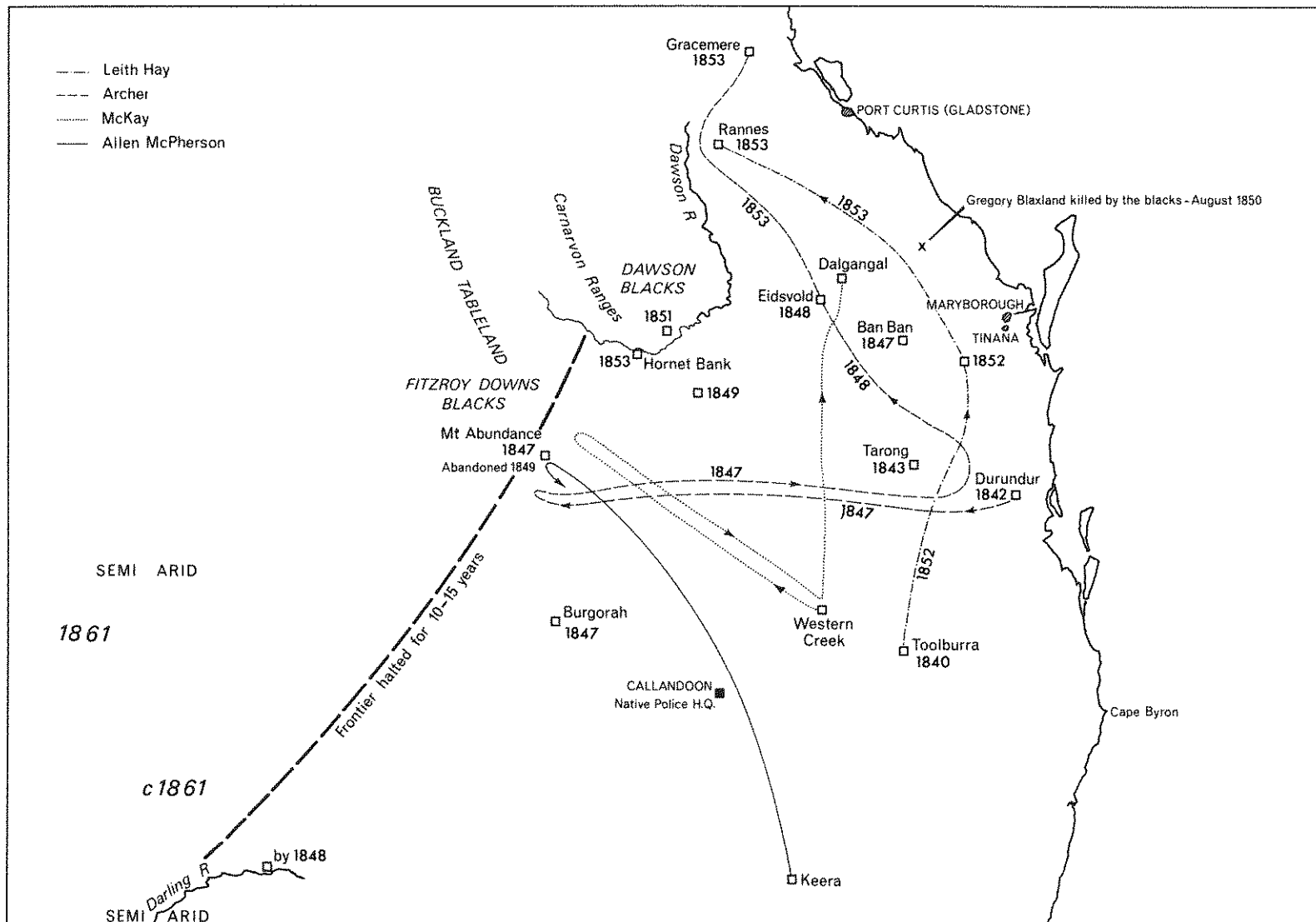


Fig. 21 Early 1850s - the 200 mile frontier between the Carnarvons and the sea

pastoralists: and in a very real sense these 527 pastoralists were the hierarchic society. They had charge of a vigorous economic dynamic. There was space in the dynamic for the generations of man. They were the source of social authority, they defined social authority in their own likeness (in a mixture of tradition and the novel) and by definition they ruled New South Wales subject only to the effective claims of the vice-regents. And for a long time what was perhaps simply sheer vigour dominated, tolerated and accommodated lesser and divergent kinds of men.

But at best dimly seen at the time, in the 1840s the land began to contract as the basis of a cultural ethos, of an economic dynamic and of a social vigour. The economic ruin and near ruin of 'Camden', 'Vineyard Cottage', 'Newington', 'Vaucluse', 'Lake Innes', 'Tempe', 'Manar', 'Aberglasslyn', the Bank of Australia, the Royal Bank and Benjamin Boyd exemplified the violent if temporary end to landed dynamic and social vigour. But buried under this spectacular debacle was a more lasting truth, that the pastoral frontier had begun to close, to be physically incapable of absorbing the energies of New South Wales. A man already settled there might like John Everett survive the 1840s and establish an enduring dynasty on New England, and a man with enough money might like Henry Dangar move among the debris and buy up the land already settled, but by the late 1840s the only readily viable frontier edge left for fresh settlement was a 200 mile line from Wide Bay westward to the Carnarvon Ranges.<sup>1</sup> Thereafter the spread of squatting would pass more and more into the hands of certain family and friendship systems and in this sense become almost a hereditary and specialised or professional occupation, wearing at times a patina of latter-day romanticism.

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<sup>1</sup>Figure 21 opposite.

So for both short and long term reasons, in the 1840s the landed ethos, replete with all its forms of freehold estates, tenant-farming combinations, pastoral stations and squattages began to lose its identification with the whole society, to contract as a dynamic, to lose its vigour and therefore to find its authority diminished. This faltering revealed, and perhaps encouraged, a diversity of metropolitan dynamics. Some were more advanced than others. The professionalism of the civil service begun by Darling at the expense of the traditional amateur was an ethos yet confined to the middle ranks of the service. The maturing of Arthur Edward Halloran, the brothers Elyard and Abram Orpen Moriarity would be a work of the 1850s. At the other end of the spectrum of metropolitan dynamics stood probably the legal men, honed by constitutional and legal debate against Gipps and engaged, if unwittingly, in establishing enduring dynasties of their own.

Between the dynamics of the Hallorans and Windeyers of New South Wales were those of the professions, of commerce and of trade. Here one found William Bland developing surgical technique by himself and sharing thereby in the Western drift from the amateur to the professional expert with its concomitant panache born of self-fulfilment. And here one found Thomas Whistler Smith, warehouseman, for whom pastoralism was anathema because he understood only warehousing.<sup>1</sup> Here one found a congeries of men contemplating the building of a university and the proper and viable re-establishment of a Chamber of Commerce and of a Stock Exchange. And here one found the artisan labourer and the £10 householder, (emerging or emergent from the illiteracy that had long marked the irresponsible orders of man), for whom the city was a comfortable milieu, and adequate because the alternative in their modest circumstances was the cutting edge of the frontier replete with hostile blacks.

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<sup>1</sup>Judgement of the Master of the Rolls in *Wentworth v. Lloyd*, Appendix 1, p.194 (ML - Printed Book, Q.347.7).



In the aggregate of the diminishing landed dynamic, and of the growing metropolitan impulses, there was elan enough, a sense of fulfilment enough, for these new kinds of men to demand a share of social respect, a share in authority. And the confusions and illogicalities of the anti-transportation debate, among other debates of the kind, reflected in large part the uncertain scrabbling of men endeavouring to adjust society to these dimly seen trends. It was apposite that this untidy scrabbling found personification in a squatter - Edward Flood, who was obliged to seek a personal harmony between his hierarchic view of his Riverina servants<sup>1</sup> and the demands of his metropolitan constituents for a share in authority.<sup>2</sup> In this sort of contest, the actual number of convicts transported into New South Wales was almost irrelevant. One convict would have been sufficient for these larger purposes of man.

But the shape of the world in which the resident squatters were marrying and begetting children had been decided. And it was hardly proper any more to refer to much of the squatted lands as the frontier. Walker's troopers were back on the Condamine in May 1850, while at the same time E.D.S. Ogilvie of 'Yulgilbar' on the Clarence was able to write '...went on to the Heifer Station in the afternoon as I have to be at Tabulam by appointment to meet the Bishop tomorrow morning'.<sup>3</sup> And almost a year later, in the week of the Census, Ogilvie gave a variant glimpse of the advance of civilisation: 'Sent...Brady to Shepherd Carry's flock whilst he takes his child to Grafton for medical advice.'<sup>4</sup> While serenity on New England produced from Eliza Marsh's pen:

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<sup>1</sup>Flood to Henry Parkes, 24 November 1852 (ML - A.70, Autograph Letters, pp.474-76).

<sup>2</sup>Text above.

<sup>3</sup>Yulgilbar Diaries, Vol.2, entry dated 13 May 1850 (ML - A.6993).

<sup>4</sup>Ibid., entry dated 11 March 1851.

Sir Osborn Gibbs & son Henry, arrived...I should say he wished people to understand he is the first Baronet that has honored this country with his presence.<sup>1</sup>

And on the next day the observation that 'Sir Osborne Gibbs rode over to Kentucky, our neighbouring station five miles off. "My son Henry" shot cockatoos....'<sup>2</sup>

It was in this week that George Hobler sailed for California, 'on blue water hastening from Botany Bay', on a day that Ogilvie described on the Clarence as a hot bright day and Eliza Marsh on New England as 'very hot'.<sup>3</sup> And if Hobler's departure might suggest that an old order had closed, it was not really so, as Eliza Marsh well knew whenever she contemplated the nature of irresponsible society:

Went across to the paddock the other side of the creek, to see what damage the working bullocks had done to the Potatoes -- a boy having been put to watch them, but as usual neglected to do so.<sup>4</sup>

The boy simply belonged to a whole genre:

After breakfast Edith walked with me down to the Kitchen garden to show a man working in the garden where to put out Beet root plants, cabbage, etc., but of course no man there.<sup>5</sup>

It was, of course, possible to ruffle the normal expectations: 'Our Nursemaid a "bounty Emigrant" left by Mail for Armidale -- a true specimen of her kind.'<sup>6</sup> What devils, John Walker had told Christopher Dawson Fenwick three years before, your servants must be.

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<sup>1</sup>Eliza Marsh, Journal, 1 March 1851 - 27 April 1851, entry dated 3 March 1851 (ML - Am 169, Marsh Papers).

<sup>2</sup>Ibid., entry dated 4 March 1851.

<sup>3</sup>Yulgilbar, op.cit.; and Marsh, op.cit., entries dated 12 March 1851.

<sup>4</sup>Marsh, ibid., entry dated 17 March 1851.

<sup>5</sup>Ibid., entry dated 21 March 1851.

<sup>6</sup>Ibid., 31 March 1851.

But it had been always so in New South Wales, apart from the alarm of the convict rising at Castle Hill in 1804. Irresponsible man was a nuisance, unreliable, insolent, inefficient and spent his time in dissipation, an inscrutable figure who walked about in a world of his own. Apart from Castle Hill, he had never frightened anyone. It was one of the oddities in history that just as British society was discovering the real man inside the irresponsible mask, his colonial harmless counterpart should frighten New South Wales for the first time in almost fifty years, on the day in May 1851 when Edward Hammond Hargraves at Bathurst lectured an audience on how to dig for gold.

## CHAPTER 6

### GOLD AND PARTICULARISM, BLACKS, SERVANTS, PEERS AND AGAIN BLACKS, 1851-54

Among some squatters the discovery of Gold produced a wide diversity of responses and reactions. Some squatters proceeded with their everyday concerns as though nothing momentous had happened. This apparent indifference had its point, for in the squatter's view of himself in society the effect of Gold was more quantitative than qualitative. It accentuated existing changes. Between 1851 and 1854, Gold obliquely added strength to the territorial break-up of New South Wales; accentuated the labour shortage; in doing this further denuded a weakened frontier and obliquely thereby strengthened the resistance of the blacks; gave the urban search for authority an impetus that culminated both in a search for an aristocracy and in a peculiar alliance of urban politician and squatter that set the frontier and the blacks on the road to infinite tragedy.

Edward Hammond Hargraves, a man who had muddled most of the opportunities in his lifetime, returned to New South Wales from the Californian gold fields in January 1851 in order to search for gold - not to launch himself into professional gold digging, but to extract from government a large reward for discovery of a payable field. His lecture in Bathurst in the first week of May was the key move in an ultimately successful campaign, using other people to his ends, to obtain a reward of £10,000 by whipping up public enthusiasm for his discoveries.<sup>1</sup> Nine men left Bathurst on 9 May for the field 25 miles north-west of the town. Six left Bathurst on 10 May. By 15 May, the gold diggers had grown to 200. On 17 May, the squatter Hugh Hamilton of 'Tonambil' on the Lachlan rode into Bathurst, and was completely unnerved:

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<sup>1</sup>The foregoing is drawn from entry for Edward Hammond Hargraves projected for Vol.4, ADB.

Bathurst,  
17 May 1851

My dear Sloan,

The country is ruined, No more water hole digging, no more fencing, no more of the usual employment of a social pastoral country Bathurst district is one vast field of gold. Bathurst town has not got 200 men left to protect all, all, all, are gone to the diggings it would be perfectly impossible to describe, and scarcely does it exist in the power of the mind to extend its limits of imagination to conceive the state of excitement in this town all servants have bolted apprentices from their engagements husbands from their wives even the children are gone to help in the process of getting gold, quickly arrange with all your shepherds to give you time if it is possible to convert the sheep into money if you could get some wool off their backs or fat out of their bodies get it, it may lie for years in Sydney before being sent home, but calmly consider what is best and be quick if you have nothing left but to dig. instead of going to Sydney I am going to send Thompson to Sydney for flour which is £50 a ton in Bathurst keep all you can all parts of the colony will be here directly Austin is in Sydney with one piece weighing nearly 1 lb for which he paid £30 Mr Wentworth is off to get a detachment of Soldiers to keep peace and I think they will bolt, all the horrors of California will be here immediately I have no more time, take warning,

I am,  
Yours very truly,  
Hugh Hamilton

I have not placed your money to your credit and will wait for further orders as I hope to turn it over if you think you can get nothing out of your sheep dont pay any wages<sup>1</sup>

On the same day, the absentee squatter Archibald Campbell of the 'Sorn Bank' estate near Bathurst also wrote to James Sloan,<sup>2</sup> introducing Gold in his letter as a subsidiary theme, and exhibiting the restraints supposed to attach to responsible man:

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<sup>1</sup> Hamilton to James Sloan, 17 May 1851 (ML - MSS 33/1, Sloan Family, Letters Received 1844-1888).

<sup>2</sup> James Sloan, of the 'Glenlogan' estate 60 miles south-west of Bathurst, and absentee squatter, was Campbell's brother-in-law. Hugh Hamilton was at least a friend of both and may have been related to Campbell.

Of course ere this you will have heard of the Gold diggings that have sprung up since I last saw you it has really come over us like a clap of thunder & I am afraid will turn out a very serious matter for we poor sheep holders. I hope you have not had any confusion in your establishment through it yet.

And it was likely that the restraint was anchored in a noticeably uncluttered view of mankind:

I have not heard that there is many bolters from sheep stations yet but I expect that every shepherd when his time is up will have a try at the diggings before he hires again.<sup>1</sup>

Everywhere in fact that the news of Gold went there were these two reactions of panic and restraint, and perhaps it needed someone with a long memory of New South Wales and a mental digest of the 'horrors of California' to essay balancing the two - on 29 May James Macarthur wrote to Edward Deas Thomson on 'the perilous position of the Colony' and urged upon Deas Thomson a two-point plan of action: firstly that government forbid further digging until Surveys had been effected of the gold areas and bid for at auction. Secondly, if it were necessary, that government declare Martial Law for

If this was justifiable in Sir Thomas Brisbane's time on account of a few outrages by the Blacks and reprisals by the Landholders much more so would it be in such an emergency.

But then James Macarthur's view of the world inserted a metaphorical comma here, and not the full stop that he in fact wrote down, for he went directly on to say that he did not believe his second suggestion would be requisite.<sup>2</sup>

Detachment was also possible. On the day that Macarthur wrote to Deas Thomson, the news of the Gold discovery reached Brisbane, and the editor of the Moreton Bay Courier wrote a few hours later:

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<sup>1</sup>Archibald Campbell to James Sloan, 17 May 1851, *ibid.*

<sup>2</sup>James Macarthur to Edward Deas Thomson, 29 May 1851 (ML - A.1531-3, Deas Thomson Papers, p.211).

As we have always been of opinion that gold was generally distributed over this continent on the flanks of the larger ranges, the discovery has not surprised us; but it seems to have made the Sydney people half mad, which shows how exciteable they are.<sup>1</sup>

It was left to the aged and ailing Francis Nicholas Rossi of 'Rossiville' near Goulburn to see in himself the only rational being left on earth. This man who had renounced his succession as the Comte de Rossi<sup>2</sup> in favour of his squatter son, wrote to the son at Michelago in the Monaro District that

I am told great many People have left Goulburn for the Mines even Publicans...the Sydney Papers Contain nothing Else but About Gold Gold and the Mania Seems to have reached all Classes of People every pursuit is likely to be abandoned but Gold Finding and Speculations Attended thereon....

Sugar, tea and tobacco had gone up in price at Goulburn, and flour had reached £30 a ton, being bought up to be sold at Bathurst.

I have been informed that Mr. Charles Cowper who has 1500 [bushells] of Wheat for Sale will not Sell it under 15/s per Bushell and [---] Faithful has Stated his determination not to Sell his under £1.0.0 a Bushel -- a pretty State of things this....

All in all, Rossi looked comprehensively at the outside world and exercised the privilege of the aged to withdraw: 'The Jews Christians and Infidels are all mad -- and God Knows how this will end.' But withdrawal was illusory, for reality produced a flash in a postscript: 'Keep if possible the Shepherds in good humour for [Really?] people will not for a long while be easily hired.'<sup>3</sup>

But if Cowper and Faithfull kept their business heads, there were other responsible men like Hugh Hamilton to verge

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<sup>1</sup>MBC, 29 May 1851, p.2, col.2.

<sup>2</sup>A Corsican title. ADB, Vol.2, entry for Francis Nicholas Rossi.

<sup>3</sup>Francis Nicholas Rossi to Francis Rossi, 30 May 1851 (ML - A.723, Rossi Papers).

on the completely unnerved, much to the satirical edification of the squatter Gilbert Davidson,<sup>1</sup> cousin of the Leslies, who was in Sydney when the Gold news reached there and who journeyed home to the Darling Downs at the end of June:

I have finally reached my destination. The voyage was long and dangerous, tedious and adventurous, high & dry for 24 hours in Moreton Bay and I could not get a boat to get ashore.... When I got to Ipswich I had to buy a horse, mine had not been sent down to me....All mad at Ipswich, some offering their stations to any responsible party for 3 years for nothing -- others again working to sell at 4/- a head & station, but now they are a little more sobered down. The Gold news set a few of them drinking, and they are only just now recovering from the Horrors, etc.

About the Sydney merchant squatter Robert Campbell Tertius, Davidson was merciless:

...Campbell was in such a fright at the commencement that he immediately wrote to Gammie to do the best for himself as he could make more money in Sydney with flour & gold than Sheep-farming, but he has altered his tone again by the last post. To shew the funk Campbell was in (curious eno' I never heard of it in Sydney) as soon as the Gold Mania beseiged the Town, he sold for 3/- a head & station, what he had only lately purchased himself for 6/4 a head. I allude to Kentucky. This is the Station that Morris went to take charge of.

And the same uncompromising eye turned upon irresponsible society:

I now consider the excitement is over up here, the Shepherds are too crawling a set to leave for the diggings & the shearers say they intend waiting until the sheep have been as usual through their hands to enable them to go down the Country in a Gentlemanly Manner.<sup>2</sup>

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<sup>1</sup>Appendix E.

<sup>2</sup>Gilbert Davidson to [William?] Uhr, 29 June 1851 (ML - MSS 946, Uhr Family Correspondence, pp.19-20).



Given three more weeks to assess the significance of Gold, one of the most prominent transportation advocates among the squatters, Patrick Leslie, told his sister in Scotland:

We had a very dry summer. I need not enter into the gold business suffice it to say it will give us such a shove that we will see what Colony can ever over take us. Labor will rush to us & all we want to be the most prosperous colony in the world is Labor. With that we can have all that will advance us beyond what we could have dared to hope would have happened in our time.<sup>1</sup>

It was time in fact to explore the finer consequences of gold, a word once more to be written without a capital letter. Six weeks on again, Eliza Marsh wrote in her diary:

Matt & myself at five o'clock in the afternoon went on board the Shamrock steamer crowded with passengers & friends taking leave. Did not sail until past six o'clock, having no sailors on board all of them having struck for higher wages in consequence of the gold fever prevailing in Sydney. They succeeded in getting their own terms....<sup>2</sup>

And rational appreciation of what had happened to New South Wales finally returned when it was established that the disappearance of nearly 150 ticket-of-leave men, mostly from the Northern Districts, was not due to their having absconded to the gold fields, but due only to major errors in the preparation of the mid 1851 muster of convicts.<sup>3</sup> Archibald Campbell's perception on 17 May had been acute. He was substantially correct when he envisaged irresponsible men honouring his existing contract before turning, if he turned, to the Mania. There was widespread evidence of this brake at work on the 'rush' to gold,<sup>4</sup> and the tone of the restraint was best expressed by the downsland shearers who

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<sup>1</sup>Patrick Leslie to Mary Anne Leslie, 19 July 1851 (OML - Leslie Letters).

<sup>2</sup>Eliza March, Diary, 1 September 1851 (ML - Am169/6).

<sup>3</sup>See, for instance, V & P, 1852, Vol.1, p.960.

<sup>4</sup>There were of course other restraints such as seasonal conditions and the price of a gold digging licence (thirty shillings a month). For the latter see particularly Geoffrey Blainey, The Rush That Never Ended (Melbourne, 1969), 2nd Ed., p.21 and Chapter 2 generally.

would go down the country in a Gentlemanly Manner, and by the sailors of the 'Shamrock' who realised, as did Charles Cowper, that the gold of the time was neither necessarily yellow in colour nor found only on a gold field.

It was likely in fact that irresponsible man had first to frighten the Hamiltons and Rossis and Tertius Campbells of New South Wales in order to convince them that he had a rational stability of his own. There were of course people who had always known this, insofar as tradition supposed that responsible society was open to all who cared to make the moral effort. Archibald Campbell's calm and acute perception of how his shepherds would react to the prospect of Gold was of a piece with his observation, almost four years previously, concerning the strivings of mankind:

Miss Campbell has gone to Mudgee to Teach for a person of the name of Tealby a native of the Colony & formerly a Shepherd to Mr. Lee. I expect she will find them rather a rough set.<sup>1</sup>

There were, too, other people to whom Gold was less than relevant to their concerns. This did not always follow with abstract logic. Granted that there were definite brakes on a social drift to the gold fields, nevertheless the further distance a man travelled to reach the gold, the less likelihood there was that he would ever return to his starting point. It was one thing for a Bathurst shepherd to turn seasonally to shepherding in the Bathurst district whenever the drying of creeks prevented gold-washing. But if he had come in the first instance from the Maranoa or the Burnett, neither his short term interests nor his long range intentions were likely to bring him back to the frontier. That place was simply too far from Bathurst and comparatively too primitive. In the long sense, that is to say, the frontier suffered the most damage from the discovery of gold.

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<sup>1</sup>Archibald Campbell to James Sloan, 23 August 1847 (ML - MSS. 33/1, Sloan Family Letters Received 1844-1888).

But this was only true where the frontier had men to lose. In the north there were stations, the number is not known, where frontier social disintegration had ended in social collapse. Boondooma in the western Burnett lay in some wise beyond the influence of the hierarchic society's endeavours to restructure the frontier and to bring the frontier under its aegis. Many native born men, many emancipists, most of the exiles and most of the free white immigrants of the 1846-1851 period had gone into the squatting districts in general and into the Burnett Pastoral District in perceptible numbers. Yet Boondooma had nothing to show for it, and largely if not entirely the same applied to Burrandowan somewhat to the south of Boondooma again. Here in the summer of 1850-1851 the superintendent of 'Burrandowan' and the resident owners of 'Boondooma', the brothers Alexander Robertson and William Robertson Lawson, had given up expecting concern or help from the hierarchic society, and were staffing their stations with Chinese coolies; a programme which in the case of Boondooma was launched in February 1851 and completed in January 1852, at which latter time 22 coolies were maintaining 22,000 sheep in 14 flocks.<sup>1</sup>

It was precisely here that it became possible to suggest that the tremendous effort of the hierarchic society to regain command of the frontier had in some degree failed. The effort touched Boondooma, for society elevated William Robertson Lawson to the dignity of Esquire, J.P., and thus far tradition asserted itself on the Boyne. Yet the dignity of the Commission was an empty gesture for it offered Lawson no solution to his real problem of labour, and drove him on to exotic and particularist answers. There was more to this than confirming a pastoralist in his individualistic ways and thereby perpetuating the anarchy that society had been endeavouring to stamp out. This much was certainly an

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<sup>1</sup>Boondooma Wages Book, folios 1-85 (OML - OM 66.7). See also loose undated memo re flock structure therein - the internal evidence of the book indicates that the memo was written between 29 January 1852, when the programme was completed, and 9 January 1853 when Can Chian was 'discharged - Sent to Gaol'.

ingredient. But beyond this simple repetition of an old theme, there were the vague outlines of a frontier (understood not as a specific place but as an ethos) which might presently slip away from the call of tradition and burgeon independently, viably, and replete with its own tradition.

And insofar as the frontier was a place (as distinct from an ethos) the hierarchic society of New South Wales was again unable to come to grips with its particularist province in the north. This was hardly an historical novelty in the structure and career of states and empires, but in New South Wales, government and government in society embellished the matter with a contradictory face. On the one hand, in 1850 and 1851, the intrinsic nature of the hierarchic society took over the enfranchisement and representation of the leasehold squatter. And on this great day when the resident squatter was at last received fully into the comity of English liberty, and he was free to express himself at the ballot-box, the resident and absentee squatters he elevated to the dignity of membership of the Legislative Council of New South Wales were George Farquhar Leslie, son-in-law of Hannibal Hawkins Macarthur; Arthur Jeffreys, son-in-law of Robert Campbell of Wharf House and 'Duntroon'; George Macleay, of 'Brownlow Hill' and 'Borambola' on the Murrumbidgee and son of Sir Alexander Macleay of 'Elizabeth Bay'; Francis Edward Bigge, of Mount Brisbane and nephew of Mr Commissioner Bigge and of Archdeacon Thomas Scott and familiar of the Macarthurs of 'Camden'; Joseph Brindley Bettington of 'Brindley Park' and the Liverpool Plains, and son-in-law of the late William Lawson, Esquire, of 'Greystanes' on the Cumberland Plain; William Macarthur of 'Camden' and 'Nangus' on the Lachlan; and Matthew Henry Marsh of 'Salisbury Court' on New England, brother-in-law of E.C.C. Merewether and kin by marriage to F.L.S. Merewether and John Hubert Plunkett, Attorney-General of New South Wales. The solitary man of lesser degree among them was Augustus Morris of 'Callandoon' on the Macintyre, ex-superintendent to William Charles Wentworth and abiding friend of Frederick Walker of the Native Police. In this majestic roll-call of squatters

moving upon Sydney to take their place in the legislature, the hierarchic society of New South Wales would appear to have completed its handiwork of absorbing the frontier into the traditional ethos.

Yet on the other hand, this was a facade capable of being as empty of substance as the honorary magistracy conferred upon William Robertson Lawson of 'Boondooma'. For if that honour brought him no solutions to his real problems, and left him to scout for himself, then George Farquhar Leslie found that a voice in the Council could not divert a few immigrant ships from Sydney to Brisbane, and that he was left to scout for himself as much as was Lawson. Partly, this was a result of the historical dichotomy between the centre of power and a border march; partly, perhaps, the real attention of society at the centre had simply taken up where it had left off the transportation debate and was engrossed with the nature and exercise of social authority. In at least a metaphorical sense, an Edward Flood juggling between hierarchic and levelling concepts of power was hardly a man to give attention to a ship to Moreton Bay. And in at least a metaphorical sense, a Charles Cowper was probably too intent on finding a political base for the future nature of authority in New South Wales, while a William Charles Wentworth was intent on resisting these demands. And it was characteristic of metropolitan preoccupations that when in 1852 Wentworth drew up his master plan to stabilise irresponsible society against the lure of gold, it was a master plan which took no peculiar account of northern circumstance.

But by that time, left to scout for himself and for the north, George Farquhar Leslie and Louis Hope, then fourth senior uncle of the sixth Earl of Hopetoun,<sup>1</sup> had set sail for that aristocratic society of Great Britain that in the

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<sup>1</sup>Louis Hope, seventh son of the 4th Earl of Hopetoun, was to outlive all of his brothers including the 5th Earl, to outlive the 6th Earl (an only child), and was therefore, at the time of his death on 15 August 1891, senior member of the family to the 7th Earl who became the first Governor-General of Australia. Louis Hope married on 12 October 1859 Susan Dumaresq, grand-daughter of Sir Alexander Macleay, sometime Colonial Secretary of New South Wales.

last analysis still governed New South Wales. And into this project Leslie and Hope put all the diligence and energy that they and the north had previously put into advocating transportation. Men might argue with them on idealistic grounds, but the advocacies of the squatters generally, and in the north particularly, made sense when related to the effective options open through both British and colonial politics. To the aristocratic society they sailed at their own expense to ask for direct emigration from Great Britain to Moreton Bay.

It was emphatically not a case that aristocratic connection would automatically concede, at another aristocrat's request, this direct migration. It was not as crude as that. What it amounted to was that Leslie and Hope were aristocrats by birth and instinct. They understood intuitively how the aristocracy functioned, how in that milieu it was possible for a gentleman to give his fair and undivided hearing to a petitioner when the petitioner was another gentleman. And a few months later, in another matter, and still in England, Leslie offered a glimpse of how one went about arranging the meeting of gentlemen:

Our Governor General is recalled, and Lord Lyttleton goes in his place. We were speaking about the latter you may remember at my Uncle's. I [should] like to know him, but dont know how to get at him. I only heard this news today. I think it is true. I will try & get at Lord Lyttleton through Lord Monteagle, or The [Honourable] Francis Scott when I return. Love to all.<sup>2</sup>

It was in this milieu that Sir John Pakington, Earl Grey's successor as Secretary for the Colonies, gave audience to Leslie and Hope and agreed to double the number of emigrant ships to Moreton Bay, from the one per two months which had been inaugurated while the two squatters were enroute to England, to one per month.<sup>2</sup> When in due course

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<sup>1</sup>George Leslie to William Leslie, 14 April 1853 (OML - Leslie Letters).

<sup>2</sup>Sir John Pakington to FitzRoy, 6 August 1852, V & P, 1853, Vol.2, p.9; and Col.Sec. to Police Magistrate, Brisbane, 4 December 1852, ibid., p.334.

FitzRoy and government appeared less than gracious at this particularist interference from the north,<sup>1</sup> and when the liberally-inclined Moreton Bay Courier applauded the interference and proffered Leslie and Hope its thanks for their efforts for the north,<sup>2</sup> then there became a little clearer the separatism that had its origins in the distance, sociology and the predominance of sheep over cattle that had marked the foundation of the Northern Districts at the beginning of the 1840s. Still in London in the new year, George Leslie wrote that the Colonial Office had shown him FitzRoy's 'very severe letter':

However Sir Chas. had the pleasure of writing the letter, the Col. Office the pleasure of receiving it, & we the benefit of getting the Emigrants, [which] was all we wanted.<sup>3</sup>

This growth of particularism was in fact a part of the larger hierarchic scene into which Gold had to be fitted, and not the other way about. These were themes which Gold did not write, but on which it played variations. Between about 1850, when it might have been thought that the frontier had been made over and mankind neatly arranged, and 1856, when New South Wales began to govern itself materially untrammelled by Great Britain, the hierarchic handiwork of arranging mankind had to be done all over again. In short, in this period, the squatter for his part had to re-define his relationship to his peers, to his servants, and to the blacks. In the process he was obliged to re-define his relationship to government, and in that process there was for the northern squatter at least a future in separatism, for separatism would lead him to govern himself and would snip off from his concerns the continuing urban discussion of the nature and source of authority and government. But in 1852, it was the turn of the blacks and his servants, in 1853 of his peers, and in 1854 again of the blacks.

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<sup>1</sup>FitzRoy to Pakington, 22 November 1852, *ibid.*, pp.329-30.

<sup>2</sup>MBC, 18 December 1852.

<sup>3</sup>George Leslie to William Leslie, 8 April 1853 (OML - Leslie Letters).

The debate on the blacks that had been put down in the Council in 1849 by Wentworth and Plunkett was taken up again in 1851 and 1852 by some of the Burnett River squatters. In 1849 the two broad schools of thought in New South Wales on the blacks had been formally even, only one vote separating the advocates of admission of aboriginal evidence at law from the opponents of this 'Colonial Office' and 'Exeter Hall' misanthropy. This balance was Frederick Walker's departure point and throughout 1849, 1850 and 1851 as he brought order out of a disintegrating frontier, enforced truce on the blacks, and lectured and hectorated the whites that ultimate peace was in their hands, the balance began to swing towards an amity with the blacks. In 1851, with the substantial concurrence in his aims of the Macintyre squatters (although to a lesser degree of the Maranoa and western downsland squatters), Frederick Walker took his troopers northeast to Wide Bay and the Burnett, and at Traylan on the Burnett River established his forward barracks.

The debate that had lain dormant for two years erupted almost at once. Partly this was a matter of time and place. It was characteristic of the Burnett (as of the Macintyre and the Balonne of two years previously) that in his own system of priorities, irresponsible man would not fight for the frontier. So that to Burnett squatters, conversant through the press with Walker's dramatic entry into the Macintyre in 1849, Walker had become an indispensable white hope who would reproduce in the Burnett the 'exciting effects' of Caribuck and the Severn. As one of the Burnett squatters, probably William Henry Walsh,<sup>1</sup> was to put it, '[The Native Police] came into these districts inspiring joy and hope in all....'<sup>2</sup> But unlike the Macintyre and lower Condamine, there were in the Burnett at the time no large bodies of blacks in semi-insurrection. The frontier there was too new to have developed this final intransigence, so that at the entry of the Native Police into the Burnett both the

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<sup>1</sup>See text below.

<sup>2</sup>'One of the Slandered' in a letter to the editor, SMH, 14 August 1852, p.2, col.4.



Police and the Burnett blacks were spared the dramatic clash of arms and the 'exciting effects'. There was, in short, no battle to be fought.

What the Burnett got was a man seen the more clearly because there was no battle. He would be accused of excessive drinking, of exercising magisterial patronage among his officers and favoured squatter friends, of being too familiar with his native troopers, of a whole variety of derelections of duty and even of stirring up the blacks: these real and imagined defects were to cloud the basic fact about Walker, that this imperfect man was prepared to shed the old canon that irresponsible man could not, by definition, commit a justifiable crime:

The Object I presume of the Government is to make the Blacks feel the strength of the law, not that they should feel the strength of individuals. If it is justifiable for Settlers to make the Blacks feel their Strength it is equally justifiable for the Blacks to retaliate.<sup>1</sup>

There was, in short, a sense in which circumstance cleared the euphoria away: and Walker was seen by his fellow men as Cromwell once wished himself to be seen, 'warts and all'. Walker's principal defect was that he was inclined to drink too much, a not unfamiliar wart on the face of colonial society, but a sufficient departure point for criticism of him if anyone was so minded. In 1852 the fact was that few were so minded, and they were not always thanked by their fellow squatters for their pains. In October 1852 Walker was substantially correct when he took up the hierarchic technique of Dr Robert Townson and told the Colonial Secretary that 'All the letters against me are written by Forster, Walsh who is Mr. Griffiths Superintendent and the notorious Macintyre Assassin Marks'.<sup>2</sup> If letter writers were consistent with their non-de-plumes, there were two more

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<sup>1</sup> Commandant, Native Police, to Col. Sec., 20 October 1852 (NSA - 4/3174, Col. Sec. In Letters, 52/10109).

<sup>2</sup> Commandant, Native Police to Col. Sec., 21 October 1852 (NSA - 4/3174, Col. Sec. In Letters, covering 52/10109).

critics, 'Shadow' and 'Truth'.<sup>1</sup> 'A Squatter' with five letters from his pen in four months,<sup>2</sup> and 'One of the Slandered'<sup>3</sup> was almost certainly the same person, William Henry Walsh. 'Anti-Humbug' in the Moreton Bay Free Press was probably 'the notorious Macintyre Assassin' James Marks (or Mark).<sup>4</sup>

But the letter writers whether three or five were by no means allowed uncontested passage. There were men around who followed (or shared) Walker's doctrine of co-existence. If Macintyre squatters had taken up the blacks as shepherds (in March 1852 Walker wrote that blacks were shepherding 55,000 sheep there),<sup>5</sup> there were Burnett squatters to do likewise. In October 1852 the brothers Strathdee of Cooranga were reported to have 16,000 sheep (roughly about 10 flocks by the practice of the day) shepherded entirely by blacks, the blacks receiving the same rations as white employees:

During some months...they have never missed a single sheep...the Messrs. Strathdee state that they have always been able to obtain the services of the natives in this way.<sup>6</sup>

There were also men around to contest the issue with the pen. As 'A Squatter', William Henry Walsh drew the fire of 'Fiat Justitia', 'Wangallibee', 'Glee' and 'W.H.W.'<sup>7</sup> Of these, the last mentioned was the most formidable. He was William

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<sup>1</sup>See MBC, 21 August 1852, p.2, col.5, and p.3, col.1; and 11 September 1852, p.4, cols.2-3, respectively.

<sup>2</sup>Ibid., various dates April-August 1852.

<sup>3</sup>SMH, 14 August, 1852, p.2, col.4.

<sup>4</sup>MBFP, 24 August 1852, p.3, cols.1-2.

<sup>5</sup>Commandant Native Police to Col. Sec., 1 March 1852, V & P, 1852, Vol.1, p.803.

<sup>6</sup>MBC, 23 October 1852, p.3, col.1.

<sup>7</sup>MBC, 17 and 10 July, 7 and 14 August 1852 respectively, and 23 October 1852 for a second letter by 'W.H.W.'.

Henry Wiseman, probably a distant kinsman of Cardinal Wiseman,<sup>1</sup> and soon to be Commissioner of Crown Lands for the Leichhardt Pastoral District. Drawing happily on the coincidence of similar initials to annoy Walsh, Wiseman accused Walsh of a well known 'aversion to public officers, and those of the Native Police in particular'.<sup>2</sup>

It is not unlikely that Walsh was clinically psychopathic, and he was of consequence only because of his quasi-demagogic behaviour between 1852 and 1862 at which latter date he was severely censured by Sir George Ferguson Bowen for his intemperate language when writing to the Executive Council. Walsh's marriage and death certificates, beyond mentioning Oxfordshire, were extremely vague about his origins and it is tempting to think that he was some illegitimate off-spring exported for domestic tranquillity at home. Born in 1825, revealing in his letters a sound classical education, emigrated to New South Wales in 1844, he was always a little too shrill, and it seems not implausible that a nervous insecurity fathered his extremisms. In this reading of Walsh, where a Farquhar Mackenzie on the frontier instinctively flung up his cultural guard to defend his self, what Walsh flung up to defend his physical self was resort to the words and forms of the English tradition. But they were not intuitively comprehended, and to natural hierarchs he became absurd when this young man with three years 'colonial experience' on the

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<sup>1</sup>William Henry Wiseman (c.1808-1871), only son of John Wiseman of London, educated Oxford. Wiseman died unmarried. His letters to government and certain of the Archer brothers reveal an aristocratic, sensitive, humane, well educated man capable of original expression touched at times with dramatic imagery. On the probabilities, he was related to the baronetcy of the Wisemans of Lynton, Bedfordshire, a collateral line of descent with that of Cardinal Nicholas Patrick Stephen Wiseman, the Catholic archbishop of Westminster installed in 1851.

<sup>2</sup>'W.H.W.' in letter to the editor, MBC, 14 August, 1852, p.2, col.5.

Macintyre and four years as 'Mr. Griffiths superintendent' took up the defence of tradition and placed Frederick Walker well beneath the ranks of the gentlemen - for it was pure Walsh that flowed from the pen of 'A Squatter' in August 1852:

Persecuted by the natives, by the Government, by the letters and orders of Mr. Commandant Walker ...forsaken, nay attacked, by the Sydney Morning Herald (vide their leader for June 22nd), I feel we are now at the very last extremity.... The sweeping charges (in very peculiar English) made by Mr. Walker against a body of colonists, in every respect his superiors, the adoption of those charges by our Government, the reception and retailing of them by the Herald, are all awful evidences of the necessity for 'separation' at once, from their iniquitous part of this continent..<sup>1</sup>

This was too much for Wiseman, who was then also on the Burnett River. In two long letters in August and October Wiseman put in his hierarchic place '...this "Squatter", who, by the way, is a squatter without stock or station...'<sup>2</sup> accused Walsh's lurid correspondence of frightening labour away from the frontier, of distorting frontier chronology to make Walker appear responsible for all the ills of the frontier, conceded that 'A Squatter' was a man not without his proper merits, and with this quite just proviso, came as close as perhaps anyone ever did to defining William Henry Walsh:

...he [can] hardly be expected to use his judgment; he gradually [persuades] himself that what he [wishes] to be true [is] true; and [deceives] himself before he [deceives] others. That such is the constitution of [his] mind is generally admitted in this district....on the subject of the Native Police he is a perfect lunatic, and ought not to be held responsible for what he either writes or says.<sup>3</sup>

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<sup>1</sup>'A Squatter' in letter to the editor, MBC, 7 August 1852, p.4, col.4.

<sup>2</sup>'W.H.W.' in letter to the editor, MBC, 14 August 1852, p.2, col.5.

<sup>3</sup>Ibid., MBC, 23 October 1852, p.4, col.1.

One could broadly explain the noise of the debate on the blacks in 1852 by attributing it to Walsh. One had to turn elsewhere for the weight of the debate. Until the correspondence of the Burnett squatter William Forster to the Colonial Secretary is recovered,<sup>1</sup> no fully adequate explanation of the sudden discord in the Burnett is perhaps possible. What is clear is that one unbending man, Frederick Walker, collided with another unbending man, William Forster. Oddly enough, they never physically met. What collided were their ideas.

Forster probably never realised that FitzRoy, Deas Thomson, John Hubert Plunkett as Attorney-General and William Montagu Manning as Solicitor-General knew perfectly well that their Commandant, being a man, had warts. They knew also that he was the nearest approximation to the ideal officer they could find, and therefore they governed him in a system of priorities that would meet their ends. This was not just a matter of stiffening him up to his duty, but on occasion of hauling him back to what the hierarchic society would accept:

...I am directed by His Excellency the Governor to inform you that the practice in question [adopted by some of the Stockholders on the Macintyre River of preventing the Aborigines locating on their Stations] is much to be regretted and it is certainly not creditable to the parties referred to.

I am therefore instructed to request that you will use your utmost influence to discourage the above practice and induce a better state of feeling towards the Aborigines but, I am to add, His Excellency regrets that he cannot authorise the assistance of the Native Police being withheld, as suggested by you in the last paragraph of your communication, from those parties who refuse to admit the Natives on their Runs.<sup>2</sup>

<sup>1</sup>A number of letters from Forster to the Colonial Secretary in the period 1851-1857 appear to have been removed from Inward Correspondence for the Colonial Secretary's consideration at the time of the Hornet Bank massacre in 1857, were not retained in his Special Bundle (NSA-4/7173) created for the occasion, and were presumably returned to and mis-filed in Inward Correspondence. This was my conclusion after exhausting the orthodox procedural searches and what appeared at the time to be several rational hunches. In view of my overall purposes, no more time could be afforded for a further search.

<sup>2</sup>Col. Sec. to Commandant NP, 20 June 1849 (NSA - 4/3860, Letters to Magistrates, 49/205).

Three years later the concern was to keep the priorities undisturbed:

I am...to state that His Excellency is quite satisfied with your assurance that the Fourth of Mr. Forster's charges [of 26 April 1852], so far as it casts an imputation upon you with reference to the discharge of your public duties, is untrue. His Excellency is however sure that you will see the advantage that your ill-wishers may take of the slightest excess you may be induced to commit even in your private moments of social enjoyment: and He feels confident that the good sense and high principle which you have displayed on many occasions will lead you to be extremely guarded on this point in future.<sup>1</sup>

In 1849, the concern had been that he was killing too many blacks.<sup>2</sup> In 1852, government accepted without comment Walker's observation that 'if it was justifiable for Settlers to make the Blacks feel their Strength it was equally justifiable for the Blacks to retaliate'. William Forster simply did not think like this.

With Vincent James Dowling of a later period, Forster represented the emergence of a nativist cultivated squatting elite: well-educated and erudite, and at the same time classic bushmen and classic products of all that the Western tradition was supposed to be. But of the two men, Dowling was the more flexible, the more resilient, and in the end, the more equable. The difference may simply have been that Forster spent his childhood in Ireland and India, lands of subject peoples, whereas Dowling did not. Forster would not, perhaps could not, bend to the wind. He was both a Forster and a Blaxland, and therefore of the very heart of the hierarchic society of New South Wales.

He was the man of tremendous intellectual energy who had satirised Gipps in the mid 1840s,<sup>3</sup> and spared for Robert Lowe in 1847 the brief epitaph beginning'

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<sup>1</sup>Ibid., 2 June 1852 (NSA-4/3861, *ibid.*, 52/174). Forster's letter referred to is one of the 'missing' letters.

<sup>2</sup>See for instance Col. Sec. to Commandant, NP, 8 August 1849 (NSA-4/3860, Letters to Magistrates), following the battle at Caribuckey.

<sup>3</sup>'The Devil and the Governor'.

Here lie the bones of Robert Lowe  
A faithless friend, and bitter foe....

Forster himself was to be memorably remembered by James Martin as 'disagreeable in opposition, insufferable as a supporter, and fatal as a colleague'.<sup>1</sup> More temperately than Wentworth, from his reading of history, he looked upon the blacks in a context of conqueror and conquered, in which the conquered had no law and no justice:

It is necessary...to refer you to New Zealand and the Cape for examples of the folly and even wickedness of attempting to conciliate barbarous tribes, without accompanying demonstrations of superior force, and without making the subjects of such attempts fully understand that their<sup>2</sup> aggressions will be visited with retribution.

Walker and Forster could not have been further apart, and the death of Adolphus Trevethan in the Burnett in 1852 made the point. To Walker it was relevant that Trevethan, probably nervous of the blacks, had got into the habit of firing at the blacks at night with salt (some said saltpetre) to over-awe them. Then they killed him, because of their stinging skins. The only fact in this that had any meaning to Forster was that Trevethan was another white casualty.

It was crucial to the debate in 1852 that Forster was the intellect in the Burnett, and at the same time in his person the hierarchic link between the frontier and civilisation, and it was from his Irish and Indian childhood, together with his hierarchic place and his reading of history that he wrote off the strange Walker and his troopers:

It would appear that Mr. Walker was extraordinarily familiar with them. He was more familiar than we should consider it right to be with servants, for instance. He treated them almost as friends....<sup>3</sup>

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<sup>1</sup>Entry for William Forster, projected for ADB, Vol.4

<sup>2</sup>William Forster in a letter to the editor, SMH, 21 August 1852, p.4, col.3.

<sup>3</sup>Select Committee on the Murders by the Aborigines on the Dawson River, p.10, V & P, 1858, Vol.2, p.854.

The speaker was the man who in 1849 had lost his honorary magistracy at FitzRoy's command, because of a shooting affray with the blacks; and the man who in August 1850, at Gin Gin (or Tirroan) on the lower Burnett, the blacks rewarded by ambushing his uncle and squatting partner, Gregory Blaxland. Was it this history, at least in part, that shaped denunciation of Walker as special magistrate:

...as no complaint against him has hitherto availed to produce any effect on the dignified indifference of the Government, as he is most jealously protected from the troublesome interference of all local authority or control, as, in appointing his lieutenants, he is in fact allowed to nominate four magistrates, he has been led naturally enough to form rather extravagant notions of his own importance....No greater mistake has been committed than the placing of Mr. Walker and his officers in the commission of the peace. Their ministerial and executive functions are thus confounded to the injury of both.<sup>1</sup>

And it was perhaps the genuine cultivated distaste for the uncouth that led Forster to his most cutting summary of Walker:

...as Mr. Walker has taken upon himself to set forth the causes of difference between him and the northern settlers, I wonder he has not enlightened us as to the reasons which have induced so many of the latter to decline that familiar acquaintance with which he has shown himself disposed to honour them -- why some are shy of admitting him into their houses -- and why one Commissioner of Crown Lands thought proper unceremoniously to eject him from his premises.<sup>2</sup>

Yet the astonishing fact remained that Forster never met Walker. The whole Forster critique of Walker was built on hearsay evidence, not entirely worthless on that account, but diminished in authority because of that. It had, in addition, nothing at all to do with native policy as such. Yet the day would come when Forster had to deny the personal surface: 'I have been accused of having a strong feeling against Mr. Walker myself, but to my knowledge I never saw

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<sup>1</sup>William Forster in letter to the editor, SMH, 21 August 1852, p.3, col.3.

<sup>2</sup>Ibid.



the man in my life.'<sup>1</sup> And on the same day in 1856, the ex-Macintyre squatter turned officer of the Native Police, Robert Purvis Marshall, would lecture Forster from the witness box of a Select Committee on Forster's indecent haste in 1852 to attack Walker the man: 'I believe [Walker] was drunk at a private house, and that the complaint ought not to have been made.'<sup>2</sup>

The real issue simply never surfaced. In September 1852, the Burnett correspondent of the Moreton Bay Courier tried to dig down:

There appear to be two parties -- the young, resolute, and strong; good shots, and good hands at taking camps, these are all against the Native Police, and are anxious for their disbandment: whilst the married men, the young men with a few sheep, striving to get on, are anxious to have the services of the blacks as shepherds. These, together with the lazy and indolent, who would sooner send the police than go themselves after the blacks when they commit depredations, are in favour of them. This is about the real state of the case.<sup>3</sup>

But this was too crude a synopsis. The basic target of the critics was not the Native Police as such, but Walker personally, or perhaps his ideas. It was a mind bent on re-modelling the Police that shaped these semantics:

'...there never was such a force turned into such a farce, or a body of men so cruelly mismanaged as these Native Police.'<sup>4</sup> And Forster himself was more explicit:

...neither I nor any of the northern settlers would advocate the entire abolition of this force. With others I am of opinion it might be made useful....its failure may in the main be attributed to the almost irresponsible power entrusted by the credulity or apathy of the executive to [Mr.Walker] ....<sup>5</sup>

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<sup>1</sup>Select Committee on the Native Police Force, evidence, p.39, V & P, 1856-57, Vol.1, p.1211.

<sup>2</sup>Evidence, p.22, *ibid.*, p.1194.

<sup>3</sup>MBC, 25 September 1852, p.3, col.1.

<sup>4</sup>'One of the Slandered' [Walsh?] in letter to the editor, SMH, 14 August 1852, p.2, col.4.

<sup>5</sup>William Forster in letter to the editor, SMH, 21 August 1852, p.3, col.3.

When this was read in conjunction with Forster's further critique that Walker was 'jealously protected from the troublesome interference of all local authority or control',<sup>1</sup> then it is fair to argue that what Forster and the few dissidents in the Burnett wanted was a Native Police answerable partly or only to themselves: and J.C. Mackay of 'Dalgangal' (of the brothers Mackay who addressed their father as 'My dear Sir' and on occasion as 'My very dear Sir') made it quite clear that this local control would not stop at magisterial level:

A watchman has just come in with the information that one of my Shepherds has been almost killed by the blacks & they have taken the flock of sheep from him -- about 2,000 -- I told you when you were here that you ought to have gone to look after them as I was certain the blacks were on the Run. I trust on the receipt of this you will immediately return & endeavour to get back the Sheep & rectify your mistake.<sup>2</sup>

It is fair to argue therefore that what the dissidents wanted was a Native Police giving priority to 'demonstrations of superior force' rather than to the sort of justice that would take note, for instance, that Adolphus Trevethan had provoked his own death. The dissidents were close, in fact, to asking that the exemplary raid or punitive expedition be elevated to official status. It was a comment on the state of the frontier that even the dissidents felt no longer able to mount their own expeditions. Irresponsible man had no taste for dying as an occupational hazard:

Many murders have occurred which have never been reported, because, as a correspondent remarks in another place, the settlers have feared such reports would deter labourers from engaging with them.<sup>3</sup>

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<sup>1</sup> Ibid., and see Select Committee on the Native Police Force, evidence, p.36, op.cit., p.1208.

<sup>2</sup> J.C. Mackay to the Sergeant of Native Police, undated, 'Monday, 1 O'Clock' (QSA - 48/111, Correspondence with Native Police Officers).

<sup>3</sup> MBC, 24 April 1852, p.2, col.3.

Responsible man, as the Burnett correspondent of the Moreton Bay Courier diagnosed with some accuracy, was becoming enmeshed and isolated in his primary concerns, care for his wife and children, the need to survive economically in face of the gold-accentuated labour disintegration of the frontier. At its extreme, when the brothers Lawson of 'Boondooma' relied on Chinese coolies to survive, then in a very real sense the brothers were precluded from social or corporate activity by the petty trivia of survival:

There is no further news except the usual Chinese troubles. Messrs. Lawsons' Chinamen have been threatening Mr. G. Sandeman's overseer, and one of them is to be brought to Court, and bound over, as usual.<sup>1</sup>

The prodigious effort of the hierarchic society to absorb the frontier had therefore produced contradictory and sometimes violent effects. A frontier with women and children was a far cry on from the lawless anarchic irresponsible society that followed John Fleming to Myall Creek, and a fair way on from the male, young, individualistic immigrant squatters of the 1840s; yet the family life which put the seal of civilisation on the frontier committed responsible man more firmly to the Throsby doctrine he had been trying to escape; part of Forster's attitudes arose directly from his uncle's death - some at least of the motivation of 'the notorious Macintyre Assassin Marks' stemmed from 1847 when the Macintyre blacks discovered his 11 year old son shepherding a flock of sheep and 'most cruelly murdered and mutilated' him.<sup>2</sup> On the other hand, Wentworth's philosophy of 1849 'No doubt there would be battles between the settlers and the border tribes, but they might be settled without the aid of the Government'<sup>3</sup> if true

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<sup>1</sup> MBC, 1 May 1852, p.2, col.5.

<sup>2</sup> Commissioner of Crown Lands, Gwydir District, to Col. Sec., 29 February 1848, HRA, 1/xxvi, p.398. It was said many years afterwards that the final mutilation was beheading, the blacks that night, after the discovery of the body, placing the head on a tree branch directly in front of Marks' house; Wallabadah (Telfer's) Journal, pp.11-12 (typescript, ANUA-P.85, pp.8-9).

<sup>3</sup> Chapter 4 above.

even then, was in 1852 out of date. Because enmeshed, the settler was prepared to forego tradition and call on government to fill the breach. It was significant in Forster's argument that when he spoke of 'local control' he was using the language of tradition alarmed: it was also significant that many of his Burnett contemporaries were content to leave him to his philosophical and real alarms.

It was perhaps this introversion in his own furious concerns that isolated Forster in 1852, with Walsh, Marks, 'Shadow' and 'Truth', as effectively as primary concerns isolated the Lawsons, Strathdees or anyone else on the frontier. In this sense of a generic isolation, Forster did not have his attention on the political realities of New South Wales. Here each day the urban search for authority and power produced more strongly a dichotomy between town and land, so that a Council that had under pressure in Gipps' day been bi-polar between government and society, had grown increasingly triangular between the interests of government, landed tradition and urban demand. The matter could not be stated more strongly than that, for it was yet a division of interests rather than of men, for like Edward Flood, the man who was subject to more than one of these interests had before him the task of ever shuffling his priorities and choices. But the division was there, and Mr. Justice Dickinson had already produced his blue print for a colonial aristocracy to temper the liberalising air of New South Wales.

It was in this milieu that Forster's angers fell on deaf ears. He could not look to Charles Cowper, if Cowper were taken as the median point of the urban search, to help align two sides of the political triangle against the other. Cowper believed not that the Native Police were too lenient or shot too few blacks, but that they shot too many.<sup>2</sup> He

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<sup>1</sup> John Nodes Dickinson, A Letter to the Honorable the Speaker of the Legislative Council, on the Formation of A Second Chamber in the Legislature of New South Wales (Sydney, 1852), pp.11-15 particularly.

<sup>2</sup> See for instance Walker's awareness of this in first paragraph of Commandant NP to Col. Sec., 1 March 1852, V & P (NSW), Vol. 1, p.801.

might agree with Forster that government should superintend the Police more closely, but this priority had to take subservient place to that of life and death.

And if Wentworth were taken as the median point of the land interest, there was no audience there either, despite the natural affinity between his and Forster's views of the blacks. In part, Wentworth probably was too astute to become politically embroiled in Forster's cause. In part, Wentworth was engrossed in concerns of his own - the stabilisation of irresponsible man against the giddy effect of gold digging, and a little later, in 1853, the preparation and passage of a Constitution Bill to govern responsible government in New South Wales: and as was usual with Wentworth when engrossed (whether in buying the South Island of New Zealand, less three million acres; proposing a lottery of his assets to disencumber himself of debt; denouncing the aborigines; or prising Paika off George Hobler) he worked on a grand scale.

The two schemes were clumsily over-elaborate for their purposes, but this much was Wentworth. The schemes were not significantly linked except by their apposite historical sequence. Nevertheless there were minor linkages, and odd echoes rebounded from one to the other. Both reflected the state of mind of the hierarchic society. Of the immigration scheme, the Sydney Morning Herald saw the danger of New South Wales acquiring from Europe 'men of dangerous political character -- democrats of the deepest dye, republicans, socialists, anarchists'.<sup>1</sup>

Of the constitution scheme, Wentworth said it embodied no wish to sow the seeds of a future democracy.<sup>2</sup> Both schemes were directed to problems aggravated by gold. The first scheme intended to stabilise irresponsible man: the

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<sup>1</sup> SMH, 12 June 1852, editorial, p.2, col.2.

<sup>2</sup> Report from the Select Committee on the New Constitution, p.1, V & P, 1853, Vol.2, p.119.

second to make it clear to him that he was irresponsible man. Both schemes were illuminated by the recession of British rule; the first by the 'Downfall of Earl Grey',<sup>1</sup> 'the mischievous incubus which [has] so long encumbered the energies of the colonies';<sup>2</sup> the constitution scheme illuminated, by definition, by the prospect of full internal independence of government. Of the two schemes as drafted by Wentworth it was conceivable that squatters, even those toward the frontier, would be among the beneficiaries of the first: the second plunged squatting into a strange semantic shift that equated squatting as pastoralism, and later passed the equation into folk-lore and into democratic demonology.

Wentworth's first scheme, as he outlined it to the Council in June 1852, was to widen the scope and supersede the existing machinery of assisted immigration. The source of immigration would go beyond Britain and include 'all Europe', with immigration agents scattered across the Continent. Colonial and not British criteria would guide the selection of assisted migrants, 'to insure the sending out of a proper class of immigrants....Such, in fact, as [are] suited to the requirements of the colony'.<sup>3</sup> In its machinery, the scheme would cut loose from the Land Fund. This was a vital feature in that hitherto assisted immigration had been financed by debentures repayable from sales of Crown land, in a colony where those sales had been inhibited for fifteen years by the upset price of £1 per acre. Henceforth, assisted immigration would function as a self-supporting system under government guarantee. In short, the assisted immigrant would refund to government the extent of its outlay on his migration. To enable him to do this, he would contract before departure to New South Wales to either make the refund within a prescribed time after arrival or take service with a master for one year, the

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<sup>1</sup>The headline used by the Sydney Morning Herald, 11 June 1852, p.2, col.2, to announce the 'change in the Ministry' which amongst other effects 'flung to the ground' 'Our political Sinbad'.

<sup>2</sup>Wentworth in LC Debates, 10 June 1852, SMH, 11 June 1852, p.2, col.3.

<sup>3</sup>Ibid., col.4.

master reserving the refund from the wages due for that year.<sup>1</sup>

Robert Lowe was to think the scheme too clumsy. If the intention of the scheme were to prevent assisted immigrants leaving too precipitately for the gold fields (particularly the Victorian gold fields) then the same end could be achieved simply by making the gold licence much more expensive to obtain. A migrant would need first to work to save up the fee.<sup>2</sup> The Empire thought the scheme too inflexible to cope with fluctuations in demands for labour.<sup>3</sup> In a general sense, this was sound, for within three years the improved labour condition of New South Wales would lead to the Act's repeal.<sup>4</sup> But the scheme had its charms, for if a master (even one on the farthest fringe of the frontier) were willing to join the scheme by advancing the passage money of an immigrant, then he had the novel certainties that he would firstly get an immigrant and secondly hold the immigrant for a prescribed time. The hierarchic society approved: there was general agreement in the first reading debate;<sup>5</sup> the second reading debate was perfunctory in the extreme.<sup>6</sup> Failing perhaps to understand that necessity could still override ideals, the Empire observed of the first reading debate that

The tacit ignoring, during the debate, of the possibility of a recourse to the miserable substitutes for labour which for some time past have been advocated by some of the principal pastoral employers, we are glad to hail as an evidence of a more healthy tone of feeling with reference to this subject.<sup>7</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Robert Lowe, 15 June 1852, V & P, 1852, Vol.2., p.53.

<sup>3</sup>Empire, 11 June 1852, editorial, p.1082, col.3.

<sup>4</sup>By 19 Vic 35.

<sup>5</sup>LC Debates, 10 June 1852, Empire, 11 June 1852, p.1082, cols. 6-7, and p.1083, cols 1-3.

<sup>6</sup>LC Debates, 7 December 1852, Empire, 8 December 1852, p.1702, col.7.

<sup>7</sup>Empire, 11 June 1852, editorial, p.1082, col.3.

This urban serenity was a little premature.

Only a month previously the labour problem had turned Matthew Henry Marsh to reviving the issue of northern separation with transportation and proposing that the projected colonial boundary be brought south to enclose New England in the separated land. Where Patrick Leslie in July 1851 had said, 'labour will rush to us', now Marsh told Earl Grey that the idea that 'a large voluntary immigration on account of the discovery of gold' might have made 'the introduction of exiles...not...so necessary' was proved wrong. The reluctance of the Armidale Bench in 1849 to become involved with exiles was past history:

I cannot deny to your Lordship that I am personally most particularly interested in obtaining the labour of exiles; but I may observe that the large proprietors of sheep, are, from many causes, not so much affected as the smaller ones. I am at this moment giving ten and twenty per cent lower wages than many of my neighbours, and have upwards of 39,000 sheep, being more than two-fifths of the whole of my stock, shepherded by Chinese, imported at a considerable outlay from Amoy, and paid at the moderate rate of £7 4s. a year. Besides which, foreseeing the probable want of labour, I obtained some men at reasonable wages from Van Diemen's Land.<sup>1</sup>

There were some interesting comparisons here. If 39,000 sheep was more than two-fifths of Marsh's stock, then he had about 90,000 sheep. When he sold his eight 'Northern stations' in April 1853, Wentworth had 42,000 sheep on the Liverpool Plains. If the number of sheep on his 'Southern stations' on the lower Murrumbidgee was roughly the same, then Wentworth might be allowed about 85,000 to 90,000, placing him on a par with Marsh.<sup>2</sup> Assuming this level to represent the peak holdings of anyone in New South Wales,

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<sup>1</sup>M.H. Marsh to Earl Grey, 11 May 1852, text in Empire, 17 September 1853, p.2751, col.6.

<sup>2</sup>For the stocking details of Wentworth's 'Northern stations', see Wentworth v. Lloyd in the House of Lords; Pleadings (ML - Q.347.7). I am indebted to Mr Graham Abbott of the University of New England for bringing the transcript of these proceedings to my attention.



then the major men each required about 300,000 acres in notional grazing terms. John Everett of Ollera operated at about one-tenth of this scale, shearing in 1853 some 9,000 sheep,<sup>1</sup> requiring notionally about 30,000 acres. Everett's letters suggest that this scale of operations offered a careful independence.

Men operating below this scale probably faded quickly down into a 'battler' class, but quite apart from them, there was clearly a great disparity between the top and bottom limits of viable establishments. Marsh was right to speak of his 'smaller' neighbours, and to a degree right to speak of his intrinsic advantage in meeting the labour problems of the immediately post-gold years. Everett who had always deliberately paid higher than average wages had by late 1852 bolstered his shepherding numbers with blacks and Chinese and was depending on the blacks to reap his wheat.<sup>2</sup> A month later he wrote that 'the gold has driven the whole country mad. The Blackfellows are the only sensible people at present':<sup>3</sup> and on 21 December, a week before Wentworth's legislation received FitzRoy's assent as 'The Assisted Immigrants' Employment Act, 16 Vic 42', the Moreton Bay Free Press reported of 'Eskdale' in the Brisbane Valley that

Mr. Ivory's Chinamen have all bolted in a body, in the midst of shearing, and that gentleman has been left with only the blacks for shepherds.<sup>4</sup>

But there were other comparisons to be made. The relative profitability of sheep, the attraction of sheep for

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<sup>1</sup> John Everett to Charles Everett, 4 December 1853 (UNEA - Ollera Letters).

<sup>2</sup> John Everett to Harry Everett, 12 November 1852, *ibid.*

<sup>3</sup> John Everett to Harry Everett, 10 December 1852, *ibid.*

<sup>4</sup> MBFP, 21 December 1852. James Ivory, educated Edinburgh University, was a son of a Scottish Law Lord. He was a 'classfellow' of Captain Francis Cadell (see ADB, Vol.3) and of several Victorian squatters. The first 799 pages of Ivory's journal have been lost. The extant sections, beginning in the year 1862, are in ML - Uncat MSS 101.

the immigrant squatters of the late 1830s, the interminable labour shortages created by sheep accounted for most of both the glamour and the complaint that characterised squatting. For perhaps fifteen years between the late 1830s and the early 1850s, the cattle squatter (whether he was exclusively so or principally so in conjunction with sheep) might almost have not existed. He used little hired labour, and for the most part only skilled mounted labour, and had no need or concern for 'miserable substitutes'. Cattle were not glamorous as an investment, and it might even be said that in that old New South Wales where cattle had always grazed as much or more grass than did sheep, that men like the brothers Tyson on the lower Murrumbidgee, Samuel Clift of 'Doona' on the Liverpool Plains and the brothers Bucknell on the Barwon survived the 1840s because tallow gave them a living, the living gave them their concept of freedom and independence, and they were content to leave the pursuit of grandeur to the Bradleys, Macarthurs, Marshes and Leslies of New South Wales.

The doyen of the cattle squatters in the early 1850s was probably Clark Irving, who at the end of 1853 grazed 22,000 cattle on 400 square miles of land between the Clarence and the Richmond Rivers:<sup>1</sup> and in notional grazing terms was therefore a peer of Wentworth and Marsh. But Irving was atypical. He was an investing newcomer, and his stock at the end of 1853 possibly reflected speculation. Over eighteen months previously, at about the time that Marsh was appealing to Earl Grey to renew the transportation of exiles and Wentworth was preparing his new immigration scheme, the brothers Tyson (William, Peter, James and John) rounded up all of their fat cattle, droved them to the Bendigo goldfield, and laid the foundations of a wholesale and retail meat trade at a site known ever afterwards as 'Tysons' Reef'.<sup>2</sup> At some time in the same year,

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<sup>1</sup> Empire, 17 December 1853, p.3145, cols. 6-7.

<sup>2</sup> T.M.Z. Denholm, James Tyson 1818-1898, A Man in his Environment (M.A. Thesis, University of Queensland, 1969), Chapter III, 'Tysons' Reef'.

Charles Wentworth Bucknell, a distant kinsman of William Charles Wentworth, droved from the Barwon and opened a butcher-shop and general store on the Hanging Rock gold-field on the Liverpool Plains.<sup>1</sup> At some time between 1848 and 1854, the illiterate emancipist Samuel Clift, who had once picked Doona from between the territorial brawling of Andrew Lang and John Eales,<sup>2</sup> added Gunandilly and Lang's Breeza to Doona to give him almost 200 square miles of the Liverpool Plains.<sup>3</sup>

For a long time to come, there would be cattle squatters who would still have to rely partly on tallow for a living, and generally this was so the further they were from gold fields and rising towns, or what amounted geographically to the same thing, the nearer their squattages were to the northern frontier.<sup>4</sup> But quietly, substantial prosperity began to enter the cattle business in 1852, and where men ran both cattle and sheep, there was this fillip to add to the slow but steady rise in the price of wool since its lowest point in 1847-48.<sup>5</sup> And for the first time since the late 1830s cattle and sheep became again intrinsically valuable assets. The asset formation of the 1820s had helped finance the building of the great houses of the Cumberland Plain. In the late 1830s a similar condition had built George Hobler's 'Aberglasslyn' and Henry Dangar's 'Neotsfield' in the Hunter Valley. Now in 1852 and 1853 it built John Eales' 'Duckenfield Park House' near Morpeth in

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<sup>1</sup>Wallabadah (Telfer's) Journal, p.24 (typescript copy, ANUA-P.85, p.16).

<sup>2</sup>Clift lived on his farm at Wollombi in the Hunter Valley, leaving his son William to run Doona: Lang, the brother of Dr John Dunmore Lang, and Eales lived on their Hunter River estates of 'Dunmore' and 'Duckenfield' respectively. ADB, Vol.1, entry for John Eales.

<sup>3</sup>See run lists in Appendix to the Report on Crown Lands, p.5 thereof, in V & P (NSW), 1854, Vol.2.

<sup>4</sup>See, for instance, Gigoomgan Journal generally for disposal of cattle from 1854 onwards (OML).

<sup>5</sup>See seven series of wool prices in Alan Barnard, The Australian Wool Market 1840-1900 (Melbourne, 1958), Appendix - Table XXVII, pp.229-30.

the Hunter,<sup>1</sup> and began to free the landed gentry and the resident squatters, in common with their urban merchant peers, to either sell out and return to Britain, or (what was much more common) to take a holiday and 'go Home'. Returning to New South Wales again, they came not infrequently with recruits.<sup>2</sup> The converse of this behaviour stemming from prosperity was the entry into squatting of city investors: Thomas Sutcliffe Mort, the Tooth family, Thomas Were Smart and others, some of whom, like Edwin Tooth, never had any urge or cause to visit their squatting acquisitions.

There was thus this paradox arisen out of Gold, that it drove the labour shortage to a point where the hierarchic society accepted Wentworth's overly cumbersome immigration plan, while on the other hand it brought back the kind of days when George Hobler had begun to build 'Aberglasslyn'. In April 1853 Wentworth's working partner in the 'Northern stations', John Charles Lloyd, bought the stations in toto for £29,860, half cash down, with three promissory notes to Robert Tooth, Edwin Tooth and John Croft for the balance. Such was the rising prosperity of New South Wales that three months later Lloyd discharged the notes for £22,430, leaving his three financiers an aggregate profit of £7,500,<sup>3</sup> one of whom, John Croft, was subsequently described as being in 1853 a man of large fortune and whose wife had then recently been willed a large fortune by English relatives.<sup>4</sup> In the sale of Wentworth's 'Southern stations', financing one-sixth of the purchase in a similar manner, Thomas Were Smart made

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<sup>1</sup>Coal-mining and the sale of several squatting stations evidently financed the construction of Eales' mansion. Now demolished, the house was not completed until the 1870s by Eales' son of the same name. The glory of the mansion was perhaps the ceiling of the ballroom, completely painted in picking of small detail. ADB, Vol.1, entry for John Eales; and private communication.

<sup>2</sup>One of these subsequently prominent recruits was Jesse Gregson, met casually aboard ship with the Busby family.

<sup>3</sup>Wentworth v. Lloyd in the House of Lords, op.cit., pp.22-23.

<sup>4</sup>Ibid., p.194.

a profit of £5,000 in 'some months'.<sup>1</sup>

For his part, Wentworth, the man fixed in the public mind as the prince of squatters, was simplifying his colonial problems by selling them, in order that when ready he could take the Constitution Bill home with himself and Deas Thomson as negotiators with the British Government. It was apposite then, as Lloyd remembered the matter some years afterwards, that Wentworth's farewell to him in March 1853 was cast in the hierarchic mode:

I told [Wentworth] ...that I was going to dine with the people he had sold me to, and at the next interview communicated the result. I mentioned Mr. Mort's name as one of the proposed partners [in my purchase of the Northern stations], and told him all that had taken place. He said, I had a damned deal of impudence, and said I ought to be very satisfied at having such men as partners. I did not know them, but he did. He said they were all men of high position, of great character and wealth.<sup>2</sup>

The Constitution Bill he introduced in the Legislative Council in August was a Constitution about men of high position, great character and wealth. It was, in short, about the hierarchic society and it was designed not to 'sow the seeds of a future democracy'.

Briefly, as a constitutional safeguard on an elective lower house, Wentworth proposed an upper house nominated in the first instance,<sup>3</sup> convertible over a period of forty or fifty years into an electoral college of colonial baronets and their descendants.<sup>4</sup> In the Council, a small opposition led by John Bayly Darvall and Charles Cowper preferred an elective system so as to give the upper as well as the lower house a measure of popular support: the more radically

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<sup>1</sup>Ibid., pp.190-91.

<sup>2</sup>Ibid., p.191.

<sup>3</sup>A Bill to confer a Constitution on New South Wales...Clause IV. Copy sighted in V & P, 1853, Vol.2, pp.129-57.

<sup>4</sup>Ibid., Clauses V and VI.

inclined Empire argued that in English societies there was a disposition among voters to defer to character, condition and wealth.<sup>1</sup> In other words, Englishmen voted hierarchically. The difference was, in short, between two views of hierarchic stability. The difference was not about democracy. When James Martin charged in the debates of Darvall that 'It was laid down as a principle by the honourable and learned member for Cumberland, that every man who breathed the air was entitled to a vote' Darvall interjected to say that he 'begged leave to correct the honourable member. He never stated anything of the sort'.<sup>2</sup> And two months later when the more radically inclined John Robertson tried to indict the nominee advocates as being undemocratic, he succeeded only in perpetrating a major gaffe - for having labelled the nominee advocates as 'Wentworthites' and as 'Innate Rightists', having indicted Wentworth as the principal 'Innate Rightist', followed by James Martin and George Robert Nichols ('we must not call him Bob any more'), Robertson chose Terence Aubrey Murray as his fourth example:

...this gentleman came to the House the other day with a recommendation that the land regulations should be altered, lest some person without innate right should oppose him at the Crown land sales. It was too hard, he thought, that gentlemen should have portions of the centre of their runs put up to public auction, where even their own servants might compete for them.<sup>3</sup>

All that was wrong with this quotation was that the words were not those of the nominee advocate Murray but of the popular elective advocate Charles Cowper:

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<sup>1</sup>Empire, 5 October 1853, editorial, p.2814, col.2.

<sup>2</sup>LC Debates, 25 August 1853, Empire, 26 August 1853, p.2671, col.4.

<sup>3</sup>John Robertson in letter to the editor, Empire, 13 October 1853, p.2848, the quotations from col. 1 and col. 2 respectively.

[The surveyors] go into the very midst of some person's run, and select the very best pieces, with water or other important advantages, and this small patch of about 30 acres is put up to competition, and a man's own servants bid for it against their master....[I do] not mean to impute any unfair motives to the...surveyors...but [I know] instances of great hardship.<sup>1</sup>

And if the compositors of the Empire entertained any democratic illusions about their radical employer, Henry Parkes, then in February 1854 these evaporated when the compositors combined to seek higher wages and found themselves as a consequence jailed for up to six weeks on charges of conspiracy.<sup>2</sup>

Responsible man was therefore free to debate about himself; this freedom was so real that in November John Robertson lamented to Dr J.D. Lang, then returning from overseas, that 'The agitation against Wentworth's New Constitution Bill [has been]...puny, sickly, if not contemptible ....'<sup>3</sup> Partly this was because there were diverse sources of contention in the Bill - the downsland resident squatter Henry Stuart Russell and the Brisbane merchant James Richardson, for instance, opposed it because of a provision that would have prevented separation of the existing northern districts for all time.<sup>4</sup> Partly, the colonial paradox seemed to raise its head in a personal antipathy against Wentworth: the presence of William Lawson, Junior, of 'Veteran Hall' among an extra-parliamentary Constitution Committee suggested that Lawson distrusted Wentworth in the fashion that Lawson's father had once pursued 'the mighty Macarthur'. And partly, to follow an argument of John Robertson's, men were diffident about criticising not so much Wentworth's Constitution Bill but more so the British Constitution on which Wentworth asserted he was building

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<sup>1</sup> Charles Cowper in LC Debates, 16 September 1853, Empire, 19 September 1853, p.2754, col.5.

<sup>2</sup> Empire, 11 February and 15 February 1854.

<sup>3</sup> John Robertson to J.D. Lang, 26 November 1853 (ML - A.2226, J.D. Lang Papers, Vol.6, p.649).

<sup>4</sup> Clause LI: see also advertisement by H.S. Russell in Empire, 22 August 1853, p.2654, col.6.

for New South Wales.<sup>1</sup>

Given this situation, and despite popular clamour,<sup>2</sup> it is not at all improbable that some man other than Wentworth might have carried the Constitution Bill intact. In large terms, Wentworth drew the battle-lines, or rather confirmed them, aggravating existing lines when he might have endeavoured to smooth them over, creating new lines gratuitously when he might have promoted unity. Significantly, he did not divide society horizontally: what he did was to split it vertically into its several interest groups, so that the legal, professional and commercial hierarchies which had been emerging since the days of Gipps were to be disowned by the landed society of New South Wales and excluded from the exercise of power. One clause of the Bill expressly excluded the judiciary and 'ministers of religion' from nomination to the upper house.<sup>3</sup> More exclusion followed in the second reading debate in August 1853 when Wentworth argued from tradition that what was represented at Westminster were interests and not people: the squatting interest was the predominant producer of New South Wales with a production of about £2,000,000; the gold interest and the agricultural interest each produced one quarter of that sum. Then the man who in March in conversation with Lloyd had spoken of metropolitan 'men of high position, of great character and wealth' now turned and set them in his constitutional perspective:

This city of Sydney [is] one sui generis; a large number of the inhabitants [are] merely engaged in the interchange of commodities; the place [is] infected with a host of people calling themselves merchants. It [is] true that they [give] employment to a vast number of people; but, with this exception, the mercantile interest [is] almost utterly unproductive to the colony. (Cries of 'oh, oh') They [are] a class not necessary to

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<sup>1</sup>Robertson to Lang, op.cit., pp.649-50.

<sup>2</sup>It was now that the radical lawyer Daniel Deniehy fastened on Wentworth's scheme the immortal epithet of 'bunyip aristocracy'. Empire, 16 August, 1853, p.2634, col.1.

<sup>3</sup>Clause IV.



the welfare of the community. Contributing, therefore, nothing to the public benefit, why should they have a share in the representation? (Ironical cheers and laughter). The only title of some men to the franchise [is], that they [are] lords of the Exchange. (A laugh.)<sup>1</sup>

In this political climate, it was not surprising that a week previously the merchant Robert Campbell, successor to the mercantile estate of Robert Campbell of Wharf House and 'Duntroon', and brother of Charles Campbell of 'Duntroon', had lectured Henry Parkes on what amounted to the need by 'you and your party' to work with a more sophisticated flexibility:

You would rather let things remain as they are in the present irresponsible Legislature [,a] legislature [which] if continued would give greater power to an Oligarchic [st?] faction than the proposed Constitution can permit...<sup>2</sup>

What seemed to escape Wentworth was that the days were gone when a great merchant necessarily turned to the land for panache. In Sydney in the early 1850s there had developed men who found panache enough in being great merchants. By definition, if they were to have a power base, a political base, it was in Sydney, and what stirred Campbell in large part was that the blanket opposition of 'you and your party' to Wentworth's Bill bid fair to sacrifice '...a House of Representatives entirely composed of members elected by the people...'<sup>3</sup> The urban search for authority, in short, was beginning to flower, and Wentworth had materially assisted to drive the town in on itself, in which isolation it turned increasingly to popular support as the only viable basis for the exercise of power.

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<sup>1</sup>LC Debates, 16 August 1853, Empire, 17 August 1853, p.2639, cols. 2-3; the quotation from col. 3.

<sup>2</sup>Robert Campbell to Henry Parkes, 9 August 1853 (ML - A.878, Sir Henry Parkes, Correspondence, Vol.8, pp.337-44; the quotation from p.340).

<sup>3</sup>Ibid., p.339.

It was plain that Wentworth's own gratuitous crassness had gone to making the rift between land and town as crude a division as it was. To promote this crudity, the deepening of the rift was accompanied in point of times by a curious semantic shift that in the early 1850s made 'pastoralism' and 'squattling' interchangeable terms. The reason for the shift had little material substance. There had never been a time in New South Wales when all landowners were pastoralists or, more importantly, when all pastoralists were squatters; and in 1853 the densest livestock population was not outside the boundaries, but inside, where one-twelfth of the occupied area of New South Wales supported about one-third of the cattle and about two-sevenths of the sheep of the colony. Yet the Lachlan squatter, Gideon Scott Lang, was using the terms 'pastoralism' and 'squattling' interchangeably by 1852.<sup>1</sup> In 1853, in defending his allocation of legislative power, Wentworth set against all other interests 'the squattling interest' and subsumed under that head in support of his argument the entire pastoral statistics of New South Wales. Speaking from the latest return that showed, inter alia, sheep and cattle figures of 7,707,917 and 1,495,984 respectively, Wentworth said

For what [is] the state of the squattling interest in this colony at the present moment? In round numbers they [possess] eight millions of sheep, and a half-million [sic] of cattle....<sup>2</sup>

When urban critics of squattling followed suit and spoke of pastoralism in this same loose fashion,<sup>3</sup> then it was a very small and seductive step to translating the deepening rift

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<sup>1</sup>See, for instance, Gideon S. Lang, 14 August 1852, in letter to the editor, SMH, 21 August 1852, p.3, cols.1-2, where the terms are used synonymously in the second paragraph of his letter, in col.1.

<sup>2</sup>LC Debates, 16 August 1853, Empire, 17 August 1853, p.2639, cols.1-2, the quotation from col.2. 'a half-million of cattle' was a patent error by Wentworth, the Empire reporter or an Empire typographer. There were 1,013,460 cattle outside the boundaries and 482,524 inside: Statistical Returns of N.S.W., V & P, 1853, vol.1.

<sup>3</sup>See, for example, Empire, 5 August 1853, editorial, p.2594, cols. 3-4.

between land and town as one between squatting and town. Here were labels as crass as the division they purported to describe, and it is perhaps from this point in time that the squatter of folk-lore and presently of democratic demonology parted company from the squatter historically understood. The substantive point perhaps was that the town was preparing to inherit the role of the Colonial Office as critic of aberrant pastoralism, a pastoralism only tolerated at best, and when too obtrusive then sent about its business. The concern here is with the crudeness of the battle-lines and the crudity of the slogans.

For if Wentworth contributed heavily to the increasing polarity of town and land, what he created was invalid both externally and internally. What the urban and liberal critique thought it saw when it gazed upon Wentworth's prescription for the exercise of power was a man 'ever desirous to magnify his own position at the expense of the good of his country',<sup>1</sup> an iniquitous man attempting to 'saddle us with a Hereditary Upper House of Legislature & all the paraphernalia with which he surrounds it',<sup>2</sup> the paraphernalia that of an upper house nominated and then deriving from an aristocratic electoral college based on the possession of land, a lower house in which the country electorates would dominate the urban, and a clause which gave to these two houses the full power to 'make laws for regulating the sale, letting, disposal, and occupation of the Waste Lands of the Crown within [New South Wales]'.<sup>3</sup> What the critique thought it saw was, in essence, the whole of the significant past of New South Wales codified, institutionalised and locked-up, so as to rule the present and the future of New South Wales for ever and ever.

But if it be granted that this was a valid view of what Wentworth was at, the plan was invalid internally. This was

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<sup>1</sup>Campbell to Parkes, op.cit., p.341.

<sup>2</sup>Robertson to Lang, op.cit., p.649.

<sup>3</sup>Clause LXI.

a matter of the values that resident and absentee squatters of New South Wales carried around in their heads. It is not possible from the evidence to measure and balance these competing values: it is possible to indicate that they were there. Much of Wentworth's plan had to be dismantled. The hereditary aristocratic and electoral college proposals went. The clause excluding the judiciary and ministers of religion went. So too did the clause designed to keep the existing northern districts inside New South Wales. It is not possible from the evidence to apportion responsibility (or the credit) for these changes, but it is clear that the clauses went partly because of urban criticism, and certainly in part because the pastoral and landed hierarchy of New South Wales bid them go. William Bowman,<sup>1</sup> a landed absentee squatter of Windsor was a classic instance. In the House on 1 September, Bowman was not prepared to throw down the hereditary clauses too hastily. He thought 'they would have a happy effect'. He had been told, he said, that his constituents were opposed to the Bill, but if it were so, they would upon careful assessment come to agree with him: 'Even if they [do] not, [I shall] not alter [my] opinion. [I am] sent [here] to exercise the judgement with which [I am] gifted.' But he would not have a bar of any plan that locked out from the exercise of power the non-landed interests of New South Wales: 'An Upper House composed of landholders only [will], [I conceive], be utterly unjust.'<sup>2</sup>

There were squatters like Gideon Scott Lang of the Lachlan who did not believe that anyone in New South Wales was capable of resolving possession of the squatted lands. A year earlier, Lang had observed publicly that

There is a very strong prejudice in the colony against the pastoral interest. I do not speak of the mobs in every town in the colony,..but among respectable educated men. They look upon the

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<sup>1</sup>Brother of George Bowman of Windsor and nephew of William Bowman of Bong Bong: see ADB, Vol.1, entry for John Bowman.

<sup>2</sup>LC Debates, 1 September 1853, Empire, 3 September 1853, p.2699, col.7.

Squatters as an evil, only slightly redeemed by the profit they bring; as men who monopolize the land unprofitably to the community, at a pepper-corn rent, but only till they can be dispossessed without hurting the colony, meaning themselves. They would not perhaps wilfully destroy the pastoral interest, but in settling the land question they would look almost exclusively to the gold and agricultural interest, leaving the Squatters to make the best of it they could.<sup>1</sup>

On the other hand,

To leave [the matter] to the Legislative Council, where the squatocracy predominates, would be to make them judges of their own case, and be an injustice to the rest of the community...<sup>2</sup>

Lang therefore proposed that the settlement of this question be left in British hands, 'to the unimpassioned judgement of the Colonial Minister'; that a status quo be established in which no new squatting leases be issued and no existing runs resumed or made subject to shorter terms; and thirdly that existing runs be held 'subject to the operations of the gold diggers'. His plan would

do no harm: it would allow the gold digging full scope to develop itself; allow the pastoral interest to find its new level with the least possible harm; and give time and opportunity to form a comprehensive land system adapted to the new circumstances of the colony.<sup>3</sup>

But there were other values afloat among squatters to go beyond Bowman's hierarchic comprehension and beyond Lang's dispassion. A public protest meeting held at Yass against the Constitution Bill in August 1853 was led by John Richard Hardy, magistrate, brother-in-law of Chief Justice Sir Alfred Stephen, and absentee squatter holding over 100 square miles of the Lachlan District. While Hardy held idiosyncratic and quasi-democratic views,<sup>4</sup> and while

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<sup>1</sup>Gideon Scott Lang, 14 August 1852, in letter to the editor, SMH, 21 August 1852, p.3, col.2.

<sup>2</sup>Ibid., col.1.

<sup>3</sup>Ibid., col.2.

<sup>4</sup>For an estimate of Hardy, see entry for him projected for ABD, Vol.4, and see also Geoffrey Blainey, The Rush That Never Ended (Melbourne, 1969), 2nd. Ed., pp.21-23, 25 and 32.

there was no necessary connection between his speech and the sociology of his audience, it seems highly probable that he was addressing (or that he believed he was addressing) a noticeably Catholic town and the noticeably Catholic squatterdom of the eastern Lachlan Pastoral District. What, he asked his Yass audience, was the 'glorious British Constitution' on which Wentworth proposed to model the future of New South Wales? What had the House of Lords as a house of review done in moments of crisis such as Catholic Emancipation or repeal of the Corn Laws but offer intransigent opposition? 'English History has been one long, arduous, and often hopeless struggle, on the part of the public against partial, unjust, and cruel government.'<sup>1</sup>

This appeal to traditions in conflict with the English tradition had its relevance beyond radicalism and Catholicism. There are some signs that the Presbyterian ethos was antipathetic to Wentworth's exclusivism in the course of being antipathetic generally to exclusivism. This had sharp relevance to squatting, insofar as Scots were prominent among the immigrant squatters of the late 1830s, and insofar that among these Scotsmen those who were Catholic or Episcopalian<sup>2</sup> were probably in a small minority. There was further relevance in the association of a number of prominent squatters with the Presbyterian Synod of Eastern Australia, one of three schismatic groupings of the Kirk and deeply concerned, following the Disruption in Scotland of 1843,<sup>3</sup> with the separation of church and state. If John Robertson

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<sup>1</sup>At Yass, 17 August 1853, Empire, 25 August 1853, p.2666, col.7.

<sup>2</sup>Dugald Macdonald of 'Nimitybelle' in the Monaro, and George Clapperton of 'Tarong' in the Burnett were Scots Catholic squatters, but much of their prominence is due to the rarity of their kind. In the late 1860s, 'Nimitybelle' greeted Archbishop Polding with the clan Macdonald led by the chief-tain and pipes. The Aberdeenshire squatters of the Darling Downs were in part, if not in whole, Episcopalian: the Leslies, the Leith Hays, the Dalrymples, and the like. This was a reflection of the existence of an Episcopalian diocese at Aberdeen.

<sup>3</sup>J.Campbell Robinson, The Free Presbyterian Church of Australia (Melbourne, 1947), generally.

were not of the Synod he at least remained on friendly terms with it: its leader, the Rev. William McIntyre of the Hunter Valley, was an absentee squatter through his wife;<sup>1</sup> George Bowman of Windsor was one of the four (with McIntyre) who signed the Protest to the Synod of Australia upon the occasion of schism in 1846;<sup>2</sup> a number, perhaps a majority, of the Hawkesbury River Presbyterian squatters followed Bowman at Richmond;<sup>3</sup> while the number of resident squatters (it included James Landsborough)<sup>4</sup> who adhered to the Synod of Eastern Australia has yet to be established.<sup>5</sup>

But whether established church or free church, Presbyterianism cultivated the elective society in which there was no ecclesiastical hierarchy and in which the minister remained firmly under congregational control. The additional relevance of the Synod of Eastern Australia was that it was particularly concerned with the relationship of church and state and at best was hardly likely to be empathetic to Wentworth's codification of society. If there was no connection in logic, there was nevertheless a deep affinity between the Presbyterian ethos and the constitutional views of John Robertson. He advocated to Lang (the founder of his own schismatic Synod of New South Wales) that

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<sup>1</sup>Mary McIntyre, sister of Peter McIntyre, colonial agent for Thomas Potter Macqueen in the late 1820s, inherited her brother's squattages and Hunter River estate of Pitnacree in 1842 (see ADB, Vol.2, entry for Peter McIntyre), and married her cousin, the Rev. William McIntyre.

<sup>2</sup>Robinson, *op.cit.*, Appendices, p.x.

<sup>3</sup>*Ibid.*, p.103.

<sup>4</sup>James Landsborough, brother of William Landsborough prominent in the search for Burke and Wills in 1861-62, was married by McIntyre at Pitnacree (SMH, 26 April 1849, p.3, col.7).

<sup>5</sup>Particular attention would need to be paid to northern New England, the Clarence River District and to the Monaro Pastoral District, the areas beyond the boundaries where the synod flourished in the 1850s and 1860s.

in seeking material for the preparation of a constitution for this country it would confine itself to the institutions of no country in particular but take from each country whatever of its institutions may have a tendency to facilitate the establishment of Civil and Religious liberty, equal laws for all sects and creeds, and in fine the happiness comfort and welfare of the people; giving to no man other preference or privilege in the State than his superior capacity or virtue may justify....<sup>1</sup>

There were then some implications abroad among squatters that New South Wales had been, and could continue to be, a society of freedoms unavailable from the nominal source of colonial traditions. It is not possible to arrange the scale and priority of these prized material, cultural and spiritual freedoms. Nor is it possible to determine however many there were of these squatters (drawn principally perhaps from Catholic and Presbyterian ranks) to whom material, cultural or spiritual freedom made New South Wales a prized homeland, a place to be kept free of Wentworth's codifying and formalising plans.

One did not, however, need to find the English tradition alien in order to prize New South Wales. It was possible to some squatters - once again the number cannot be determined - to extend an affection to the British Constitution while recognising that New South Wales was sui generis, a society in need of its own peculiar constitution. 'Lector' of the Darling Downs, described independently as 'one of the earliest squatters in the Moreton Bay Districts', seemed a party to this dualism of affections. Quoting Mirabeau - 'the people are not a furious herd' - and urging that a country was to be governed not by the legislators' private opinions but by 'the voice of the people generally', 'Lector' turned this question of affection upon Wentworth's head:

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<sup>1</sup>Robertson to Lang, op.cit., p.651.



Little do Mr. Wentworth and his party care for 'British rule'; yet with most unprincipled coolness, he [now] strives to fix upon those who always had a regard for the parent state, the crime which he himself laboured so long and so hardly to effect -- namely a schism from the British Government.<sup>1</sup>

And it is possible that 'Lector' came as close as any critic, urban or pastoral, of the Constitution Bill to indicating that the perceived danger to New South Wales was not immediately in the Bill itself but in the person of William Charles Wentworth. In this reading, in a metaphorical sense, Wentworth now had to pay for the South Island of New Zealand and for George Hobler's Paika, paying in terms of social distrust. He was almost undoubtedly the classic victim of the colonial paradox, ever in self-conflict between his possessions and his need for society, ever in self-conflict between the invitation inherent in colonisation to better himself and the invitation to cloak the result in hierarchic authority. In these terms, what 'Lector' had to say was that Wentworth was not a convincing hierarch because not a mannerly one. In singling out the Colonial Secretary, Edward Deas Thomson, as the man who 'would be about the standard of the man required' to fill the prestigious seat of President of any future Upper House, 'Lector' indicated his meaning obliquely not by describing Thomson but by describing the unconvincing hierarch Wentworth:

The dogged and ungrateful pomposity with which he received [in the past] the important concessions of Her Majesty's ministers, had more of bragadocia for his own previous bullying than of graceful acknowledgement for its success....<sup>2</sup>

Then, because the nature of Wentworth went logically with the nature of his own creation, the Constitution Bill, 'Lector' prescribed the specific:

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<sup>1</sup>'Lector', 15 September 1853, in letter to the editor, MBC, 22 October 1853, p.2, cols.3-4, the quotation from col.4.

<sup>2</sup>Ibid.

...[Wentworth] must not be allowed to become the Gulliver of our Lilliputians. Those many-voiced yet steady conservators of their own interests, the people, must catch him, and bind him and peg him down with the cords of right and the pins of justice.<sup>1</sup>

For 'Lector', as for John Richard Hardy and John Robertson, it was evident that there were values to be prized above their immediate possessions; more explicitly, these men rated Wentworth and the formalisation of society to be greater dangers than the urban threat to their squattages. The breadth of mind to entertain this sequence of priorities was open perhaps only to men whose squattages were relatively remote in geography or demography from any threat of resumption for closer settlement: but the evidence is not there to confirm or deny the point.

There was, finally, even a frontier view of the hierarchic society to be set over against Wentworth's formal plan and set over against the urban critique. By August 1853, 'Sylvanus' of Wide Bay, calling himself a squatter, had had enough of the crude models of society being debated in Sydney. He delivered the Empire a four-column lecture, in one paragraph of which he caught up the whole history of squatting and the anarchy inherent in pastoralism:

The squatters are not a class in the strictest meaning of the term. They have in reality, no peculiar class interests, nor can I perceive how class legislation, much as it has been talked about, is in any way applicable to their condition, who, more than any other body, consist of the most heterogeneous materials and include among their ranks recruits from nearly all other classes. They are bound together by no legislative soldering, by no principle of corporative or municipal association. Local self-government has never been attempted among them, is perhaps forbidden by their mode of life. So averse indeed are they to combination of whatever sort that it has been found next to impossible to bring them to co-operate for political or even commercial purposes in the simplest forms and on the most important occasions.

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<sup>1</sup>Ibid.

And then he drew a significant line across New South Wales, separating the resident squatters from the Cumberland Plain that had launched and still governed and dominated squatting:

Your notions of the squatters are doubtless taken from a class of men not properly belonging to the same category, yet, who in reality constitute the majority of such as appear publicly under that prescribed name before the eyes of the citizens of Sydney, and who are generally understood to represent the squatters at public meetings and dinners and to act their part on the boards of the Legislative Council. I speak of commercial speculators, who are found to mingle with almost every class, without amalgamating with it....I merely state the fact, that they are not strictly squatters....<sup>1</sup>

As 'Sylvanus' saw it from the frontier, what was happening in Sydney bordered on the ludicrous:

Phantoms of aristocracy, oligarchy, feudalism frighten you from your propriety. It is difficult to conceive how these [frontier] squatters, scarcely able to control their handfuls of hired servants, struggling amid the desolation of nature with all manner of cares and difficulties, incapable of political combination, trampled on by rich merchants and rapacious governments -- it is, to me, impossible to conceive how such a body of men could be deemed capable of inflicting an oligarchy upon any community such as ours.<sup>2</sup>

Here was an implicit recognition that the hierarchic society had failed to regain control of the frontier. And although 'Sylvanus' stated a particular case, he approached an important truth that negated much of Wentworth's plans. Broadly, along with other men, the squatter in exploring the open-ended freedom inherent in the colonial invitation to better himself, posed two obstacles to the Bill. Firstly, his self-fulfilment could appear threatened by Wentworth's formidable ego or a stratified society, or both; and he could therefore resolve the dilemma of the colonial paradox by rejecting for all time the imposition of a formal

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<sup>1</sup>'Sylvanus', 20 August 1853, in letter to the editor, Empire, 10 September 1853, p.2722, cols.6-7 and p.2723, cols.1-2, the quotations from p.2722, col.7.

<sup>2</sup>Ibid., p.2723, col.2.

hierarchy. Secondly, if like 'Sylvanus' he found the constitutional threat so remote as to be phantasmagorical, this was a comment on his introversion in his pursuit of self-fulfilment, and the effect was to deny by default his support of Wentworth. To be free to fulfil oneself was in essence the linkage between William Bowman's caution, Hardy's inferences, John Robertson's explicit canons, 'Lector's' distrust of Wentworth and 'Sylvanus'' sense of the absurd. To the extent that squatters and land owners shared this feeling, Wentworth's plan was internally invalid.

The plan for the future structuring of New South Wales, in the form that it emerged from the Legislative Council in December 1853 and taken home to England in early 1854 by Wentworth and Edward Deas Thomson, was nevertheless still a strong hierarchic document. The elective advocates had not had their way with the upper house. The aristocratic proposals had been shed, but that house would still be filled by nomination. William Bowman's point of view had prevailed: there were no interest restrictions on qualification to membership of the house. Electoral distribution for the lower house remained untouched. One strong clause remained almost untouched, that future changes in the constitution required the approval of a simple majority (amended from a two-thirds majority) of the upper house and a two-thirds majority of the lower house. The Bill had discarded the impediment to the eventual separation of the existing Northern Districts.<sup>1</sup>

The survival in the plan of this strong but relatively free hierarchic structure probably provided its own best comment on the degree to which gold had affected New South Wales. The land versus town equation, or in its new guise, the squatting versus town equation, had another face - that of old New South Wales versus the new. This had always

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<sup>1</sup>A good examination of the making of the constitution is J.M. Main, 'Making Constitutions in New South Wales and Victoria, 1853-1854', in Historical Studies Australia and New Zealand, Selected Articles, Second Series (Melbourne, 1967), pp.51-74.

been a face of New South Wales where all classes and interests of mankind establishing themselves and taking root had been everlastingly overrun by new waves of immigration. But the whole process of establishment and taking root was now three generations old and was capable, if not of fully accommodating the new, of accommodating itself to the new. Gold vastly accentuated existing problems. The northern squatters were pushed further towards separatism, the squatter found his relationships altered with his peers, his servants and the blacks.

There was a real sense in which it could be said that chronologically the immediate effects of gold would cease if and when Wentworth's self-supporting scheme of immigration began to operate. Then labour would increase, a re-invigorated frontier would deal with the blacks more firmly, the north in the sheer act of increasing its numbers would enhance its claims to separation, the hierarchic society could resume its efforts to regain control of the frontier, and the squatter in relation with his peers might begin to emerge from the anarchic introversion so well described by 'Sylvanus'. This chronological point came towards the end of 1854, or perhaps more emphatically, in early 1855.

Between Wentworth's departure in early 1854 and what may be taken conveniently as the end of the same year, gold obliquely administered one unforeseen consequence, a shift in the balance between squatter and black. Gold entered the matter obliquely because it was one of the factors that gave life to popular opposition in Council, and because this opposition, in the persons of Charles Cowper and Edward Flood, involved itself with an odd concatenation of forces aligned against Frederick Walker.

At one level, Walker's dismissal at the end of 1854 was quite straightforward. Increasingly, from some point in 1853, he drank himself out of office. At a government inquiry in Brisbane in December 1854, held to investigate his accounts, he was so drunk that the commissioners abruptly terminated their inquiry with the recommendation that he be

dismissed from office.<sup>1</sup> But from what was fairly clear at the time, and became clearer from a Select Committee inquiry in 1856, Walker's drunkenness partook as much of effect as of cause. That he had always tended to drink too much was no great secret: Augustus Morris, squatter, magistrate, Legislative Councillor, and his abiding friend, told him in September 1854: 'The plot seems to thicken against you -- that terrible failing as I have warned you so often will I fear be the ruin of you.'<sup>2</sup>

Whether Walker cracked because of his 'failing', or whether he cracked under a burden of odium and retreated to his 'failing', will probably never be known. Both elements were present, but the evidence is not conclusive. A letter from his mother in England<sup>3</sup> in reply to one of his of mid or late 1853 shows quite clearly that he then felt overwhelmed, defeated, and demoralised. The evidence of his excessive drinking largely follows from about this time. By the time Morris wrote, it was justifiable to speak - literally and metaphorically - of a 'plot': because by this time Walker had become a political issue between government and the urban liberals; and the liberal leader, Charles Cowper, remained singularly blind to the fact that government freely took a lot from Walker in exchange for his devotion to the cause of equity between black and white.

The sources of dissatisfaction with Walker were several. There was a certain gulf between him and his subalterns. Lacking his peculiar mystique with the aborigines, they relied on normal authoritarian methods of control. It was not a question of the intrinsic superiority of one system over the other, but of tension and conflict between the two.

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<sup>1</sup>Board of Inquiry to Col. Sec., 20 December 1854, V & P, 1855, Vol.1, p.871.

<sup>2</sup>Morris to Walker, 6 September 1854 (QSA-48/111, Correspondence with Officers of the Native Police Force).

<sup>3</sup>Mrs Walker to Frederick Walker, 16 February 1854 (QSA-48/111, Correspondence with Officers of Native Police).

This in turn reflected the origin of the force. The force existed coherently only because the troopers, recruited personally by Walker, gave their primary loyalty to Walker. If government perceived this, it was acceptable because he in his turn gave his primary loyalty to the ends of government. What he had created was in short a private army. Up to a point, this was acceptable to the early ex-squatter subalterns (for example, Marshall and Fulford) recruited by Walker's enthusiasm, but not to later officer recruits who came to their commissions from orthodox backgrounds and by way of normal government or private patronage. Constantly, their tidy minds and methods were upended by Walker's camaraderie with the troopers. And in the end, this tension seems to have led to the method in which certain officers complained about Walker.

Walker was essentially an untidy man. He was not a trained administrator and had no mind for order of that kind. He was not under close audit - a fact that irritated Cowper - and he was not an accountant nor had he a clerk to serve as one. His disbursement of corps funds was made to meet immediate occasions, and by some time in 1853 his accounts were in such a mess<sup>1</sup> that he was unable to pay some corps salaries from 1 January 1854, and others from 1 June of the same year. The officers complained to government, and while the point is not absolutely clear, it would seem that several of them went beyond this legitimate complaint and privately apprised Cowper. When in late August the Estimates debate began in Council, Cowper and Edward Flood characterised Walker respectively as a 'public delinquent' and a 'drunkard...in common repute', and took the line that public funds ought not be disbursed into the hands of an irresponsible drunkard.<sup>2</sup> Defeated in his intent, Cowper signified

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<sup>1</sup>Walker's unpaid accounts ultimately totalled £2,240/19/8, available credits reducing the deficit to £508/8/10; see V & P, 1856-57, Vol.2, p.1149.

<sup>2</sup>LC Debates, 30 August 1854, SMH, 31 August 1854, p.4, col.4. Cf. also LC Debates, 24 August 1854, SMH, 25 August 1854, p.5, col.1.

that he would attack Walker at greater length when the General Estimates debate began in mid September.

But Walker had troubles other than his funds or his subalterns' loyalties. Also from some point in 1853, there began to grow up an image among urban liberals of a Native Police penchant for massacring blacks. This extraordinary view grew vigorously, so vigorously that the suspicion is unavoidable that it was fed astutely by squatters intent on discrediting Walker, and was entertained by an amorphous ethos in which there were detectable elements of evangelism, temperance,<sup>1</sup> political and social expediency, liberalism and press needs. William Ridley, the missionary evangelist, for instance, in December 1853 in a public lecture on the Kamilaroi blacks, recited at some length a tale he had heard of a big massacre on the Mooni by the Police.<sup>2</sup> By the end of August 1854, this bloody image of the Native Police was approaching the status of a popular article of faith. On 2 September, three days after Cowper had called Walker a 'public delinquent', a then fairly new newspaper, the Englishman, ran a new atrocity story. The Englishman remains a shadowy publication. The sole surviving issue of the paper, for 26 August 1854,<sup>3</sup> suggests that akin to the Moreton Bay Free Press, the Englishman was not a squatter journal as an end in itself, but a paper that supported squatting in the course of supporting a conservative view of the world.

It carried a report that the Native Police had charged and massacred a group of blacks then peacefully engaged on a station in sheep-washing and other duties around the

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<sup>1</sup>During the Estimates debates attack on Walker, the Empire wrote vis-a-vis the concurrent temperance campaign, 'Every person...who is seen to be unable to resist the temptation [of intemperance] should be dealt with stringently as a partial or total lunatic, and be debarred from the evil thing, by incarceration if necessary': 30 August 1854, p.4, col.5.

<sup>2</sup>Empire, 3 December 1853, p.3073, col.2.

<sup>3</sup>Held in State Library of Victoria.



station wool-shed, and asked the world to believe that the station owner and other Europeans had looked on without protest or comment. The virulence and basic improbability of the report were remarkable:

...when all the blacks have been killed, mutilated, or dispersed, an unfortunate wretch is discovered concealed in the wool-shed, a trooper dragging him forth, borrows a pistol from his European officer, and butchers that poor unarmed savage in cold blood.<sup>1</sup>

But the virulence and basic improbability now had 'squatting' imprimatur, as was evident when the Freeman's Journal began a news item 'Outrage by the Tamworth Police' with the observation that

A correspondent at Gulligal writes us that a most wanton and barbarous outrage was committed a few days ago upon a highly respectable settler, by two worthies of the above force, and of such a nature as to equal the atrocities reported in last Saturday's Englishman (the Squatter's Organ! bless the mark) to have been committed by some drunken ruffian in command of the Native Police, upon their fellow savages.<sup>2</sup>

With no sceptical caution, and perhaps to his lasting discredit, Charles Cowper found the Englishman's report a fortuitous gift pending the General Estimates debate, and added it to his attack on Walker.<sup>3</sup> Edward David Stewart Ogilvie was appalled. Ogilvie, the son of William Ogilvie of 'Merton' in the Hunter Valley, and squatter, magistrate and master of the big 'Yulgilbar' station in the Clarence District, found the improbability of the report an affront to the Western ethic, an aspersion

not upon the "European officer" only, but upon the "master of the station" and all the other "English witnesses" who are said to have looked on and permitted the atrocity.

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<sup>1</sup>Text from SMH, 7 September 1854, p.4, cols.3-4.

<sup>2</sup>Freeman's Journal, 16 September 1854.

<sup>3</sup>LC Debates, 6 September 1854, SMH, 7 September 1854, p.4, col.3.

These words were too strong for the Englishman, which returned his letter as 'discourteous', leaving Ogilvie to find an audience in the Sydney Morning Herald, by which time the lapse of almost a week had robbed his objection of much of its effect.<sup>1</sup> By this time, the atrocity had not only the imprimatur of the 'squatters', but also the imprimatur of Charles Cowper: and in the meantime the General Estimates debate had begun.

Because newspapers seldom reported committee proceedings at any length, one has to go to Augustus Morris' letters to gauge the ferocity of the attack on Walker.<sup>2</sup> In August, the two northern squatter Councillors, Morris himself and George Farquhar Leslie, had defended Walker in the House, Morris describing the complaints against the Commandant as mostly the work of a 'coterie of settlers in the Burnett District'.<sup>3</sup> Now in September Morris recognised the seriousness of the attack, believed it could be demolished by a sober Walker ('you must not delay a moment. Bring with you the means of defending yourself'),<sup>4</sup> and proposed a Select Committee of Inquiry,<sup>5</sup> withdrawing his motion to this effect in deference to a government decision to conduct its own inquiry.<sup>6</sup> This inquiry was the one held in Brisbane in December at which Walker appeared in such a condition of stupidity, the commissioners reported, 'as not even to recognise his first Lieutenant, Mr. Marshall, who was sitting

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<sup>1</sup>For his letter to the Englishman, with his covering letter to SMH, see SMH, 12 September 1854, p.2, cols.4-5.

<sup>2</sup>See Morris to Walker, 6 September 1854; part letter written between 6 September and 19 September; and 19 September 1854 (QSA-48/111, Correspondence with Officers of the Native Police).

<sup>3</sup>LC Debates, 30 August 1854, Empire, 31 August 1854, p.4, col.5. Cf. also LC Debates, 24 August 1854, SMH, 25 August 1854, p.5, col.1.

<sup>4</sup>Morris to Walker, 6 September 1854 (QSA-48/111, Correspondence with Officers of Native Police).

<sup>5</sup>Ibid., and LC Debates, 8 September 1854, SMH, 9 September 1854, p.10, col.3.

<sup>6</sup>LC Debates, *ibid.*

at his side'.<sup>1</sup>

Walker's dismissal followed as a matter of course, and the casualties and consequences would be many. There could have been no question of his remaining, but so intent had the manifold parties been in demolishing the man, that none were aware that they were demolishing an idea. His fall left a vacuum in which policy and philosophy towards the blacks on the part of government disappeared, in which 'the force of law' largely disappeared, and in which 'the force of individuals' would pertain on the frontier. It is difficult to exaggerate the extent of this interregnum. But for two men, much of the Native Police itself would have literally disappeared, and perhaps the interference of these two men helped to obscure what had happened to the frontier, and therefore to New South Wales.

To James Dolan, a semi-literate sergeant-major attached to the Native Police, and to Maurice Charles O'Connell, Government Resident at Port Curtis and grandson of Admiral William Bligh, it was given to see that the loyalty of the troopers had always been to Walker the man, and that unless someone immediately set about transferring that loyalty to government, then the frontier was lost. At Taroom in the Dawson Valley Dolan came into possession of a letter written by Walker to Section Four of the troopers, asking them to follow him into the future.<sup>2</sup> At Rannes, due west of Port Curtis, the troopers refused to obey their officer, Lieutenant Murray, and said they must go to Traylan near Gayndah in the Burnett to consult Walker's wishes.<sup>3</sup> Dolan sounded the alarm in three letters to government and set about

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<sup>1</sup>Board of Inquiry to Col. Sec., 20 December 1854, V & P, 1855, Vol.1, p.871.

<sup>2</sup>Acting Adjutant James Dolan to Officer in Command, N.P., 8 November 1854 (QSA-48/115, Native Police records, Dawson Valley).

<sup>3</sup>Government Resident, Gladstone, to Col. Sec., 1 November 1854 (NSA-4/719.2, Col. Sec. Special Bundle, letter 54/10261 with 57/644 of 29 January 1857).

stabilising the Taroom detachments.<sup>1</sup> O'Connell for his part rode out to Rannes in full dress military uniform, spoke to the Rannes troopers 'as one soldier to another', promised them that he pledged government to fulfil Walker's recruiting promises to them, asked them in exchange to serve up to two more years, at the end of which time he swore on his word that government would escort them home again to their own country. And never a man to take his own promise lightly,<sup>2</sup> O'Connell rode back to Port Curtis and immediately sought, and obtained, government's own warranty in writing for all that he had said to the troopers at Rannes.<sup>3</sup>

So in a manner, Dolan and O'Connell separately rescued the frontier and New South Wales unbidden, and the moment passed when someone with perception might have suggested that O'Connell was perhaps the natural inheritor of Walker's office and idea. But New South Wales was bereft of inspiration. Command of the Native Police passed to the Inspector-General of Police at Sydney, whence it might have tenuously held of the troopers and the frontier, but where it could appear to be subject firmly to economy and responsibility, and thus acceptable to men like Cowper who tended to begrudge expenditure on squatting interests. Partly, too, government had entered into a kind of interregnum of its own - there seemed to many men, with the imminence of a legislative government based on the new Constitution Bill, that matters of great moment and of long-range consequence should be deferred for that new kind of government to undertake.

It was apposite at this time, at and around the end of 1854, that all of those trends in New South Wales exacerbated by gold should have come home to roost together.

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<sup>1</sup>Dolan, *op.cit.*, 8 November 1854, 2 and 15 January 1855.

<sup>2</sup>See, for example, O'Connell to Colin Archer, 1 June 1859 (ML - A.3882, Archer Papers IV, General Correspondence, pp.151-52).

<sup>3</sup>Government Resident, Gladstone, *op.cit.*

Wentworth's immigration plan had not yet begun to produce results. The re-ordering of the frontier was in some disarray - the frontier was weak, irresponsible man was not prepared to fight for it, and for his part responsible man had come to rely on government through the Native Police to do the fighting. There was a cleavage between town and squatter. An invigorated urban thrust for authority applied its own priorities to the discussion of colonial problems: and insofar as the town would share in future government, this meant government would lack an instinctive appreciation of pastoralism, squatting and the frontier; and meant also that the role of critic of squatting would pass formally to the town from the Colonial Office. The cleavage between town and land strengthened the long-standing northern drift to particularism and separatism. There was imminent here a sundering, in which the frontier as an idea and the frontier as a particular place would coalesce and ultimately go its own way as a political and social unit different from New South Wales based on Sydney. Amongst themselves, peers had fallen out over the future social shape of New South Wales, a falling out to which Wentworth's personality had contributed so much. The vertical interest groups of society had separated noticeably, each revealing a certain self-sufficiency. The most sophisticated evidence of this self-sufficiency outside the landed ethos would be the coming together intellectually of men as diverse as the lawyer Daniel Deniehy, the radical publisher Henry Parkes, the public servant Henry Halloran and the poet and later assistant Gold Commissioner, Charles Harpur:<sup>1</sup> the most graceful precursor of this cultural spring was perhaps Sir Alfred Stephen, C.J., who in 1847 in his celebration of the myall tree seemed to fuse his cultural heritage, his self and his land:

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<sup>1</sup>ADB, Vol. 1, entries for Charles Harpur and Laurence Hynes Halloran; entry for Daniel Deniehy projected for ADB, Vol. 4.

When in the dust these bones are laid,  
 If then some kind remembering hand,  
 Mindful my lowly grave to shade,  
 Would plant thereon a little wand, -  
 In the spring-time to burst in bloom,  
 And so adorn my humble tomb;-

I would not that the dark-leaved yew,  
 Or willow boughs that ever weep,  
 Or cypress of funereal hue;  
 Should mark the spot wherein I sleep,-  
 But rather bid the Myall wave;  
 Its silvery foliage over my grave.

For spectral - pale - and wan by day, -  
 Yet when the moon's mysterious beams,  
 Among its tender branches play;  
 Then with strange light the Myall gleams, -  
 And pale and wan no more, - its leaves  
 Return to Heaven the light it gives; -

And thus - a moral would be taught, -  
 And, halo-clad, the Myall tree,  
 Be present to the mourners thought,  
 A tippe of immortality, -  
 And as its lustrous branches wave,  
 Would speak of light beyond the grave!<sup>1</sup>

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<sup>1</sup>Stephen family papers (ML - A.4504).

## CHAPTER 7

### 'THE STRANGERS AND SOJOURNERS IN THE LAND' DEPART

Gold allowed more men to emulate Sir Alfred Stephen and declare their attitudes to New South Wales, because prosperity made men freer to contemplate their lives, and this had peculiar application to the immigrant squatters of the late 1830s and early 1840s, 'the strangers and sojourners in the land' who had come then to make fortunes which they would ultimately spend in Britain. In effect, they were deemed to be passing robbers. And in the 1850s some of the immigrant squatters appeared to act out the role, and return to their homeland. In 1859, in The Recollections of Geoffrey Hamlyn, the itinerant English novelist Henry Kingsley personified the type in his Samuel Buckley of Baroona Station who confided to his adored Alice:

What honors, what society, has this little colony to give, compared to those open to a fourth-rate gentleman in England? I want to be a real Englishman, not half a one. I want to throw in my lot heart and hand with the greatest nation in the world. I don't want to be young Sam Buckley of Baroona. I want to be the Buckley of Clere. Is not that a noble ambition?<sup>1</sup>

Left at that, the likeliest real-life candidate for the role was George Farquhar Leslie of Canning Downs who in April 1853 had told his brother William, the Laird of Warthill, that

I observe what you say about being a Garioch Laird & can assure you I [would] be proud to be such, & far more contented as such on a moderate competency than with a large income in the Colony where we must always be liable to ups and downs.<sup>2</sup>

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<sup>1</sup>Henry Kingsley, The Recollections of Geoffrey Hamlyn, an undated edition, the quotation from Chapter XLIV.

<sup>2</sup>George Leslie to William Leslie, 22 April 1853 (OML - Leslie Letters).

This was possibly the nearest Leslie ever came to explicating his aristocratic view of the world, although the view surfaced implicitly from time to time - 'I was too miserable the last winter I was in London without a club to be without one again',<sup>1</sup>

Our Governor General is recalled, and Lord Lyttleton goes in his place. We were speaking about the latter you may remember at my Uncle's. I [should] like to know him, but dont know how to get at him. I only heard this news today. I think it is true. I will try & get at Lord Lyttleton through Lord Monteagle, or The Honble. Francis Scott when I return.<sup>2</sup>

From this man, it was no idle statement when in 1847 he had told his mother:

The first thing [which] you my dearest Mother will think is that by marrying in this country my affection for my native country, will be transferred to this, but such is not the case... & my intention is as it always was, if our present prospects are realized eventually to return home.<sup>3</sup>

There was, in sum, so much of the Scottish laird in Leslie that probably at no time did he ever think of New South Wales as a place for the heart. If he never became the Laird of Garioch after he sold Canning Downs to his cousin Gilbert Davidson in May 1854, it was because ill-health and economic problems thwarted the fulfilment. His last permanent address was in Rutland Gate, London, and he died at the age of forty in 1860, his health broken in part by the frontier.

Yet the similarity between Leslie and Kingsley's Sam Buckley verged on the superficial. In a real sense, Buckley never noticed New South Wales. He had a squatting licence to a piece of it, he ran his sheep on it, and he rode around on it, but he never noticed it. On the other hand, while he might not give his heart to New South Wales,

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<sup>1</sup>Ibid., 10 May 1855.

<sup>2</sup>Ibid., 14 April 1853: Chapter 6 above.

<sup>3</sup>George Leslie to his parents, 20 August 1847, *ibid.*



Leslie could give his head to it. He trusted the colonial earth, whether it was on the Darling Downs where he lived, or in Wide Bay and Port Curtis where he later held runs in conjunction with managing partners: he was 'most averse' to bank investment, he had 'no fear' of stock and station property.<sup>1</sup> He could see the primitive, heavily timbered run of Gigoomgan in Wide Bay, and see in it the makings of 'a very fine property'.<sup>2</sup> In the lovely garden that Emmeline Leslie made at Canning Downs, glicine, roses, jasmine, honeysuckle and passionflower 'all in profuse bloom' contended with 'Strawberries Peaches Apricots Plums Cherries Nectarines & Grapes in the greatest abundance of the latter'.<sup>3</sup> Mindful of this elegance created out of the Darling Downs, it was absurd to contemplate the Darling Downs conjured up by Sam Buckley, who, to build up the funds to purchase the Clere estate in England, proposed to buy into a downsland squattage, beseeching his adored Alice

...will you come up, and make a happy home for me in that dreary desert? Will you leave your home, and come away with me into the grey hot plains of the west?<sup>4</sup>

But Kingsley had it all wrong. The Downs were neither dreary, a desert, grey, hot, plains, nor westerly. And below this silly surface Sam Buckley diverged more meaningfully from Leslie. Leslie was in pursuit of a familiar past of his own, in which a laird's son unlikely to succeed to the title intended to become his own laird. Sam Buckley's ambition was inherently improbable. The past he metamorphosed as Clere was not his own past, but his grandfather's, a past completed before Buckley was born. Nor had Buckley emigrated from England in search of a competence, but had been brought to New South Wales by his parents, who had made their home in the colony and would not wish to move again.<sup>5</sup>

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<sup>1</sup>George Leslie to William Leslie, 10 March 1860, *ibid*: see also *ibid*, 12 February 1860.

<sup>2</sup>*Ibid.*, 24 May 1854.

<sup>3</sup>Emmeline Leslie to Mary Anne Davidson, 24 October 1851, *ibid.*

<sup>4</sup>Kingsley, *op.cit.*

<sup>5</sup>*Ibid.*

Historically, there may have been the occasional man who thought like this, but if there were, then he was historically atypical. In New South Wales in the 1850s it were more probable that the restless tug of two worlds would have removed not Buckley but his parents, and it was in the same order of probability that Buckley would have founded a family dynasty on the land. In short, on the probabilities, the real Leslie who looked most like the fictional Buckley could not have been more dis-similar. It is in fact one of the features of New South Wales that some of the squatting and pastoral dynasties which in hindsight look the most enduring were founded by men who went back to live and to die in Great Britain: Matthew Henry Marsh of 'Salisbury Court' and John Everett of 'Ollera'; John Lawless of 'Winderera' in the Burnett; the Archer brothers of 'Gracemere' on the Fitzroy; even, if a very small point be stretched, George Leslie himself. Wherever the evidence is sufficient to throw light on individual motivation, this kind of behaviour emerges more often than not among the departing squatters of the 1850s.

The important thing about the immigrant squatters was that so often they belonged to extensive family, business and friendship systems. These were miniature societies of their own, internally dispensing and receiving patronage, lending and borrowing money, selling and buying assets, extending protection and demanding responsibility. On those occasions when an individual let down the group, it was the concern of the group. When George Leslie, who within the friendship system had patronised one George Spencer as his station manager, felt forced to dismiss Spencer, the dismissal was a matter to be reported to the group. Leslie told his parents:

I am quite disgusted with him, and am only annoyed that all the trouble, & kindness which has been bestowed on an uncouth young cub like him, should have been so utterly thrown away. When I see how he goes on for a few weeks I will write a full [account] & send one to his Uncle in Bengal, & another to his Aunts in Aberdeen.<sup>1</sup>

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<sup>1</sup>George Leslie to his parents, 10 July 1850 (OML - Leslie Letters).

Loyalty to the group was therefore a complicating factor in the otherwise simple choice between loyalty to the land of one's birth and loyalty to New South Wales. When in 1847 George Knight Erskine Fairholme succeeded to the Lugate, it was perhaps inevitable that he return home to his inheritance. At the same time, if the Leslie's were accurate reporters, Fairholme had been deeply attached to his father,<sup>1</sup> and was in some significant degree almost literally shocked out of New South Wales.

There were those, too, who had not consciously thought in terms of choice between loyalties. When the group, in the form of his parents and their business concerns, suggested to Alfred Joyce of Plaistow in Port Phillip in 1851 that he return home to enter the family business, he was caught off stride: 'I had not the least conception, until the receipt of your letter, that I had got so attached to my adopted country.' The request 'quite upset all the plans...I had formed for the future altogether',<sup>2</sup> and it would be a matter of balancing the two prospects: '...I should not like to reject the offer if my proceeding home would conduce to the general interest of the family.'<sup>3</sup> But the group was not prepared to make that claim on him, and he was left to consolidate his identification with his 'adopted country'.<sup>4</sup>

There were others again who might have felt like Alfred Joyce towards their adopted land, but to whom fate was unkind, depositing them home again while leaving their hearts in New South Wales. When in 1851 the Everetts at home and abroad consulted on the death of their sister Ann and the mental and physical decay of their father, John

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<sup>1</sup>George Leslie to his parents, 10 May 1847, *ibid.*

<sup>2</sup>Alfred Joyce to his parents, 24 November 1851, quoted in G.F. James (Ed.), A Homestead History (Melbourne, 1949), 2nd edition, p.142.

<sup>3</sup>*Ibid.*, p.143.

<sup>4</sup>For his own synoptic view of this consolidation see Joyce to his brother William, 13 May 1864, *ibid.*, p.211.

Everett of Ollera on New England was led to say to his brother William

I assure you it is my full intention to visit England once again before finally settling in Australia, but I have now been so many years in this country, have hitherto been blessed with such good health, my interest in the home we have found & made for ourselves is daily increasing, & my habits of life are becoming more firmly rooted, I think therefore I shall wish to return [to Australia], & I must try & persuade you to join us here.<sup>1</sup>

Two years later, on the eve of sailing to England following his father's death, he wrote:

...if I had decided upon living in England I should most certainly wish to retain my share of the family estate, but...I at present intend returning to Australia....<sup>2</sup>

But problems seem to have arisen in the affairs of the Everetts in Wiltshire and New South Wales, and in late 1856 Everett felt obviously trapped, writing from New England that he did not intend to wear out his body and mind to make a fortune

when I can be happy with less, but as I have the interests of others to guard as well as my own, I must hold on, until I can wind up affairs satisfactorily, that I may not appear to shrink from a charge which I allowed myself to be saddled with, when I ought to have taken more time for consideration....<sup>3</sup>

A year on again, he sailed a second time for England, again expecting to be returning to Australia.<sup>4</sup> But except for a visit in 1881, he never came back. On the other hand, firstly through Edwin his youngest brother, and then through Arthur William his youngest son, Ollera was to remain in Everett hands.

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<sup>1</sup>John Everett to William Everett, 28 November 1851 (UNEA - Ollera Letters).

<sup>2</sup>John Everett to Charles Everett, 4 December 1853, *ibid.*

<sup>3</sup>John Everett to William Everett, 4 December 1856, *ibid.*

<sup>4</sup>John Everett to Charles Everett, 30 December 1857.

There were yet other men who were perhaps forced to face the prospect of staying in New South Wales, and therefore forced to take notice of New South Wales. Patrick, the first Leslie on the Darling Downs and George's elder brother, was the victim of a massive business misunderstanding between himself and his kinsman and patron, Walter Stevenson Davidson, the consequence being Leslie's bankruptcy and the end of any dreams he might have once entertained of sudden riches. Several years older than George, and in 1847 now seven years behind George in the accumulation of an independence, Patrick Leslie on a visit to Canning Downs reflected in a letter to his father, the Laird of Warthill:

They say fools build houses for wise men and I suppose it applies also to me in the way of runs. I was the first to come out to the finest country in the colony and have no claim to an acre of any part of it.<sup>1</sup>

That George some months later bought Goomburra for him to make a fresh start could not readily assuage the hurt. The transaction secured him some of the acres of the Darling Downs he had first claimed in 1840, and perhaps this proximity to origins kept the past alive. Visiting Tulburra, adjacent to Canning Downs, in 1848, he wrote to his father:

This place was the first station that we formed on the Downs....I can from the door see the spot where I encamped the first night I ever spent on the Downs....Those were strange days.<sup>2</sup>

Independence and therefore a possible return to Scotland were years away, perhaps so far that Scotland grew remote against the reality of New South Wales. In 1851, he told his sister Mary Anne Davidson that in ten years he hoped to be clearing £1,000 a year and that:

Without it should be on [account] of Kates or Willies health I will not leave Goomburra till I have done so -- not even for a week -- I like the country the better the longer I live in it &

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<sup>1</sup>Patrick Leslie to his father, 23 April 1847 (OML - Leslie Letters).

<sup>2</sup>Ibid., 5 May 1848.

never should wish to live in England but I would very much like to visit you bye and bye when I am in a position to do so as an independant [sic] man.<sup>1</sup>

When the prosperity of the mid 1850s came, he sold Goomburra, in 1857, returned to Scotland, later spent some years in New Zealand, and then lived the rest of his life in Sydney.

A man who more nearly approached George Leslie as a model of the stereotype immigrant squatter was Matthew Henry Marsh who retired to England in the mid 1850s and secured a seat in the House of Commons. Yet even in his case caveats have to be lodged against the stereotype. While his own account of his early motivation has not survived, there was some oblique evidence that he and his younger brother, Charles William, had no particular intent of leaving New South Wales again, and the Everetts interpreted the evidence in this light. In 1843 John Everett observed that Charles William Marsh, 'an old schoolfellow' of Edwin Everett, and neighbour at Ollera, had 'lately married to a colonial Miss';<sup>2</sup> and two years later John Everett further discussed the Marsh brothers:

Our friend and neighbour Charles Marsh who has been out here about three years, & has done nothing yet but get married, is now thinking of getting settled, which a likelihood of a large family renders absolutely necessary. [Matthew] who was in England last year, has now returned with his wife, & I expect will settle here for life for he likes the country, & Mrs. Marsh seems pleased also, his house is not quite in order for the reception of a lady but he intends building a stone house.<sup>3</sup>

Marsh built his stone house, 'Salisbury Court', in the next year; and uncharacteristically of most of his fellow squatters including the Everetts, built it before the

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<sup>1</sup>Patrick Leslie to Mary Anne Davidson, 19 July 1851, *ibid.*

<sup>2</sup>John Everett to Charles Everett, 8 June 1843 (UNEA - Ollera Letters).

<sup>3</sup>John Everett to Tom Everett, 23 February 1845, *ibid.*

squatters were given security of tenure.<sup>1</sup> Through a matrilineal line of succession, his descendants still live at 'Salisbury Court'.

If the oblique evidence were a fair indication of early intent (and as master of 'Booroolong' and as manager for Matthew Henry, Charles William Marsh fulfilled the intent), then there were certain possibilities for Matthew Henry Marsh's change of heart in mid 1850s. In view of his later parliamentary career in England, it is possible that he had exhausted New South Wales as a source of fulfilment, and that the prosperity of the mid 1850s provided him with the means to transfer into a fuller field. It is also germane here to suggest that the changes men make in their living are on some occasions materially brought about by their wives. How far this ever pertained in the hierarchic society is, of course, inherently hard to discover. Women did not vote, receive a mention at public gatherings, did not sign petitions, nor in particular did they appear as squatters except as beneficiaries of their husbands' estates. Perhaps the truth about one woman has to be sought from another woman. George Leslie's wife, Emmeline nee Macarthur, sister of Patrick Leslie's wife, Katherine, certainly got as far as saying in 1851 that Katherine imposed unnecessarily upon Patrick's prime concerns,<sup>2</sup> which was perilously close to saying that Katherine materially narrowed the options open to her husband in his planning for their future.

There was a level at which John Everett was quite right in 1845 when he observed that Eliza, Matthew Marsh's wife, seemed 'pleased' with New South Wales. She had toured in Europe, perhaps on her honeymoon, and more than once her comparisons with New South Wales went not to England but to Europe: 'A good deal of the scenery up the Hunter River district struck me as being like Bohemia on a much grander scale, & [Matthew] agreed with me.'<sup>3</sup> But it is possible to

<sup>1</sup>John Everett to Tom Everett, 23 February 1846, *ibid*, for the Everett's caution in building on unsecured land.

<sup>2</sup>Emmeline Leslie to Mary Anne Davidson, 24 October 1851 (OML - Leslie Letters).

<sup>3</sup>Eliza Marsh in the draft of a letter to her mother in 1844 (ML - Am169/4, Marsh Papers).

suggest that Eliza Marsh's 'pleasure' was reserved for things, that she was the perpetual tourist, and in a manner of speaking toured New South Wales, and briefly in 1851 Van Diemen's Land. As was indicated earlier, people frequently displeased her - gardeners, nursemaids, kitchen boys, a passing baronet. At Petty's, the hotel where for seventy years the squatters and landed gentry frequently stayed when in Sydney, 'everything', said Eliza Marsh, 'was wretched'.<sup>1</sup>

Governors pleased her because they invited her husband and herself to Government House; to stay at Parramatta on her arrival in 1844 because her brother, Edward Christopher Merewether, was Governor Gipps' private secretary; and in Van Diemen's Land presumably because the name of Marsh had gone before them: 'The Police Magistrate soon called with a letter from Sir William Denison begging us to go to Government House when we went to Hobart Town.'<sup>2</sup> It was in Van Diemen's Land that she observed that they knew

by experience that a pauper emigrant or a bounty emigrant is as bad a man as a convict in many respects from not being under the same surveillance as the convict, a much worse man.<sup>3</sup>

And it was in Van Diemen's Land that she revealed the limits of her imagination when Dr. Myers, the superintendent of the Lunatic Asylum, unwittingly invited a perpetual tourist to see the establishment:

Never having seen anything of the kind, I went over the female department with Dr. Dawson and [Matthew]. Many of the poor creatures appeared to me not to look a bit more wild than many of the Irish people employed by us in New South Wales.<sup>4</sup>

Thus, one of the possibilities in turning Matthew Henry Marsh to England in the mid 1850s was that Eliza had simply

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<sup>1</sup>Eliza Marsh, diary fragment, 24 October 1851 (ML - Am169/6).

<sup>2</sup>Ibid., 12 September 1851.

<sup>3</sup>Ibid., 4 October 1851.

<sup>4</sup>Ibid., 2 October 1851.



grown tired of New South Wales. It is possible that she dragged him after her, as Ann Hobler had once dragged her husband away from the half-built homestead at 'Paika'. Eliza Marsh's daughters (she had no sons despite the Lord Bishop of Newcastle once mistaking her brother-in-law Charles William for 'her son'<sup>1</sup>) married a baronet, a lord, and the head of the clan Macpherson. It was entirely within the pattern of the available evidence about immigrant squatter motivations that the baronet's line of succession inherited and occupied 'Salisbury Court' on New England.

What remains deficient in the factual and inferential evidence concerning these squatters and their re-migration is that it touches only a handful of what may have been a considerable number of such men. Until, and if, these men can even be accurately counted - a formidable task involving identification of ultimate intent - there the matter must rest: that the stereotype of the 'stranger and sojourner in the land' is exceeding hard to discover. In this respect, as with any other class of man, in any other time, in any other occupation, it would be a massive non-sequitur arbitrarily to read into a man's middle years the ambitions of his youth. And even if George Farquhar Leslie approached closely to the stereotype, then the re-migrating squatters need to be set in the larger context of the migration of mankind at large, wherein it is the not uncommon fate of a man to finish up not as of one world or the other but as a creature of both. In the close knit family, business and friendship systems in which many of these squatters lived, this possibility was doubly enhanced.

It evidenced itself in Leslie's behaviour in London, in his wielding of money, patronage and influence in favour of relatives, friends and servants in New South Wales, whether the issue at stake was a squatting station for his brother-in-law, Christopher Rolleston, first Registrar-General of New South Wales, or the bending of emigration

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<sup>1</sup>The Bishop of Newcastle to Mrs Blandy, 5 May 1850 (UNEA - Marsh Papers).

regulations to allow through some Scots emigrants not otherwise eligible for assisted passages.<sup>1</sup> Leslie's influence on colonial society in the late 1850s was probably more extensive and pervasive than in the years of his stay in New South Wales. This double-sided aspect of the migrant showed its enigmatic face elsewhere, and sometimes it touched people who were not of the squatter stereotype, but were those who might reasonably be thought to have come to rest in New South Wales. In 1853, presumably for some now unidentifiable solace, England claimed Hannibal Hawkins Macarthur - broken in wealth, physique and widowhood - the man whose stock had followed Charles Throsby's into the Southern Highlands in 1819. For reasons never elucidated - perhaps for the education of his ten children? - England substantially claimed native-born William Charles Wentworth, as in a more drastic fashion it claimed Robert Pitt Jenkins, of the Wilshire, Pitt, Jenkins, Faithfull family system resident in New South Wales for almost fifty years. Prosperity led him in 1854 to sell his resident squattage of 'Bangus', across the Murrumbidgee from the Camden Macarthurs' 'Nangus', and take his family other than one daughter to England. What his ultimate residential intentions were must remain unknown: in 1859 in the English Channel, Jenkins, his wife and their five sons were drowned in the sinking of the 'Royal George'.<sup>2</sup>

Among squatter and non-squatter alike, too, the migrant's enigmatic loyalties reflected in the noticeable number of men who, for the most part remaining resident in New South Wales, visited their home country in the 1850s, married there, and returned with their brides to the colony. And there were those like Paul Lawless, the immigrant squatter of 'Winderera' in the Burnett, who having done all of

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<sup>1</sup>George Leslie to William Leslie, 23 April 1853 (OML - Leslie Letters).

<sup>2</sup>Jenkins' only daughter, Alice, in 1865 married Charles Hubert de Castella, author of Les Squatters Australiens (Paris, 1861) and other works. ADB, Vol.3, entry for Charles Hubert and Paul Frederic de Castella.

this in mid 1850s, evidently decided in the end that home was where he had been born, and lived his life out in Ireland.<sup>1</sup> And in this case once again, as with most of the immigrant squatters discussed, and as with Hannibal Hawkins Macarthur, William Charles Wentworth and Robert Pitt Jenkins, the departure of Paul Lawless wore a two-sided aspect. His re-migration left his kin and his property in New South Wales, and 'Winderera' is still occupied by his descendants.

Considering what these men left in New South Wales - where the evidence permits identification - then in a numerical sense, as members of family, business and friendship systems, and as members of colonial society, the departure of these men was of little consequence. In this sense, the continuity of the systems and of the colony simply overrode the apparent break made by individuals.

On the other hand, mankind as numbers meant very little to the hierarchic society, except as the basis of a radical politics requiring anathema. In the end, it was the hierarchic importance of a Leslie, an Everett or a Lawless that mattered. Insofar as these men were prosperous, or relatively so, at mid 1850s, and insofar as the hierarchic structure basically reflected wealth, then in a general sense the departure of these men thinned out the top of the social structure. And for colonial society in general, and for squatting in particular, this led to two divergent and contradictory trends. On the one hand, these men tended to come to rest in circumstances calculated to strengthen the connection between the homeland and the colony - George Leslie in London promoting the interests of Christopher Rolleston in Sydney is a graphic instance - so that almost everything these men did went to consolidating the world-wide structure then emerging as the British empire.

On the other hand, the departure of the immigrant squatters left squatting more noticeably in the hands of the native-born and of those immigrants who had cast in their

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<sup>1</sup>ADB, Vol.2, entry for Clement Francis and Paul Lawless.

lot with the nativists. Among this latter group were men like John Everett's brother, Edwin; Charles William Marsh; George Leslie's partner in the Gigoongan run in Wide Bay, Peter Dalgarius Anderson; and a veritable host of Hannibal Hawkins Macarthur's children and grandchildren. Among the native-born were Thomas Parnell, son of a convict, in 1818 the owner of twelve cattle and no sheep, in mid 1850s the Liverpool Plains and Wellington squatter recently arrived at his ambition to live in 'Osterley House' in the Hunter Valley; the brothers Tyson, William, Peter, James and John, born of a convict mother, who with their gold-fields butcher-shop at Bendigo sold in 1855 for possibly £80,000 were ready to extend an empire of their own based on their Lachlan runs;<sup>1</sup> and Mr. Justice Dowling's nephew, Vincent James Dowling, heir to an hierarchic colonial name with no money in it, but with a colonial and English education, who in 1855 at the age of 19 went squatting to establish his fortunes as the immigrant squatters had done fifteen or sixteen years before. These men were at ease with the colonial earth. They did not always love it, but they understood it. There was an element of chance in the colonial earth, which was the undoing of some of them, but knowledge of this was part of their understanding. To some of them would come great fortunes, and if they wanted them, great houses. In mid 1850s, however, they had to live through the coming of responsible government.

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<sup>1</sup>T.M.Z. Denholm, James Tyson 1819-1898 (unpubl. M.A.Thesis, University of Queensland, 1969), p.48 and Chapter IV.

## CHAPTER 8

### THE CHANGING OF THE GUARD

In the mid 1850s, as the time approached for the new kind of government to be installed, the fears of change crystallised under two over-lapping but quite distinct heads. One was that squatting tenure and the future of squatting would be dealt with harshly by the Colonial Office's inheritors. In May 1854, Louis Hope told William Macarthur of Camden that he had

no patience for the gold digging & its advocates -- what we gain in one hand we...lose from the other & have our difficulties & troubles disgustingly increased & I conclude we shall see ourselves thrust to the wall by the Colonial Govt....<sup>1</sup>

The other fear did not necessarily relate to squatting, but touched squatters according to their personal outlooks: this fear was simply that the hierarchic style of life was doomed. In 1861, James Kinghorne Chisholm (1830-1912) would express this fear in concrete terms, in which universal suffrage placed government 'in the hands of the ignorant and unthinking multitude' and vote by ballot removed the lesser orders of man 'from all respectable and property influence'.<sup>2</sup> But in 1854 and 1855, universal suffrage and the ballot were still future bogeys for men of Chisholm's mind, and in 1855 it was left to William Henry Wiseman to capture the essence of the hierarchic fear. The man who as 'W.H.W.' in 1852 had severely criticised William Henry Walsh was now the Commissioner of Crown Lands for the Leichhardt Pastoral District, a four-hundred mile belt of country extending from the Dawson Valley northwards beyond the future site of Rockhampton.

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<sup>1</sup>Hope to William Macarthur, 10 May 1854 (ML - A.2936, Macarthur Papers, Vol.40, p.176).

<sup>2</sup>Chisholm to James Macarthur, 20 March 1861 (ML - A.2924, Macarthur Papers, Vol.28, p.551, quoted in Loveday and Martin, Parliament Factions and Parties (Melbourne, 1966), p.12).

In November 1855, while on patrol and other duty in the Dawson Valley, he filled his spare time reading the Estimates debates, was chilled by the reduction in strength proposed therein for the Native Police detachments in the Leichhardt District, and read out of this a classic exposition of hierarchic doom:

How we are to get on with such a force it is beyond my power to see. The fact appears to me to be that the [Governor-General] is afraid of Parkes, Lang, Cowper & Campbell et id genus omne balatrones, etc. He has not the real spirit of the Aristocrat who would scorn to be swayed by the braying of such apes. I am perfectly mad when I read their confounded rot and Donaldson is as bad nay I think worse, he is a traitor to his caste in qua, a squatter.<sup>1</sup>

Here then, in the words of Louis Hope and William Henry Wiseman, were two fears of the mid 1850s, that squatting would be 'thrust to the wall' and that the hierarchs were doomed. In these respects, the day of the changing of the guard in New South Wales was 22 May 1856, when the new Upper and Lower Houses of Parliament (the Legislative Council and the Legislative Assembly) met to hear, for the first time in New South Wales, the vice-regal commission to open parliament. If the fears of a Hope or a Wiseman were sound, then a new social order, a new social way of looking at people and things, had arrived.

Yet in both the short and the long term, the fears were only partly valid, and in perhaps equal proportions the new social order was real and illusory. It was one thing for Hope or Wiseman to focus attention on the growing schism between town and squatting, or for that matter on the growing divisions between vertical interest groups that helped pave the way for that schism. On the other hand, Hope, Wiseman and others including John Everett<sup>2</sup> failed to observe that some of the social attitudes and movements of the time tended

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<sup>1</sup>Wiseman to [Colin?] Archer, 3 November 1855 (ML - A.3882, Archer Papers, IV, General Correspondence, p.51).

<sup>2</sup>Text below.

to bring the hierarchic society together again. That is to say that these attitudes and movements went to place limits on the kind and amount of change that was possible. The sources of these moderating influences were basically two - the men who were responsible for the change itself, and the men whose behaviour bridged town and squatting.

As a man of change, Cowper himself was a contradictory character who would need a major study to make sense of his ambitions. Master of the 900 acre estate of 'Wivenhoe' on the Cumberland Plain, owner and lessee of a total of over 20,000 acres on the Southern Highlands, absentee squatter of 47,000 acres in the Lachlan Pastoral District, owner of Goulburn town allotments, and holder of interests in Sydney real estate,<sup>1</sup> Cowper would appear to be a model product of the hierarchic society, a man capable of the sentiments alluded to earlier respecting surveyors taking the eye out of a pastoral run, leaving the master to compete for it at auction with his own servants. There is room here only to suggest that Cowper's political hostility was directed not so much at the hierarchic society as an idea, but at the men who presently superintended it, 'the Club and squatting party' or 'the Club fraternity' as Cowper described them in a moment of candour to Parkes in 1854.<sup>2</sup> At least in part, some of this hostility was explicable in what seems to have been an extraordinarily sensitive reaction to the rough and tumble of politics. Certainly on the face of it, it is difficult to believe that a man who had been a Legislative Councillor for Cumberland from 1843 to 1850, and for Durham since 1851, could write in 1854 that:

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<sup>1</sup>With one or two minor emendations, this synopsis from ADB, Vol.3, entry for Charles COWPER. See also entry for Charles COWPER, Jnr., *ibid.*, respecting Burrabogie station; and see also 1847 and 1854 run lists for the ownerships of Burrabogie which was in the Murrumbidgee Pastoral District and of Grogan Creek in Lachlan P.D.

<sup>2</sup>Cowper to Parkes, 22 December 1854 (ML - A.876, PARKES, Sir Henry - Correspondence, Vol.6, pp.379 and 385. See also p.380 for a further reference to 'the Club').

When I heard Mr. Deas Thomson designate me as the Learned Member for Durham before I had been many hours in the House, & Bob Nichols taking the cue, & calling me soon after the 'Inain' [sic] Member for Durham, all this had its meaning -- & though now I have worked all through it, & it is gone by, it forms part of one's political experience & training....<sup>1</sup>

To be fair to Cowper, although this further entailed saying that he was friend and no enemy of the hierarchic society, he had a perception that this kind of society needed to widen its political base to accommodate popular pressures. Following the armed fight at Eureka in Victoria between gold-diggers and troops, at Christmas 1854 Cowper believed that 'what has lately happened at Ballarat' would 'have its effect upon us'.<sup>2</sup> On the other hand, it seems not uncharitable to suggest that Cowper's ambition, as grand as any Wentworth ever conceived, was pre-eminence in the hierarchic society, and that Cowper's way to pre-eminence was the 'liberal' way he in fact took. When in 1860-61 he had the opportunity to instal his much-advocated elective upper house in lieu of the nominated house, the opportunity was allowed to pass by. It was possibly relevant that Henry Parkes came to call him 'Slippery Charlie'. It was certainly relevant that Sir John Young, Governor of New South Wales in the early 1860s, observed Cowper to be 'fond of authority... and of the show as well as the reality of management and power'.<sup>3</sup>

There would appear, then, to be limits to the kind and degree of change Cowper would consider engendering in New South Wales. He would set town and land just so far apart, but no further. The same could be said of the master of 'Yarralumla' on the Southern Tablelands, the one-time squatter Terence Aubrey Murray, Secretary for Lands and

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<sup>1</sup>Ibid., p.383.

<sup>2</sup>Ibid., p.379.

<sup>3</sup>Quoted in ADB, Vol.3, entry for Charles COWPER.



Works in Cowper's first two ministries, who in 1862 accepted the prestigious Presidency of the Legislative Council. And the same could be said even of John Robertson, the third of the trio of prominent pastoralists who inherited from the Colonial Office the role of critic of squatting. The essential difference between Cowper and Robertson was that the former tended to stir up the fear of hierarchic doom while the latter tended to engender the notion of squatting being 'thrust to the wall'.

Entering the political scene in late 1855, as a witness before a Select Committee into the State of Agriculture, Robertson described himself as agriculturist in his own right and landlord of several tenants on his 'Yarrundi' estate in the Hunter Valley, and as a squatter.<sup>1</sup> Edwin Hickey and Alexander Park, two large Hunter Valley landlords of tenant-farming estates, had testified to the Committee as to the demand for agricultural land by thrifty workmen having pushed land prices as high as £55 and £80 per acre. They testified further that a good tenant farmer could not be held as he ultimately desired his own land, and that the only way to reduce the rocketing price of land was to settle him on Crown land beyond the boundaries.<sup>2</sup> In effect, this meant settling him on squatted lands. Robertson testified that as a squatter he had grown wheat on the Namoi, and that the grazier and the farmer needed one another.<sup>3</sup> Certainly, he said, he could have no motive to foster enmity between the two 'as my property is invested in about equal proportions in each interest....'<sup>4</sup>

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<sup>1</sup> Report from the Select Committee on the State of Agriculture, evidence (V & P, 1855, Vol.2, evidence of John Robertson, pp.311-16 passim).

<sup>2</sup> Ibid., evidence of Edwin Hickey, pp.301-05 passim, and of Alexander Park, pp.325-27 passim.

<sup>3</sup> Written submission by Robertson, dated 6 August 1855, printed as appendix to Select Committee report, *ibid.*, p.316.

<sup>4</sup> Ibid.

Like Cowper, Robertson needs serious study, although there was probably much more to Cowper than to the master of 'Yarrundi'. There seems no reason to question Robertson's amiable view of grazing and farming society. It was of a piece with the man. Neither he nor his father James (Governor Brisbane's clock-maker turned landowner of 'Plashett' in the Hunter Valley) was more than an indifferent success as farmer, pastoralist or squatter. There was a notion that John was a little over-addicted to alcohol - one drink too many was perhaps the most charitable explanation for his gaffe in placing Cowper's words in Murray's mouth in 1853. He had no animosity to squatting - there was what looked like a flash of pride when he told the Select Committee in 1855 'I was one of the first that crossed the Liverpool Range'.<sup>1</sup> This was in strict fact self-delusion. He was ten years old when the emancipist Henry Baldwin sent his stock on to the Liverpool Plains in 1826, and still only fifteen when Mitchell the Surveyor-General in 1831 found squatters as far across the Plains as Wallamoul on the Peel River. But self-delusion or not, the relevant fact was that Robertson believed it. It was a part of his own image.

And here was possible historical irony. In synthesising his squatting role into his life-view, this amiable man in 1855 appeared to turn instinctively to squatting itself for an answer to the pastoral problem that had bothered the Colonial Office, Macquarie, Bathurst, Phillip Parker King, Robert Lowe and the host of critics risen since 1847, the problem of keeping aberrant pastoralism in its place, a problem aggravated since pastoral political power and squatting security of tenure (introduced in 1847) were judged to have let the aberration take charge of New South Wales.

To redress this situation, and make the squatted lands available to farmers and agriculturists Robertson proposed putting squatter and farmer on equal terms. The squatters, he argued at some length, possessed by design or by chance

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<sup>1</sup>Evidence, *ibid.*, p.311.

some mechanistic and philosophical advantages which tended to keep out the farmer. These advantages should be extended also to the farmer.<sup>1</sup> Irony appeared to enter this argument when he proposed cutting through some of the mechanistic problems such as the serious arrears in the work of the Surveyor-General's office, for it possibly took a squatter who had no intrinsic objection to squatting to suggest that the farmer or small agriculturist be allowed, pending a survey, to squat. Appealing directly to the precedent of the North American squatter, traditionally the small man unwilling to wait for civilisation to legitimatise his land taking before acting, Robertson made the statement which he was in the next few years to codify as Free Selection Before Survey: '...the intending purchaser should sit down on the land, and pay for it when the quantity is ascertained.'<sup>2</sup> Somewhere in those next few years before he was Premier of New South Wales and 'free selection before survey' enshrined in legislation, Robertson disposed of his squatting interests and in 1857 held lease over 14,200 acres inside the boundaries.<sup>3</sup> But somewhere about 1861, the year of his land legislation,<sup>4</sup> he went into partnership with one Macdonald in extensive squattages in northern Queensland.<sup>5</sup> There was, after all, no reason to question his conciliatory view of farming and pastoralism as partners in colonial activity. He made the point in 1855 when he told the Select Committee on the State of Agriculture: 'I have laboured, during many years -- if not wisely or well, at least zealously -- for the advancement of both interests.'<sup>6</sup> As with Cowper, and

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<sup>1</sup>Appendix, *ibid.*, pp.313-16 generally for this synopsis.

<sup>2</sup>Evidence, *ibid.*, p.311.

<sup>3</sup>Return to Address, Rent of Waste Lands - Settled and Intermediate Districts (V & P, 1857, Vol.1, p.560).

<sup>4</sup>The Crown Lands Alienation Act and The Crown Lands Occupation Act.

<sup>5</sup>Robertson's name was not mentioned in the run lists of 1866, but there are sundry references to his northern visit about that time to inspect his properties.

<sup>6</sup>Evidence, *op.cit.*, p.316.

with Murray - the liberal, individualistic Catholic 'aristocrat'<sup>1</sup> of 'Yarralumla' who never forgot that all but one male adult Murray of the time died for King James at the Battle of the Boyne - so with Robertson. There were built-in limits in these men that contained the changes they might effect in society.

It would, on the other hand, have been asking a little much of Hope or Wiseman to have perceived all that is readily available to hindsight: and in 1857, in the middle of the span between Robertson's enunciation of his free selection doctrine and its codification in law, John Everett, still believing that he would be returning to Australia after his impending visit to England, wrote what was to be his last letter from Australia. This man of great sensibility, the man who paid high wages and had built 'Ollera' around a corps of picked West Country immigrants was now approaching middle-age, suffering from rheumatism inflicted upon him by the frontier, and tired perhaps of 'Ollera's' problems and those of the Everett family in Wiltshire. In part he wrote:

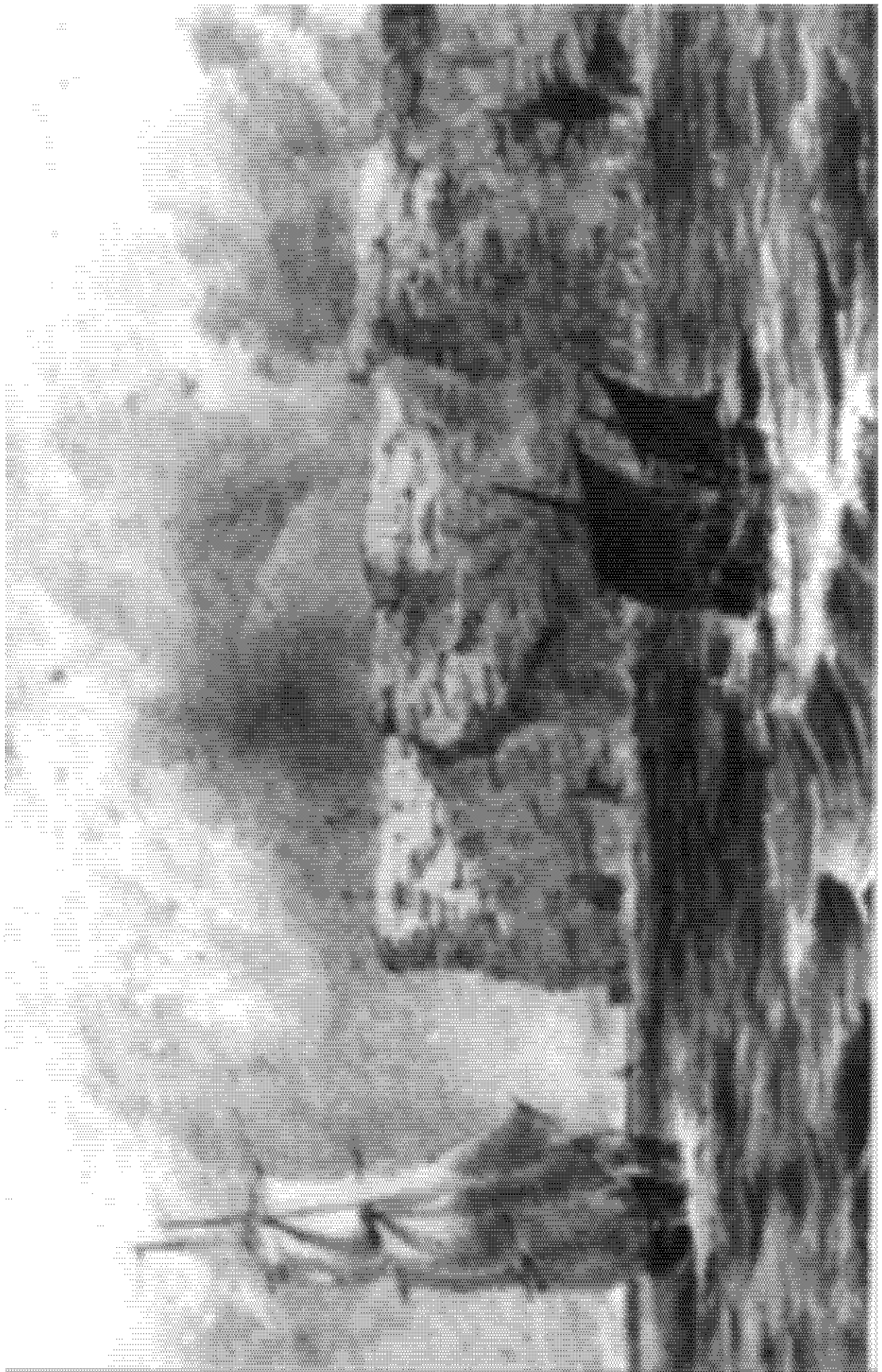
[The Legi]slative Council have been trying to d[ip a] little too freely into the pocke[ts of the] Squatters by taxing us heavily, & [there is] a strong pa[rty] who wish to take our [runs &] throw them open to purchase -- however the robbers have not succeeded, & Sir. W. Denison has dissolved the parliament. We only ask them to keep faith with us, we hold the land under lease from the Crown for so many years & after our lease expires they are free to make what laws they like...they fixed upon us...to bleed freely to make up deficiencies in the revenue. There have been three different Governments & their only business has been to abuse & turn each other out of office.<sup>2</sup>

Clearly, he meant the Legislative Assembly, and not the Council. What he did not say was that, exercising a pre-emptive right to purchase conferred under the Order-in-Council

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<sup>1</sup>Daniel Deniehy called him this in mockery in 1853, and in sincere affection in 1858.

<sup>2</sup>John Everett to Charles Everett, 30 December 1857 (UNEA - Ollera Letters). A central section of page five is missing.



of 1847, he had in 1852 secured 160 acres to protect the homestead, and in 1856 another 320 acres to hold half a mile of creek frontage.<sup>1</sup> But beyond this he did not immediately go. He was suspicious of the changes being wrought, but not alarmed. To some degree, perhaps, he did perceive the limits in which Cowper, Murray and Robertson were confined by their own selves; and perhaps to some degree he was conscious that there were social movements at work that tended to put the hierarchic society together again.

There was in the 1850s a constant traffic of people between town and squatting that behaved as though this growing division in society hardly existed. Partly, this traffic was composed of people widening their horizons beyond the immediate business of earning their living; partly, of people on whom pastoralism had closed as an avenue for making a living; and partly, of people who (as Robertson would do) lived in town or on an estate and harnessed themselves to squatting. And sometimes these categories of behaviour overlapped, and in any case sometimes had multiple effects in stressing the unity of society. Christopher Rolleston's actions linked town and squatting socially; Charles Coxen's socially and intellectually; and William Forster's socially, intellectually and politically. It was at times simply not possible to draw a line or lines between these realms of human contact.

Various stimuli operated on men to lift their eyes from squatting. The Church, natural history and art drew Arthur Edward Selwyn, Charles Coxen and E.B. Boulton to their wider horizons, without divorcing Selwyn or Coxen from squatting. Boulton must remain for the present a shadowy figure. As a young man in the late 1830s, he had spent some time sketching and painting.<sup>2</sup> Possibly in the late 1850s, he

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<sup>1</sup>Appendix to Report on Crown Lands (V & P, 1854, Vol.2, p.29 of appendix); and A.V. Cane, Ollera, M.A. thesis, University of Sydney, 1949, p.91.

<sup>2</sup>Figure 22 opposite, pencil sketch of 'The South Head' from the portfolio of E.B. Boulton (ML - A.3347).

gave up squatting, disposed of his New England station and went back to his first love of art.

How many squatters the Church drew to its pastorate is not known, although the link was one rich with obvious metaphor. In an undated letter of the late 1850s, Robert Taylor of the Eastern Synod of the Presbyterian Church, at Pitnacree in the Hunter Valley, told Donald McIntyre of 'Blairmore':

With the permission of the sheep, I shall detain you a few moments.

I have been anxious to visit you, to see yourself, your library & your sheep...Take care of your health. I wish I saw you otherwise employed -- a shepherd of Men.<sup>1</sup>

Arthur Edward Selwyn straddled reality and metaphor. In the early 1850s he was one of the honorary magistrates who gazed hierarchically down at society from the Wee Waa Bench, finding 'owners and others' whose characters were 'not unexceptionable'. In 1853 he was ordained into the Church of England and appointed surrogate to the Lord Bishop of Newcastle, William Tyrell. Marrying Rose Rusden, an artist and literateur in her own right, Selwyn, son of a clergyman and cousin of Bishop Selwyn of New Zealand, thus linked with the Rusden family with its widely scattered interests in China, squattages in New South Wales and through George William the colonial Board of Education. And at or about the time of his ordination, Selwyn terminated his squatting partnership with one Brown, and entered into a new one with one of his brothers-in-law, Francis Townsend Rusden.<sup>2</sup>

Charles Coxen was the brother of Stephen, the first owner of John Robertson's 'Yarrundi' in the Hunter Valley, and of Elizabeth the wife of the naturalist John Gould, and was the uncle of Henry William Coxen, the founder of

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<sup>1</sup>Robert Taylor to Donald McIntyre (ML - MSS 1158/5, McIntyre Family, Correspondence, undated letter filed between 22 April 1856 and 15 July 1858).

<sup>2</sup>The information about Selwyn has been drawn from a series of scattered sources, and from ML - A.736 and A.737, Selwyn Papers.

'Jondaryan' on the Darling Downs. In the mid 1830s, in the Upper Hunter, Charles and Stephen had assembled the natural history collection which attracted Gould to his New South Wales visit and which with the collections of the explorers Mitchell and Sturt laid the basis of the Australian Museum in Sydney.

In 1855, after twenty years involvement in pastoralism and squatting, and still retaining his squattages, Charles Coxen retired to Brisbane with his wife, Elizabeth, the daughter of the squatter Isaac of 'Gowrie' on the Darling Downs. In Brisbane in 1855, Coxen and his wife founded what would be known after Separation as the Queensland Museum, and in 1859, the year of Separation, Coxen was a foundation member of the Philosophical Society of Queensland, while Elizabeth developed her own renown as a meteorologist and conchologist.<sup>1</sup>

This kind of intellectual and cultural link between town and squatting had, of course, always existed per medium of such men as Sir Alexander Macleay, his sons and his nephew. But the traffic across the growing social schism by men like Coxen now helped to consolidate and re-strengthen these links. They provided men like Louis Hope with an urban and wider contact to reinforce the contacts they already had. Hope, in 1854, having lamented to William Macarthur of Camden that the squatters were to be 'thrust to the wall', proceeded in the next paragraph to discuss the arrangements for the forthcoming Paris Exhibition, and to make suggestions as to how the colonial display at the Exhibition could be improved.<sup>2</sup> He would do what he could to help because

those who have the opportunities of coming across and observing suitable specimens of natural history have not the leisure to attend to them & those who have the leisure are like the swine behind the pearl.<sup>3</sup>

<sup>1</sup>See ADB, Vols. 2 and 3, entries for John GOULD, Elizabeth GOULD, Charles Coxen and Henry William COXEN.

<sup>2</sup>Hope to William Macarthur, 10 May 1854 (ML - A.2936, Macarthur Papers, Vol.40, pp.176-78).

<sup>3</sup>Ibid., pp.177-78.



When in 1859 Hope married Susan Dumaresq, grand-daughter of Sir Alexander Macleay, it both preferred a clue as to the social milieu in which Hope had moved, and consolidated the cultural and intellectual elite with its squatting, gentry and urban linkages. In the Northern Districts, somewhere near the urban middle of this network, stood Charles Coxen and his wife.

In the traffic between town and squatting it was possible to arrive at a position approximating Coxen's from an entirely different direction. Despite the vigour of pastoralism between 1818 and 1847, there was no time when pastoralism entirely absorbed the activities of colonial men, nor a time even when it entirely absorbed the activities of the pastoral families themselves. There were always individuals in these families who lost interest in, or were never interested in, pastoralism. And as the frontier began to both close and weaken in the late forties and early to mid 1850s, it seems likely that this turning away from the land grew stronger, feeding the town with a flow from the land to the professions. Charles Throsby, the first of the name, in 1819 enunciated the pastoral doctrine; the second of the name lived by it; and Charles Throsby the third became in 1850 a lawyer.

This landed and urban distribution was very marked in the two families of Thomas Rose of 'Mount Gilead' in County Cumberland, farmer, pastoralist and squatter. His son by his first marriage, James Hannibal Rose, was the young man who had held a Ticket-of-Occupation in the middle of Dr. Robert Townson's 400 square mile hold on New South Wales in the mid 1820s. In the early 1830s James Hannibal was squatting on the Tumut, whereafter he has not been traced. His sister Keziah married a doctor. Thomas Rose's three sons by his second marriage went to the King's School, Parramatta, Charles Henry Jacob inheriting Mount Gilead, Alfred Marsden Nash becoming a solicitor in Campbelltown, and Reuben Uther Bartlett a farmer at Campbell town. In turn, Charles Henry Jacob Rose's three sons became a

journalist, a postal official and a police inspector.<sup>1</sup>

Time, place and circumstance, of course, entered closely into determining these patterns. George Wyndham, the master of 'Dalwood' in the Hunter Valley had ten sons, and at least facetiously, expected them to remain landed. When Charles, the seventh son, was born in 1840, John Everett wrote from 'Dalwood': 'Mr. & Mrs. Wyndham are quite well. Mrs. Wyndham was confined about a month or six weeks ago, her seventh child -- another shepherd as Mr. Wyndham says.'<sup>2</sup> Information about two of the sons is not readily available. The other eight, at one time or another, involved themselves in their father's estate or on his New England and Liverpool Plains squattages, and three of the sons inherited 'Bukulla' on New England while John inherited 'Dalwood'.<sup>3</sup> In their time, place and circumstance, what contribution the Wyndhams made to the traffic between squatting and town remains uncertain, but on the evidence appears minimal or non-existent.

But the man who well-exemplified the traffic to urban professionalism moreso than the Roses was James Charles Cox, grandson of William Cox who built Macquarie's road over the Blue Mountains in 1814-15. There was at all times in the Cox family a certain eschewing of the pastoral destiny upon which William Cox launched it. The Church, Fiji, Van Diemen's Land and New Zealand claimed four of his ten sons, and England one of his two daughters. Another two of his sons, Frederick and Edgar, do not appear to have ever become involved in pastoralism. The other four, William, George, Henry and Edward, became landowners and squatters of moment, the first three being in 1828 the 22nd, 44th and 83rd premier graziers of New South Wales, while Edward ranked at about 110th and their father at 18th.<sup>4</sup>

<sup>1</sup>Information concerning the Rose family from scattered sources and from Mr. H.A. Rose of Nimmitabel. I am indebted to Sir Keith Hancock for my contact with Mr. Rose.

<sup>2</sup>John Everett to Ann Everett, 1 September 1840 (UNEA - Ollera Letters).

<sup>3</sup>Information concerning the Wyndham family from scattered sources and from Moule, Pioneer Families of Australia (Sydney, 1948), Reprint, 1969.

<sup>4</sup>Appendix B.

Uncommitted to the Bank of Australia, and on the face of it uncommitted to any one, the Cox family appears to have survived the 1840s untouched, able at all times to put its wealth to resolving the problems of the rising generation. William Cox's two youngest sons, and at least twelve of his grandsons, went to the King's School, Parramatta ( it is possible that three more grandsons did likewise, but the imperfect nature of the reconstructed Roll of the King's School prevents reasonable identification).

Edward King Cox and James Charles Cox, the first and third sons of Edward Cox entered King's in 1847 as the last depression of the 1840s was beginning, and left King's in 1850 at the end of the depression, Edward King following his father into pastoral life, and James Charles being apprenticed to Dr. Henry Grattan Douglass at a fee of three hundred guineas: Like Charles Coxen, James Charles Cox had a passion for natural history, and it was for this interest that his father was willing to help him to a professional life. Cox graduated in medicine from Edinburgh University in 1857, was the next year admitted as a Fellow of the Royal College of Surgeons, married in Scotland, and in early 1859 returned to New South Wales.<sup>1</sup>

He joined the Philosophical Society of New South Wales in Sydney in 1859, in the same year that Coxen helped to found its sister society in Brisbane. Travelling on this almost opposite course to Coxen, Cox thus arrived at a position in urban society approximating Coxen's. Cox cemented the similarity when with his second brother, Richard William, he extended his interests into squattages.<sup>2</sup>

With the notable exception of William Forster, Cox was perhaps the model of the colonial man of all worlds - eminent and original surgeon in the tradition of the emancipist Dr William Bland; member of one of the oldest, landed, and wealthiest families in New South Wales; squatter, lover

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<sup>1</sup>Information concerning the Cox family from various sources, and the reconstructed Roll of the King's School, 1832-1864.

<sup>2</sup>The partnership held five runs in 1866 in New South Wales.

of natural history; and participant in the intellectual life of Sydney. In this man, as in Coxen, town and squatting became one again both socially and intellectually.

The line between Coxen and Cox, drawn to distinguish modes of traffic linking town and squatting is obviously limited, arbitrary and crude, as is a second line designed to mark off Christopher Rolleston and William Forster as men who did not come to the town to widen their horizons, but primarily for their every-day concerns; men who nevertheless opened new horizons and in the process helped to hold town and squatting together.

In the mid 1850s, there were two options open to Christopher Rolleston. After George Leslie had obtained the option to 'Bromelton' in Moreton Pastoral District for him, he could have done basically what Leslie thought was the best action to take - to take 'Bromelton' and resume his old position as Commissioner of Crown Lands of the Darling Downs Pastoral District at £750, the distance of only sixty miles between his downsland headquarters and 'Bromelton' making supervision of the station a relatively easy matter.<sup>1</sup>

The alternative was to accept one of several government appointments in Sydney<sup>2</sup> which he had either been seeking or which had been gratuitously offered to him. In 1854 in Scotland he had married George Leslie's sister Catherine, and whether he took up 'Bromelton' or not after his return to Australia, in 1856 with the coming of responsible government, he became the first Registrar-General of New South Wales. At some time within the next ten years he invested with Louis Hope and one of Sir William Denison's brothers in eight Leichhardt District runs.<sup>3</sup>

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<sup>1</sup>George Leslie to William Leslie, 10 May 1855 (OML - Leslie Letters).

<sup>2</sup>Ibid.

<sup>3</sup>Run lists, 1866.

And so in a very meaningful way, Rolleston declined the opportunity to live the life of the squatter or of the landed gentleman, and instead chose the town: a choice which nevertheless brought town and land together; socially in his own right as a son of the Rollestons of Watnall Hall, Notts., and by marriage as a member of the vast Farquhar-Davidson-Macarthur-Leslie family, business and friendship system.<sup>1</sup> But in holding town and land together, this absentee squatter, as he presently became, went further, for in an hierarchic sense this glittering acquisition to the civil service was a part of the growing professionalism of the service. It was true that the rise of this meritocracy was being fed from below by men like the Halloran brothers and Elyard brothers: but it was also true that men like Rolleston fed the process from above, for while Rolleston, Abram Orpen Moriarty, and the Acting Surveyor-General after Mitchell's retirement, Alexander Grant Maclean, initially secured civil service appointment by virtue of who they were, it was by virtue of merit that they advanced to the top ranks of the service; and in this process their very persons helped attach prestige to those ranks. Something of the growing élan, efficiency and expertise of the service can be glimpsed in the analytical sophistication of Rolleston's covering report to the 1861 Census of New South Wales. The report could have been written only by a man giving undivided attention to his duties, yet the relevance is that it was written by a man whose person linked English, Scottish and colonial society; inside colonial society linked the civil service to the broader social milieu of the town, and in turn linked the town to squatting. These remained the crude outlines of a complex social interaction which succinctly expressed itself in Rolleston's possession, with Louis Hope and Denisons' brother, of about three hundred square miles of the Leichhardt.

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<sup>1</sup>Appendix E.

But in the mid and late 1850s, among the people whose persons and actions tended to reunify town and squatting, the doyen was undoubtedly William Forster, the man who in 1852 had turned his formidable intellect to getting rid of Frederick Walker. In Forster squatting produced almost certainly its first leisured gentleman in the sense that the English tradition comprehended the leisured gentleman - wealthy, leisured, cultivated, educated, willing to devote his leisure to the governance of society. Both a Forster and a Blaxland, both intelligent and educated, William at 21 in 1839 was financed into pioneering on the Molonglo Plains, and later into squatting, by parental family wealth (the central stem of the family, the Blaxlands of 'Newington' on the Parramatta River, fell with the Bank of Australia in 1848).<sup>1</sup> Part of the price that Forster paid the frontier, apart from the death of his uncle, Gregory Blaxland, and the conviction that the blacks were to be dealt with only by force, was a sense of cultural deprivation. 'A miserable sort of outlaw' he called himself from the Molonglo Plains,<sup>2</sup> but conversely it was this sense of loss that was best calculated to preserve him, and best calculated to give his life ultimate aim. Nor was he ever quite as lost as his youthful laments might suggest. In the 1840s, he emerged long enough to direct at Gipps a splendid satire, 'The Devil and the Governor', which received both nineteenth and twentieth century praise. 'Purgatory' the Clarence River may have been,<sup>3</sup> but it did not save 'the faithless friend', Robert Lowe, from Forster's pen. And when, in 1854, he came back to Sydney a wealthy man whose squatting ventures in Wide Bay were prospering, he came with a comprehensive view of colonial society perhaps unrivalled by any of his contemporaries.

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<sup>1</sup>George Leslie to his parents, 20 July 1848 (OML - Leslie Letters).

<sup>2</sup>Quoted in Roe, Quest for Authority in Eastern Australia, p.75, and see passim.

<sup>3</sup>Ibid.

It was in fact not unlikely that Forster was the 'Sylvanus' who the previous year had lectured the Empire from Wide Bay that 'the squatters are not a class in the strictest meaning of the term' and that 'phantoms of aristocracy, oligarchy, feudalism frighten you from your propriety',<sup>1</sup> For the Forster who came to Sydney was, on the one hand, not prepared to let the squatters be 'thrust to the wall' as Hope feared, but on the other hand, believed that a place had to be found on the land for people other than squatters. He was another who wanted an elective upper house and beyond this he advocated manhood suffrage. And here as a consequence he forged two unparalleled links between town and squatting, for this kind of mind, throwing itself into politics and into the intellectual activity of Sydney, met a like mind in the effervescent urban radical lawyer, Daniel Deniehy. These were integrated men in whom it were in fact idle to partition their political, social and intellectual interests. Deniehy gave Forster a literary outlet in his paper, the Southern Cross, in which Forster ventilated his political and literary interests, and as a social and literary critic Deniehy was one of the first to applaud when Forster turned his pen on the less commendable aspects of Sydney politics:

'Whom will ye to the fair arena send?'  
 What troops of braggarts, mountebanks and knaves --  
 Imposters, born to govern dupes and slaves --  
 Who with the wind of LIBERALISM distend  
 Their cheeks, but private interest only seek --  
 Who, seeming human, still like centaurs end  
In iron hoofs that trample down the weak,  
 Though to the strong they despicably bend.  
 Such men degrade the freedom they defend --  
 Yet such, meseems, are favoured in the eyes  
 Of civic crowds and town democracies --  
 Alas! for freedom, if she so depend!  
 Constrained to tune for vulgar ears and throats  
 The high sweet music of her heavenly notes!<sup>2</sup>

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<sup>1</sup>Chapter 6 above.

<sup>2</sup>Sonnets, Replicatory No.1: Southern Cross, 7 January 1860, p.2, col.2, for Deniehy's critique.

The cultural linkages ran out beyond Forster and Deniehy. In Forster's cabinet in 1859-60 sat the brother-in-law of the brothers Bucknell of Liverpool Plains and the Gwydir, Geoffrey Eagar, destined to follow Rolleston one day into the top ranks of the public service, and who in 1840 had wooed Mary Bucknell poetically

Gentle as fair -- and fair as thou art good  
 Thou -- Mary! be the inspirer of my strain --  
 Thou that first taught this unskilled ear to know.<sup>1</sup>

Socially the linkage ran to Sir Alfred Stephen, C.J., who in 1859 relieved the four day tedium of a squatting case in the Supreme Court by writing a graceful and light-hearted poem about himself.<sup>2</sup> The cultural linkages ran to the radical Henry Parkes, to the public servant Henry Halloran who had once saluted the explorer Mitchell,

Each rock in Greece for ever, stands -- repeating  
 Some high and worthy name;  
 So shall Australian mounts, as life is fleeting,  
 Preserve thy hard-earned fame.<sup>3</sup>

to the radical poet Charles Harpur and to Charles Tompson, Clerk of the Legislative Assembly, like Deniehy, Eagar, Halloran and Harpur, of convict origin, and like them a poet, and unlike them a man who had spent his youth squatting, on the Tompson holding of 'Eunonyhareenyha' taken up on the Murrumbidgee in 1832.

It is, of course, not possible to measure the significance of all of these links. They remained nevertheless points of empathetic contact in a system at the centre of which stood Forster and Deniehy. In this respect, Forster's unique contribution to reunifying society, beyond that made by a Rolleston, a Coxen or a Cox, was that he went beyond

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<sup>1</sup>Geoffrey Eagar to Mary Anne Bucknell, 9 August 1840 (ML - A.4504, Correspondence of Geoffrey Eagar, 1838-1888, p.17).

<sup>2</sup>'Of children this Knight had no less than eighteen....'

<sup>3</sup>To Thomas Livingstone Mitchell...on his leaving Sydney for the interior on an expedition of Discovery' (ML - MSS. 1009, Thomas Livingstone Mitchell Papers, 1836-1853).



tending to bring the separating interest groups together again, and tended to reach down society to men like Harpur who were inclined to view society not vertically but horizontally. In this respect, Forster softened society's meeting with the intellectual leaders of the radical urban thrust from below. He remained the doyen of all the people whose traffic between squatting and town went to moderate the changes that Louis Hope and William Henry Wiseman feared, that squatting would be 'thrust to the wall' and that the hierarchic society was doomed.

Between 1856 and 1861, in some confirmation of these fears, parliament moved first to manhood suffrage (and more equality of electoral distribution) in 1858,<sup>1</sup> and then to free selection before survey;<sup>2</sup> and while electoral reform had connotations reaching far beyond squatting, it was squatting for which the suffrage and free selection had peculiar joint relevance. For while it did not follow in abstract logic, it followed in terms of actual politics that the suffrage and equal electorates were a necessary condition for free selection before survey. And a corollary to these political shifts was that the hierarchic society did undergo a marked change of shape, becoming politically stratified with traditional and conservative thought contained in the nominated upper house, and liberal, even radical thought the general preserve of the lower house. These shifts did not take place without some wild oratory, wilder than John Robertson may have wished. In January 1861, during the second reading debate on the free selection bill, the Crown Lands Alienation Bill, the radical David Buchanan talked about civil war and seemed to confirm everything Wiseman could have feared. If the Bill passed, said Buchanan

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<sup>1</sup> 22 Vic 20.

<sup>2</sup> Crown Lands Alienation Act, 25 Vic.1.

Agriculture [will] flourish, and the country [will] be studded over with happy homesteads. Let any body of squatters stand between the bill and this privilege -- let them throw out this bill, and [I dare] affirm that not a squatter [will] hold an inch of ground afterwards.

For Cowper and Robertson, with their extensive leaseholds inside the boundaries, this was perhaps too wild for comfort, the moreso (if then current accusations were sound) that radical individuals in Shoalhaven had designs not on squattages, or even on leaseholds inside the boundaries, but on the Coolangatta freehold estates of Alexander Berry,<sup>2</sup>

In a rapidly polarising community, the feasibility of passing the free selection bill rested in the fact that the initial five-year terms of the upper house were due to expire on 22 May 1861, after which the house would be nominated for life. Robertson therefore held an effective threat to any obstruction, a threat reinforced by a bill introduced by Cowper to make the upper house elective.<sup>3</sup> The free selection bill went through a reconstructed but nominated upper house after the retiring Council members, on the eve of their termination of appointments, walked out to deny the bill a quorum.<sup>4</sup> Perhaps mindful of a perception that a nominated house could be 'packed', unlike an elective house, or perhaps mindful of the radical talk abroad, Robertson and Cowper dropped the upper house elective proposals they had cherished in private and in public since 1853. There were, after all, limits to how far the men of change would go.

For the hierarchic society, the dominant fact between 1856 and 1861 was that politically it sundered across the middle, leaving New South Wales to work out the problem of

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<sup>1</sup> LA Debates, 30 January 1861, SMH, 31 January 1861, p.2., col.4.

<sup>2</sup> Macleay in LA Debates, SMH, 18 January 1861, p.5, col.2.

<sup>3</sup> V & P (NSW), 1861, Vol. 1, p.561.

<sup>4</sup> The walk out prevented the swearing in of new members appointed by Robertson to 'pack' the Council.

establishing a modus vivendi between man as hierarch and man as numbers. To a substantial degree, man as numbers would resolve this problem. As the Empire (or, if one likes, Henry Parkes as the owner of the Empire) had observed in 1853, in English societies voters tended to defer to character, condition and wealth, and in New South Wales, by and large, they would do so for another thirty years.

As for squatting, there was a peculiar sense in which it was 'thrust to the wall', but hardly at all as Louis Hope had envisaged. Equal electorates gave the town political preponderance, completely reversing the traditional landed command of politics. Politically, Sydney came into itself, and this marked an abiding sundering between town and land to which the landed gentry and the squatters (where they were separate entities) and presently the free selectors would find themselves subject. This wider view of change would be lost to sight while ever the town focussed its attention on the squatters as subjects of popular demonology.

In this sense, the land became isolated from the town. The gentry and the squatters still sat in parliament, although this was of course more true of the Council than of the Assembly. The history of the Council after 1861 as a mirror of the wealth and respectability of New South Wales has still to be written. In the Assembly, apart from Forster, the other notable squatting leisured gentleman was John Hay of the Riverina, who would follow Terence Aubrey Murray as the President of the Legislative Council. In the long run, the political changes between 1856 and 1861 would be seen to be not nearly as fundamental as they at the time appeared.

And here there was a curious reward for the gentry to a point, and moreso for the resident squatters. Political eclipse in the Assembly tended to mean freedom from political responsibility, and this was of a piece with the doctrine of anarchic introversion Charles Throsby had propounded in 1819. And in turn, this introversion was of a

piece with other changes that had been gathering shape before 1856 and which came to fruition between then and the early 1860s. Unless these changes are taken to account, along with the anarchy inherent in pastoralism, the lack of political interest by the bulk of resident squatters seems nonsensical. Between 1856 and the early 1860s, the frontier resolved its dilemma with the blacks, the squatter magistrates resolved their role as the decentralised custodians of the Queen's peace, the squatters (although not necessarily only the squatters) came to some objective view of irresponsible man, and in Queensland some of them believed they saw a promised land where one need feel no restraint from government, peers, servants, or the blacks. In the early 1860s it remained for squatters in the oldest squatted lands of New South Wales, on the Murrumbidgee and on the Monaro, to demonstrate that free selectors were political and social simpletons if they thought they were the sole enemy of the squatter. They never understood that to him all men were potential enemies, even his own peers, and that this was what Throsby's doctrine was all about.

CHAPTER 9

SQUATTER AND GOVERNMENT AND PEER,  
1856-1864

In the mid 1850s, New South Wales was experiencing a prosperity that generally rivalled and in some particulars outclassed the prosperity of the mid 1820s. In 1852-53, it was possible for the value of Sydney town lands to multiply five times in fifteen months,<sup>1</sup> and two years later it was stated that arable land in the Hunter Valley had been pushed as high as £80 per acre.<sup>2</sup> In his purchase of Wentworth's northern stations, as has been seen, John Charles Lloyd in 1853 needed only three months to accumulate £22,430 in discharge of his balance of purchase price.<sup>3</sup> It was George Leslie's opinion in 1854, when he sold Canning Downs for £54,000, that given another three years he could have lifted the price to £200,000.<sup>4</sup> He was probably right, because in November 1857 his brother Patrick sold to Robert Tooth his comparatively tiny and under-developed Goomburra and Gladfield stations for £40,000.<sup>5</sup> It was presumably in these same general circumstances that William Adams Brodribb, William Bradley's superintendent on the Monaro, went down the Murrumbidgee and bought 'Wanganella' in 1855, and that Henry Bates Fitz, the superintendent of 'Pikedale' in the Darling Downs district and grandson of Mr. Commissary Fitz of Windsor, bought the station from Captain Pike of the Hunter Valley.

This prosperity needs qualification. It was not true that all sheep and all cattle sold readily at all times at

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<sup>1</sup>William Dangar to Henry Dangar, 5 September 1833, in William Dangar of Turanville (Scone Historical Monograph, No.1 1968), p.25.

<sup>2</sup>Select Committee on the State of Agriculture, evidence, p.27, V & P, 1855, Vol.2, p.327.

<sup>3</sup>Chapter Six above.

<sup>4</sup>George Leslie to William Leslie, 25 January 1854 (OML - Leslie Letters).

<sup>5</sup>MBFP, 30 December 1857, p.2, col.1.

high prices. Distance, local market conditions, seasonal variations, market gluts in Sydney or Melbourne, all combined to interfere with high or even moderate prices. Particularly in the north, the boiling down establishment remained a feature of pastoralism; and the gold rush in 1858 to Canoona on the Fitzroy River, while regarded as a disaster for gold-diggers, rescued northern pastoralists from a domestic meat depression.<sup>1</sup> Nor was prosperity a sure guarantee of success. At the age of 19, in 1855, Vincent James Dowling bought a station on New England, had lost it within two years, and in 1858 was driving cattle to Melbourne, preparatory to making a second start at Fort Bourke on the Darling. And it did not follow that prosperity ameliorated the frontier. Fresh out of the King's School at the age of 14, Albert Wright spent the next six years superintending for his father in the Liverpool Plains district, and emerged inhabiting a

dark lonely world in which he was still haunted by the dingoes' howling and the last struggles of the child he had had to disown and crush in himself too early.<sup>2</sup>

The frontier did not sear Dowling until the 1860s. In the meantime, in search of prosperity amid prosperity, he wrote laconic sentences that described his overlanding to Melbourne:

Tore myself away from the refined and beautiful Miss Mark.<sup>3</sup>

and in lonely country between the Lachlan and the Murrumbidgee

Met a man riding a horse of mine.  
Claimed it.<sup>4</sup>

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<sup>1</sup>See, for instance, William Henry Walsh to [ ? ] Archer, 29 May 1859 (ML - A.3882, Archer Papers, IV, General Correspondence, pp.145-47).

<sup>2</sup>Judith Wright, The Generations of Men (Melbourne, 1959), p.26.

<sup>3</sup>Vincent James Dowling, Diary, 1858, entry dated 1 June 1858, (Eidsvold Station).

<sup>4</sup>Ibid., entry dated 6 September 1858.

But if the prosperity of the mid 1850s has to be qualified, it was nevertheless prosperity. It was true that the prices of all pastoral commodities were much higher than they had been in the late 1830s and throughout the 1840s. At worst, wool, mutton, beef and tallow were relatively prosperous. At best, they generated the confidence to buy cattle and sheep at prices not seen since the mid 1820s. And because the price of stations was still closely geared to the price of stock, and would remain so until a permanent tenure gave stations an intrinsic value of their own, then the confidence of men was measurable by the money they paid for stations. While the ready evidence is not available as it is for the 1820s, given this economic atmosphere it is not unreasonable to suppose that in the mid 1850s, as in the mid 1820s, the greatest prosperity came the way of those with stock to sell to new entrants into pastoralism, and in sum, the essence of prosperity in the mid 1850s was that it wore several faces depending upon the ambitions of the individual contestant.

The effects of prosperity on the social composition and distribution of squatting were several. As has been traversed, prosperity strengthened the nativist role in squatting by beginning to skim off those men not securely anchored in New South Wales, and went on to encourage a traffic between squatting and town that tended to reunify the hierarchic society against the divisive changes of the decade. Prosperity invited new entrants into pastoralism who, according to their cash and credit resources, were for some time absorbed into the longer settled squatting districts: George Leslie gave way to his cousin, Gilbert Davidson; Patrick Leslie to Robert Tooth of the Sydney brewery family of Tooth; Wentworth to John Charles Lloyd. When these resources could no longer find outlet in the older districts, or when like Dowling a man did not command these resources, then in the late 1850s prosperity provided the economic incentive to re-invigorate the frontier. In the process, as will be seen, it was necessary for the squatter to re-define his relationship with his servants and with the blacks, but the point is that colonial prosperity

was a necessary condition to re-awake the frontier.

What remains of interest, and what will be the immediate concern here, is the commentary on squatting provided by juxtaposing prosperity and the exercise of power. On the face of it, it would seem eminently reasonable that prosperity liberated squatters sufficiently to engage themselves more fully in the 'aristocratic' function of central government and in the 'gentry' function of local government. The supposition hardly stands up to inspection. And if squatters appeared to engage in the exercise of central power and eschew local power, the difference was more apparent than real, for under the difference lay a profound shift in the distribution of squatting power in New South Wales.

In the redistribution of political power attendant on responsible government, the principal losers were the survivors of the 385 squatters licenced under Bourke in 1837. In 1848, these survivors (or their direct male inheritors as the case might be) numbered at least 141.<sup>1</sup> These enduring families represented the continuity of colonial history: 32 of them belonged to the hierarchy of 170 premier land users of 1818; 44 similarly to the premier 100 land users of 1828. For the most part, certainly in their upper ranks, the 141 survivors of 1848 belonged to the landed gentry of New South Wales: of the 41 magistrates among them in 1851, only five lived beyond the boundaries. Down to 1856, the 141 families were the principal social and political fact of New South Wales, serving in government the function of an 'aristocracy'. This group alone sent nine of the 52 members into the last Legislative Council before responsible government, including seven of the 36 elected members. After responsible government, in May 1856, only two sat in the upper house before 1862; and down to 1864, only seven in the lower house, the maximum number of them at any one time being three.

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<sup>1</sup>The difficulties of tracing matrilineal descent and of identifying squatted properties from early run list data might, if resolved, lift this number of survivors.



Apart from the political significance to society at large, this substantial eclipse signalled the redistribution of squatting power among several separate but over-lapping groups of squatters -- to Sylvanus' 'commercial speculators', the commercial and merchant squatters of Sydney; to the lesser gentry who normally drew no distinctions between their estates and their squattages;<sup>1</sup> to the resident squatters of the older established districts; and to the resident squatters of what by this time had to be distinguished from those districts, the frontier. Of the 219 members who sat in the lower house between 1856 and 1869, 83 held direct squatting interests.

This direct interest (including those members with additional interests) numbered 12 merchants, nine pastoral and professional residents of Sydney, 27 country residents for the most part of the county gentry, and 35 squatters among whom were resident squatters, merchants and leisured gentlemen, but who by and large defy any ready system of classification. A case in point was Gordon Sandeman, the Sydney merchant who lived for 15 years on his Burnett station, 'Burrandowan'; another was John Charles Lloyd's brother Edward Henry, nominally a resident squatter, who in the course of five years lived successively at 'Burburgate' on the Liverpool Plains, at 'Denham Court' between Liverpool and Camden, at 'Burburgate' again, at 'Llangollen' on the Liverpool Plains, at Richmond Terrace, and at Rose Bay on Sydney Harbour.

By another test of the distribution of these 83 members, 42 of them were magistrates in 1857, 12 of them being resident in Sydney, 15 in the counties, and 15 beyond the boundaries. Roughly, then, by either test, they were distributed one-third in Sydney, one-third in the counties, and one-third beyond the boundaries. Clearly, therefore, the

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<sup>1</sup>I am indebted to Stuart Hamilton Hume, great-grand-nephew of the explorer, Hamilton Hume, for a detailed description of how a number of families of the country gentry around Goulburn regarded their estates and squattages. Private communication.

redistribution of squatting power after 1856 did not mean any wide geographical distribution. Those who could be regarded strictly as resident squatters, whether of the older districts or of the frontier, had a minimal share only of political power in general and had a modest share only of squatting power. In the first instance, of course, this was partly a reflection of universal suffrage and electoral distribution in favour of the town. But the crucial fact was that in their own pastoral electorates the resident squatters forfeited almost half of their opportunities of representation in favour of merchants and absentee squatters. The wine merchant, Daniel Egan, represented the Monaro from 1854 to 1859 and Eden from then till his death in 1870. George William Lord, fifth son of the emancipist merchant Simeon Lord, and resident of Sydney, represented Wellington and Bligh (or the Bogan as it became in 1859) from 1856 to 1878. Murrumbidgee was held from 1851 to 1859 by George Macleay of 'Elizabeth Bay', and thereafter by his cousin, William John Macleay of Sydney, for another 16 years: between 1856 and 1859 while the electorate returned two members, the incumbent with George Macleay was another large squatter resident in Sydney, John Hay. When the Murray electorate was created out of Murrumbidgee in 1859, Hay held the new seat for another five years. These were the most graphic examples, but even New England which began in 1856 as a two-seat electorate held by the resident squatters Thomas George Rusden of 'Europambella' and Richard Hargrave of 'Hillgrove' fell in the mid 1860s, following an urban hold on the electorate, into the hands of an absentee squatter, Theophilus Cooper of Maitland. Exclusive of the men nominated to 'swamp' the Legislative Council in 1861, 103 men sat in the upper house between 1856 and 1869. At least 37 of them held direct squatting interests. Only one of them, Edward David Stewart Ogilvie of 'Yulgilbar' on the Clarence River, was a resident squatter.

The profound shift in squatting power attendant on responsible government was therefore largely a social phenomenon in which power passed generally from one set of absentee owners to another set of absentee owners: and partly by their own default the resident squatters of New

South Wales failed to more than half utilise the geographic redistribution that did come their way. Squatting power, although substantially now in different hands, remained in and close to Sydney. One still had to go to the drawing rooms of the Cumberland Plain to complete any explanation of squatting and the frontier. It was quite in the logic of these terms that, for a variety of immediate reasons ranging from political ambition to a concern for one's health, some of the wealthiest of the county and resident squatters turned to Sydney in the 1850s -- William Forster, William Bradley, John Hay, Henry Dangar and, a little later, Edward Henry Lloyd. There was thus in the 1850s a strong tendency for squatting to turn and reinforce its point of original origin, a tendency that progressively beheaded the process of hierarchic and traditional development beyond the boundaries -- for this failure of the really wealthy to enrich and civilise the lands that created their very wealth logically debilitated the efforts of the hierarchic society to re-order the frontier in its own likeness.

What was left to the resident squatter as magistrate was his 'gentry' function of local government. This had been the immediate role cast for him by the hierarchic society in its bid to re-structure the frontier -- and as has been seen, in the late 1840s and early 1850s the squatter magistrates for the most part entered upon this responsibility with enthusiasm, diligence and a wish to learn. As this energetic acceptance of tradition occurred in a time of acute and therefore distracting economic distress, it was not unreasonable to assume that prosperity would allow the flowering of a more leisured magistracy, one of willing capability to both put down the roots of an enduring hierarchic pastoral society and set in motion the process of enriching and civilising the squatted lands.

Yet in greater or lesser degree, and with the conspicuous exception of the Wagga Wagga district, this was never to be. In the sense that the really wealthy squatters defaulted in a responsibility to the squatted lands and the frontier, so in the early and mid 1850s many of the magistrates defaulted in their immediate responsibility to the Bench. The near

collapse of justice beyond the boundaries is easily described: an explanation of the collapse is much more difficult.

The crucial point in the efficacy of a Bench was that while a magistrate could sit in single jurisdiction in relatively trivial matters such as the drunks' parade, issue warrants, deal with correspondence and generally offer the clerk administrative direction, he was severely circumscribed by the many Acts (including the Masters' and Servants' Act) that required jurisdiction by at least two magistrates. Therefore while one diligent magistrate could probably maintain a fair measure of local administration for some years, justice on the other hand really depended on the capacity of the Bench to provide double jurisdiction. By this test, following the halcyon inaugural years of the squatting Bench, justice broke down fairly quickly over much of the squatted lands. The endorsement, 'case remanded as only one magistrate present', or words to that effect, can be found frequently in any Deposition or Bench Book of the period. A return of Bench attendances compiled for the years 1858 and 1859, when the system had reached its nadir, shows for example that in terms of mathematical possibilities in this period only 16 double jurisdictions could have been possible at Kempsey out of 131 sittings, at Armidale 35 out of 175, at Balranald 7 out of 46, at Moama 16 out of 61, and at Bombala nine out of probably 58. The return is too defective to allow firm statements about many of the other Benches beyond the boundaries, but at the other extreme from substantial collapse it does appear to say that at Cooma in the Monaro and at Wagga Wagga there functioned an effective system combining 'daily' single jurisdiction by a police magistrate and 'weekly' double jurisdiction by him and an honorary magistrate.<sup>1</sup>

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<sup>1</sup>Attendances of Magistrates at Courts of Petty Sessions, 1858-60 (NSA - 4/730.4, Col. Sec. Special Bundle).

This serious default of the magistrates could be traced in extensio by counting attendances from court records and press reports of the 1850s: it seems reasonable to reduce this project to a sampling; to Armidale, the oldest and largest squatting town in New South Wales; and to two frontier villages, Balranald on the lower Murrumbidgee, and Taroom in the Dawson Valley. In the enthusiastic days of 1850 at Balranald, as many as five magistrates sat on the one day. But over the seven years 1850 to 1856 both inclusive, the Balranald Bench mustered double jurisdiction in respectively ten of 15, eleven of 21, three of five, one of six, two of four, two of ten, and two of eight sittings.<sup>1</sup> The Taroom Bench, established as late as 1858, sagged more precipitately. In 1858 it mustered double jurisdiction in seven of eight sittings, in 1859 in nine of 13 sittings, and in 1860 in nine of 16 sittings: the substantial collapse came in the last four months of 1860 when the magistrates sat in double jurisdiction in only three of the nine sittings of the period,<sup>2</sup> and in the next year a police magistrate was appointed to the Taroom Bench. Because of the incomplete nature of the records, the decline at Armidale has in part to be inferred. As early as 1851, the squatter magistrates called for the appointment of a resident magistrate in the town,<sup>3</sup> and Dr Thomas Markham of Armidale was placed in the Commission of the Peace for this purpose. On the other hand, the squatter magistrates with Markham (after his appointment) sitting quarterly under common law jurisdiction as the Petty Debts Court failed only once in eight years down to 1856 to maintain double jurisdiction.<sup>4</sup> By this time, however, the squatter magistrates had all but disappeared from Petty Sessions: in

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<sup>1</sup>Balranald Petty Sessions (NSA - 4/5505, Balranald Depositions Book).

<sup>2</sup>Taroom Petty Sessions (QSA - Taroom Depositions Book).

<sup>3</sup>Armidale Bench to Col.Sec., 7 July 1851 (NSA - 4/5484, Armidale Police Letter Book, Letter 51/91).

<sup>4</sup>Armidale Petty Debts Court (NSA - 4/5469, Register of Cases under 10 Vic 10).

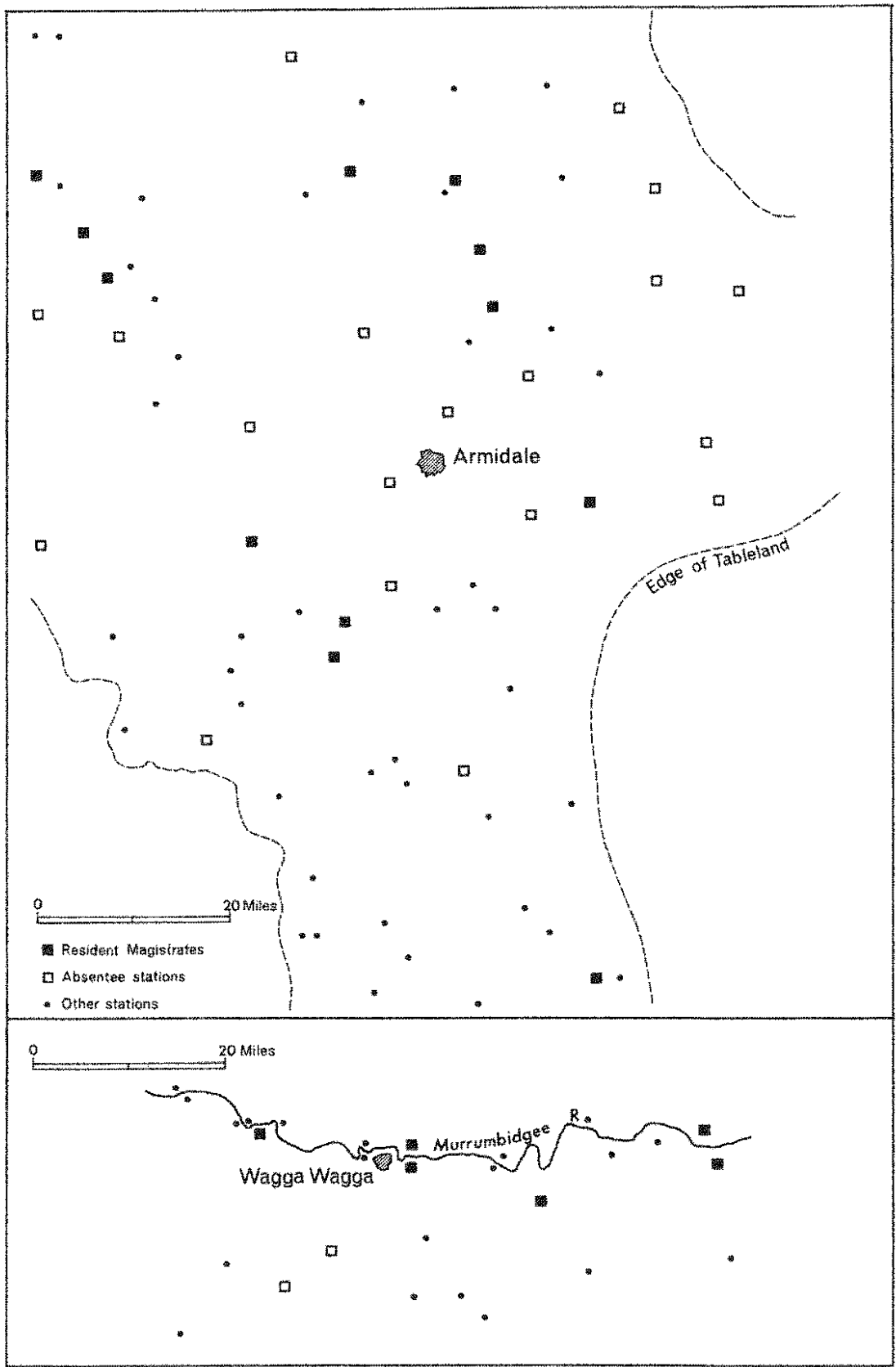


Fig. 23 Location of resident squatter Magistrates - Armidale and Wagga Wagga Benches

the year 1 April 1856 to 31 March 1857, five squatters made a total of eight appearances between them. In the same year, until his resignation in February 1857, Markham sat 80 times; the Commissioner of Crown Lands (firstly Edward Christopher Merewether and then Abram Orpen Moriarty) 60 times, and a Gold Commissioner, James Buchanan, 29 times. The Bench failed to provide double jurisdiction in 82 of the 127 sittings for the year, and when Markham resigned in February 1857, this jurisdiction prevailed at three only of the next 16 sittings.<sup>1</sup>

The most immediate and attractive explanation for the widespread default of the squatter magistrates was the distance of their stations from their Benches. At Wagga Wagga, where a reasonably efficient Bench pertained from the late 1840s, two of the magistrates, John Peter of Gumly Gumly and Frederick Anslow Tompson of Eunonyhareenyha, lived within five miles (perhaps an hour's ride) of the Bench. Armidale on the other hand was entirely surrounded by absentee-held stations and the resident squatter magistrates necessarily lived at distances of twenty to forty miles away (a half to a whole day's ride) from Armidale.<sup>2</sup> For the nearest magistrates, the Marsh brothers, this involved an over-night stay in Armidale; and for the furthest, John Everett, a three day round journey. Not surprisingly, there is no suggestion in his correspondence or in the admittedly incomplete extant court records that Everett ever sat on the Armidale Bench.

Cooma on the Monaro represents a mixture of Wagga Wagga experience and Armidale social geography. The town was pressed closely on the north and the south by William Bradley's absentee holdings, and the problem was met by, presumably, Bradley wielding a patronage commensurate with his wealth in having installed in the Commission of the Peace

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<sup>1</sup>Attendances counted from Police Office reports in Armidale Express (UNEA).

<sup>2</sup>Figure 23 opposite.

his Monaro superintendent, William Adams Brodribb, son of an emancipist. In the more aristocratic atmosphere of New England, this solution was perhaps not possible until the late 1850s. Indeed, not only in New England, nor exclusively among squatters, did tradition still govern men's sense of the proper. A Select Committee of Inquiry into the State of the Magistracy held in 1858 to devise ways of adapting the magistracy to the environment foundered substantially on this rock of tradition, neither the committee nor its variegated witnesses able to think their way through it, for instance, to a professional, paid, trained magistracy (a concept not to be confused with the police magistrates of the time who, while paid, were not trained for their duties, and who remained, like the honoraries, gentlemen).<sup>1</sup>

On occasion at the inquiry, tradition explicitly recalled witnesses from going forward to meet the environment. Plunkett suggested that the bench clerks be appointed after professional examination, and then drew back with the observation that no government could tolerate such an infringement of its exercise of patronage.<sup>2</sup> The liberal lawyer, Charles Hamilton Walsh, soon to be mayor of Goulburn and liberal member of the Assembly, mentioned those superintendents who commanded the confidence of the districts they lived in and who would therefore 'be very eligible as magistrates'. Tradition hauled him back at once:

There is, however, a difficulty with respect to their admission, because if you open the door once to let in superintendents, there is no saying where it will end.<sup>3</sup>

It was, in fact, not improbable that Brodribb's appointment in the late 1840s was a part of the social

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<sup>1</sup>Select Committee of Inquiry into the State of the Magistracy, V & P, 1858, Vol.2, pp.73-193.

<sup>2</sup>Ibid., p.135.

<sup>3</sup>Ibid., p.154.



unease that prompted several witnesses at the inquiry to remark to the effect that undesirable appointments to the Commission had begun in the days of Sir Charles FitzRoy.<sup>1</sup> And when in 1857 Henry Dangar's general manager on New England, Arthur Hunter Palmer, was placed in the Commission, thereby as it happened breaking the cordon of absentee lands around Armidale, a Sydney elector for the tableland asked the member in an open letter:

Will you be good enough to inform your constituents whether it was by your recommendation that Mr. H. Dangar's sheep overseer was placed in the commission of the peace?<sup>2</sup>

The Armidale Express that printed the letter caught the clash between tradition and environment in its own shifting attitudes. A year previously, in December 1856, it complained of 'the non-attendance of the neighbouring magistrates'.<sup>3</sup> Several weeks later it accused the magistrates of considering their title 'a mere honour without the trouble of attending on court days'.<sup>4</sup> Two months later again, in March 1857, it observed that the magistrates 'reside at too great a distance...to attend... without suffering inconvenience, if not loss'.<sup>5</sup> In November, it told the indignant inquirer after Palmer's appointment that 'the query could be put with a better grace' and that

While it is desirable that men standing in a more independent position should generally be chosen for the magistracy, we are aware that the question is often narrowed into "Hobson's choice".<sup>6</sup>

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<sup>1</sup> See, for instance, *ibid.*, the evidence of Mr. Justice Therry, p.105, and of John Hubert Plunkett, p.133.

<sup>2</sup> Armidale Express, 7 November 1857, p.3, col.1.

<sup>3</sup> *Ibid.*, 27 December 1856, p.2, col.4.

<sup>4</sup> *Ibid.*, 17 January 1857, p.2, col.1.

<sup>5</sup> *Ibid.*, 14 March 1857, p.2, col.5.

<sup>6</sup> *Ibid.*, 7 November 1857, p.3, col.1.

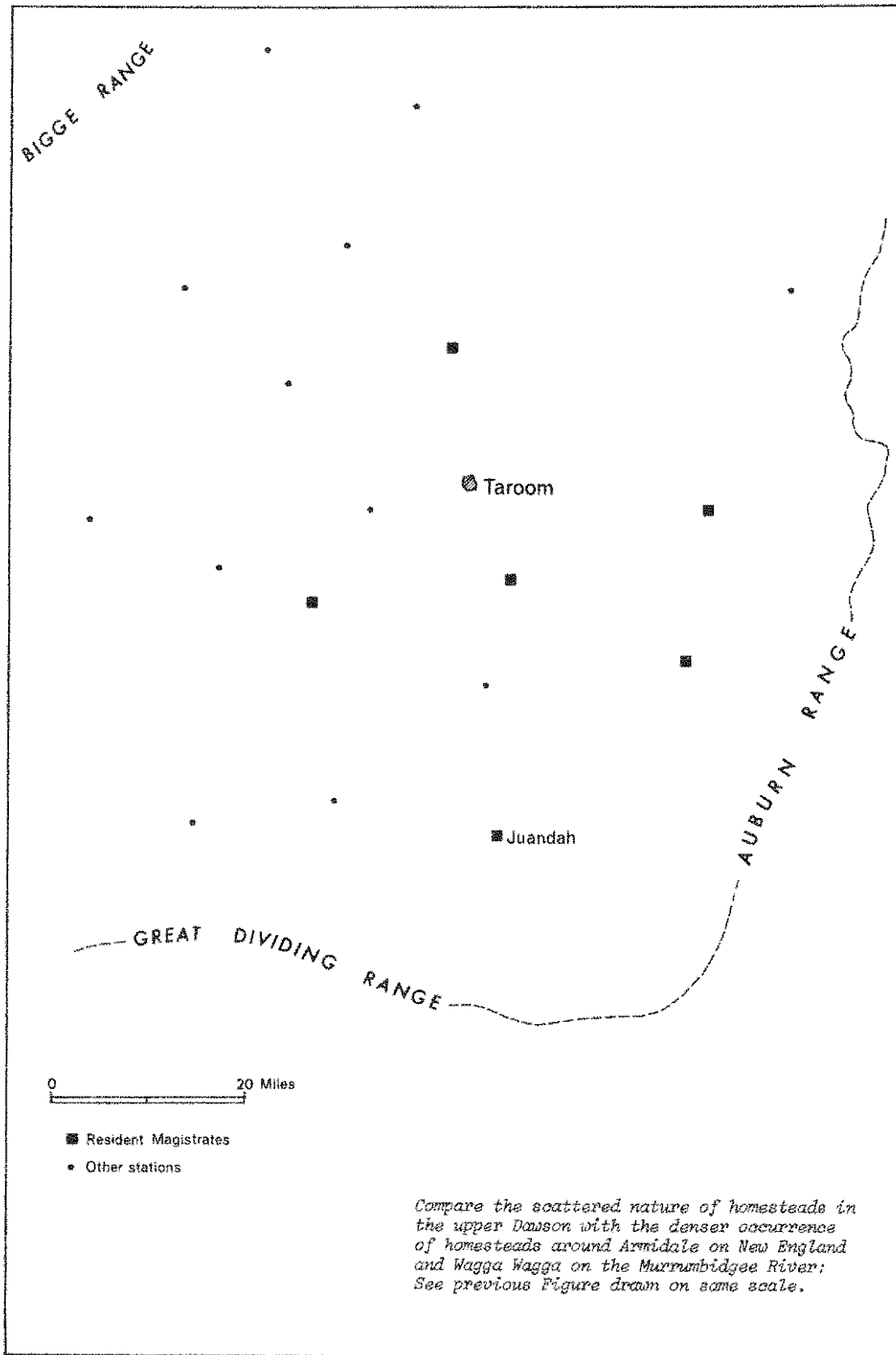


Fig. 24 Location of resident squatter Magistrates - Taroom Bench

The difficulties arising from distance therefore offer the most immediate and attractive explanation for the widespread default of the squatter magistrates. Yet it is an explanation with as much deception in it as reality. Before its sudden decline in late 1860, four of the Taroom Bench's eight magistrates attended sittings with a reasonable regularity, and the other four sat from time to time. The brothers Royds of Juandah,<sup>1</sup> located as far from Taroom as John Everett was from Armidale, between them attended nine of the first 37 sittings. This high performance at Taroom was not entirely altruistic. As at Tenterfield a decade earlier, there was a strong tendency among magistrates to bring their own servants before the Bench, and the physical presence in Court of plaintiff magistrates had the incidental effect of making the plaintiffs available to sit in cases other than their own. This mixture of altruism and immediate self-interest, however, merely lends weight to the point that distance was not a barrier given the appropriate motivation.

The Armidale magistrates themselves made the point. Given the need or the incentive, they could still muster to their duty. On 3 October 1859, four magistrates including two resident squatters sat in the Petty Debts Court, and later in the day the magistrates sitting for the Revision of the Jury List comprised Palmer, a visiting absentee squatter, another visiting squatter, and four resident squatters.<sup>2</sup> And one of this last group, Henry Arding Thomas, alone raised the question of motivation. In the same year that Palmer broke the cordon of absentee ownership around Armidale, Thomas broke it again when he bought Lady Dumaresq's 'Saumarez' station five miles west of Armidale. A magistrate and fairly wealthy, he thus placed himself (like John Peter at Wagga Wagga) within an hour's ride of the town, but he never sat in Petty Sessions, remaining so inactive that the return of magisterial

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<sup>1</sup> Figure 24 opposite.

<sup>2</sup> Police Office report, Armidale Express, 4 October 1859, p.3, cols.3-4.

attendances prepared in 1860 for the Colonial Secretary omitted to mention him.<sup>1</sup>

The contrast between Thomas at Armidale and Peter at Wagga Wagga is instructive. Peter was a Scots Presbyterian who acquired Gumly Gumly station by marrying its widowed owner, one Mrs. Bourke. He was in 1848 one of the 141 surviving pastoralists licenced by Governor Bourke in 1837, and in the late 1850s with the withdrawal of men like William Forster, John Hay and the cousins Macleay to Sydney, Peter was almost undoubtedly the wealthiest resident squatter of New South Wales. It is not possible to say in what part he inherited (from the Macleays) and in what part he originated the hierarchic concern that was a dominant theme in the singular social unity around Wagga Wagga.

As has been seen, he was forward in the founding of the Bench and of the first National School, and in the 1860s would give the money, £500, for the building of the Presbyterian Church. Too much could perhaps be claimed for him: the crucial point was that according to his means, prominence and influence, he conformed to the unifying pattern of the district. In the 1870s this unity would produce squatters among the elected aldermen of the town: in the 1850s it entailed most directly attendance at Petty Sessions. In the late 1850s when Peter took an extended holiday in Melbourne, John Gordon of 'Borambola', 17 miles from Wagga Wagga, attended 47 sittings of the Bench in two years:<sup>2</sup> whoever established the tradition of service in Wagga Wagga, it claimed many men, of whom Peter was in the 1850s the most prominent, because the wealthiest and most powerful.<sup>3</sup>

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<sup>1</sup>Attendances of Magistrates at Courts of Petty Sessions, 1858-60 (NSA-4/730.4, Col. Sec. Special Bundle).

<sup>2</sup>Ibid.

<sup>3</sup>The foregoing estimate of Peter and of the Wagga Wagga district derives from a reading of Keith Swan, A History of Wagga Wagga (City of Wagga Wagga, 1970).

Seen in this perspective, Peter belonged to a different world from Henry Arding Thomas of Armidale. But Peter and his district were the atypical, and Thomas in the mainstream of pastoral introversion. In this mainstream a concerned individual was helpless as was Bryce Thomson Barker of 'Nanango', close to the town of the same name in the Burnett. One by one, in 1860, he recited the names of his defaulting colleagues from the Nanango Bench, and threatened the Colonial Secretary with his own resignation if aid were not forthcoming.<sup>1</sup> The threat had a marginal effect only, in the appointment to the Commission of George Clapperton, until 1857 superintendent of, and since then owner of, the Tarong station adjoining Barker's Nanango. Clapperton, a Glaswegian Catholic and qualified solicitor, took his elevation seriously enough to transcribe and index into a quarto exercise book the lengthy Ministerial Duties of Justices.<sup>2</sup> Ironically, however, Barker's return to Scotland in 1862 left Clapperton in Barker's previous role of concerned but isolated individual. At the turn of the 1860s, like Peter and his district, Barker and Clapperton were the atypical.

It is hard to resist the conclusion that self-willed introversion operated at least as strongly as distance in determining the modest role played by resident squatters in central government, and in their widespread abandonment in their prosperous years of involvement in local government. It is hard to resist the conclusion that Henry Arding Thomas personified their substantial withdrawal from a concern in society, or for that matter from a concern for society. John Hubert Plunkett, as late as 1858, might still believe that Bench attendance, like jury service, was a part of the apparatus by which society instructed itself in its own freedoms, and a part of the self discipline by

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<sup>1</sup>Bryce T. Barker to Col. Sec., Qld., 5 May 1860 (ANUA - P.86, Tarong and Barambah Papers).

<sup>2</sup>11 and 12 Vic. C.42 (ANUA - P.86, *ibid.*).

which society governed itself in freedom,<sup>1</sup> but both environment and pastoral introversion were against him. Squatters had long seen the virtue in letting central government control the blacks through controlling the Native Police: now there was a widespread inclination to leave justice to the police magistrate, an officer of central government who multiplied exceedingly in the late 1850s and early 1860s.<sup>2</sup> In traditional terms, central government and the hierarchic society were mutually exclusive ways of life. In their substantial abandonment of a formal, organic function in society, the resident squatters effectively returned afresh (if they had ever left) the extremist individualism prescribed for pastoralism by Throsby.

What seemed to remain was a multiplicity of hierarchic societies, each contained in its own territorial boundaries where men were housed and fed according to their rank -- in which Mr. Lloyd of Gurley was distinguishable as the principal of his territory, for instance, by alone taking cream in his tea<sup>3</sup> -- a multiplicity of hierarchic societies connected with each other and to society in general only by the loose informal ties generated by transient common interests, whether these be the matter of a political candidacy or the desire for a railway or for a race meeting.

Shorn in large measure of formal bond, it was, as a consequence, not nearly as friendly a world as its hierarchs liked to make out in their reminiscences: for in retrospect they would be inclined to confuse friendship with their inherited code of being gentlemen. What they tended to lose sight of was that while a gentleman could be seen conclusively to be a gentleman only under intense provocation, this was no necessary basis for a friendship with the provocateur. In the late 1850s, when a number of squatters'

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<sup>1</sup>Select Committee...Magistracy, op.cit., p.137.

<sup>2</sup>For the swing of opinion to a professional magistracy, see as examples, V & P (Qld), 1860, pp.71 and 534.

<sup>3</sup>R.D. Barton, Reminiscences of an Australian Pioneer (Sydney, 1917), p.102.

dams on the Billybong Creek<sup>1</sup> cut the flow to downstream squatters, it was as 'a magistrate' and 'a gentleman' that William Adams Brodribb, heavily outnumbered, offered refreshments to a raiding party that cut down his dam. But the loss of time and money that had gone into the building of the dam hardly made for friendship, for in the same breath, with 'a certain degree of civility', Brodribb promised the raiders action at law.<sup>2</sup> And the pallid growth of friendship in the Monaro was implicit in William Bradley's protest in 1865 to his manager there, Henry Tollemache Edwards, at the money being spent by Edwards to fend off encroaching squatters and free selectors.<sup>3</sup> Beyond the boundaries, in fact, the primary function of manners was to make tolerable the enduring squatting conflict, that one man's share of the earth was only what his neighbours consented it to be. This was the reality temporarily obscured by the hierarchic society's endeavour to re-order the frontier at the end of the 1840s, and it was not improbable that this corrosive reality had a direct connection with indifferentism to central government and the decay of local government. And the prosperity of the 1850s could be fairly taken to have placed a cash premium on the fruits of this enduring conflict which was not with one's servants or with the blacks, but with one's peers.

Dr Robert Townson's achievement in the 1820s on the Bredalbane Plains had been to establish the kind of territorial boundaries that pastoralism had needed in New South Wales. Thirty-five or forty years on, the failure of first the Colonial Office and then of the liberal and radical town to legitimatise this discovery; their respective insistence on viewing pastoralism as a passing

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<sup>1</sup>The Billybong (now Billiabong) Creek is part of a network of anabranches linking the Murrumbidgee and Murray Rivers in the central Riverina.

<sup>2</sup>SMH, 18 January 1859, p.3, col.2.

<sup>3</sup>For the general sense of Bradley's strictures, see the reply to him by Edwards, 5 May 1865 (ANL - MS 1154/8/4, Bibbenluke Letter Book, 1864-65).

aberration; and the insistence of the town in projecting free selection into pastoral insecurity meant simply that manners had to do a lot of the work that might ordinarily have fallen to friendship.

Some men did build genuine friendships out of such inauspicious circumstances, as did Bryce Thomson Barker of Nanango and George Clapperton of Tarong, Barker on the eve of his departure for Scotland in 1862 putting a symbolic seal on the bond by giving to Clapperton his small and magnificent library, including a 1757 ten-volume edition of the collected works of Alexander Pope.<sup>1</sup> But Commissioner Wiseman of the Leichhardt, who too loved the good life, was paid to deal with the basic lack of integrity that stultified friendship and wore even manners paper thin. 'I have great difficulty here', he wrote from the Dawson in late 1855, 'disputes existing everywhere'.

When I am running what I consider a South Line I find one fellow running a S.S.W. line on my right [,] another running a S.S.E. line on my left, both striving to include some water which they want.

Then the man who championed squatters against the 'braying apes' of Sydney let a touch of feeling enter his perspective of the Dawson:

Such lying I must call it as I am sure I have to listen to. Imagine one Squatter tendering for country occupied several years by another and on which there was a very superior slab Hut, and his marked tree, close to which his gunga was when he marked it, within ten yards of the others marked before him two or three years [,] yet he avers he saw neither tree, hut nor marks of sheep feeding. [The] longer we live the more we learn [-] baseness is more common in man than generosity and nobility of spirit.<sup>2</sup>

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<sup>1</sup>For a catalogue made in 1971 of Clapperton's library, indicating Barker's gifts where identifiable, see Appendix F.

<sup>2</sup>William Henry Wiseman to [ ? ] Archer, 3 November 1855 (ML - A.3882, Archer Papers, IV, General Correspondence, p.53).



The tension between the gentlemanly and the base was insidious. South of Dubbo, while overlanding to Melbourne in 1858, Vincent James Dowling rested his stock a day on Wilbertin and said of the owner, 'had a long yarn with Brewster. He is a first rate fellow....'<sup>1</sup> Two days later Dowling wrote in his diary:

Not a superabundance of grass, but sufficient to induce me to remain one day, and more if I thought Brewster would not see me. I am in bodily fear now, that he may come out.<sup>2</sup>

The product of the tension between the gentlemanly and the base was suspicion. Five years later, a squatter again, and on his way with sheep to the north-western frontier he had helped to set in motion once more, Dowling wrote from beyond the Darling:

Spent the evening with old Sharp the old Gentleman does not seem to like the idea of my lambing down 10,000 Ewes at the back of his run, console myself with the idea that self preservation is the first law of nature!<sup>3</sup>

The fears of 'the old Gentleman' undoubtedly went beyond the usage of some of his grass, for in a land where one's share of the earth depended on the concurrence of one's neighbours, then men 'lambing down' were dangerous, as Arthur Hunter Palmer demonstrated to Biddulph Henning. Palmer, Henry Dangar's pastoral general manager for 20 years, went out on his own into the north in the early 1860s, and enroute to the frontier 'lambed down' on Henning's 'Blenheim'. Then asserting that Henning had in fact given him occupancy of an unused run, he claimed possession, and was ultimately dislodged only by the threat of court action.<sup>4</sup>

It was characteristic of this corrosive atmosphere in social relationships that the old settled districts were no

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<sup>1</sup>Dowling, Diary, 1858, entry dated 6 July 1858 (Eidsvold Station).

<sup>2</sup>Ibid., entry dated 8 July 1858.

<sup>3</sup>Diary, 1863, entry dated 9 July 1863 (Eidsvold Station).

<sup>4</sup>Rachel Henning to Etta Henning, 27 January 1863, in David Adams (Ed.), The Letters of Rachel Henning (Sydney, 1963), p.122.

more immune to its touch than was the frontier. In these districts old disputes shared the day with new ones. It was probably true by 1860 that most of the disputes submitted in 1849 to the Commissioners of Disputed Boundaries had in fact been settled. Yet at Gurley between the Namoi and the Gwydir, occupied since the mid 1830s, the land remained in dispute up to at least 1870.<sup>1</sup> In 1859 the illiterate ex-convict Samuel Clift felt driven to petition the Legislative Assembly for redress from the mess of intrusions, conflicting official and judicial decisions and continuing boundary argument that had invested 'Doona' since 1836.<sup>2</sup> At Burburgate, Wentworth's old head station of his northern runs, the brothers Lloyd would claim in after years the honour of being the first on the Liverpool Plains, and probably the first in New South Wales, to fence their boundaries with wire<sup>3</sup> -- but the task begun in 1856 could clearly, because of a boundary dispute, not have been finished before at least 1862.<sup>4</sup>

It was only in that year that James McEvoy and the brothers Tyson settled their boundary dispute which had endured since 1851 at the junction of the Lachlan and the Murrumbidgee.<sup>5</sup> In the absence of fencing, too (partly a reflection of limited development but also of disputed territory), there was only an intangible line between trespass and occupation of ground, for as late as 1867, Thomas Darchy and the brothers Tyson, pioneer neighbours of 21 years standing, would bring to a trespass dispute a battery of contending barristers including Sir James Martin, Sir William Manning and five junior counsel.<sup>6</sup> It is hard

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<sup>1</sup>Barton, *op.cit.*, Chapter XI.

<sup>2</sup>V & P, 1859-60, Vol.3, pp.905-07.

<sup>3</sup>Charles William Lloyd, *Reminiscences* (ML - A.1460/2, Lloyd Papers, *Reminiscences*, p.1).

<sup>4</sup>*Ibid.*, p.18.

<sup>5</sup>T.M.Z.Denholm, *op.cit.*, p.96 and fn. 51.

<sup>6</sup>*Ibid.*, pp.96-97 and fn. 53.

to imagine that the energy and money poured into this superficially trivial dispute did anything to enhance friendship on the lower Murrumbidgee.

But in the older settled districts, some disputes were fresh. 'Considering the time you have held Guningrah', Bradley's Monaro manager, Henry Tollemache Edwards, told William Graham (or Grahame) in 1864, 'I think it very strange, that you did not dispute this boundary before...'<sup>1</sup> Yet for all the courtesy, Edwards seemed to go to Graham further than need a man convinced of his own case, 'However, I will be most happy to meet you on the boundary and see if we can settle it without any more trouble....'<sup>2</sup> Under the courtesy there remained a limited field for trust or friendship. And in the older settled districts the basic destructiveness in human relationships could be seen to work itself out, from a point of friendship or at least co-operation to a point of armed intimidation, in the case of the dams that squatters built on some of the westward flowing rivers. For here, as with pastoral occupation of the land, tradition and law had never come to terms with the environment. The little riparian or water law carried into New South Wales was concerned exclusively with an equitable access to water frontages,<sup>3</sup> described how land grants were to be sited accordingly, and was silent on deliberate interference with the flow of water.

When prosperity made water conservation feasible on the non permanent western streams, therefore, it was a project to be undertaken within the terms of an enabling Act or within a comprehensive community scheme, unless, that is, a man wanted to act unilaterally in a context that was neither legal nor illegal. In this last instance it followed

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<sup>1</sup>Henry Tollemache Edwards to William Graham, 23 March 1864 (ANL - MS 1154/8/4, Bibbenluke Letter Book 1864-65).

<sup>2</sup>Ibid.

<sup>3</sup>Phillip's and Brisbane's Commissions were more concerned with navigational access. Darling was concerned with fresh water as an adjunct to settlement. See HRA 1/i, p.126; 1/x, p.601; 1/xii, p.417.

that he was on his own if a neighbour objected. And this was the point to which the Billybong Creek squatters came in the late 1850s from the high hopes of 1855 when a community effort, involving the expenditure of £5,000,<sup>1</sup> and the removal of 42,000 cubic yards of earth, diverted part of the permanent Murrumbidgee into its anabranch, the Billybong Creek.<sup>2</sup> But the surveying levels were defective, and the cut did not produce results for every man on the Creek, so that there emerged unilateral dam building and the dam breaking raid, neither of them legal nor illegal, the monument to them being the fort or stockade that the territorial magistrates, the brothers De Sailly, built on the dam that cost them £1,000.<sup>3</sup> Intermittently, and in different places, dam building and breaking went on for some years, contingent on seasonal needs, and would go on at least as late as 1873, when Peter Tyson was alleged to have led an armed raiding party on the Lachlan at Corrong.<sup>4</sup>

The most revealing moment of it all was that when the magistrates and their fellow squatters drew back from what they were at, in 1859, and sought political action from their member John Hay to bring water conservation within a framework of law, this promising step towards tradition and order broke down in their complete disagreement among themselves as to what they wanted Hay to do. In this kind of moment, it was hard to see in these men the wish

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<sup>1</sup>This was the initial outlay.

<sup>2</sup>This project, the 'Yanko offtake', was not finally made properly functional until the 1870s.

<sup>3</sup>SMH, 30 November 1858, p.3, col.4.

<sup>4</sup>The foregoing account of the history of dam raiding is intended to be no more than sketchy and is taken from various dates in SMH between 1 November 1858 and 23 January 1859 (and see particularly SMH 7 January 1859, p.2, col.6 and p.3, col.1 and 18 January 1859, p.3, cols.2-3); G.L. Buxton, The Riverina 1861-1891 (Melbourne, 1967), pp.47-49; T.M.Z. Denholm, James Tyson 1819-1898 (unpublished M.A. Thesis, University of Queensland, 1969), pp.56-58 and 94; and N.S.W. Lands Department Correspondence, 1873 (NSA - 73/2237).

<sup>5</sup>Pastoral Times, 21 July 1859, p.3, cols.1-3.

or the capacity to serve in central government, and harder to see there what Gipps had once thought to see, 'the materials for a local magistracy'.

Explicitly of the dam building and breaking, and misquoting Wordsworth, a correspondent protested to the Sydney Morning Herald that

'The famous principle --  
 The good old plan, that those should take  
 That have the power, and those should  
 Keep who can.'  
 can never be admitted.<sup>1</sup>

He might as well have said it of squatting, for 'the good old plan' had been a feature of pastoralism in New South Wales ever since multiplying stock carried the first colonist over the kind of boundaries allotted to him by tradition. There was in fact nothing to choose between building a dam, breaking one down, claiming priority of possession of someone else's run, 'lambing down' on him, or using sheep to frighten his cattle off a water frontage. What time and the legal process had to ratify was the result achieved, and in 1864 this day of resolution was still 20 years away, when, in 1884, the law would at last come to terms with pastoralism (and with its dams), a time when squatters, properly so called, would be no more.<sup>2</sup>

But that reconciliation would also involve reconciliation with closer settlement, a threat which, in the form of free selection, would not materialise in most of the squatting districts until 31 December 1865, the date to which most 14 year leases (dating from 1847) were extended in conjunction with free selection legislation.<sup>3</sup> But in the Monaro, which was excluded from this extension,

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<sup>1</sup> SMH, 30 November 1858, p.3, col.3. Wordsworth wrote :  
 The good old rule  
 Sufficieth them, the simple plan  
 That they should take, who have the power  
 And they should keep who can.

<sup>2</sup> The Crown Lands Occupation Acts of New South Wales and Queensland, 48 Vic 18 and 48 Vic 28 respectively.

<sup>3</sup> Crown Lands Occupation Act, 25 Vic 2 (NSW), Clause 11.

there was in the early 1860s a foretaste of what was to come. It was perhaps natural that squatters imprisoned in their capricious existence advocated closer settlement in the orderly terms of village and town agricultural reserves. It was ironic that free selection was as capricious in its effects as their own possession of the land and the water, and undoubtedly their distaste for free selection was sharpened by their instinctive recognition of its intrinsic caprice. This much was in their own life style, so much so that it was not really surprising when squatters on the Monaro put free selection to use in their conflicts with their peers, as did John Murphy of 'Kybeyan' who free selected 320 acres directly in front of Bradley's 'Bibbenluke' woolshed.<sup>1</sup> What his immediate motives were remain obscure -- perhaps, like Wentworth's overtendering of Hobler, he intended a profitable resale to his victim. Timothy O'Mara of 'Bobundara' was more ambitious. He free selected 320 acres in the middle of Bradley's 'Mafra', and claimed requisite grazing rights which effectively cut Mafra into two parts, rendering it useless to Bradley.<sup>2</sup> In 1864, other squatters might well look at the Monaro and fear the caprice of free selectors and of squatter peers.

What remained to squatting in the early 1860s was a basically uncooperative world, inimical to order and organisation because, in the intangible world of human contact, inimical to friendship. It remained, for the most part, outwardly urbane, a really astonishing achievement which attested the strength of this much of the English tradition. It was perhaps possible to bear the tension between provocation and manners when there was a private safety valve. For the public John Parnell whom a friend thanked in 1864 for his 'polite attention in sending me Pendennis and Esmond'<sup>3</sup> was not immediately recognisable as

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<sup>1</sup>Edwards to William Bradley, 21 April 1865 (ANL - MS 1154/8/4, Bibbenluke Letter Book).

<sup>2</sup>Ibid., 17 July 1864.

<sup>3</sup>Alexander Warren to John H. Parnell, 5 August 1864 (ML - A.5340-1, Parnell Family Correspondence).

the same John Parnell who, beset on the lower Namoi in 1862 by boundary disputes, trespassing and active encroachment on the Parnell runs, wrote privately to his brother at Osterley House:

Oh if you could only crush some of these  
Marrah Creek lying, thieving, b-----s  
you would do a kindness to the public.<sup>1</sup>

And it was perhaps possible to bear the tension between provocation and manners when even one man appeared who could indeed be a friend, as Richard Blomfield appeared to Henry Tollemache Edwards when Blomfield came to the Monaro in 1864. 'My dear Richard', wrote Edwards, 'Allow me to congratulate you on your accession to the Coolringdon Establishment' and then went on to pen a phrase that can stand as the leit-motiv of an age that was to have been ordered:

I suppose we are now brothers in affliction,  
and must pull in the same boat.<sup>2</sup>

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<sup>1</sup>John Parnell to Charles Parnell, 27 October 1862, Ibid.

<sup>2</sup>Edwards to Blomfield, 2 April 1864 (ANL - MS 1154/8/4, Bibbenluke Letter Book, 1864-65).

CHAPTER 10

SQUATTER AND SERVANT, 1856-1864

In 1855, four years after Patrick Leslie had whooped with joy that Gold would bring labour to New South Wales and make it 'the most prosperous colony in the world', events at last began to justify his optimism. At mid decade, in fact, there seemed every sign that labour shortage, one of the enduring features of colonial history, was about to turn to a comfortable sufficiency. Immigrants who had been attracted by gold were now turning towards other pursuits, although it is manifestly not possible to measure how far this movement contributed to meeting the labour shortage. Assisted immigration, being designed to take up that shortage, had a more demonstrable effect. This immigration, financed in part by the proceeds of land sales, in part by the intricate credit system devised in 1852 by Wentworth,<sup>1</sup> and supplemented by merchant shipping speculation in migrant traffic, had been rising unevenly since 1852. In 1855 assisted immigration of these kinds reached its peak, or rather a plateau extending from the end of 1854 to the eve of the Census of 2 March 1856. In this 14 months, in round figures, there entered Sydney 12,000 British and 2,000 Germans, and directly to the Northern Districts via Brisbane, 2,000 British and 1,000 Germans.<sup>2</sup> This immigration was so successful in meeting the demand for labour that Wentworth's scheme, dependant as it was on shortage to stimulate masters to provide credit for migrant passage money, virtually collapsed, and his Act was repealed at the end of 1855.<sup>3</sup>

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<sup>1</sup>By the Act 16 Vic 42: Chapter 6 above.

<sup>2</sup>A number of other nationalities were also represented, but in relatively trivial numbers.

<sup>3</sup>By the Act 19 Vic 36. The foregoing synopsis is drawn from D.D. Denholm, The Coming of the Germans to the Darling Downs, 1852-1861 (B.A. Hons. Thesis, University of Queensland, 1967).



These immigrants thus arrived in the midst of marked social and political change, entering a society that had but recently rejected Wentworth's aristocratic endeavour to formalise its shape. It was in mid 1850s a society that for a variety of reasons was in fact moving in the opposite direction, towards freer institutions, forms and customs. In a land, for instance, where the members of the legislative council and the territorial magistrates (together with other prominent landowners, merchants, lawyers and professional men) collectively constituted social leadership, they tended to present themselves as an untitled aristocracy by the form in which they set out a birth notice: 'At Merriwa, on the 15th March instant, the lady of Charles Blaxland, Esq., of a son.'<sup>1</sup> Generally, people who rated themselves below this untitled aristocracy tended, although it was only a tendency, to describe the mother as 'the wife of',<sup>2</sup> but on the whole subscribed to the socially noncommittal 'Mrs.' Here one found, among many others in the community, county families such as the Throsbys and the Rouses who did not participate in public life, together with the majority of families of resident squatters who were not magistrates.<sup>3</sup>

Between 1849 and 1859, this hierarchy of birth almost disappeared. Even in 1849, there was the exceptional man who did not claim what he was entitled to. William Adams Brodribb, Esquire, J.P., son of an emancipist, and William Bradley's superintendent manager on the Monaro, described himself in birth and death notices simply as Mr. William Adams Brodribb.<sup>4</sup> Ten years later, it was exceptional when Henry Sayer Lewes wrote in the old style: 'At Moira Station, Murray River, on 27th July the lady of H.S. Lewes,

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<sup>1</sup>Birth Notices, Maitland Mercury, 27 March 1847.

<sup>2</sup>Birth Notices, SMH, 15 May 1849, birth notice of Bundock.

<sup>3</sup>The foregoing is based on a reading of the birth notices in SMH for 1849. Cases in point are the Bloxomes, Singles, Lowes and the Gordons of New England. Urban examples were the Knoxes, Wilshires and Raymonds.

<sup>4</sup>See, for instance, Death Notices, SMH, 11 August 1849, death notice for Alice Eugenia Brodribb.

Esq., of a son and heir.'<sup>1</sup> In the four months thereafter, only a Wollongong resident and a Mudgee solicitor followed suit.<sup>2</sup>

Assisted immigrants of the mid 1850s encountered more obtrusive changes. While the evidence is not substantial, it would seem that responsible man in these years shed his moral explanation of irresponsible man: Hobler's 'saucy vagabond'; the creature who spent 'exorbitant' wages in 'dissipation and other hurtful enjoyments' as Joseph Phelps Robinson put it in 1843;<sup>3</sup> the 'degraded', 'demoralised' creature of 'intemperate propensities', as Robert George Massie put it in 1849,<sup>4</sup> almost echoing John Macarthur's view of 1819 when he spoke of the convicts' 'vicious propensities'.<sup>5</sup>

The apparent disappearance of this moral language reflected perhaps not a change in men's minds but the disappearance from New South Wales of those who thought in this style. Robinson died in 1849. Hobler left for California in 1851. Another representative of the style, Eliza Marsh, returned to England in about 1855. Massie remained, but the superb concentration of his language in 1849 suggests that he was using it satirically. John Everett, who, as has been seen, was on rare occasions driven to invoking the concept of the 'saucy vagabond', returned to England in 1857. The effect of the apparent disappearance of this moral view was to make irresponsible man look less like a category and more like a human being, to whom one could attach rational assumptions and rational explanations.

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<sup>1</sup>SMH, 8 August 1859, p.1, col.1.

<sup>2</sup>Birth Notice of Zorkowski and of Clark, SMH, 12 October 1859, p.1, col.1 and 2 November 1859, p.1, col.1, respectively.

<sup>3</sup>Select Committee on the Petition from Distressed Mechanics and Labourers, V & P, 1843, evidence, p.27.

<sup>4</sup>Chapter 4 above.

<sup>5</sup>Chapter 1 above.

When in October 1854 the cook and two labourers of Peter Dalgarius Anderson of 'Gigoomgan' in Wide Bay were found incapable of performing their work, Anderson was content to express a shred of emotion ('Gregory drunk. Heffernan drunk. Thackway drunk.') and proffer an objective explanation: 'Dray came from Wide Bay last night bringing grog, which accounts for some of the men being drunk.'<sup>1</sup> In the same tone of voice, in February 1858, Vincent James Dowling wrote, 'left the men about half way to go on and secure a paddock, they got drunk & lost all the horses'.<sup>2</sup> Five days later he was content to observe, 'Found all the horses again but one late in the day'.<sup>3</sup> His surviving diaries afford one solitary occasion when he reflected on the nature of his servants:

...Storekeeper should have been out here to day according to instructions and he has not come, it is a most extraordinary fact that I cannot get people to do what they are told -- always some excuse - <sup>4</sup>

And it was again in the tone of voice of Anderson and Dowling that James Tyson in 1864 wrote succinctly of an argument: 'Had a barney with Stephen...and discharged him.'<sup>5</sup> If the end of moral judgment on irresponsible man as servant was as strong as this evidence suggests, then in the 1850s there was growing up, certainly among squatters, a class of man who expected nothing more of the world than he knew to be in it.

The assisted immigrants of mid 1850s might expect then to enter into the service of men less condemnatory of them than had been the stern hierarchic case. But insofar

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<sup>1</sup>Gigoomgan Journal, 20 October 1854 (OML - OM68-13).

<sup>2</sup>Dowling, Diary, 1858, entry dated 26 February 1858 (Eidsvold Station).

<sup>3</sup>Ibid., entry dated 3 March 1858.

<sup>4</sup>Dowling, Diary, 1863, entry dated 11 August 1863, *ibid.*

<sup>5</sup>Tyson, Diary, 1863-64, 15 June 1864 (ANL - MS577).

as they were literate, or at least able to read and write, these immigrants themselves contributed to the destruction of irresponsible man as a category, and in the process, in company with an increasingly literate component of the native born and the immigrant, helped to undermine the basic philosophical rationale of the hierarchic society that the educated must of necessity govern the uneducated. The rationale still retained measurable force (it was manifestly absurd, in the name of literacy, to equate a capacity to read and write with the erudition of say the lawyer Deniehy, the landowner Murray or the squatter Forster). On the other hand, as was seen earlier, the rationale in its older and purest form omitted intelligence from its field of reference. It perhaps equated education with intelligence. What the rationale now had to recognise in the lesser orders of man was the conjunction of literacy and intelligence, and in the recognition afford the lesser orders a certain social and political weight.

This adjustment the multi-avenued apparatus of English liberty was well equipped to undertake - if in the early 1850s social movement encountered the opposition of Wentworth, then there were more promising avenues (their plurality must be stressed) provided by the landowner Cowper, the merchant Robert Campbell and the newspaper proprietor Parkes. Lawyers, landowners, merchants and squatters would still govern society, but they would do so in a widened and deepened social consensus, formally through a progressively extended franchise, informally through unmoralising acceptance of people as Anderson, Dowling and Tyson appeared to do. This adaptability to change was the other face of English liberty from its not having been designed to organise mankind, in this case to the education of all of society. The German immigrants entering the Northern Districts in the mid 1850s and drawn haphazardly from a large number of varying autocratic German States were literate to a degree that British immigrants had never been - of 435 Germans whose literacy was recorded on arrival, 50 were infants, while of the

remainder, only 23 of 385, or 6 per cent, were illiterate.<sup>1</sup>

It was, of course, inevitable that the epi-centre of literacy remained in the town, for it was the town at the expense of the countryside that both attracted and produced literate people. In New South Wales, between 1846 and 1861, while literacy advanced generally, the country was completely unable to narrow the gap between itself and the town, literacy among adult males advancing from 75 per cent to 84 per cent in the towns and from 57 per cent to 70 per cent in the countryside. Here in varying proportions were both cause and effect in a society changing more rapidly at the centre than towards its borders: a society where the hierarchic structure might reasonably be expected to survive more vigorously the further one was from the town, both because of pastoral society's intrinsic vigour and because of the environmental impediments to effecting desired change.

The assisted immigrants of the mid 1850s encountered a material change - the rewriting of the Masters' and Servants' Act - that perfectly expressed this combination of social and environmental influences upon the hierarchic structure. The author of the revised Act was George Robert Nichols, solicitor, son of an emancipist,<sup>2</sup> and supporter five years previously of Wentworth's Constitution Bill. Nichols' Masters' and Servants' Bill made only minor amendments to the old Act's provisions that stemmed from the criminal code, such as the fraudulent obtaining of advance wages by 'pretence of service'.<sup>3</sup> Nichols directed the most radical attention to certain common law provisions of the old Act that had a long history: Clause 2 that prescribed a maximum gaol sentence of three months for 'absconding from service'; Clause 12 that required a master to give a servant a written

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<sup>1</sup>D. Denholm, *op.cit.*, Appendix E.

<sup>2</sup>Isaac Nichols, Principal Superintendent of Convicts and subsequently Postmaster General of New South Wales.

<sup>3</sup>Compare the old Act, 9 Vic 27, Clause 3 with the new Act, 20 Vic 28, Clause 3.

discharge from service; Clause 13 that required the servant to produce that discharge to a new employer; Clause 14 that prescribed a maximum penalty of £10 for failure by master or servant to request or offer the discharge respectively; and Clause 15 which prescribed a maximum penalty of £20 upon any master 'knowingly' engaging a servant already engaged by another master.

These provisions which superficially suggested a rigorous hierarchic view of the servant were not in fact historically rigid, but marked a particular point in the ebb and flow of social and environmental needs. In English law, the penalty for any 'misdemeanour' in employment was prescribed in 1746 as a maximum 'one calendar month';<sup>1</sup> in 1765 absconding from service was elevated into a separate clause and the penalty for the offence increased to a minimum of 'one month' and a maximum of 'three months' in a 'house of correction';<sup>2</sup> in 1823 this was altered to read simply 'a reasonable time not exceeding three months', and alternatives of abatement of wages and of discharge from service were provided.<sup>3</sup> In 1828 in New South Wales, when the convict as assigned servant had become the principal element in the workforce, the penalties for absconding from service were provided as a maximum of six months gaol or (presumably in the case of 'free' men) three months in a house of correction and a forfeiture of wages 'as...shall appear just and reasonable'.<sup>4</sup> The Act of 1828 also created the offence of 'knowingly' employing or harbouring a servant engaged to another master, and prescribed a penalty of £5 to £20.<sup>5</sup> In 1840, with the end of transportation and a consequent dwindling of convicts remaining in assigned service, and with among other things the 'extended occupation

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<sup>1</sup>20 Geo II, c.19, Clause II.

<sup>2</sup>6 Geo III, c.25, Clause IV.

<sup>3</sup>4 Geo IV, c.34, Clause III.

<sup>4</sup>9 Geo IV 9, Clause 1.

<sup>5</sup>4 Vic 23, Clause 1.

of the lands of [New South Wales]',<sup>1</sup> it was perhaps the growing inability to catch or (when caught) to gaol the absconder that led to the prescribed penalty being a forfeiture of wages, 'in default' of which a maximum of 'three calendar months' in the 'common gaol'.<sup>2</sup> The offence of 'knowingly' employing or harbouring an engaged servant was retained.<sup>3</sup>

In the early 1840s, therefore, the colonial Act was both tougher and milder than the prevailing English Act of 1823. The English Act envisaged a 'house of correction' and not a 'gaol', and made no provision for 'knowingly' engaging or harbouring the absconder. On the other hand, for absconding, the colonial Act provided initially for a fine instead of imprisonment. On the whole, with its implicit recognition that distance had outrun justice and that an absconding servant had already in fact fined himself, the colonial Act was perhaps a confession of weakness by responsible man.

As it happened this Act was rewritten in 1845, in common with a number of other acts, following doubts as to the legal validity of the summary jurisdiction of magistrates.<sup>4</sup> Terence Aubrey Murray took the opportunity to write an entirely new Masters' and Servants' Act.<sup>5</sup> This Irish, Catholic, aristocratically minded landowner and squatter was appalled by the indifference of servants to their duties and by the lack of integrity of masters towards their servants.<sup>6</sup> His Act was therefore sternly informed by his proposition that 'the law should equally compel the servant to do his

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<sup>1</sup> 4 Vic 23, Clause 1.

<sup>2</sup> Ibid., Clause 2.

<sup>3</sup> Ibid., Clause 6.

<sup>4</sup> In *Regina v. Mann*, SMH, 6 and 14 February 1844.

<sup>5</sup> 9 Vic 27.

<sup>6</sup> See, for example, his Report from the Select Committee on the Masters' and Servants' Act, V & P, 1845, pp.507-9.

duty, and his master to pay him'.<sup>1</sup> And insofar as the imminent establishment of Petty Sessions beyond the boundaries would bring the squatting districts within a basic and practical jurisdiction, and thereby make an elementary judicial conquest of distance, the squatting districts were subsumed in Murray's purview without explicit or implicit reference.

In this spirit of comprehensive sternness, Murray consciously prescribed for 'absconding from service' the terms of the prevailing English Act of 1823,<sup>2</sup> namely a maximum of 'three months' in a 'house of correction' or abatement of wages or discharge from service.<sup>3</sup> He retained the colonial clause, unknown to the English Act, respecting persons 'knowingly' employing or harbouring servants already employed, the maximum penalty being £20; and added a proviso that one half of any fine was 'to be paid to the informer'.<sup>4</sup> Then logic perhaps rather than a sense of the practical took Murray on to legislate in three clauses, without precedent in English or colonial Masters' and Servants' Acts, to provide for the giving by masters of written discharges from service,<sup>5</sup> for the production of these discharges by servants when seeking fresh employment,<sup>6</sup> and thirdly in terms of the criminal code for the prosecution of anyone giving false discharges.<sup>7</sup> Exempt from these provisions (which in their effect perilously resembled the 'passport' and 'ticket-of-leave' control of the convict) was 'any weekly servant employed within any city or town....'<sup>8</sup>

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<sup>1</sup>Ibid., p.508.

<sup>2</sup>Ibid., pp.507-8.

<sup>3</sup>9 Vic 27, Clause 2.

<sup>4</sup>Ibid., Clause 15.

<sup>5</sup>Ibid., Clause 12.

<sup>6</sup>Ibid., Clause 13.

<sup>7</sup>Ibid., Clause 14.

<sup>8</sup>Ibid., Clause 12.



Without this last proviso, the system of written discharge would obviously have collapsed almost at once under its own weight. As it was, it was over-elaborate structurally because dependant on the unqualified co-operation of all masters and all servants beyond the town. On the part of masters this kind of co-operation was improbable. Given the intractable labour shortage that prevailed in New South Wales until the mid 1850s, it would have required an abstract integrity to ask awkward questions of any servant who did come to hand or fortuitously present himself for service. There were, too, enough masters willing to indulge in chicanery (and shipping agents to profit by it) to get their labour at the expense of other masters who, for example, had laid out money to bring immigrant labour into New South Wales and found the labour on its arrival whisked away elsewhere by the offer of higher wages or by false pretences.<sup>1</sup> The best that the system of discharges could therefore expect was the co-operation of masters who were either honest men (of whom there were probably a great number) or careful men who paid business-like attention to detail in their operations (of whom there were probably relatively few).

When Murray turned his stringent approach to the proposition that the master was to pay his servant, it is not at all unlikely that the target was less the dishonest master who deliberately used distance to evade ultimate payment of wages, but more the man who failed to attend to details, such as the capacity of his credit in Sydney to sustain his orders drawn for wages. This lack of professionalism in one's own activity was widespread and pervasive, and it seems inherently improbable that a servant would receive attentive dealing from men who did not give it even to their own peers and to officers of government. This

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<sup>1</sup>D. Denholm, *op.cit.*, generally: and in particular, the complaint made by James Macarthur in 1835 to this effect, and similar charges made in the early 1850s respecting German immigrants to Moreton Bay, together with confirmatory evidence of these charges adduceable from extant records; Chapter 9.

slapdash activity affronted men like Commissioner Arthur Edward Halloran of Wide Bay who captured its essence in February 1855 in a number of reports on tenders for new runs submitted by resident squatters, Halloran writing in respect of a run called 'Bay View':

This Tender comprises both land and sea. The whole of the land is included in the Reserve extending three miles back from high water mark.  
This Tender is therefore recommended for rejection.<sup>1</sup>

Later in the day, having polished his prose at the expense of four more Wide Bay squatters, Halloran began his report on 'Wanga Wanga' with the phrase, 'The Land and Sea applied for in this Tender....'<sup>2</sup>

It was in 1845 Murray's object to force the dishonest and the careless into accepting their responsibilities to their servants. Drawing upon the English Act of 1823, he introduced provision for the 'recovery of wages by distress and sale of goods' levied on the master,<sup>3</sup> and then without precedent went on to prescribe that where 'such levy cannot be made or shall prove insufficient' the master was liable to a maximum sentence of three months gaol.<sup>4</sup> Thus where on the one hand servants as 'free' or non-convict men were subjected to a kind of pass system, their masters were subjected equally to a liability without parallel in English law, and once again it might be supposed that logic pushed Murray beyond the realm of what was practical. On the other hand, it might be supposed that the unprecedented threat, simply as a threat, was adequate for its purpose. And even as a threat only to the traditional and unquestioned freedom of responsible man, it was a comment on pastoral social disorder that Murray's proposals were passed

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<sup>1</sup> Commissioner of Crown Lands, Wide Bay, to Chief Commissioner of Crown Lands, Sydney, 12 February 1855 (QSA - CCL 3/G2, C.C.L., Wide Bay, Letter Book 1855-1857, 55/2).

<sup>2</sup> Ibid., 55/5.

<sup>3</sup> 9 Vic 27, Clause 5.

<sup>4</sup> Ibid.

by the strongly pastoral Legislative Council of New South Wales.

It was essentially an unusual Act written for an unusual occasion, and eleven years later, when events had outrun the occasion, Nichols stripped the Act in his own unprecedented way. Amid prosperity, a good supply of labour, the spread of towns and the anticipated launching of an itinerating superior court jurisdiction to oversee Petty Sessions and facilitate appeals,<sup>1</sup> Nichols retained the clause against 'knowingly' employing or harbouring a servant already engaged,<sup>2</sup> but entirely discarded the system of written discharges. He retained levy by distress to meet wages due, but reduced the default sentence on a master from a maximum of three months to fourteen days.<sup>3</sup> Most importantly, irresponsible man as servant was defined out of existence when the penalty provided for absconding from service was no longer gaol in the primary instance, but a fine 'not exceeding ten pounds', the same recoverable by distress and sale of goods, and where distress was insufficient for the purpose, the penalty (as with a master) was to be imprisonment for a maximum of fourteen days.<sup>4</sup> Whatever a servant with no possessions and on £30 or £40 only a year may have thought of the change, it represented the end of a traditional hierarchic distinction between two halves of society. There would still be masters and servants but a man as a man was formally separated from his place in society: and it was to the point that Nichols insisted in Committee debate on his Bill that the default sentences on both masters and men had to be identical.<sup>5</sup>

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<sup>1</sup> See Nichols' comments in LA Debates, 30 December 1856, SMH, 31 December 1856, p.5, col.2. This superior jurisdiction was established by the District Courts Act in late 1858, by 22 Vic 18.

<sup>2</sup> 20 Vic 28, Clause 9.

<sup>3</sup> Ibid., Clause 5.

<sup>4</sup> Ibid., Clause 2.

<sup>5</sup> LA Debates, 30 December 1856, SMH, 31 December 1856, p.5, col.2, the debate on Clause 5.

In a wide sense the assisted immigrants of the mid 1850s entered a New South Wales socially ready to receive this legislation. Parts of New South Wales were perhaps ready to go beyond this stage - the Select Committee out of which Nichols' legislation came actually began by debating whether there was a need for a Masters' and Servants' Act at all, and concluded eventually that 'it was inexpedient to entirely dispense with legislation for this purpose'.<sup>1</sup> The Committee's report consisted of a single paragraph, devoted only to formal considerations (in 1845 Murray had written three pages explanatory of purpose and considerations). The second reading debate in the Assembly consisted entirely of Nichols' formal motion.<sup>2</sup> As a Bill, it went through Committee without challenge to its internal priorities.<sup>3</sup>

This uncontroversial, even perfunctory, career of Nichols' legislation suggests that the Act was simply catching up with social reality. Some of its assumptions were explicit. Like Murray's, it was an Act for an occasion. Murray's elaborate discharge provisions were discarded because, said Nichols, they had already broken down.<sup>4</sup> Nichols' insistence on equality of gaol sentences in the common law provisions, and their unprecedented mildness, clearly described society as it was reflected in the legislature. When it came to the environment problems that had always bedevilled the ideas and ambitions of men in New South Wales, Nichols again was explicit, seeing in the anticipated itinerating superior jurisdiction a complete judicial conquest of distance.<sup>5</sup>

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<sup>1</sup>Select Committee...Masters' and Servants'..., V & P, 1856-57, Vol.2, p.470.

<sup>2</sup>LA Debates, 12 December 1856, SMH, 13 December 1856, p.5, col.1.

<sup>3</sup>LA Debates, 30 December 1856, SMH, 31 December 1856, p.5, cols.2-3, and Empire, 31 December 1856, p.2, cols.4-5.

<sup>4</sup>Ibid., SMH, col.3.

<sup>5</sup>Ibid., col.2, the debate on Clause 5.

What was missing in this social, environmental and judicial perception of New South Wales was the frontier, and it simply did not fit into the explicit and implicit tranquillity that governed the formulation and passage of Nichols' Act. There was obviously a further and unstated assumption that the frontier was irrelevant to society as it was represented in the Assembly. And as the assumption was unstated, its nature can only in turn be assumed. It is not improbable that it was the sum of three states of mind - a legal tendency to ignore practical difficulties, the introversion of the town in its own concerns in politics (the radical Empire of the time had much to say about the colonial power struggle but nothing about masters and servants), and a belief that in the foreseeable future the northern frontier would go its own way as a separate colony.

The judicial conquest of distance would long be a mirage in parts of New South Wales, as Vincent James Dowling implied in 1863 when he wrote at the Darling, 'Saw an old shepherd of mine who had deserted the sheep talked magisterially bosh to him about the "Vagrant Act".'<sup>1</sup> The inability of the town to perceive the frontier was demonstrated in late 1857, appropriately by a Sydney wine merchant and squatter, Samuel Deane Gordon, when on the eve of the final collapse of the frontier in the Dawson Valley, he claimed in the Estimates debates that the blacks were no longer a problem in New South Wales. As for northern separation, the unstated assumption had merit. There were awkward problems in the north that did not fit Nichols' picture of tranquillity, and the separation of Queensland as it became in December 1859 removed the problems from the purview of New South Wales. It was significant of these problems that after the plateau of assisted immigration in 1855-56, Hamburg and Bremen shipping companies found profit in speculative immigration traffic directed mostly to the

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<sup>1</sup>Dowling, Diary, 1863, entry dated 2 August 1863 (Eidsvold Station).

northern pastoralists.<sup>1</sup> It was also significant that Queensland found Nichols' mildness inadequate in a land composed mostly of frontier and in 1861 raised the penalty for absconding from service from £10 to £20 and the gaol sentence in case of failure of distress and sale of goods from fourteen days to three months:<sup>2</sup> while in following Nichols' priorities, the master became similarly subject in respect of unpaid wages.<sup>3</sup>

On balance, then, the assisted immigrants of the mid 1850s were entering New South Wales when formal and informal hierarchic distinctions were being, in some cases, blurred, and in other cases abandoned. The trends in the way a birth notice was written, in the decline of moral value being attached to the lesser orders, in literacy, in the repeal of Wentworth's Assisted Immigration Act and in the assumptions and final form of Nichols' Masters' and Servants' Act, collectively suggested an emergent society founded on impersonal relationships between masters and servants, a society in which the only conceivable hierarchy could have been that of unadorned wealth.

Where this would lead as the basis of a capitalist society requires a social history of the city of Sydney. It is sufficient here to suggest that the social continuities were not so easily broken. If adornment of rank was on the verge of extinction, there were other adornments. It would have been hard for peer or servant to remain indifferent when Daniel Cooper, nephew of an emancipist, kinsman by marriage to William Charles Wentworth and many others of emancipist origin, principal of Cooper and Co., and Speaker of the Legislative Assembly, in 1856 projected the building of 'Woollahra House', planned to be the biggest and finest residence in the colony. Peer and servant would surely have had to admire, or wince, when in

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<sup>1</sup>D. Denholm, *op.cit.*, Chapter 10.

<sup>2</sup>Queensland, 25 Vic 11, Clause 3.

<sup>3</sup>*Ibid.*, Clause 9.

the presence of 400 invited guests and a band, the foundation stone of 'Woollahra' was laid by the Governor-General of New South Wales.<sup>1</sup>

Insofar as the assisted immigrants of the mid and late 1850s were destined to work on pastoral properties, they would discover however that the landed gentry and resident squatters of New South Wales had older and more immediate ways than sheer wealth to convey station and rank. In terms of their own peer group, it must be remembered that many of the squatters, and perhaps many of the gentry, were not wealthy, and might for the purpose be roughly equated with the squires or lesser gentry of England. At the close and intimate range of the dinner table, the absence of cream from the tea was adequate to remind the superintendent who and where he was. There was no mistaking the womenfolk of the homestead when they went out of doors, because they rode side-saddle. And the servant in his quarters, be he superintendent or shepherd, knew his place in the hierarchy by the number of paces between his quarters and the homestead. Overt wealth or the public assertion of rank were in fact not at all necessary to the hierarchic style.

But left at that, these were intrinsically sterile exercises. The substance of the master and servant relationship was underneath, and it was in the nature of an imperative. Master and servant needed each other. Without this, it is doubtful whether the hierarchic society beyond the town would have survived to flourish afresh as it did in the late decades of the nineteenth century. It is probable, too, that the imperative had always been there, in greater or lesser degree, and the relevance of the late 1850s and early 1860s was that this bonding became more indispensable inversely as formal and informal distinctions of man, master and servant were discarded.

Wherever the inward and outward general correspondence of a squatting station is extant, it is clear that the

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<sup>1</sup>For a two-column account of the ceremony, see Empire, 15 December 1856, p.4, col.6, and p.5, col.1.

resident squatter was the grand dispenser in human need. In his isolated and private territory he was by definition the wealthiest, probably the most educated, certainly the most influential, the man whose family, business and friendship systems spanned land, town and seas, the vital middle man in short who in the squatted lands made most of society's transactions possible.

For illiterate, foreign-language or isolated employees, he filed birth and death details to the Registrar-General;<sup>1</sup> he ensured that a coat and a dog found their way back to a man who had left his employ;<sup>2</sup> he directed his merchants in Sydney to draw in his name on a Scottish bank so that a shepherd could remit funds to his parents in Scotland;<sup>3</sup> not infrequently he filled the function of a postal official:

You had in your employment at one time a German named John Seipp. Will you be kind enough to inform me whether he is still in your service Could you tell me his present address. We have a German upon this station, Adam Nickel, who has a letter from Seipp's Mother in Germany, Which he is anxious to forward to him.<sup>4</sup>

The squatter led and collected the hospital subscription lists from his employees;<sup>5</sup> he traced, or endeavoured to trace next of kin of deceased employees for both humanitarian and estate purposes;<sup>6</sup> he lent his authority to the safe transit of his shepherds' valuables: 'Symes's watch sent to Toowomba to day by postman, to be cleaned overall. silver. plain face & figures. L'Epine A Paris.'<sup>7</sup>

<sup>1</sup>Cf. Second Annual Report of Registrar-General, Queensland, 1862, V & P (Qld), 1862, Vol.1, pp.447-48.

<sup>2</sup>John Perfrement to Messrs Archer, 15 August 1861 (ML - A.3883, Archer Papers, Vol.IV, General Correspondence, 1861-July 1862, pp.449-50.).

<sup>3</sup>Record sighted at Tarong homestead, but not photographed for ANUA-P.86, Tarong and Barambah Papers.

<sup>4</sup>William Warren to Messrs Archer & Co., 30 January 1862 (Archer Papers, op.cit., p.605).

<sup>5</sup>See, for instance, for the Riverina, Pastoral Times, 2 June 1859, p.4, cols.3-4; and for the northern Darling Downs, Darling Downs Gazette, 1 January 1863.

<sup>6</sup>Rachel Henning to Etta Henning, 20 December 1863, David Adams (Ed.), The Letters of Rachel Henning (Sydney, 1963), p.151

<sup>7</sup>Tarong Journal, entry dated 3 February 1863 (ANUA-P.86, op.cit.).



and he was the obvious 'safe hand' by which their money could travel across the countryside: 'Received from Tam Tiong, per hands of G. Clapperton, the sum of three pounds.'<sup>1</sup>

新收巨款

On his relatively isolated station beyond the boundaries, the resident squatter of the later 1850s and early 1860s was inheriting this necessary and functional role that the landed gentry of New South Wales had inherited at an earlier time from their British world. It was a role that extended of course beyond one's servants. If the records of the Archer Brothers at Gracemere and of George Clapperton at Tarong are a colonial criterion, squatters were seldom done, upon request from afar, rounding up, running in, and holding for collection or realising by sale, horses left behind lame or sick by drovers and other itinerants. Quite apart from the many requests upon his purse, the gamut of needs to which he was central was probably endless. He sold a breeder cow to the Native Police sergeant who wrote:

Sir, iwrite to you to know if the Cow that is Running with martins Cattle about this Camp Belongs to your firm as iheer She is Brandid CA Loins HH/O Rump iff you will Sell hir to me as she stops about heer so well....<sup>2</sup>

He lent the weight of his name and experience as requested to the young man who wrote:

My friends at home are very anxious for me to go & settle at Port Natal, and I very much fear that they will decline giving me any assistance to make a beginning here unless I can convince them of the superiority of this colony.... Might I ask you to write a few lines on the subject, that is, on the prospect before a young man who can get a start in sheepfarming here.... I trust you will excuse my putting you to this trouble, for I am well aware that a few lines from you will have more effect at home than as many pages from me.

<sup>1</sup>

Receipt filed in ANUA - p.86, ibid.

<sup>2</sup>

James Boles to Mr Gaden, 14 July 1859 (ML - A.3882, Archer Papers, Vol.IV, General Correspondence, p.169).

William Archer of 'Gracemere' noted on the margin, 'Wrote to his father recommending to give him a start after consulting with Connor'.<sup>1</sup> The Catholic townspeople of Gayndah in the Burnett appealed to what was presumably the only Catholic squatter in the electorate:

I think the next opportunity that is offered you ought to come forward and represent our interests, you would be safe to be returned. I see that O'Sullivan is thrown out for Ipswich. We will not have a single Catholic Member in the House. This is really [sic] too bad out of a population where nearly one half are Catholics.<sup>2</sup>

In this general sense, therefore, this role of the middle man in society's transactions was probably unlimited. But moving back again towards the centre of his influence, he ultimately had more to offer than the fulfilment of immediate needs. For in the long run, if it were sought, he offered a form of security and stability. As one stood closer to him, one could find there elements of friendship or neighbourliness, as did the emancipist stepfather and emancipist mother of the brothers Tyson whose farmlet at Appin adjoined the 'Park Hall' Estate of Sir Thomas Livingstone Mitchell, the Surveyor-General of New South Wales. While they shared generally in the 'benevolent surveillance' of Park Hall, it was evident in 1842 that as immediate neighbours they were also the recipients of material aid:

Sir,  
I am happy to inform you that wee Received your Letters with the information Concerning the Deeds and likewise your kindness in profering your goodness to draw them and to pay the money which wee will Return at the first Opportunity and be greatly Obleiged to you.

We remain  
Yours Lty  
Tho. and Isabella Clements

<sup>1</sup> Charles Mitchell to William Archer, 27 August 1861 (ML - A.3883, *ibid.*, pp.467-69).

<sup>2</sup> Francis G. Connolly to George Clapperton, 8 June 1863 (ANUA-P.86, *op.cit.*).

<sup>3</sup> T.M.Z. Denholm, James Tyson 1819-1898 (unpubl.M.A. Thesis, University of Queensland, 1969), pp.11-12, the quotation from p.12.

At closer quarters again to the middle man in society's transactions, as servant to him, he ultimately offered (in friendship, respect, or indifference as the case may be) security in an otherwise uncertain world. It was appropriate that when Mrs Clements' son, James Tyson, became the biggest squatter and the richest man in Australia, he served this function for other men and women. His housekeeper at Heyfield in Victoria, Mrs Parsons, would testify after his death, 'I never spoke unless I was spoken to',<sup>1</sup> but she was secure.

It was probably true that most squatting stations had always attracted one or more permanent servants for whom a tolerable master offered the most stable security in sight. For all his troubles, Hobler had such a one in Cooley, who with his wife and children appears to have remained on Nap Nap. When, after Hobler's departure to Bacchus Marsh, a Nap Nap shepherd murdered the superintendent, it was Cooley who got out a rifle and followed the murderer. One report said that Cooley found him suicided. 'Another report', wrote Hobler, 'is that our stockman Cooley shot him'.<sup>2</sup>

Permanency, of course, might mean no more than a form of prison in a disorientated world, as it probably was for Gilbert Davidson's shepherds 'too crawling a set to leave for the diggings',<sup>3</sup> and as it certainly was for Mulmul and Pundoor, the two black servants on Edward David Stewart Ogilvie's 'Yulgilbar' in the early 1850s:

Made an attempt at daybreak to secure Mulmul and Pundoor to punish them for their robbery of the store whilst I was in Sydney, caught Pundoor and flogged him but Mulmul escaped.<sup>4</sup>

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<sup>1</sup>Quoted in *ibid.*, p.245, from Evidence in The Queen v. Queensland Trustees Ltd (1899).

<sup>2</sup>Hobler, *Journal*, Vol.6, p.91, entry dated 10 January 1849 (ML - C.427).

<sup>3</sup>Chapter 6 above.

<sup>4</sup>Ogilvie, *Diary*, Vol.2, entry dated 9 April 1850 (ML - A.6993).

Permanency, too, could mean simply an incapacity to make rational choices. In the literature of Australia, the man was legion who when holding money at the end of a contract period with an employer, failed to start up the hierarchic ladder on his own, and drank out his cheque, perforce returning to the same or another employer to repeat the circle. In 1848 Hobler wrote, 'Robinson returned having swallowed the £12 given him 10 days ago & incurred debt for drink to the same amount'.<sup>1</sup> In 1861 George Clapperton of Tarong recorded in his journal that 'J. Murray came back from Burnett Inn where he has "knocked down" his cheque'.<sup>2</sup>

But by 1861 (if not earlier in the older squatting districts) men like Robinson and Murray had increasingly to share their subordinate world with men who, to some extent, did make rational choices of where they would go, what they would do with their money, who they would work for, and where they would seek security whenever security became a pressing priority. There is no reason to suppose other than that this was happening throughout the lesser orders of colonial society in general. But as far as it involved squatting, and more particularly as it involved the northern districts, this freer kind of man appeared to come from two sources, one from the assisted and speculative immigration traffic of the mid and late 1850s and early 1860s, the other concurrently from an internal migration which both took advantage of and caused a renewed growth of squatting towns and villages as permanent decentralised bases for squatting labour.

At Boondooma in the Burnett where the staff in 1851-52 was comprised of 22 Chinese,<sup>3</sup> of whom only eight remained in 1855, 30 German immigrants took their place in 1855-56, the internal migration reaching there in 1857.

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<sup>1</sup>Hobler, *op.cit.*, p.84, entry dated 23 December 1848.

<sup>2</sup>Clapperton, *Journal*, entry dated 20 June 1861 (ANUA-P.86, *op.cit.*).

<sup>3</sup>Chapter 6 above.

whereafter it merged with a couple of remaining Chinese and whatever Germans of 1855 chose to renew their original two-year contracts. In this fusion of the two waves of migration, in turn, Germans began appearing at Boondooma from other stations, and undoubtedly reverse traffic of the kind explained the disappearance of original Germans from the station.<sup>1</sup> By the end of 1858 the two waves had become one, evidencing itself in the increasing and variegated reference to hirings and discharges to be found at Boondooma,<sup>2</sup> Tarong<sup>3</sup> and Gigoomgan.<sup>4</sup> Because of the reference to particular individuals over wide areas in the space of a few years, it is not impossible that some members of this fused migration came to beat fairly regular tracks, attaching themselves to a round of acceptable masters by a system of short-term contracts.

There was, however, more substantial evidence than this that the migration brought men capable of and willing to make rational choices. The freedom of choice may have had its limitations, but it was there, and it was exercised. The migration produced its share of blood-brothers for Robinson and Murray to 'knock down' a cheque, and it produced men who absconded from service as efficiently as any old hand of New South Wales had ever done,<sup>5</sup> but this was also the migration that produced men who used pastoral service as a stepping stone to independence in the squatting towns and villages of the northern districts. Toowomba was a case in point. Via pastoral service to William Dumaresq of Scone and via storekeeping on the Sofala goldfield, the internal migration produced one of Earl Grey's 'exciles', William Henry Groom,

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<sup>1</sup>Boondooma Wages Book, folios 1-183 (OML - OM-66-7).

<sup>2</sup>Ibid.

<sup>3</sup>Clapperton, Journal, 1855 onwards generally (ANUA-P.86, op.cit.).

<sup>4</sup>Gigoomgan Journal, 1854 onwards generally (OML-OM68-13).

<sup>5</sup>See, for instance, Boondooma Wages Book, op.cit., folios 15 of 1855 and 111 and 118 of 1857.

as Toowomba's first mayor. The assisted and speculative immigrant traffic of the mid and late 1850s produced, via the Darling Downs squattages, those Germans who contributed to the entrepreneurial vigour of Toowomba,<sup>1</sup> and there is no a priori reason to suppose that the British immigrants in this traffic did not do likewise. Indeed, although on a much smaller scale (because the town was much smaller), this was probably the function in Gayndah in the Burnett of those Irish Catholics who appealed to George Clapperton to stand for parliament.

The point was that these were years of meaningful choices, in a pastoral context probably unparalleled for men of little substance since the days of Macquarie. In this context, where immigrants and internal migrants were increasingly married men, increasingly with families, there was rational added stimulus to exercise available choices: and after 1865 one of the functions of closer settlement would be to increase the range of choices. In the late 1850s and early 1860s, it was this availability of options and the realistic approach to them by servants that enhanced the prospect (never entirely absent in preceding years) of a rational meeting between master and servant inside an hierarchic relationship. Here, while making little or no demand on each other's selves, each could freely meet the needs of the other.

John Everett caught the essential tranquillity of the encounter when he wrote in 1853 concerning his shepherd Coombs:

We intend building another hut at Coombs' station for Lansley, the wives are sisters, & we think they will be pleasant company for each other. If they falls out, as Coombs remarked, they must fall in again.<sup>2</sup>

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<sup>1</sup>Denholm, The Coming of the Germans to the Darling Downs, op.cit., Chapters 8, 10 and 11.

<sup>2</sup>John Everett to Charles Everett, 16 August 1853 (UNEA - Ollera Letters).

In the early 1860s, when there was prosperity and a reasonable adequacy of labour for masters, and when these in turn proffered servants a variable range of choices, an Irishman and a German hinted at the range of needs that could be satisfied inside this hierarchic relationship. In 1863, Michael Burns wrote from Brisbane to George Clapperton at Tarong:

In reply to your Kiend and Welcome leter which I recieved on the 19. inst So I am highley in Detped Depteds to you for your Kiend infamation to Mee regarding the Coneleys I have no other friend here but you I Could get several Employers but wold take none of thim untill I got an Answer from you on Arcount of what the Prist told mee before I left home wich I see his words Come in true that there was no Priests but [few?] I wrote to Him from what he told mee to doo & sent Him all particlars and Also anewspaper and told Him I was to Go to you wich he Disierd Mee to doo.<sup>1</sup>

In 1862, Conrad Althaus, a former employee of the Archer brothers of 'Gracemere', wrote to one of them from the goldfield at Gulf Creek near Moruya, 1,000 miles away:

Sir, i recieved your Letter, dated May the 17. and i am thankful for the honour, you have done me, bout i am sorre, that i cannot obligh you, to file the situation, we have had before, as things are now, Mr. Archer i must tell you the Truth, i am allone now, the Mrs. has left me. iff i can be any servis to you, i am your humble servant, and will come as soon, as you send me notis. i will send Mr. Kelly myn adres although i wroth many a time and newer have gott a anser. if i had i would have been at Gracemere long ago.<sup>2</sup>

Two months later, he wrote again:

I recieved your Letter dated 1st July, and i accept your Kind offer as waiter and butler. I leave this Place this Week and i hope to be soon at Gracemere please God.<sup>3</sup>

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<sup>1</sup>Michael Burns to George Clapperton, 22 June 1863 (ANUA-P.86, op.cit.).

<sup>2</sup>Conrad Althaus to [ ? ] Archer, 28 May 1862 (ML - A.3883, Archer Papers, Vol.IV, General Correspondence, p.643).

<sup>3</sup>Conrad Althaus to Simon Jorgensen, 13 July 1862, ibid., p.671.

Here in its most tranquil form, with both Burns and Althaus, was the substance of the master and servant relationship as the solvent point of complementary needs. While every squattage, like every other unit of human activity in the colony, undoubtedly had its quota of servants fastened to their masters by unwillingness to face a disorientated world, by inertia, by incapacity to control the self, and by illiteracy and other impediments that closed the choices nominally before them, what seemed to happen in the late 1850s and early 1860s was that at the centre of the unit there foregathered a core of servants to whom hierarchic forms and distinctions were comfortable harness because secondary or peripheral to their own rational purposes.

What residential squatting appeared to be founding in these years, in fact, was a new and vigorous version of the hierarchic society. It omitted the graduated possession of land as a determinant, and therefore omitted relationships such as had pertained between Sir Thomas Livingstone Mitchell and his neighbours, the Clements. It might entertain tenant farming upon a piece of freehold land, but this was not a structurally necessary part of the new society. It was constructed essentially on the master and servant nexus, and to be vigorous and tranquil, it needed the active co-operation of a critical number of masters and servants. And it could be said to have received this co-operation because to this critical number it was a solvent for their needs, a source of security, and while ever choices remained, a medium for following one's own and fundamental purposes. And in this last respect, it was a good a setting as any for those men who have always pointed their lives, whether as shepherd or butler or overlander, to a professional pride in their work.

This emergent society was no golden age. It was still possible for masters to think their servants' wages too high, and servants to find them too low. One needed tact and decision, wrote Rachel Henning from 'Exmoor' in North Queensland in 1864, 'in dealing with the very free and



independent gentry whom we have to employ as shepherds, stockmen, bushmen, etc.'. <sup>1</sup> But this was the meeting of the market place, the working-out of material details. What was underneath in the late 1850s and early 1860s was a widespread serenity among squatters, to which Rachel Henning testified explicitly and implicitly in many of her letters, and a range of choices open to servants, many of whom were seen to exercise the power of choice.

Only a society enjoying the critical support of masters and servants could have brushed away, as lightly as it did, the occasional attempt to disturb society's ways. George Hobler's 'insolent ruffians' and 'saucy vagabonds' were nowhere in sight when Hugh Robison of 'Callingal' wrote to Simon Jorgensen at 'Gracemere' in 1862:

My dear Simon,

I have opened the shed at 3/6 per score but have promised that if you give 3/9 so must I -- Of this however I hope there will be no occasion as I am sending men away -- Let me know your agreement when made.

Yours Kindly, <sup>2</sup>  
Hugh Robison

This did not take away the sense, in the late 1850s and early 1860s, of masters and servants rationally pursuing individual purposes and assuaging their needs in each other. Conrad Althaus hastening back to Gracemere from Gulf Creek had a counterpart in Robert Walker, a onetime shepherd to William Bradley on the Monaro, later like Althaus a gold-digger, and more latterly turnkey at the Goulburn Gaol, a man who had pursued his choices and come to some state of serenity. In 1864 he wrote to his brother in England:

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<sup>1</sup>Rachel Henning to Etta Henning, 11 October 1864, Letters of Rachel Henning, op.cit., pp.180-81.

<sup>2</sup>Robison to Jorgensen, 29 August 1862 (ML - A.3884, Archer Papers, op.cit.).

You talk about coming out here, but I would advise you not to do so, without you can at a smart stroke in the shape of Bushranging for sticking up is all the go now, so if you come out you must bring six of Colt's revolvers, wearing them in your belt three on each side, and be able to ride a buckjumper down a precipice or go to New Zealand to fight the Maories.<sup>1</sup>

When he wrote this, the era of irresponsible man as servant was over in New South Wales. Men met men in the market place: and on pastoral properties and to some extent in the greater town houses, masters gilded the fact with the hierarchic style. In the early 1860s, their strength to some perceptible degree was that in addition to the imprisoned and the indifferent, there were among their servants enough who rationally and therefore comfortably wore the style.

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<sup>1</sup>Robert Walker to John Walker, 18 February 1864 (ML - B.1515, Letters from Robert Walker).

## CHAPTER 11

### SQUATTER AND BLACK, 1856-1864

The northern frontier of the mid 1850s might usefully be described as a 20,000 square mile triangle with sides of roughly 200 miles each. The coast from Maryborough north to the mouth of the Fitzroy River made the right hand side of the triangle, the Fitzroy and its tributary the Dawson making the left hand side. The base of the triangle was a line running due west from Maryborough to the 'Hornet Bank' homestead on the upper Dawson. 70 miles west of Maryborough on the base line was the town of Gayndah; 40 miles south of the Fitzroy River mouth was Port Curtis (later Gladstone); and 90 miles west of Port Curtis was the 'Rannes' homestead almost on the Dawson. In the tip of the triangle, behind the Fitzroy estuary, was the Archer brothers' 'Gracemere' station.

The Hornet Bank, Rannes and Gracemere homesteads, all established in 1853 on the Dawson and Fitzroy side of the triangle, therefore marked the nominal forward edge of the frontier. At the time of Frederick Walker's dismissal from the commandancy of the Native Police, at the end of 1854, there were police detachments near Hornet Bank (at 'Taroom') and Rannes, but not at Gracemere. Other detachments were on the coast at Maryborough and on the base line near Gayndah (at Traylan). At the 1856 Census, the frontier triangle contained the three towns with a total population of 729, and perhaps 100 squattages carrying about 700 people. In the northern tip of the triangle, near Gracemere, the discovery of the Canoona gold field in 1858 established a fourth town, Rockhampton: while in the same year a fifth town, Taroom, grew up near Hornet Bank on the upper Dawson.

This location and growth of towns in the northern triangle was important, for accidents of place and environment ensured that townsmen were put in the same close contact with the blacks as were the squatters. In the mid 1850s there was a tension rising in the northern

triangle experienced, by squatter and townsman alike. This tension should not be exaggerated. It was at no time evenly distributed over the frontier nor was it, in any one place, steady in its growth. On the other hand, it should not be underestimated. The best evidence of its being there was the scale and nature of the emotional explosions that discharged it between late 1857 and the end of 1860. The principal explosions occurred appositely at the three corners of the northern triangle, at Hornet Bank in 1857, at Maryborough in 1858 and at Rockhampton in 1860. It is difficult to resist the conclusion that in their totality they settled the relationship between white and black for the rest of the nineteenth century.

Tension between white and black had, of course, always been an element in the inimical nature of the frontier, operative, for instance, in the destruction of George Hobler's dreams on the lower Murrumbidgee, and destructive earlier again in the Myall Creek massacre of 1838. But compared with other places and times in New South Wales, the blacks at mid 1850s on the northern frontier loomed particularly large. Congregated in three towns and perhaps a hundred squattages, white men were very thinly spread in the north. They lacked vigorous leadership because, as has been seen, the squatters had come to relying primarily on central government to preserve order and protect their women and children. The northern frontier was still weak and exerted little pressure on flanking tribes. Immediately east of Maryborough and west of Hornet Bank (on Fraser Island and in the Carnarvon Ranges respectively) were tribes whose lands were still almost if not entirely undisturbed. To varying degrees, the same applied wherever rough country, dense forests and scrubs, and coastal swamp lands prevailed.

Given the requisite provocation (whether real or imaginary), this was a social and environmental setting made for war, and there can be little doubt that, given the perception or capacity to organise in inter-tribal units, the blacks could have wrecked the northern frontier at any time of their choosing. Yet they shared with the squatter a curious affinity, of being unable to create or sustain

organisation beyond the primary unit. They were mentally circumscribed by the isolation and localities of their birth: he was circumscribed by his wife and children, his sheep and cattle, the restraining precepts of the Western tradition, the anarchic introversion of pastoralism, and the reluctance of his servants to fight for the frontier.

The basis of the especial tension in the north was perhaps here, in the aboriginal perception of the squatter's ambivalence. On one hand, he was the provocative intruder: on the other hand, he was an overburdened warrior. What the aboriginal failed to see was that the ambivalent white man had come to depend on central government for protection and lived in tension between black provocation and the knowledge that central government was, in mid 1850s, bankrupt of ideas.

The onset and precise nature of the provocation to the blacks at Hornet Bank will probably never be known. Founded by Andrew Scott in 1853 and not yet registered in 1854, Hornet Bank was leased in about 1855 to William Fraser who brought there his mother, brothers and sisters. The kindness of the Frasers to the blacks is legendary, but not at all incompatible with concurrent provocation. A contemporary explanation was that the Frasers offended the local tribes by allowing their black employees to take lubras contrary to the mode of tribal laws. Legend also has it that the Hornet Bank homestead itself was built on a bora ring, a site sacred to a tribe. Neither of these explanations seems to account for the scale of tribal reaction, and the truth is further obscured by the contemporary clash of two popular interpretations for aboriginal aggression.

Both interpretations had to cope with the fact that generally, although not always, blacks plundered their victim, his house, his possessions or his livestock. An interpretation that sought to identify the particular provocation for an attack therefore had to explain the plundering as an event incidental to the wreaking of justice.

The other popular interpretation was that the plunder was the object of the attack, and the casualties incidental thereto. Here in fact in simplified form were the two broad views that had always contended in New South Wales respecting the blacks, the one that he was rational man, the other that he was of 'scarce human lineaments'. But what is clear is that at Hornet Bank, for an unknown period, there was provocation, and enduring provocation stemming from some one or some thing immediately in or around the Hornet Bank homestead. Beyond this crucial point was another, that these were the same years that central government failed to replace Frederick Walker either as man or as idea.

If the provocation at Hornet Bank did permit of a simple explanation (and that is by no means certain), it was otherwise at Maryborough, 200 miles eastward on the coast. The town was in fact the twin towns of East and West Maryborough with a space of over one mile between them. Before the two grew together, the local blacks liked to camp in the intervening space, and here from time to time they were joined by the 'Saltwaters', the swamp and Fraser Island blacks. In April 1855 there were 600 to 700 tribesmen in the camp, and, wrote Commissioner Arthur Edward Halloran, 'I have occasionally seen them in larger numbers'.<sup>1</sup> Here was ground for endless provocation, misunderstandings, suspicions and fears. In early 1854 Halloran had written that if the blacks 'knew their own strength, this place would very soon be abandoned'.<sup>2</sup> 'The greatest caution', he said at the end of 1853, '...is exercised by the white population towards the Blacks & they appear to have a great dread of their treachery'.<sup>3</sup>

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<sup>1</sup>C.C.L. Wide Bay and Burnett to C.C.C.L., 11 April 1855 (QSA - CCL3/G2, C.C.L. Letter Book, p.43).

<sup>2</sup>Ibid., 7 February 1854 (QSA - CCL3/G1, C.C.L. Letter Book, p.59).

<sup>3</sup>Ibid., undated, December 1853, p.31.

The concomitant of this black presence in numbers unable completely to live off a restricted area of land was house robbery, plundering of gardens, petty theft and the like, together with a certain but varying truculence or, at any rate, inscrutable prodding of white behaviour. In December 1853, when the black encampment had grown to a then unprecedented 400, Halloran was

stopped on the road about a mile from my own quarters by a party of upwards of 50 armed Blacks, who came over from a Camp about 300 yards from the road, at the edge of a scrub. I was unarmed, but fortunately my Holsters were on my saddle. I told them the native police were close up, at the same time pretending to draw a Pistol from my Holster I rode in among them, when they dispersed and ran into the Scrub.<sup>1</sup>

There were in fact no native police stationed in Wide Bay at the time, and it is possible that Wide Bay, and in the next year Port Curtis and Leichhardt owed much to the Commissioners, Halloran, Bligh's grandson O'Connell, and Wiseman. In January 1854 at Maryborough, Halloran arrested a Fraser Island black on a year old warrant for the murder of a Chinaman. The island blacks began to muster 'in large numbers round the Township', with the alleged intention of 'rescuing the prisoner and destroying the Town'. Halloran sent his orderlies and the town constables to disperse them and order them to retire to Fraser Island.<sup>2</sup>

The blacks were not so easily intimidated, and a few days later, a detachment of Native Police having arrived to come under Halloran's command, Halloran led them personally, dispersed the Fraser Island tribe and destroyed its camps.<sup>3</sup> In July, the Chief Commissioner of Crown Lands virtually accused Halloran of magnifying the extent of the aboriginal

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<sup>1</sup>Ibid., 20 December 1853, p.42.

<sup>2</sup>Ibid., 7 February 1854, pp.58-59.

<sup>3</sup>Ibid., 28 March 1854, p.94.

threat to Maryborough,<sup>1</sup> but whether he had or not, provocation and violence continued to rise throughout 1854, and with it grew a tension replete with allegation, suspicion and distrust.

In November, Henry Palmer, a town storekeeper, publicly raised the prospect of taking the law into his own hands,<sup>2</sup> and then allegedly put arsenic in a bag of flour, placing the bag in a tempting position for theft. On 26 November, a party of blacks made an abortive raid on a surveyor's camp where three white men narrowly escaped death. Halloran was 'given to understand' that this raid was a reprisal for the death of two blacks who had eaten poisoned flour stolen from Palmer's store.<sup>3</sup> These allegations are open to question. Halloran seemed to credit them with some substance,<sup>4</sup> but his own report of the matter itself reflected the internecine feuds and jealousies of Maryborough that render suspect any statement made by any writer upon any subject involving another townsman at that time. In this respect, Maryborough of the mid 1850s was strongly reminiscent of the Cumberland Plain of the 1820s when Lawson was following Macarthur 'close by his heels'. Whether the allegations were true or not is, however, of minor consequence. The crucial relevance is that they were fairly widely held to be true, and thus offer a gauge to the collective state of mind of the town and to the tension growing there vis-a-vis the blacks.

A more crucial point was that the blacks believed the allegations and Halloran felt compelled to 'go amongst them as much as possible' as a conciliator and make them understand that he was there 'as much for their protection, as for that of the white inhabitants'.<sup>5</sup> Whether Halloran

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<sup>1</sup>For Halloran's reply, see C.C.L., Wide Bay and Burnett, to C.C.C.L., 26 July 1854, *ibid.*, pp.140-41.

<sup>2</sup>SMH, 10 November 1854, p.2, cols.5-6.

<sup>3</sup>C.C.L., Wide Bay and Burnett, to C.C.C.L., 8 December 1854 (QSA - CCL/G1, C.C.L. Letter Book, pp.212-14).

<sup>4</sup>*Ibid.*

<sup>5</sup>C.C.L., Wide Bay and Burnett, to C.C.C.L., 1 January 1855 (QSA - CCL3/G2, C.C.L. Letter Book, pp.1-2).



mollified the blacks, or how the whites had accepted the withdrawal of the Native Police to Traylan at Gayndah six months before, cannot be established. It may have been relevant that in the ensuing year of 1855, among a mounting crime toll, the blacks plundered the Commissioner's premises four times in four months, attacked the surveyor's party several times,<sup>1</sup> and -- indicative of coincidence or the pursuit of a long-standing provocation -- firstly stripped and robbed a 14 year-old boy in the space between the twin towns,<sup>2</sup> and secondly, two months later, murdered his father,<sup>3</sup> a sawyer. With his death, building operations in Maryborough came almost to a halt, for other sawyers refused to go out into the scrubs for timber and on 15 December 1855 'about 30 persons sawyers & others left for Sydney by the Steamer....'<sup>4</sup>

The state of the frontier was not one of government's concerns in 1855. Unbidden and unnoticed, Sergeant-Major Dolan at Taroom near Hornet Bank, and Maurice Charles O'Connell in full uniform at Rannes, had done what they could to stabilise the Native Police troopers and the frontier. Walker was dismissed on 19 January,<sup>5</sup> and his senior subaltern, the ex-squatter Robert Purvis Marshall, appointed Acting-Commandant. In connection with the deficiency of his funds, a warrant was issued and then withdrawn for Walker's arrest, and he may have been briefly under arrest. Then he dropped from public sight for over two years.

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<sup>1</sup>Ibid., 31 August 1855, unpaginated, Letter No. 55/109.

<sup>2</sup>Ibid., 3 October 1855, unpaginated, Letter No. 55/120.

<sup>3</sup>Ibid., 28 December 1855, unpaginated, Letter No. 55/132. See also Firmin McKinnon, 'Early Pioneers of the Wide Bay and Burnett', in Journal of the Historical Society of Queensland, Vol.3, pp.96-97.

<sup>4</sup>C.C.L., *ibid.*

<sup>5</sup>Col.Sec. to F. Walker, Esq., 19 January 1855, V & P, 1855, Vol.1, pp.874-5.

The interregnum in policy to the blacks had begun, and speculation is involved in explaining this hiatus. Some things had not changed. The concepts of humanity and legality towards the blacks remained Colonial Office policy.<sup>1</sup> John Hubert Plunkett, the implementing architect of that policy -- as he was, for instance, of the Myall Creek prosecutions in 1838 -- remained Attorney-General of New South Wales. Walker's most experienced subordinate had charge of the Native Police. It is possible therefore that Plunkett did not see any fundamental change having taken place. He shared, too, the general feeling of 1855 that government and the Legislative Council were caretakers for the future under responsible government. He spent much of the year pressing two matters that he thought could not afford to wait for that new kind of government -- the Marriage Bill and the Registration of Births, Deaths and Marriages Bill. Even for Plunkett, the rest could wait, and his language in the last full dress debate of the old House -- 'in the last hours of the Council', 'now in its last agonies'<sup>2</sup> -- was almost that of a funeral oration.

If all of this was a fair summary of Plunkett's inactivity regarding native policy, other men increasingly undermined it throughout 1855. With the imminence of fully elective government, the struggle for authority and the exercise of power made 1855 what amounted to an election campaign. The urban and liberal men who wanted power -- Cowper, Flood, Parkes -- were intent on demonstrating the principles that would guide them in office, and this was best demonstrated by criticism of the old government. Stuart Alexander Donaldson,<sup>3</sup> a potential leader of a conservative

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<sup>1</sup>See, for instance, C.C.C.L. to Col.Sec., 1 September 1855, with enclosures (NSA - 4/719.2, Col.Sec. Special Bundle). The occasion was the Secretary of State's concern at 'a practice of firing at Aboriginal Natives for the purpose of preventing their escape'.

<sup>2</sup>LC Debates, 17 December 1855, SMH, 18 December 1855, p.4, col.3.

<sup>3</sup>Entry for Stuart Alexander Donaldson projected for A.D.B., Vol.4.

grouping and one who might be reasonably expected to inherit the ethos of the old government, manoeuvred differently, remaining non-committal when he could, placing qualifications on his criticism of the old government, attacking upon occasion on terms of his own choosing, and in the sum of it, without denying his conservatism, presenting himself as a credible leader unburdened by any sins of the old government.

It was no accident that Commissioner Wiseman, looking on from the Hornet Bank country of the upper Dawson saw on one side of mankind's problems 'the braying apes' of Sydney and on the other, Donaldson, the 'traitor to his caste'. What Wiseman did not see, or did not say, was that if the stakes in the Leichhardt district were life and death, in Sydney the stake and the priority was the exercise of power. This preoccupation at the centre conditioned the way in which government, and Cowper, and Donaldson perceived the problems of the Native Police and the frontier. The focus was Frederick Walker.

He may have been dismissed, but for men busy rehearsing careers in elective politics, he could not be allowed to escape so lightly. To Morris' 'coterie of settlers in the Burnett District', Walker was, into the bargain, a living offence. No other term seems adequate to describe his pursuit by the frenetic young superintendent William Henry Walsh and by the intellectually formidable William Forster. Forster was now wealthy and was turning to metropolitan life and planning a career in politics, and hindsight of his career suggests that Walsh also nourished similar ambitions.

One shadowy person who haunted the feud with Walker was 'the notorious Neddy', the alleged aboriginal murderer of Forster's uncle, Gregory Blaxland, in 1851. If there was a common denominator binding Morris' 'coterie', apart from its high-pitched introversion, it was possibly membership of the punitive expedition mounted to revenge Blaxland's death. This raid, led by Maurice Charles O'Connell in his capacity then as Commissioner of Crown Lands for the Burnett, had one of two ends. O'Connell said long

afterwards that it found no blacks, but burnt and destroyed their camps.<sup>1</sup> 24 years afterwards it was said that there was a battle, in which Walsh's life was saved only by a heavy pocket-watch that deflected the force of a blow.<sup>2</sup> Whether 'a great number' was slain as then claimed is another matter. 'The notorious Neddy' escaped to mock this kind of justice, and it is not at all unlikely that Frederick Walker was to taunt one or more of the 'coterie' with this fact in the course of promoting the style of justice he represented. If all of this was so, it explained the continuous taunting in turn of Walker between 1852 and 1854 that he could not catch 'the notorious Neddy' by legal warrant.<sup>3</sup>

In one sense, relative visions of justice were at stake. In a more precise sense, superimposed was perhaps the bluster of men whose credibility as future political figures was at stake, and for whom therefore it was not enough to have Walker dismissed, but necessary, perhaps vital, to have his competing credibility destroyed. The traditional nature of government made this destructive project difficult. Government was hardly likely to admit

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<sup>1</sup>V & P (Qld), 1861, p.492.

<sup>2</sup>Bundaberg Star, 14 January 1875, quoted in Don Dignan, The Story of Kolan (Brisbane, 1964), p.14: for accounts of the raid, see Dignan, pp.11-14.

<sup>3</sup>See, for instance, William Henry Walsh to Lieutenant Murray, Native Police, 3 December 1852 (QSA - 48/111, Correspondence with Officers of Native Police). This letter perhaps best captures the quintessential Walsh and the feud with Walker. The full text is:

I have to inform you that one of my shepherds has been this afternoon attacked by blacks & a number of sheep taken from his charge. I should not have troubled you with this communication, were I not almost certain that the Notorious Scoundrel Neddy, for whom a warrant has been so long in existence for murdering Mr. Blaxland, was the leader of the robbers -- and I take the opportunity for repeating that it is only when the Police are, or just have been, in the immediate Neighbourhood that I am Ever Molested by the blacks.

that it had tolerated Walker's imperfections (gross as they may be) for the sake of policy priorities: and tradition instructed government to ignore extra-parliamentary attempts to influence government. A project to destroy Walker's credibility was in fact only really possible granted the approach of fully elective government based on a wide suffrage.

Not surprisingly, the government inquiry that recommended Walker's dismissal was held in camera. Walsh not surprisingly expected that this would be so.<sup>1</sup> But to go forward, this intrinsically unperceptive man was obliged to reject the very tradition he believed he held to. His words published appositely after the inquiry, he wrote:

In after times, Sir, will it be credited, that for nearly four years a community of respectable people...unceasingly complained to their rulers but without effect; that the only way by which a great delinquent, when a public officer, can be brought to the bar of justice, is through the utter inability of Government to "save him from his friends;"....

Thus far this was as good a description as any of what the tradition of hierarchic power was about, but only in wrapping it up as something to be rejected as incredible could Walsh go on to his real target, or targets -- Walker, government and (blindly or rationally) the particular vision of justice that asked awkward questions about the notorious Neddy. Would it be credited, wrote Walsh

that for such a character [as Walker], a Colonial Secretary and Attorney-General could be found who would virtually malign a community of their betters to shield a fellow officer?<sup>2</sup>

William Forster was a more patient man, and bided his time and opportunity to attack Walker. In the meantime, in the earlier part of 1855, influences which did not emerge

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<sup>1</sup>See the tenor of his letter to the Sydney Morning Herald dated 4 November 1854, a letter suppressed by the paper as sub judice, and eventually printed on 30 January 1855, 11 days after Walker's dismissal. Copy sighted in the Freeman's Journal, 3 February 1855, p.9, col.4, and p.10, col.1.

<sup>2</sup>Ibid., p.10, col.1.

explicitly until July and October in the House evidently set government on a course of economy with the Native Police. Marshall as Acting-Commandant was asked his opinion of a substantial reduction in the strength of the Force. Marshall, at Traylan on the base line of the northern frontier, said that any reduction would produce his instant resignation.<sup>1</sup> This threat perhaps dictated what immediately followed. Of all the senior officers of the Native Police, Marshall was the only one who survived the experience with his sanity, his self-respect, his dignity and his career intact. Within three years, the other ex-squatter subaltern Fulford was to drink himself to death, and Lieutenant Irving died of a heart attack within minutes of being forcibly prevented from committing murder or suicide. Marshall carried himself with firm dignity, as Forster was soon to discover, and government evidently knew him well enough to know that economy meant his resignation.

By early July, when with the new Session Cowper and Flood took up their attack on Walker's deficiency in his funds, the Inspector-General of Police, William Colburn Mayne announced 'a deduction in the number and expenses of the corps' and a reorganisation under his own management, with the field officers acting independently comparable with the office of police superintendent.<sup>2</sup> There was perhaps an attempt to influence Marshall to remain, for without him the Corps was in trouble. He did not resign until 31 August, his resignation to be operative from 31 December. The day that he wrote out his resignation at Traylan, was the same day that Halloran at Maryborough 70 miles away reported the succession of robberies of his premises, attacks on the surveyor's party, and the fact that because of the facilities open to the blacks to escape pursuit (particularly in the case of the 'Saltwaters')

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<sup>1</sup> Marshall's role in these years is taken from the evidence he gave to a Select Committee of Inquiry on the Native Police, V & P, 1856-57, Vol. 1, pp. 1189-94.

<sup>2</sup> LC Debates, 3 July 1855, SMH, 4 July 1855, p. 5, cols. 1-2 for the whole debate precipitated by Cowper; col. 1 for the speech by the Inspector-General of Police.

It is consequently unsafe for me to visit many parts of this district without at least two orderlies...& the frequent changes in my orderlies renders it apparent how little they like this part of their duty.<sup>1</sup>

In early October emerged at least some of the pressures that had presumably been at work on government earlier in the year. The Estimates debate on the Native Police on 10 October made it abundantly clear that the Executive could not have passed through the House an estimate larger than the reduced one it presented: as it was, it was evidently touch and go whether the reduced one would pass.<sup>2</sup> Explicitly and implicitly, the focus was still Frederick Walker. In July, Cowper had asked for the tabling of the report of the committee that had recommended Walker's dismissal, together with an accounting of Walker's deficiency in his funds.<sup>3</sup> These documents were not to hand in early October, and in Cowper's absence the absentee squatter Edward Flood led the urban attack, referring to Walker's deficiency and going on to say that he had 'yet to learn that the native police were of benefit to the colony at all'. While he was not reported as having taken up Cowper's and his own previous themes of economy and responsibility of public officers, it is more than likely that he did do so. Parkes as one of Wiseman's 'braying apes' criticised the government for not calling 'several gentlemen' before the inquiry into Walker the previous December,<sup>4</sup> the 'several gentlemen' presumably including William Henry Walsh.

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<sup>1</sup>C.C.L., Wide Bay and Burnett, to C.C.C.L., 31 August 1855 (QSA - CCL3/G2, C.C.L. Letter Book, unpaginated, Letter No.55/109).

<sup>2</sup>LC Debates, 10 October 1855, SMH, 11 October 1855, p.5, cols.1-2. Portions of this debate were skimpily reported, and there are useful supplementary references thereto in the SMH editorial of the same day, for which see p.4, col.4.

<sup>3</sup>LC Debates, 3 July 1855, p.5, col.1.

<sup>4</sup>The foregoing from SMH, 11 October 1855, p.5, col.1.

Now, however, opposition to the native police emerged from several different directions, in each case tending with the Cowper-Flood critique to identify Frederick Walker and the Native Police as the same thing -- this may not have been loose thinking so much as an indication of how deeply the police were a Walker creation. Donaldson, as 'a traitor to his caste in qua, a squatter' refused to vote for the estimate unless the documents on Walker were tabled and complained that 'The force cost about half as much as would be produced by the assessment on stock'. But Donaldson was probably after bigger game than Walker and the police, namely future leadership of the House, for he went on to complain of the government's 'pet sink' of Port Curtis into which government threw all the money.<sup>1</sup> He was, in effect, stealing Cowper's favourite declared principle of government, the theme of economy.

For Wiseman reading this in the upper Dawson a month later, there was worse to come. Thomas George Rusden, of 'Shannon Vale' on New England, was reported as not seeing 'the utility of the native police force'. What probably went unreported was Rusden's belief that it was neither 'proper nor Christian' to use blacks against blacks.<sup>2</sup> Another prominent squatter offered opposition from a different direction. Augustus Morris, Walker's abiding friend, 'moved that the item be postponed',<sup>3</sup> advancing as his reason that 'the [squattling] districts are quiet, and that crimes are rarely committed by the natives, except the spearing of a few cattle....'<sup>4</sup> An even more prominent absentee squatter, George Macleay, son of Sir Alexander Macleay, could extend only a qualified support of the police, asking whether it was worse to destroy blacks by blacks or by whites.<sup>5</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>Text below.

<sup>3</sup>SMH, 11 October 1855, p.5, col.2.

<sup>4</sup>Ibid., p.4, col.4.

<sup>5</sup>Ibid.



What seemed to emerge from this sparsely reported debate was that New South Wales as it was reflected in the Council had grown tired of the purpose and need of a native police, and perhaps underneath this it found the frontier remote and an irritation amid the more urgent concerns of the day. Once upon a time, to Morris, to Rusden and, if not to Flood, to Macleay, the frontier had had the immediacy and the urgency that Wiseman found in it when he paused in early November to read their words. From 'Bungaban' homestead, 45 miles east of Hornet Bank, he wrote to Archer at Gracemere:

I have been out 12 nights travelling through such rough, rugged, and broken country that if it were on the outside of Hell I scarcely think the Devils would be bothered to travel through it.<sup>1</sup>

He castigated Donaldson and the braying apes, lamented the baseness more common than generosity and nobility in the squatters whose boundaries he adjudicated, observed that a 'mob of wild Blacks' had stopped menacing him when they 'saw the stripes on my trowsers', and put his finger on the point of his letter -- 'What now induces me to write is the bad news I have received from Rannes about your station and the Blacks'<sup>2</sup> He hoped that the Rannes troopers would remain

though I fear Marshall will be sure to take them away. I can get no troopers from him tho' he told me he was about dismissing some 30 or 40. I have no one with me. My blacks have bolted and I have discharged my "flash Gorger" as the shearers at Cunambula called Wm. Ray that useless brute I had with me when at Gracemere.<sup>3</sup>

By the end of December, Halloran was writing to the Chief Commissioner of Crown Lands that

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<sup>1</sup>Wiseman to [ ? ] Archer, 3 November 1855 (ML - A3883, Archer Papers, IV, General Correspondence, p.54).

<sup>2</sup>Ibid., p.51. What this particular 'bad news' was, I have not been able to establish. The probabilities were the killing of a shepherd, a heavy loss of sheep, or both.

<sup>3</sup>Ibid., p.52.

there is a feeling generally through the country on the part of the Blacks (as intimated to me by Lieut. Marshall of the Native Police) that the force is to be entirely broken up....<sup>1</sup>

Whether this was so (and to whatever extent it may have been so), white men believed it, and in the northern tip of the triangle the blacks began to behave as though it were so. Writing in February 1856, when he had been Government Resident and Commissioner of Crown Lands of the Port Curtis District for fourteen months, O'Connell reported that for the first time since his arrival there he had to advise of outrages by the blacks. One afternoon, probably about the beginning of February,<sup>2</sup> they attacked 'Mount Larcombe' station 14 miles north of Gladstone, killing all five occupants.

Further north, on William Elliott's station on the Fitzroy River, there was a much greater sensation. Elliott with his nephew George came up from the Burnett in 1855, camped with their sheep on Gracemere, and early in 1856 crossed the north bank of the river to found 'Canoona'. In early February, Charles Archer had reported to O'Connell that the blacks were gathering on the north bank 'openly stating their determination to attack and destroy all the whites who might attempt the location of the country in that direction'. Now they introduced a warfare new to the whites, for at no time in the history of New South Wales had blacks ever attacked by night. Between 10 and 11 p.m., and despite the presence of 20 adult white men, they charged the station, killing one man and wounding William Elliott.

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<sup>1</sup>C.C.L., Wide Bay and Burnett, to C.C.C.L., 28 December 1855 (QSA - CCCL3/G2, C.C.L. Letter Book, unpaginated, Letter No. 55/132).

<sup>2</sup>O'Connell failed to date the principal events he discussed: see Government Resident, Gladstone, to Col.Sec., 19 February 1856 (NSA - 4/719.2, Col.Sec. Special Bundle, letter with 57/3746).

It is not possible from the evidence to gauge accurately the progress of demoralisation in the north throughout 1856. A detachment of the Native Police was moved eastward into Maryborough, but on 17 April Halloran reported that despite their presence 'robberies and outrages' were of 'almost daily occurrence', and the constabulary had had to resist an attempt by the blacks to secure the escape of one of their number from custody.<sup>1</sup> At the end of the year, he reported that 'for the first time...for six or seven years the Blacks on the Burnett have been very troublesome', were 'now very numerous about Maryborough', and attributed their relative quiescence to the activity of the Native Police.<sup>2</sup>

Throughout the year, O'Connell at Gladstone had endeavoured to keep the peace by a system of patrolling by the constabulary and the Native Police. As the co-operation of the police required the assent of Lieutenant Murray at Rannes, and as this assent was not immediately forthcoming, O'Connell grew increasingly critical of Murray, and O'Connell's irritation was one small visible sign of the tension rising in the north. Another sign perhaps was the further spreading of the Native Police. From Rannes, leaving a small detachment there, Murray moved with an unknown number of troopers into the tip of the northern triangle and stationed himself probably at or near Gracemere.

Perhaps the best evidence of all for the collective state of mind of the north was that the squatter members of the new Legislative Assembly with squatting interests in the triangle, principally William Forster and Gordon Sandeman, secured on 8 November a Select Committee of Inquiry into the Native Police. As it resulted, their

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<sup>1</sup>C.C.L., Wide Bay and Burnett, to C.C.C.L., 17 April 1855 (QSA - CCL3/G2, C.C.L. Letter Book, unpaginated, Letter No. 56/34).

<sup>2</sup>Ibid., 26 December 1856, unpaginated, Letter No. 56/120 with Report.

ambitions were two-fold: they wanted a vastly increased force with the office of commandant restored, and they wanted to complete the discrediting of Walker.<sup>1</sup> From a sympathetic Ministry including Donaldson, John Hay and Edward Deas Thomson, they secured the first object, in a provision on the Estimates of over £17,000, more than three times the Estimate that had barely passed the old Council in 1855.<sup>2</sup> In the longer run, it transpired, they secured their second object in the appointment as Commandant of Edric Norfolk Vaux Morisset, son of a onetime commandant at Newcastle and Norfolk Island.<sup>3</sup>

If it was nervousness for their squattages in the Leichhardt and Wide Bay that set Sandeman and Forster on this course, they were too late. It was February 1857 before the Estimates passed the Assembly, and July before Morisset took up office. In the short run, it was already too late in November 1856 when they sought their Select Committee. In a sense, the Native Police Force had been disintegrating for some time. Badly and erratically supplied with stores, food and ammunition, lacking a unifying field command and anything more than a grudging interest by government, living in the rain where the Devils would hardly ride, increasingly officered by inexperienced youths of 18 or 19, and increasingly spread out in small numbers to keep order over 20,000 square miles, both white officers and black troopers were near cracking point in late 1856.

In November or early December, the detachment under Murray on the Fitzroy mutinied. These were some of Walker's old troopers from the Murray and Murrumbidgee whom O'Connell

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<sup>1</sup>Select Committee of Inquiry on the Native Police, V & P (NSW) 1856-57, Vol.1, pp.1158-1216.

<sup>2</sup>Message No.35, 18 February 1857, V & P (NSW), 1856-57, Vol.2, pp.1079-81.

<sup>3</sup>ADB, Vol.2, entry for James Thomas Morisset. Contemporaries spelt the surname in a number of ways, and I have followed the spelling in ADB.

in full military uniform had induced to remain two more years from the end of 1854. Murray was possibly unimaginative and certainly authoritarian -- Marshall had criticised him severely in 1855 for his 'ill-treatment' of his troopers<sup>1</sup> -- and now Murray sent the mutineers to Rannes 'in disgrace'.<sup>2</sup> From Rannes on 29 December they deserted, set out up the Dawson on their way to the Murray, 900 miles away.<sup>3</sup> They passed through the upper Dawson in perhaps mid January, disaffecting the Taroom troopers,<sup>4</sup> crossed over the Great Dividing Range into the Maranoa, and after making a nuisance of themselves for a time at the Wandu Gumbal Native Police barracks on the Condamine, disappeared from history.

From Gladstone, when he heard of the march in late January, O'Connell in hurt and anger rebuked government for its broken promises made through him to Walker's old troopers. He was 'deeply grieved and hurt' that he 'should have been implicated in a transaction which bears all the aspect of being a gross breach of public faith and honour'. He had heard Murray had sent the troopers in disgrace from the Fitzroy, but

I believe their chief crime was their desire to leave their service, and it seems to me after seven years absence from their relations and friends this desire was not unreasonable.<sup>5</sup>

This debacle left 11 troopers in the whole of the Leichhardt District, compared with the 24 allotted by the Estimates of 1855: 21 of the 24 then allotted to Wide Bay and Burnett remained on duty, as did all of the 12 of the Lower

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<sup>1</sup> Marshall to Commandant, 5 July 1854 (QSA-48/111, Correspondence with Officers of Native Police).

<sup>2</sup> Government Resident, Gladstone, to Col. Sec., 29 January 1857 (NSA - 4/719.2, Col. Sec., Special Bundle, In Letter 57/609).

<sup>3</sup> Ibid.

<sup>4</sup> Sub-Lieutenant Thomas Ross to the Officer in Charge at Wandu Gumbal, 16 March 1857 (QSA - 48/115, Native Police, Dawson Valley).

<sup>5</sup> Government Resident, Gladstone, op.cit.

Condamine and Maranoa, and all of the 12 of the Clarence and Macleay Districts between New England and the sea.<sup>1</sup>

On 19 February, when the mutineers had probably reached Wandai Gumbal, the Estimates arising from Sandeman's and Forster's Select Committee came up to the Assembly. The Estimates foreshadowed raising the strength of the Force from its nominal 72 (actually 56) to 120, placing 78 alone of the 120 in the northern triangle, with 48 of this 78 to man the Leichhardt.<sup>2</sup> The Select Committee's report had been the subject of a full debate on 6 and 10 February, in which amongst a wide spectrum of opposition Thomas George Rusden declared it was neither proper nor Christian to employ blacks to hunt their fellow-creatures to death,<sup>3</sup> George Macleay put words to a notion raised by other speakers that the Native Police should be confined to the 'frontier',<sup>4</sup> and Cowper thought the proposed salary of the Commandant too high, could see no reason for the Force to have a Secretary (a strange objection from one who had criticised the administrative inefficiency of the Force), and 'moved the previous question'.<sup>5</sup>

In the Estimates debate on 19 February, Cowper 'objected to paying a general officer to command a body of savages', John Robertson objected to 'savages' being used as 'blood-hounds' who killed men, women and children without discrimination',<sup>6</sup> and the merchant Robert Campbell

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<sup>1</sup>Return showing the Distribution of the Native Police - 31 December 1856 (QSA - 48/111, Correspondence with Officers of Native Police).

<sup>2</sup>LA Debates, 19 February 1857, SMH, 20 February 1857, p.5, cols.1-3, the estimate in cols.1-2.

<sup>3</sup>LA Debates, 6 February 1857, SMH, 7 February 1857, p.7, col.1.

<sup>4</sup>Ibid.

<sup>5</sup>LA Debates, 10 February 1857, SMH, 11 February 1857, p.4, col.4.

<sup>6</sup>LA Debates, 19 February 1857, SMH, 20 February 1857, p.5, col.2.

charged the Police with perpetuating 'the grossest cruelties on the unoffending natives....'<sup>1</sup> The crucial default of this opposition was that these critics did not bend their attention to considering the kind of man who might be chosen to command the Police, nor to the kind of vision that might desirably inform that man. As it was, they talked about an organisation that existed largely in their own minds, and insofar as the real life one accorded with it, they and Cowper in particular had helped to make it so. The qualities of a commandant were not debated, and so he was chosen by pragmatic circumstance. The circumstance was largely located in the Dawson Valley.

Four days after the debate, sub-Lieutenant Ross led his six troopers out of 'Ghinginda' station in the upper Dawson, to break up a gathering of blacks threatening the 'Eurombah' homestead. Eurombah was immediately east of Hornet Bank, and in some way or other, Eurombah had by early 1857 come to share equally with Hornet Bank the blacks' enduring hatred. Ross left Ghinginda on 23 February, on a disastrous and demoralising journey made so by rain, high floods, his own inexperience, and the morale of his troopers shaken by the riverine march of Walker's old Murray River men. The essential fact in a complex of events was that, sleeping unsheltered in the rain, subsisting only on meat, disaffected, perhaps driven beyond the limit of what was endurable, five of Ross' six troopers mutinied and set out 'to return to their own country'.<sup>2</sup>

This further debacle left on the frontier proper, that is, the 200-mile line of the Dawson and Fitzroy, three white officers and four troopers. One officer and two troopers were at Gladstone with O'Connell, and one officer and six troopers remained in the Burnett. In the south-east corner of the northern triangle, two officers and 15 troopers guarded Wide Bay, a number of them being stationed with Halloran at Maryborough. There are no

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<sup>1</sup>Ibid.

<sup>2</sup>Sub-Lieutenant Thomas Ross to Officer in Charge at Wandai Gumbal, 16 March 1857 (QSA - 48/115, Native Police, Dawson Valley).

records of how and when this imbalance was adjusted, nor the scale of recruiting conducted to bolster the Force following the passage of the Estimates. It is likely that, contrary to Walker's practice, troopers were locally recruited, and it is clear that Ross was given a new detachment of troopers from an unknown source.

Morisset who had been previously a junior officer of the Force arrived at Maryborough on 21 July to take up the restored office of Commandant, and on 31 July he set out from Maryborough on a tour of inspection of the frontier and his shattered Force. It was a desolate journey. In the northern tip of the triangle, O'Connell was critical of Lieutenant Murray. In the upper Dawson, Ross was critical of Lieutenant Walker<sup>1</sup> for having permitted and aided the Murray River mutineers to disaffect Ross' own detachment.<sup>2</sup> At Wandai Gumbal in the Maranoa, Lieutenant Francis Nicoll was critical of a squatter and a superintendent whose complaints had provoked a government inquiry into Nicoll's behaviour. The squatter, said Nicoll, had since accidentally killed himself while 'in a drunken freak': the superintendent, 'a most confirmed drunkard' had two years since stabbed a servant in the back.<sup>3</sup> On the first or second day out on his tour, at James Landsborough's 'Monduran' 58 miles north of Maryborough, Morisset found himself under fire from Landsborough, brother of William Landsborough famous in 1861-62 as an explorer, and from Henry Cox Corfield, an intimate friend of William Henry Walsh. The complaints of John Landsborough and of Corfield's messenger were allegedly received by Morisset with apparent

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<sup>1</sup>Lieutenant Robert Walker was not related to Frederick Walker, the ex-Commandant. The Force also contained one Alexander Walker, who may have been distantly related to Frederick.

<sup>2</sup>Ross to Officer in Charge at Wandai Gumbal, 16 March 1857, op.cit.

<sup>3</sup>Lieutenant Francis Nicoll to Government Resident, Brisbane, 7 August 1857 (QSA - 48/100, Native Police Correspondence with Government Resident).



unconcern. Morisset perhaps remembered he was in the heart of the Forster and Blaxland country where the fall of Frederick Walker had begun. He rode north, and Landsborough wrote to Forster in Sydney, and Corfield to the Colonial Secretary, Corfield's letter leaving the distinct impression that at Monduran Morisset had tersely told Corfield's messenger that the Native Police did not visit his station, 'Stanton Harcourt', because of his prior announcement that he refused to supply rations to the Police.<sup>1</sup> By the time these letters reached Sydney, Parker was out of office, Cowper becoming Colonial Secretary on 7 September. To Cowper, Forster complained of 'the arrogant conduct which these N. Police Officers seem generally to adopt towards the remote settlers'.<sup>2</sup>

The point is not clear, but Ross in the upper Dawson was probably by this time also the subject of complaint, probably on the part of Gordon Sandeman. Sandeman was a Sydney merchant, member of the Assembly, owner of 'Burrandowan' in the western Burnett and of a number of other squattages in the Leichhardt. At any rate, Ross later blamed Sandeman -- two years earlier Commissioner Wiseman had blamed Sandeman very strongly for complaining to government about Wiseman.<sup>3</sup>

But in July and August, the one man too busy to complain was Ross. The chronology of events in these months and into early September is obscure, but it seems not unlikely that between Ross' disastrous journey to Eurombah in February and some point in July, the blacks of the upper Dawson decided that Eurombah and Hornet Bank were to be

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<sup>1</sup>James Landsborough to William Forster, 15 August 1857, with three enclosures; Henry Cox Corfield to Col. Sec., 16 August 1857, indexed as In Letter 57/3721; see also Forster to Cowper, 11 September 1857, enclosing Landsborough's letter (NSA - 4/7173, Col. Sec. Special Bundle, all letters filed with 57/3721).

<sup>2</sup>Forster to Cowper, *ibid.*

<sup>3</sup>Wiseman to [ ? ] Archer, 3 November 1855 (ML - A.3882, Archer Papers, IV, General Correspondence, pp.53-54).

exterminated. They focussed their attention on Eurombah, from time to time killing men as they found them, and setting Ross on a perpetual chase. For this he was badly equipped. While he had a new detachment, it was poorly supplied, in common with other detachments, communications were minimal, he was too inexperienced, neither old enough nor resolute enough for decisive action, and his reserve ammunition dwindled away.

On about 20 August, the blacks switched their attention to Hornet Bank, and evidently launched an attack on the homestead, being in some manner thwarted at a crucial moment. Ross gave chase, a pursuit that ended his career when he allegedly had to retire from black opposition because reduced to one cartridge.<sup>1</sup> More men were now killed on Eurombah and Ross went in pursuit. Morisset arrived in his absence, heard the story of the 'one cartridge' and on 7 September, the day Cowper resumed office, wrote to Ross, suspending him from duty.<sup>2</sup> Morisset remained at Eurombah until 16 September and then departed for Wandai Gumbal. Ross, returning on 20 September, read the Commandant's verdict for the first time. Ross' incompetence, wrote the Commandant, was entirely responsible for 'the recent lawless and brutal outrages',<sup>3</sup> a judgement that presumably placated Gordon Sandeman who was one of the two likely candidates as Morisset's patron (the other was Forster), but a judgement that was at best only partly valid. On the day after, Ross wrote out his own account of what really happened after the Hornet Bank affair, and until this report is recovered, a balance cannot be struck. 'You will be relieved', wrote the Commandant, 'by 2nd Lieut

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<sup>1</sup>The details of the 'attempted outrage on Mrs. Fraser and her family', and of Ross' chase are in his report of 21 September 1857. I have not been able to locate this report, the existence of which is mentioned in other correspondence.

<sup>2</sup>Morisset to Ross, 7 September 1857 (QSA - 48/115, Native Police, Dawson Valley).

<sup>3</sup>Ibid.

Powell....<sup>1</sup>

Cowper spent the middle of the month evaluating the Native Police on criteria that had little to do with a disintegrating frontier. 'Mr. Nicoll's letter is not in such language as is becoming in official correspondence', he minuted, and having virtually ended Nicoll's career, went on, 'But I have now to consider complaints against the Native Police Force from Messrs. Corfield and Landsborough'. He still grudged the large vote passed over his opposition in February and concluded:

Unless I can be satisfied that Mr. Morisset & his officers are of more value than they would appear to be I shall decline to ask for a vote so large as that passed for this year under expectations which I see no hope [of] being realised.<sup>2</sup>

But when Cowper wrote this, the long interregnum was nearly over, along with its attendant incomprehension and fatuity at the centre, pastoral introversion towards the periphery, and an intangible but real tension in the northern frontier. In the process, the vision of equity between black and white had almost receded from sight. Late in September or early in October, Frederick Walker, one Arthur Wiggins and two of Walker's ex-troopers, set out across the Dawson Valley watershed into the valley of the Comet to look for new pastoral land. Sometime in October, while Walker and his party were on the Comet, the upper Dawson blacks decided that the Frasers of Hornet Bank had to die.

The interregnum ended on 27 October. On that afternoon, homeward bound from the Comet, Walker's expedition camped at the foot of a bluff 100 miles northwest of Hornet Bank. In the early morning, as the moon set, ten or 15 warriors rushed the camp, knocking Wiggins senseless, spearing

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<sup>1</sup>Ibid. The foregoing is based also on Ross to the Government Resident, Brisbane, 28 September 1857 (QSA - 48/115, Native Police, Dawson Valley).

<sup>2</sup>Cowper, Minute, 16 September 1857, with 51/3716 and 57/3721 (NSA - 4/7173, Col.Sec. Special Bundle).

Walker three times, and in a wild brawl were finally repulsed only when one of the ex-troopers and Walker fought them off with revolvers.<sup>1</sup> At Hornet Bank, as the moon set, a large group of blacks surrounded the homestead and made a silent attack, waddying the occupants of each room as they came to it. Having killed two shepherds, the tutor and three of the Fraser boys, they disturbed the fourth, 15-year old Sylvester Fraser. Hearing their voices, he reached for a loaded gun placed behind his head, but was detected and knocked unconscious. When he came to his senses, he crawled off the bed and hid under it. During this interval, his mother and four sisters were taken from the central room of the homestead, either as prisoners or under some notion of safe conduct, and killed in the yard. The dead and the house were stripped. Then the blacks went, as silently as they had come.

It seems hardly too strong a statement to say that when, at about mid morning, Sylvester Fraser appeared at the Eurombah homestead, civilisation in the upper Dawson collapsed. Pollet Cardew, the owner of Eurombah, was evidently absent. Thomas Boulton, the superintendent, had gone to visit 'Kinnoul', William Miles' station ten miles to the north. Lieutenant Powell chanced to be at Eurombah and rode off at once to Hornet Bank with his detachment. The house and station servants evidently fled. Sylvester Fraser set off again, to Boulton at Kinnoul. Throughout the day, as the news of the raid percolated out to the shepherds of Hornet Bank, they abandoned the sheep and fled from the land where the Devils would scarcely ride. At Kinnoul, Sylvester Fraser found that Boulton had returned to Eurombah by another track, and there is an implication that of the servants at or handy to the Kinnoul homestead, only a gang of shearers stood to their duties.

Probably the next morning, Sylvester Fraser returned to Eurombah, and set out for Hornet Bank, arriving there

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<sup>1</sup>C.C.L., Leichhardt, to C.C.C.L., 16 November 1857 (NSA - 4/719.2, Col.Sec. Special Bundle, In Letter No. 57/4329).

36 hours after the raid to find Boulton, Miles and the shearers from Kinnoul. The dead still lay where they had fallen. Boulton was both stunned and furious, stunned by the scale of death, furious because both he and Pollet Cardew (who had returned) had sent messages to William Henry Yaldwyn, owner of 'Taroom' and nearest magistrate, to come to Hornet Bank to conduct an inquest and to bring men to bury the dead, Yaldwyn returning a message that he declined to do either. No explanation was ever offered -- it seems likely that Yaldwyn knew or believed that if he left his station, there would be no men there when he returned. On the second afternoon after the raid, Boulton, Miles and the Kinnoul shearers buried the Frasers and their servants, and Pollet Cardew took Sylvester Fraser off to Ipswich. The trauma of Hornet Bank evidenced itself in Boulton in a minute detail. Many years afterwards, he was remarked upon as the one who always carried a rifle 'as well as the customary revolver'.<sup>1</sup>

It would be tempting to say that Hornet Bank set the squatters on a destructive course that reshaped their relationship with the blacks. In a material sense, this was what happened, but the transition was more complex than this, and it was the complexities that helped govern

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<sup>1</sup>The foregoing is drawn from Pollet Cardew to Government Resident, Brisbane, 7 November 1857, with enclosure, Affidavit of Sylvester Fraser, 7 November 1857, both under cover to Government Resident, Brisbane, to Col.Sec., 11 November 1857, In Letter 57/4578 (this letter started a chain of confusion by locating the tragedy at Eurombah or 'Euroomba'); and from C.C.L., Leichhardt, to C.C.C.1., 16 November 1857, In Letter 57/4329; and from C.C.L., Leichhardt, to C.C.C.L., 2 December 1857, In Letter 57/5143 (NSA - 4/719.2, Col.Sec. Special Bundle). For the comment on Boulton, see James Nisbet, Pioneering Days in Queensland (ML - A.1533, manuscript, p.22). Other documents in the Special Bundle cited offer additional detail, and in some cases contradict on detail: this is understandable in view of the great tension and confusion prevailing among the many attestors to fact -- it is probably not possible to write a strictly accurate account of what happened before, during, and after the silent raid on Hornet Bank.

the kind of change that emerged in the late 1850s and early 1860s. The aftermath of Hornet Bank, for instance, seems to have subscribed to a not unfamiliar social pattern, in that reaction outside the Dawson Valley was probably more violent and mindless than inside it. This fact in turn was linked to another complexity, that society at large fused with the squatters in defining an attitude to the blacks. Again, this process was fed and shaped by a mass of panic and wild rumour verging at times upon hysteria, and again, the Indian Mutiny intruded at more than one level and time to shape this colonial response.

What happened in the Dawson was governed by the blacks, helplessness and distance. Not knowing that Sylvester Fraser had escaped, the blacks beat a leisurely retreat from Hornet Bank, and Powell caught up with them perhaps a little after midday, shot 'several', and then lost them again in circumstances never properly explained. Then the blacks vanished. At the barest minimum, 16 days were needed for the news to reach Gladstone and Maryborough and to bring help into the valley. In the interim, order depended on Powell and his five or six troopers amid 8,000 square miles of mountains, open lands, scrub and panic. 'Rumours' ran through the Dawson that 'the Savages have been heard to threaten that Mr. Scott's family at Palm Tree Creek are to be the next victims'.<sup>1</sup> On 1 November Walker and Wiggins reached Palm Tree Creek from the Comet and at Scott's station 'luckily' found a doctor present. On 4 November when this news reached William Miles at Kinnoul, he wrote to the Sydney Morning Herald, asking what had become of the £17,000 voted to re-organise the Native Police, claiming the suspended Lieutenant Ross to be 'a valuable and efficient officer', blaming Powell's timidity for not preventing the attack on Hornet Bank, and urging the Herald to press action on government, 'otherwise we may all expect on the frontier to share the fate of the station which has

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<sup>1</sup>C.C.L., Leichhardt, at Cockatoo Station, to C.C.C.L., 16 November 1857 (NSA - 4/719.2, Col. Sec. Special Bundle, In Letter 57/4329).

just been annihilated'.<sup>1</sup> The news of Walker and Wiggins probably reached George Pearce Serocold of 'Cockatoo' station about 5 or 6 November, and his realisation that two of his station blacks, Peawaddy and Miall Jemmy, were deeply implicated in the Comet attack on Walker's party, helped promote the already existent fear that the blacks generally were involved in a wide campaign against all whites.

Serocold's own letter to the Sydney Morning Herald, written on 10 November, reflected the panic and helplessness prevailing in the upper Dawson:

It is evident other head stations will be attacked. Mr. Scott, of Palm-Tree Creek, has received notice that his is to be next.

Serocold implied conspiracy in his second paragraph, made a point of the attack on both Walker's party and Hornet Bank being made by night, betrayed a touch of hysteria ('The blood of the Frasers [sic] cries out to heaven for revenge!! Mercy! the word is a mockery in a case like this. '), called the Native Police 'that slender reed of protection', and wrote a paragraph both revealing of his ultimate helplessness and voicing, again with a touch of hysteria, a declaration of war:

If no active measures are immediately adopted by Government, you may expect to hear of a squatters' crusade as soon as the shearing is finished.<sup>2</sup>

It is hard to exaggerate what the blacks did to white society in the Dawson at the end of October, whether white reaction be measured by the number of servants who refused to stand their ground or by the shaking nerve of the onetime Royal Navy officer, George Pearce Serocold. Commissioner Wiseman wrote from the upper Dawson five weeks after the raid, 'There is still considerable panic here on

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<sup>1</sup>William Miles in letter to the editor, SMH, 30 November 1857, p.5, col.6.

<sup>2</sup>G.Pearce Serocold in letter to the editor, SMH, *ibid.*

all sides owing to the audacity of the Blacks....'<sup>1</sup> A wild rumour (if it came from the upper Dawson it must have been born in the first week of November) spread across New South Wales, in the wake of the news of the raid, that the blacks had since attacked Mr. King's station: and on its journey the rumour changed its shape to say that the blacks had attacked Hornet Bank again and killed four men.

The news of the annihilation of Hornet Bank was carried to Ipswich by Pollet Cardew and Sylvester Fraser who rode 300 miles in nine days at a time when a day's journey was considered to be 20 to 23 miles a day. From Ipswich, the news went to Brisbane on 8 November, where the Government Resident ordered Nicoll in the west at Wandai Gumbal and Murray in the north at Gladstone to close on the upper Dawson 'with all speed...with all the available force at their disposal'.<sup>2</sup> The North Australian at Ipswich demanded 'retributive justice' for 'the ruthless perpetrators of the massacre': the women of Hornet Bank had been 'treated in the same brutal manner as the infidel Sepoys did the ladies and children in India': for this 'fearful work of death' action was necessary as a warning to the blacks of 'their future' intercourse with the white people'.<sup>3</sup> The Moreton Bay Free Press of 11 November carried an account of 'Horrible Massacre by the Blacks on the Dawson', noted the singularity of the night attack and the attendant suspicion that the raid had been led by blacks well acquainted with the Hornet Bank household. A correspondent to the paper wrote:

There is one gratifying idea in connection with this subject, that when we get our own legislature we shall be able to return Mr. Blackfellow many a compliment, and all I can say is "haste happy day", when full and just revenge shall be had upon the butchering aborigines of the northern districts.

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<sup>1</sup>C.C.L., Leichhardt, to C.C.C.L., 2 December 1857 (NSA - 4/719.2, Col.Sec. Special Bundle, In Letter 57/5143).

<sup>2</sup>Government Resident, Brisbane, 11 November 1857, *ibid.*, In Letter 57/4578).

<sup>3</sup>From the North Australian in MBFP, 18 November 1857, p.5, col.1.



The editor himself wrote, 'Why should we parley with such wretches as these when "extermination" is the cry in India with regard to a race superior in the scale of humanity?', charged time-expired troopers with being involved in the raid, feared the coming of night attacks, demanded martial law on the frontier, and indicated another facet of the tension in the Dawson in that it was 'a well known fact that blacks who were concerned in the late murders at Euroombah are being harboured by a squatter in the neighbourhood, despite the protestations of his fellow stockholders'.<sup>1</sup>

The news of Hornet Bank reached Sydney on 13 November. The Sydney Morning Herald of 14 November took its account from the Moreton Bay Free Press and two days later from its own correspondent ('It makes one's blood boil to read of such atrocities....');<sup>2</sup> the Empire's 'own correspondent' granted 'the right of the bushmen to take the law into their own hands, and shoot down this tribe of villains like wild dogs....';<sup>3</sup> Bell's Life in Sydney three weeks later demanded a blow that would 'carry terror into the hearts of the tribe';<sup>4</sup> and Charles Cowper ordered that 'every effort may be made to detect and apprehend the perpetrators of the crime' and lamented that he apprehended that the 'neglect & want of energy' of Lieutenant Ross 'might be the cause of such disasters'.<sup>5</sup>

On the day Cowper wrote this, the Sydney newspapers reported the fall of Delhi, and six days later the rumour of the second raid on Hornet Bank. Delhi set an example

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<sup>1</sup>MBFP, 11 November 1857, editorial, p.2, cols.1-2; news report, col.4; letter to editor, col.5.

<sup>2</sup>SMH, 14 November 1857, p.4, col.6, and 16 November, p.3, col.6.

<sup>3</sup>Empire, 14 November 1857, p.3, col.3.

<sup>4</sup>Bell's Life in Sydney, 9 December 1857, in MBFP, 23 December 1857, p.4, col.6.

<sup>5</sup>Draft letter by Cowper, 17 November 1857 (NSA - 4/719.2, Col.Sec. Special Bundle, draft with In Letter 57/4578).

for angry men:

The King and Queen were found so aged that their lives have been spared and imprisoned; two of the sons were shot after jibbeted to the view of the rebels....This gives a total of forty-three mutineers disposed of -- namely, fourteen hanged, three brought in with their heads cut off, four blown away from guns, and twenty-two transported.

Prompted by the supposed second attack on Hornet Bank, Cowper wrote, 'Mr. Morisset [sic] should advance all his available force in this the Upper Dawson and I hope to be ere long informed that these Murders are effectually stopped'.<sup>2</sup>

The Mutiny advanced the new prospect of sadism. The Sydney Morning Herald wrote:

The account of the punishment of the Indian mutineers will be read with mixed emotions. When the crimes imputed to some of them rise into view they seem to have deserved punishments such as Eastern monarchs invent -- more than the mere infliction of death. When, however, we turn to the high standard of right, implied by Christian civilisation, the mind is shocked at any such aggravation ...the mind revolts from any punishment not inflicted in the heat of battle, or under... the forms of military law.<sup>3</sup>

The Moreton Bay Courier had written on 14 November that it was 'prepared...to raise [its] voice against any wholesale and blind attempt to exterminate a whole tribe or race' and that as a civilised people, its blow of 'retributive justice should fall with discrimination, and on the guilty only'.<sup>4</sup> But whether retribution might go beyond 'the mere infliction of death' or might fall on innocent as well as guilty would be subject to time and place. From the upper

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<sup>1</sup>SMH, 17 November 1857, Second Edition.

<sup>2</sup>Draft letter by Cowper, 23 November 1857 (NSA - 4/719.2, Col.Sec., Special Bundle, draft with In Letter 57/4683).

<sup>3</sup>SMH, 23 November 1857, p.4, col.3.

<sup>4</sup>MBC, 14 November 1857, editorial, p.2, col.2.

Dawson, a squatter wrote that if government did not immediately protect the frontier there was but one course left

which, however repugnant to our natures as British subjects, is certain to be adopted, that is, to put the law at defiance, defend ourselves and our homes, and exterminate the black fiends by whom we are surrounded.<sup>1</sup>

'Let the liberty of self-protection be accorded to the squatters,' wrote the editor of the Moreton Bay Free Press. 'There may be some men who would abuse such a trust, but we should hope there are few who would indiscriminately murder a whole tribe -- men, women, and children'.<sup>2</sup>

At the time of the attack on Hornet Bank, the lessee, William Fraser was in Ipswich on business: the owner of Hornet Bank, Andrew Scott, had been to the north to visit Commissioner Wiseman, and with Wiseman was approaching the upper Dawson when they heard of the raid. Scott and Wiseman arrived at Serocold's 'Cockatoo' about 16 November. When William Fraser returned to the Dawson, and where he was in mid November, is obscure. Legend has credited Fraser with conducting a bloody war with the blacks, but legend is necessarily coloured and replete with vague terms such as 'many', credits shooters of the day with a marksmanship and veracity not attained by professional armies, and ignores the time involved in reloading a carbine of the period. In any case, until after about 20 November, there were no blacks to be shot.

The movement of the blacks is also obscure. After Powell lost them on the afternoon of 28 October, they possibly retired westward toward the rugged Carnarvon Ranges, or southward toward the Great Dividing Range: in

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<sup>1</sup>'Pioneer', in letter to the editor, MBFP, 16 December 1857, p.2, col.5.

<sup>2</sup>MBFP, 18 November 1857, editorial, p.3, col.2.

the latter case with the possible intention ultimately of working their way eastward through the foothills of the Range into the Burnett district. Here was another matter for conjecture. Pastoralists had always tended to divide the natives into station blacks and wild (or myall) blacks, a division that in many situations meant automatically that the 'wild' blacks were in fact someone else's station blacks. By 16 November, when they had had time to consult with one another and compare notes, it was evident to the upper Dawson squatters (or so they believed) that the attack on Hornet Bank had come from 'many stations in the neighbourhood'.<sup>1</sup> This treachery at close quarters contributed undoubtedly to the panic in the Dawson (the parallel with the Sepoy rising was acute), and on the other hand brought the cold-blooded realisation that the raiders would eventually leave their hideouts and return to the stations.

Action began, possibly between 20 and 26 November, when the suspended Lieutenant Ross, Scott the owner of Hornet Bank, and a detachment of troopers from Wandai Gumbal encountered blacks at an undisclosed place and shot nine dead. Fraser's real role probably emerged in the reports of the Native Police officers. As the station blacks were progressively reported back in their stations, Fraser rode out with the detachments, identified Hornet Bank plunder held by them, pointed out Hornet Bank blacks among them, and Robert Walker's account of the proceedings at Juandah was of a pattern:

About 10 p.m. we again started and rode by moonlight the seventeen miles to this Station, and having made our arrangements the camp was surrounded at daylight. Mr. Fraser... having identified several of the Blacks as well known to have been always in the Neighbourhood of Hornet Bank, and one in particular (Billy Billy) as a most notorious Rascal, and having also discovered property which that Gentleman swore

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<sup>1</sup>The phrase was Wiseman's. For his description of the 'very extensive conspiracy', see C.C.L., Leichhardt, at Cockatoo, to C.C.C.L., 16 November 1857 (NSA - 4/719.2, Col. Sec. Special Bundle, In Letter 57/4329).

to have been taken from Hornet Bank, I ordered the Troopers to fire. Seven Blacks were shot and one mortally wounded.<sup>1</sup>

Fanning out from Eurombah, where Lieutenant Murray had concentrated the frontier or First Division of the Native Police, the detachments dealt out the same justice. Murray himself rode west from Eurombah to Taroom, 'and finding two notorious scoundrels called "Jerry" and "Jackey" I ordered the Police to fire, and they were both killed'.<sup>2</sup> Presumably on Cockatoo station, the two station blacks implicated in the attack on Frederick Walker and Arthur Wiggins were shot dead by the Police.<sup>3</sup> In the progress of this drum-head justice from station to station, between 26 November and 29 December, the Native Police officers reported the shooting of 21 blacks. With the nine shot by Ross and Scott, and the 'several' shot by Powell on the afternoon after the Hornet Bank raid, the total was probably about 34.

It was left to Serocold and some of his fellow squatters to go beyond 'the mere infliction of death'. Long afterwards, Serocold wrote:

It was a necessity to make a severe example of the black leaders of the tribe and about a dozen were taken into the open country and shot.... These men were allowed to run and they were shot<sup>4</sup> at about thirty or forty yards distant.

Altogether, perhaps 46 blacks died in the upper Dawson, in exchange for the 18 to 21 whites who had been killed

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<sup>1</sup>2nd. Lieutenant R.E. Walker to Lieutenant Murray, Leichhardt District, 30 December 1858 [sic] (NSA - 4/719.2, Col.Sec. Special Bundle, with In Letter 58/920).

<sup>2</sup>Lieutenant John Murray to Commandant of Native Police, 4 January 1858, *ibid.*

<sup>3</sup>Lieutenant John Murray to Commandant of Native Police, 19 January 1858, *ibid.*

<sup>4</sup>George Edward Serocold Pearce Serocold, Extracts from unpublished autobiography (ANL - MS 626, p.22). His psychic speculations that follow this account of the aftermath of Hornet Bank may be ignored.

there throughout 1857.<sup>1</sup> With the blacks dispersed (in general terms they moved south-east out of the Dawson into the western Burnett), Murray withdrew the First Division in early January, leaving Powell and Robert Walker with four troopers each in the upper Dawson. At about this time, also leaving the district, Wiseman was ambushed between Rannes and Gracemere in the north of the triangle, and owed his escape to a counter-attack launched by his orderlies. Murray himself arrived at Gladstone on 19 January 1858. As far as he and the First Division was concerned, the Hornet Bank case was finished.<sup>2</sup>

As a policeman, Murray had every reason to be satisfied. As far as the evidence went, the First Division had behaved with surprisingly scrupulous restraint, done substantial justice, and felt moved to say so when it was otherwise, as was Lieutenant Powell who thought it necessary to say that his detachment had shot three black women at Taroom.<sup>3</sup> In criticising Powell for shooting the women at all, Cowper<sup>4</sup> completely missed the point that Powell had already criticised himself.

But the real damage to the blacks went far beyond the 25 shot dead by the First Division. The figure of 'Clemency' Canning towering above the Indian Mutiny had no parallel in New South Wales. Plunkett was out of effective office, Frederick Walker was discredited, and Cowper wrote language as strong as or stronger than that of any frontier squatter:

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<sup>1</sup>The number of whites killed is variously reported and there is no apparent point in attempting to refine the figure.

<sup>2</sup>For the foregoing, see the tenor of his letter to Commandant of Native Police, 19 January 1858 (NSA - 4/719.2, Col. Sec. Special Bundle, with In Letter 58/920).

<sup>3</sup>Powell to Murray, 16 December 1857, *ibid.*

<sup>4</sup>Draft letter by Cowper, 13 March 1858, *ibid.*

The murder of the Fraser Family, with the attendant circumstances required that the perpetrators [sic] of such monstrous enormities should be punished in the severest manner wherever they could be found....<sup>1</sup>

The philosophy of William Forster was in the ascendant, and so there never was an enquiry as to motivation and provocation, for the spirit of equity and enquiry was dead. The blacks were back where convicts had once been: as irresponsible man who was by definition not able to commit a justifiable crime.

From this philosophical impasse there inexorably stemmed a self-perpetuating cycle of action that in the long run destroyed the tribes more effectively than any damage done by a bullet. Quite simply, the blacks were made subject to a doctrine of unlawful assembly. Walker had argued that great assemblies were end-products of pressures on the tribes, and that apart from breaking up intransigent groupings by force, by 'dispersing' them, it was a function of white civilisation to diminish the pressures that created them. Whether his argument would have coped with the massing for the attack on Hornet Bank is open to question, but the substantive point was that the spirit of enquiry personified by Walker was now dead. Attention accordingly focussed on end-products, and 'dispersing' the blacks acquired a different significance. Wiseman did not invent this newer, more simplified doctrine, nor was he the first to voice it, but he expressed it as succinctly as is perhaps possible. On the day he arrived at Cockatoo, 20 days after the raid on Hornet Bank, he wrote inter alia:

When such large numbers thus collect [,]  
plunder and then murder is the result.  
Such has been the result of the immense  
assemblage of Blacks which I saw last  
June on the Upper Dawson.<sup>2</sup>

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<sup>1</sup>Ibid.

<sup>2</sup>C.C.L., Leichhardt, at Cockatoo, to C.C.C.L., 16 November 1857 (NSA - 4/719.2, Col.Sec. Special Bundle, In Letter 57/4329).

When an aristocratically-minded, intelligent, cultured and humane man such as Wiseman came to this point of non-enquiry, the tribes were lost.

Conceivably, of course, this drift of attitudes could have been reversed again and a spirit of enquiry arise once more, a spirit of enquiry that might then have proceeded beyond Frederick Walker's perhaps oversimplified view of the causes of tribal distress, and gone on to observe such things as cultural provocation. Time, place and condition, however, ensured otherwise, for such were the long standing tensions in the northern triangle, such to white men the effect of Hornet Bank, and such the fatuity of central government, that Murray's ease in mid January 1858 at Gladstone was without substance. His Division and the squatters had 'dispersed' the blacks in the upper Dawson, but this logically meant that they came to rest somewhere else, and generally they would seem to have moved eastward and southeastward into the Burnett, where in fact many of them probably belonged. What Murray had not done was equally relevant. He had not exorcised the Dawson black, a night monster of men's imaginations that perhaps lurked in every part of the northern triangle and was certainly deemed by some to be lurking in Maryborough, 200 miles from Hornet Bank.

Despite Murray's ease, there now occurred, along the baseline of the triangle, an event (or perhaps a series of loosely connected events) that must for the present be to a material extent hypothesised. The evidence that this event took place consists of a sentence written at Maryborough on 20 February 1858 by Commandant Morisset, two pieces of oral tradition, and a letter written, also at Maryborough, on 31 March by George Lang, son of Dr John Dunmore Lang. Wiseman on 8 December 1857 had reported the southeastward movement of the blacks from the Dawson.<sup>1</sup>

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<sup>1</sup>C.C.L., Leichhardt, at Bungaban, to C.C.C.L., 8 December 1857, *ibid.*, In Letter 58/64.



On 20 February 1858, reporting that the 'Dawson River Blacks are supposed to have principally gone to the Fitzroy' (this statement perhaps reflected northern preoccupation with the Dawson black as night monster), Morisset observed in another paragraph that

In consequence of two Officers being under suspension, and one on Sick leave, and as the Blacks are mustering in large numbers between the Auburn and the Burnett (i.e., in the western Burnett), and having no Officer to send with Troopers, I have considered it expedient to provisionally appoint Mr. W.R.L. Smett to the rank of 2nd. Lieutenant this appointment will however make an addition to the estimated strength, but the emergency will I trust warrant the excess.

It is my intention to proceed immediately to Wandai Gumbal, for the purpose of inspecting the 3rd. Division....<sup>1</sup>

The general shape of the event that followed would be that between this date and 31 March, a party of 12 squatters and a detachment (or detachments) of the Native Police between them killed upwards of 150 men, women, and children in the western, northern and central Burnett, at distances of up to 150 miles east of Hornet Bank and down to 50 miles from Maryborough. Told with a wealth of detail -- places, numbers and circumstances -- this was the gist of Lang's letter of 31 March.<sup>2</sup> Blacks, he said, were shot in the bush, at head stations, enroute about their masters' business, and when occasion offered were deliberately wounded first and eventually killed. In this excursion beyond 'the mere infliction of death', legend supports Lang. Of the Native Police, tradition claims that a group of blacks were surrounded at Derra Derra Creek on 'Mundubbera' and all shot; and that on the slopes of Mount Narayen on 'Hawkwood', 'Many were shot down and number captured alive.

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<sup>1</sup>Commandant, NP, to Government Resident, Brisbane, 20 February 1858, *ibid.*, with In Letter 58/920.

<sup>2</sup>George Lang to Andrew Lang, 31 March 1858 (ML - A.63, A.L.S., pp.176-79).

These unfortunate creatures were handcuffed around a large Bottle Tree and then shot'.<sup>1</sup>

Beyond the numbers reported killed (which pending confirmatory evidence have to be accepted with scepticism), what would seem uppermost was the frenetic state of mind triggered off by Morisset's 'emergency', an emergency which would appear to be straightforwardly a massing of the blacks. It may have been more to the point that Lang's understanding of this rampage was that it was done in the name of Hornet Bank; and equally to the point that the geographic and sociological focus of the explosion was Maryborough. For where squatters and Native Police left off, townsmen took up. Townsmen volunteered to assist the Constabulary to destroy the blacks' camp between the twin towns, and Lang wrote that

The party of whites then followed and shot a boy of twelve years of age dead -- a lad well known in town as a harmless, helpless lunatic....Yesterday the Native Police force under the orders of their white officers performed the same meritorious action for the Blacks in Maryborough...and driving numbers of them into the river in sight of the whole town population.

Making it clear that he himself had witnessed no shootings, he wrote of

the spectacle of a blackfellow endeavouring at the public wharf at eight o'clock last Sunday night, to construct a frail raft of sheets of bark to carry over a river as broad as the Hunter at Raymond Terrace and twice as rapid, a child twelve months old and another but ten days old, and all this because he had been chased from his fires and threatened with a ball from a carbine by a ruthless wretch wearing the Queen's livery....

The behaviour of Maryborough, Lang thought, was a libel on humanity and 'a disgrace to its Magistrates its storekeepers its fathers & sons & everything British in the place'.<sup>2</sup>

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<sup>1</sup>Souvenir of the Centenary of the Central and Upper Burnett River District of Queensland, 1848 to 1948 (no publisher's impress), p.23.

<sup>2</sup>George Lang to Andrew Lang, 31 March 1858 (ML - A.63, A.L.S., p.p.176-79, the quotations from p.178).

These, then, are the broad outlines of an event (or of a series of loosely connected events) that must for the present remain the subject of hypothesis. It is not impossible that Lang himself gave his perspective a unity it did not possess. In the years immediately following, on the other hand, Lang acquired a reputation as a careful and accurate journalist, and it is therefore probable that his report from Maryborough reasonably represented public hearsay and the public state of mind. Hearsay might well have exaggerated the extent of the event or events along the base line of the northern triangle. What is hard to escape is the quality of the action: insistently, in Lang and in legend, hysteria born of exploding tension carried squatters, Native Police officers and townsmen into a frenzied world where the English tradition had supposed they would never go. As the supreme and longstanding custodian of the blacks, responsible man's concern for his own ethic, on the northern frontier, lay in ruins.

And here the centre of colonial civilisation, and government at the centre of civilisation, abdicated its function as custodian of the Western tradition. If Sydney ever became aware of what was happening in the north, it gave no sign of it. So that precisely as the force of law was abandoned for the force of the individual, so society's collective oversight of the human condition was surrendered to the custodianship of concerned individuals. However many there were of these in the north (fortunately for the Western tradition, they included squatters), the tide of tension was against them.

In November 1860, almost a year after the separation of the north from New South Wales as the colony of Queensland, several Native Police troopers were arrested following the rape and murder of a white woman, Fanny Briggs. Rape of white women by blacks, or at least allegations to that effect, were by no means uncommon in the history of New South Wales, but as far as the evidence goes, had never caused any untoward reaction among white society. Nor,

ambitions were two-fold: they wanted a vastly increased force with the office of commandant restored, and they wanted to complete the discrediting of Walker.<sup>1</sup> From a sympathetic Ministry including Donaldson, John Hay and Edward Deas Thomson, they secured the first object, in a provision on the Estimates of over £17,000, more than three times the Estimate that had barely passed the old Council in 1855.<sup>2</sup> In the longer run, it transpired, they secured their second object in the appointment as Commandant of Edric Norfolk Vaux Morisset, son of a onetime commandant at Newcastle and Norfolk Island.<sup>3</sup>

If it was nervousness for their squattages in the Leichhardt and Wide Bay that set Sandeman and Forster on this course, they were too late. It was February 1857 before the Estimates passed the Assembly, and July before Morisset took up office. In the short run, it was already too late in November 1856 when they sought their Select Committee. In a sense, the Native Police Force had been disintegrating for some time. Badly and erratically supplied with stores, food and ammunition, lacking a unifying field command and anything more than a grudging interest by government, living in the rain where the Devils would hardly ride, increasingly officered by inexperienced youths of 18 or 19, and increasingly spread out in small numbers to keep order over 20,000 square miles, both white officers and black troopers were near cracking point in late 1856.

In November or early December, the detachment under Murray on the Fitzroy mutinied. These were some of Walker's old troopers from the Murray and Murrumbidgee whom O'Connell

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<sup>1</sup>Select Committee of Inquiry on the Native Police, V & P (NSW) 1856-57, Vol.1, pp.1158-1216.

<sup>2</sup>Message No.35, 18 February 1857, V & P (NSW), 1856-57, Vol.2, pp.1079-81.

<sup>3</sup>ADB, Vol.2, entry for James Thomas Morisset. Contemporaries spelt the surname in a number of ways, and I have followed the spelling in ADB.

perhaps, except as fuel to an existing fire, was the rape really relevant to the social explosion at Rockhampton in the northern tip of the triangle.

Killed on 6 November, Fanny Briggs' fate was not connected with the blacks until the 10th, and she was not found until the 11th. On the 12th, still having no reason to suspect his own troopers, Morisset wrote to the Queensland Colonial Secretary:

I believe the above outrage to have been perpetrated by half civilized Blacks who are employed on Mr. Archer's and other Stations in the vicinity of Rockhampton, a system which cannot be sufficiently deprecated, when the Blacks so employed belong to the country they are employed in.<sup>1</sup>

Nothing more eloquent was probably ever written as to the condition the north had come to since October 1857 -- for Morisset's words can be interpreted in only one of two ways. Either he envisaged a complete geographical upheaval of all station blacks throughout Queensland, or he was a clinical case of diminished responsibility. The latter prospect was, on the evidence, more likely. He went on to say that

I start tomorrow [the 13th] with Lieut. Murray and all the Police here, and will use every endeavour to punish the perpetrators of the atrocity it is my painful duty to report.<sup>2</sup>

But on the same day that Morisset wrote this, Commissioner Wiseman wrote to Colin Archer at Gracemere:

Popular feeling appears to be running tempestuously against all Blacks -- this is to be expected. I feel considerable disgust myself and desire of vengeance but still I do not think I am justified in going with my feelings and with the Mass -- Morissett wants to have all the Blacks at Stations dismissed and in this he is

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<sup>1</sup>Commandant, NP, to Col.Sec., Qld, 12 November 1860 (QSA - 48/682, Col.Sec. In Letter 60/2107, with In Letter 61/84).

<sup>2</sup>Ibid.

supported by the fear and the ferocity of hatred in the masses. He wants me to dismiss by Blacks. Dickey, Starlight & Joe -- so that they may be shot by the Police when away from my place.<sup>1</sup>

Whether this last sentence was a statement by Morisset, or Wiseman's interpretation of Morisset's intentions, the Commandant at a minimum was the subject of grave suspicion on the part of a Commissioner able to keep his own emotions under severe control. If Morisset ultimately escaped the widespread belief that he did in fact conduct a massacre (he, and much more impressively, Lieutenants Powell and Murray, strenuously denied it),<sup>2</sup> he was ironically preserved from such action only by the realisation that some of his own troopers were the guilty parties.

The shootings at Rockhampton on 11 November,<sup>3</sup> the day Fanny Briggs was found, and the continuing sensation in the north into the New Year were not germane to this issue of the kind of man that Sandeman and Forster had thought desirable to replace Walker. Forster had always wanted firmness: there is no reason to think that he wanted the kind of man he in fact got. That there was still some strength in the Western ethic possibly explained Morisset's resignation of office in 1861. Despite the odds against it, a ground-swell of opinion was building up against the Native Police and the justice it dispensed. The Fanny Briggs case with its attendant rumours, and a 'dispersing' by the Police of blacks on 'Passifern' station near Brisbane on Christmas Eve 1860 might in themselves have led to a parliamentary enquiry. The possibility was made a certainty when the two squatter

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<sup>1</sup>W.H. Wiseman to Colin Archer, 12 November 1860 (ML - A3882, Archer Papers, IV, General Correspondence, pp.335-36).

<sup>2</sup>For the turn upon the troopers of suspicion, and the categorical denials by the white officers of any massacre, see Commandant, NP, to Col.Sec., Qld., 7 January, with enclosures (QSA - 48/682, Col.Sec., In Letter 61/83, with In Letter 61/84).

<sup>3</sup>Wiseman to Archer, *op.cit.*, p.337.

brothers Mortimer of 'Manumbar' in the South Burnett paid for an advertisement in the Moreton Bay Courier on 16 March 1861:

(ADVERTISEMENT)

To the Officer in Command of the Party of Native Police, who shot and wounded some Blacks on the Station of Manumbar, on Sunday, the 10th instant.

Sir,

If in future you should take a fancy to bring your troopers upon the Station of Manumbar on a sporting excursion we shall feel obliged if you would either bag or bury the game which you shoot as it is far from pleasant for us to have the decomposing remains of four or five blackfellows laying [sic] unburied within a mile or two of our head station. If you will do neither please be kind enough to remove the corpses from waterholes near the head station from which we sometimes use water for culinary purposes. As most of the blacks you left dead on our run were feeble old men, some of them apparently not less than eighty years of age, will you please to inform us whether these hoary sinners are the parties chiefly engaged in spearing bullocks and "cramming monkeys," etc; or whether you just shoot them because the younger ones are too nimble for you. Besides the four or five you left dead on our run, you have wounded two of our station blacks, who have been in our employment during lambing, washing, and shearing, and all other busy times for the last eight or nine years, and we have never known either of them to have been charged with a crime of any kind. One of them came to the station with a bullet wound through one of his thighs, another through one of his arms, and another through one of his hands; the other had a bullet wound through one of his arms. These blacks, being in our employment, very naturally look to us for protection from such outrages, and we are of opinion that when you shoot and wound blacks in such an indiscriminate manner, you exceed your commission, and we publish this that those who employ and pay you may have some knowledge of the way in which you perform your services.

We have, etc.

T. & A. MORTIMER.

Manumbar, Feb.22, 1860 [sic]<sup>1</sup>

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<sup>1</sup>MBC, 16 March 1861, p.3, col.4.

The Colonial Treasurer, Robert Ramsay Mackenzie, moved on 1 May 1861 for a Select Committee to enquire into the Native Police, but if the Mortimer brothers and other critics expected much of it, it was lost before it was started. Mackenzie was Chairman, and Mackenzie at the time of Hornet Bank was Serocold's partner in 'Cockatoo'. His attitude to the blacks need not have followed logically from this fact, but in the event it did. His questioning of one witness constituted a restatement of the propositions of the 1840s, that the execution of the Myall Creek murderers in 1838 was 'judicial murder', that the 'Exeter Hall' influence in colonial affairs had been pernicious, and that the blacks understood only superior strength.<sup>1</sup>

Nor might the Mortimer brothers and other critics expect any lead from the Governor, Sir George Ferguson Bowen, and from the Colonial Secretary, Robert George Wyndham Herbert. Unlike most if not all of the parliamentary members, both men were new to the colonies, having been chosen in Britain to launch Queensland on a viable basis. Their acquiescence in what was entailed in 'dispersing' the blacks closed the external British avenue of criticism as firmly as events inside New South Wales and Queensland had closed the internal. In part, Herbert was a man to whom blacks were perhaps of no intrinsic interest;<sup>2</sup> and beyond that, it is hard to escape the conclusion that the British Empire had grown weary of its attempt to live in amity with the native peoples of its territories -- Sepoys, Maoris and Australian aborigines.

The test of Bowen and Herbert was provided on Christmas Eve, 1860, by Lieutenant Frederick Wheeler, an officer of the Native Police commissioned at the time of Hornet Bank. On Christmas Eve, at 'Passifern' 60 miles southwest of Brisbane, Wheeler 'dispersed' a camp of blacks at the request of the station owner, John Hardie. The coroner of Ipswich, Dr Henry Challinor, conducted an inquest on both this incident and a similar one on nearby

<sup>1</sup>Select Committee...Native Police, V & P (Qld), 1861, p.454.

<sup>2</sup>For an assessment of Herbert's conservative outlook, see entry for him projected for ADB, Vol.4.



'Normanby' station. In the Fassifern case, unlike the Normanby one, Challinor was able to secure evidence from whites as well as blacks (that of the blacks, of course, not being admissible at law), and believed a prima facie case of murder was established against Wheeler.<sup>1</sup> Probably because of the attitude of the owner of Fassifern and of his wife (they alone of all the witnesses heard no shots),<sup>2</sup> the Attorney-General decided that no charge could be sustained, and referred the matter to the Colonial Secretary 'to call upon Lieutenant Wheeler for an account of his proceedings on the day referred to....'<sup>3</sup>

Prompted by allied matters, government already had Wheeler's account. In it, Wheeler defended dispersion of the blacks as 'these large mobs of Blacks, always lead to Cattle Spearing, Sheep Stealing,....and in cases of resistance, to...Murder....', listed four squatters of the region who would support his statements, and went on

In conclusion I most humbly remark, that as the duties appertaining to the Native Police, appears [sic] to have given such umbrage to a certain Class of individuals, that the division under my Command, be withdrawn.<sup>4</sup>

On 10 January, the Executive Council noted on Wheeler's account that

The Report is read and the Council request the...Colonial Secretary to express to Mr Wheeler the general approval of the Government.<sup>5</sup>

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<sup>1</sup>Henry Challinor, J.P., to Attorney-General, Brisbane, 29 January 1861 (QSA - 48/683, Col.Sec. In Letter, copy with In Letter 61/359).

<sup>2</sup>Depositions of a Magisterial Enquiry...held...at the head Station Fassifern...respecting the death of three Aborigines then lying dead in the adjoining Scrub....(QSA - Jus/N3, Inquest No.1 of 1861).

<sup>3</sup>Attorney-General to Col.Sec., 14 February 1861 (QSA - 48/683, Col.Sec. In Letter 61/17, with copy of 61/16, Attorney-General to Challinor, 14 February 1861).

<sup>4</sup>2nd. Lieutenant Frederick Wheeler to Col.Sec., 1 January 1861 (QSA - 60/71, Jus N/2, Col.Sec. In Letter 61/3).

<sup>5</sup>Ibid.

The Colonial Secretary does not appear to have persevered a month later with the Attorney-General's suggestion for a further account from Wheeler.

This failure by Bowen and Herbert to challenge the doctrine could have but put the seal on the doctrine. The tribes, both myall and semi-civilised, were confirmed in a self-perpetuating cycle. Pressures both material and cultural periodically pushed them into large groups. Whenever they thus grouped, they were 'dispersed'. It was the end of an era begun in 1788 in enlightened optimism, and ended in the awful amity of squatter and officer and townsman in the north. When their tensions, fears and hysteria in due time subsided, the doctrine survived intact. It was perhaps these years of the late 1850s and early 1860s that produced from William Forster, when he had sublimated these years he helped to make, a funeral march for men's ambitions:

'Tis thus -- a fatal race -- where'er we go,  
 Some phase of fitful tragedy appears.  
 We strew the earth with murder, crime, and woe,  
 Marching as in a monumental show  
 Begirt with mourning years.  
 We pave our way with terror, blood, and tears --  
 We wade through tears and blood.  
 Our path is as the ruthless track of fires.  
 Our passage as the havoc of a flood,  
 When from the wasted levels it retires.  
 Thus with whatever good  
 Our conquest brings, or seems to bring,  
 Perpetual evil mingles or conspires.  
 Pale death and ruin around our footsteps spring,  
 And desolation dogs our civilised desires.<sup>1</sup>

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<sup>1</sup>From 'The Brothers', quoted in Don Dignan, The Story of Kolan (Brisbane, 1964), p. 18.

CHAPTER 12CONCLUSION

In 1862 in New South Wales, and in 1864 in Queensland, after 30 years of periodic advocacy to that effect, the police forces were centralised. Thus the last substantial source of domestic authority passed from the magistrates to central government. Given vigorous Benches, this need not have followed: but in practice it did. Asked at the end of 1863 whether they thought a return to the old system either practicable or desirable, the magistrates of New South Wales were evenly divided. Eighty-nine Benches replied, the answers of 75 permitting of a rough reduction to simple yes or no formulations. These divided 38 to 37 against a reversion. Inside this number, 49 town, county and gold fields Benches divided 26 to 23 in favour of reversion, while 26 squatting Benches divided 15 to 11 against.<sup>1</sup> Subject to the crudity of reducing long answers in this manner, it would seem that the pastoral magistrates beyond the boundaries, having already abdicated their formal power to an extensive degree, were happy to shed even more to central government.

Once again, as with the wealthy quondam resident squatters of the 1850s, squatting seemed to have turned back on itself and reinforced its point of origin, the Cumberland Plain. As central government was in the hands of men bent on introducing free selection, the occasional squatter was perhaps aware of where centralisation of the police led with its 'unconstitutional and dangerous patronage placed in the hands of the Government';<sup>2</sup> but whether or not his alarm extended beyond a sense of tradition, there were few squatter magistrates to join him. They had in large measure shed the formal trappings of power. Some

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<sup>1</sup>The foregoing derived from a Return to Circular by Magistrates, 1864 (NSA - 4/561, Col.Sec. Special Bundle).

<sup>2</sup>M. Robertson, in reply 64/501 of 10 January 1864, *ibid.*

of them still sat on the Bench, but beyond that they had come to recognise that in the end power was where the Empire had once said it was, in the disposition of Anglo-Saxon societies to defer to wealth, character and condition.

The squatters were free to be any or all of these things, for they were free as Throsby had said they ought to be, alone. It was perhaps precisely because they were alone that much of colonial society would never love them. And if this was so, it was a very harsh judgment, just to some, unjust to others, but capriciously and irrelevantly so, because it assumed that society at large could in some wise deny responsibility for one part of itself, and because society in doing this had to deny its own history.

Some men had always been alone, and always would be, but that was in themselves. In 1861, still tempestuously seeking to own the world, William Charles Wentworth brought action before the Privy Council against John Charles Lloyd, Thomas Sutcliffe Mort, John Croft and the brothers Tooth, alleging fraud on their part in the sale of Wentworth's 'northern runs' in 1853. Broadly, he alleged firstly that the speed with which Lloyd had cleared his indebtedness to his backers indicated that Lloyd had undervalued the runs, and secondly that Mort as Wentworth's agent in the sale had taken a secret interest.<sup>1</sup> When in April 1863, the Master of the Rolls found for Lloyd, an ex-squatter and two Darling Downs squatters, all then in London, reached for their pens. 'For once at any rate', Alfred Dennison told Lloyd, 'Law and justice Are in accord....'<sup>2</sup> 'Virtue', Arthur Hodgson wrote, 'has met with its own reward'.<sup>3</sup> 'I cannot refrain', said W.S. Davenport to Lloyd, 'from offering you the hearty congratulations of

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<sup>1</sup>Wentworth v. Lloyd and others, in the House of Lords, Pleadings (ML - Q.347.7, Printed Bookd).

<sup>2</sup>Alfred Dennison to John Charles Lloyd, 17 April 1863 (ML - A.1460/1, C.W. Lloyd Papers).

<sup>3</sup>Hodgson to Lloyd, 18 April 1863, *ibid.*

Mrs Davenport and myself',<sup>1</sup>

It took Wentworth to be alone like this. Other men were alone because history had made them that way. To reject them was harsh, for otherwise, Thomas Parnell and William Nowland, the sons of emancipists, ought never have set out with their cattle in the 1820s to circumvent the plantation ideal that frowned upon their kind and blocked them, Oxley's persons of little character and substance. Parnell reached his ambition in 'Osterley' House in the Hunter Valley, and died in 1856, leaving his widow and his sons to contend with the Marra Creek lying b-----s. Nowland lived longer, long enough to know the bitterness of being criticised for being simply what he was, a onetime seeker after freedom. In 1861 he told society fiercely that in 1827 he had taken up 'the first dray that ever went over the new road to [the] Liverpool Plains', and in 1861 this old man with a legacy behind him of buffetings by the Australian Agricultural Company, the blacks, squatter neighbours more influential than he, and 20 years of legal disputation, seemed to say that he had found his freedom, and that his critics were of little account:

The original squatters were the means of the first formation of all the towns beyond the boundaries of the colony; also the road side towns leading to the above. But for the squatters, the people would have staid in Sydney until they were smoke-dried, and there would have been no gold found.<sup>2</sup>

In part it was Nowland's fate, no less than that of the Macarthurs of Camden on the one hand, and of the lowliest 'old hand' of New South Wales on the other, to have been pushed into a corner by successive waves of immigration that jostled them and criticised them for having been what they were.

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<sup>1</sup>Davenport to Lloyd, 20 April 1863, *ibid.*

<sup>2</sup>William Nowland, 21 January 1861, in letter to the editor, *SMH*, 23 January 1861, p.3, cols.2-3, the quotations from cols. 2 and 3 respectively.

It was perhaps natural that men placed like Nowland followed him in identifying Sydney as the source of unreason, and in this sense, history obliged them to reject the Cumberland Plain that had once been their home, and indeed, had been the land of their birth. Even Vincent James Dowling, one of the finest of intellects in New South Wales, and one of the most equable of all men, felt obliged to follow suit. In 1863, on the Warrego and the Paroo in western Queensland, Dowling was at the stage of life where Nowland had been in 1827. On the Warrego plains it was wet and lonely and cold. 'Patience and perseverance', wrote Dowling, 'will conquer in the end I presume, one needs plenty of both'.<sup>1</sup> As though he saw himself a speck in eternity, he wrote, 'how I detest this universal plain, so much sameness and one never seems to progress'.<sup>2</sup>

Cold and wet, alone and weary he observed a fortnight later that

An outside Squatter leads a very pleasant life -- very. The unhappy creatures in Sydney who cry DOWN WITH THE SQUATTER only see the bright side of his life.<sup>3</sup>

From Dowling, this was not self-pity. His critical faculty was too acute for that, and he was too equable. Ambushed on that lonely journey at a waterhole, a spear taking his hat from his head, Dowling philosophised that 'I shall always wear long American hats -- the blacks must have taken me to be long headed which I am not by the bye...'<sup>4</sup> Then the realist who always rode armed with a rifle and the self-contained man who always travelled with several books in a saddle bag, rode down the Warrego wearing his long American hat:

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<sup>1</sup>Dowling, Diary, 1863, entry dated 29 June 1863 (Eidsvold Station).

<sup>2</sup>Ibid., entry dated 27 June 1863.

<sup>3</sup>Ibid., entry dated 14 July 1863.

<sup>4</sup>Ibid., entry dated 22 March 1863.

...made Mr. Josephson's station Tininburra beastly looking place. Hutkeeper the most filthy looking ruffian I have seen for many a long day wanted me to have some dinner. I should have died on the spot I am sure had I eaten anything cooked by him must be rank poison...Drove on down the creek met an old blackfellow and his gin in about 7 miles, they invited me to spend the evening with them. I accepted their invitation, they made me a fire and picked some grass for my bed, were exceedingly attentive and polite, on the whole spent a rather agreeable [sic] evening. How little satisfies one if one could only believe in it.<sup>1</sup>

If 'the unhappy creatures in Sydney' rejected this man, the dichotomy between town and squatting was complete. Dowling left his own memorial to these years when the frontier surged across Queensland, exactly as Forster appeared to have done of the late 1850s. In Dowling's case it was a hymn which he himself may well have composed -- he had the capacity -- or may equally well have found it and written it out for the rain, the spears, and the universal plain of the Warrego and the Paroo:

Beneath a wild and lurid sky  
 I wander lone; Lord be my guide  
 For trackless wastes before me lie  
 And storms assail on every side  
 Though lightnings flash and thunders roll  
 And clouds obscure the path I tread  
 Thou canst the warring strife control  
 And shelter my defenceless head.<sup>2</sup>

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<sup>1</sup>Ibid., entry dated 29 June 1863.

<sup>2</sup>Undated item, Dowling papers (Eidsvold Station).

## Appendix A N.S.W. - 1818. Notional hierarchy of pastoral land users (to 100 places)

Marriage Systems	Formal Ranking	NAME	Origins FREE or EMANCIPIST	Future Squatter	CATTLE	Ranking	SHEEP	Ranking	Area Grazed	Ranking	Area Owned	Ranking
A	Esq.	MACARTHUR John	F	Sons	654	8th	6003	1st	27,819	1st	9000	3rd
B	Esq.	BROOKS R.	F	Self	1200	1	800	21	20,400	2	4600	10
	Esq.	ALLEN David	F		850	3	2340	7	19,770	3	2470	26
		TERRY Sm.	F	Son	650	7	3000	5	18,750	4	8000	4B
H	Rev.	MARSDEN Sm.	F	Self	520	11	3400	4	18,000	5	4130	13
		WENTWORTH D.	F		950	2	600	27F	16,050	6	20,000	1
C		COX G. & H.	F	Self	216	25	3833	2	14,739	7	3350	15
		HASSALL Rowland	F		202		3684	3	14,082	8	2682	22
	Esq.	REDFERN Wm.	F	Self	475	18	2318	9	14,079	9	-	-
A	Capt.	KING P.P.	F		824	4	530	26	13,950	10	3230	17
	Esq.	BLAXLAND John	F	Self	404	14	2257	9	12,831	11	8000	4A
	Esq.	LAWSON Wm.	F	Self	230	31A	2500	6	10,950	12	2100	30
	Esq.	THROSBY Charles	F	Nephew	530	9	900	18	10,650	13	2500	25
C		CONNELL John	F		700	5	-		10,500	14	1000	
D	Esq.	JENKINS Robert	F	Son	641	2	-		9615	15	1600	
G		PALMER Geo. Thos.	F	Self	301	23	1534	12	9117	16	420	
	Esq.	TOWNSON Robert	F	Self	214		1916	11	8958	17	2632	23
	Kt.	JAMISON (Sir) John	F	Self	523	10	-		7845	18	10,236	2
	Esq.	HOME Wm.	F	Sons	100		2100	10	7800	19	7000	8
		EAGER (Lt.) estate	F		508	12	-		7629	20	-	-
		EMMETT Wm.	F		317	22	940	18	7575	21	700	
	Esq.	BROUGHTON Wm.	F	Wife	340	20	606	28	6918	22	1700	
E		NICHOLS Isaac	F		235	29	1130	15	6855	23	3318	16
	Esq.	BROWN Wm.	F		363	17	483		6794	24	5000	9
E	Esq.	JOHNSTON Geo.	F		300	24	700	22C	6600	25A	5104	8
A		MACARTHUR H.H.	F	Self	234	30	1030	18	6600	26B	1900	
		HAZZARD Robert	F		403	15	-		6045	27	518	
G		HOOK (Mr) [Charles]	F		320	21	392		5976	28	1100	
		JAMESON John	F		220	34	850	20	5850	29	1200	
		CAMPBELL Wm. (Capt.)	F		380	18	-		5700	30	2000	32C
		CAMPBELL John Douglas	F		360	18	-		5400	31A	2000	32B
	Esq.	LOWE Robert	F	Self	170		950	17	5400	31B	530	
	Lt-Col.	O'CONNELL M.C.	F	Self	125		1129	14	5262	32	4400	12
C	Esq.	BAILEY Nicholas	F	Sons	50		1500	13	5250	33A	2300	27
		BALDWIN Henry	F	Self	230	31B	600	27A	5250	34B	175	
E		BROWN David	F		350	19	-		5250	34C	155	
		CRIBB George	F		225	33	600	27B	5175	37	500	
		FITZGERALD Richard	F	Self	170		665	25	4545	38	1685	
		MEEHAN James	F		180		600	27E	4500	39	4000	14
		REDDINGTON (Estate)	F		290	25	-		4350	40	2200	26B
	Esq.	HARRIS John	F	Self	250	27	170		4260	41	4500	11
		THORLEY Sm.	F	Son	270	28	-		4050	42	510	
		ROUSE Richard	F	Self	195		300		3825	43	1100	
	Esq.	CAMPBELL J.T.	F		237	28	-		3555	44	2020	31
		GUISE Richard	F	Self	142		460		3510	45	600	
		BEST Geo.	F	Self	90		700	22A	3450	46A	435	
	Esq.	HORSLEY John	F		110		600	27D	3450	46B	1800	
		GROWD John	F		103		600	27C	3345	46	320	
	Esq.	ROWLEY Thos.	F	Self	210		-		3150	49	360	
		PYE John	F		96		550	24	3090	50	900	

(continued next page)



Marriage Systems	Formal Ranking	NAME	Origins FREE or EMANCIPIST	Future Squatter	CATTLE	Ranking	SHEEP	Ranking	Area Grazed	Ranking	Area Owned	Ranking
E	Esq.	JOHNSTON	Geo. (Jnr.)	F	200		-		3000	61	1800	
		[HACKETTS]?	Thos		50		700	22B	2850	82A	100	
	Rev.	WYE	Joseph	X	120		350		2850	82B	400	
		FULTON	Hy (Rev.)	B	79	Self	540	35	2805	84A	1600?	
G	Lt.	TINDAL	John		95		460		2805	84B	300	
		PALMER	(Lt.) John	F	105		405		2790	85	400	
	Esq.	WILLIAMS	George		183		-		2745	87	500	
		CARRE	Thos.	F	120	Self	300		2700	88	1360	
D	Esq.	WYLDE	Thos.	F	179		-		2665	89	-	
		KING	James		177		-		2655	90	40	
C		BUNKER	Eber	F	170		-		2550	91A	900	
		FAITHFULL	Wm.	F	70	Sons	500		2550	91B	1330	
		FOSTER	SmI.		170		-		2550	91C	900	
		BADGERY	James	F	163	Self	30		2535	94	1560	
		ROSE	Thos.	B	150	Self	70		2460	95	600	
		ARMYTAGE	Charles		150		-		2400	96A	-	
C		COX	Wm.		60	Self	500		2400	96B	-	
		REDMOND	Edward	B	158		-		2370	98	400	
	Esq.	HALL	Geo.	F	150	Sons	-		2250	99A	1500	
		RILEY	Edward	F	150		-		2250	99B	5	
		ANDREWS	Joseph		147		-		2205	71	-	
		CLARKSON	Thos	B	144		-		2160	72	2000	32A
E		CHISHOLM	James	F	142	Self	-		2130	73A	3000	19A
		SUTTER	Geo.	F	80	Sons	310		2130	73B	400	
		BOYNE	Owen	B	141	Self	-		2115	76	120	
		BRADLEY	Jonas	F	40	Son	500		2100	76A	250	
		CABLE	Robert		140		-		2100	76B	250	
		KELLY	Hugh	B	140		-		2100	76C	235	
		MARR	Henry	B	120		100		2100	76D	1000	
		MIDDLETON	F.W.	B	140		-		2100	76E	250	
		CHAPMAN	Wm.		129	Self	-		1935	81	1300	
		HUTCHINSON	Wm.	B	126		-		1890	82A	1200	
		MOABS	Wm.		126		-		1890	82B	110	
		DRUMMOND	Wm.		80		227		1881	84	710	
		McDONALD	Alex		114		50		1860	85	170	
		ARCHER	Isaac		65		292		1851	86	150	
	Rev.	CARTWRIGHT	(Rev.) R.	F	7		580	33	1845	87	52	
		CAIRNS	Wm.		120		-		1800	88A	300	
C	Esq.	LAYCOCK	Thos	F	120		-		1800	88B	600	
		NASH	Andrew		45		350		1725	90A	50	
		WILLIAMS	John	B	115	Self	-		1725	90B	100	
		TARLINGTON	John		33	Sons	400		1695	92A	100	
	Esq.	WENTWORTH	W.C.	B	113	Self	-		1695	92B	1750	
		[LIQUARISH?] SmI.			20		450		1650	94A	64	
		LORD	Simeon	B	100	Self	50		1650	94B	6000	7
		POOR	Morgan		110		-		1650	94C	160	
		ROBERTS	Wm.		110	Self	-		1650	94D	700	
		LEWIS	Richard		69		200		1635	98	50	
C	Esq.	HOWE	John		78	Self	150		1620	99A	810	
		PIPER	John	F	102		30		1620	99B	2200	24

Source: livestock returns of H.S.W. for 1818 (NSA-4/1226).  
The difficulty of properly identifying some individuals  
qualifies the accuracy of the sequence of land users.

Appendix B N.S.W. - 1828. Notional hierarchy of pastoral land users (to 100 places)

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Marriage Systems	Arrival of self or father in NSW	NAME	Origins FREE or EMANCIPIST	Future Squatter	CATTLE	Ranking 1828			SHEEP	Ranking 1822			Area Grazed	Ranking 1818			Area Owned 1828
						1828	1822	1818		1828	1822	1818		1828	1822	1818	
	1801	REDFERN	Wm.	E	Self	5194	1	3	15,230	1	3	3	123,600	1	2	9	13,000
	1806	PALMER	G.T.	F	Self	3666	4		7633	5		12	77,889	2	12	12	16,520
	1801	TERRY [CARRIES?]	Samuel (Capt.)	E	Some	3700	3	4	7400	7	3	5	77,700	3	1	4	21,580
	1800	LAWSON	Wm.	F	Self	4000	2		-				60,000	4			2000
	1810	DICKSON	John	F	Self	1510			12,300	3	6	8	59,550	5	10	12	10,400
	1813	JENKINS	Robert/Mrs	F	Son	3000	6	7	2000				51,000	6	7	104A	17,000
	1809	JENKINS	Robert/Mrs	F	Son	3258	5	6	320				49,830	7	15	15	11,875
	1812	LOWE	Robert	F	Self	2194	7		4441				46,233	8	20B	31B	6060
	1820	ICELY	Thomas	F	Self	1450			7500	8			44,250	9			14,770
	1814	BROOKS	Richard	F	Self	2127	8	14	3800				43,305	10	5	2	13,304
	1790	MACARTHUR	John	F	Some	129		11	13,598	2	1	1	42,729	11	4	1	26,725
	1794	MARSDEN	(Rev.) Sm.	F	Self	1546		8	4996			4	38,178	12	3	5	8700
	1788*	JAMISON	(Sir) John	F	Self	1800			3400				37,200	13	37	12	19,380
	1802	THROSBY	Charles	F	Self	1521		9	4005				34,830	14	16	13	12,380
	1816	WYLDE	(Hon) J.	F	Self	2120	9		330				32,790	15	45D		3489
	1806*	BLAXLAND	John (Jnr.)	F	Self	900			5600	11	12?	??	30,300	16	22	11	4500
		GRANT	John	E	Self	370			7940	4			29,370	17			4150
	1800	COX	Wm. (Snr.)	F	Self	846			5400	12			28,890	18		60B	10,835
		KLESENDRUFFE	Wm.	F	Self	1912	10		-				28,660	19			1260
	1822	REID	David	F	Self	1169			3700				28,635	20			4060
	1823	INNES	George	F	Self	1275			3120				28,485	21			3000
	1800*	COX	Wm. (Jnr.)	F	Self	500			6990	8			28,470	22			15,250
	1799	HUTCHINSON	Wm.	E	Self	1883	11		-				28,245	23	45B	55A	5913
	1791	FITZGERALD	Richard	E	Self	962			4390		10		27,500	24	12	32	9200
		KING	James	F	Self	1818	12	10	-				27,270	25	23	60	3280
	1801	ROUSE	Richard & Edward	F	Some	1200			2852				26,555	26	39	43	6000
	1805	MACARTHUR	H.H.	F	Self	527			6033	9			26,004	27	36	25B	24,500
	1825	McINTYRE	Peter	F	Self	725			4407				24,096	28			22,000
		COGHILL	John	F	Self	772			4160				24,060	29			13,000
		BUNN	George	F	Self	400			6000	10			24,000	30A			2640
	1790	WENTWORTH	D.	F	Son	1600		1B	3				24,000	30B	6	6	14,000
	1822	McLEOD	Alexander	F	Self	1130			2346				23,988	32			2000
	1813*	ALLEN	Andrew	F	Self	561			5062				23,601	33		3	10,560
		KENNY	Francis	E	Self	985			2795				23,160	34			120
	1801	CONNELL	John	F	Self	1500		5	5				22,500	35A	8	14	5225
	1820	RAINE	Thomas	F	Self	900			3000				22,500	35B			2100
	1798	CAMPBELL	Robert	F	Some	592			4300				21,780	37			13,467
	1792	JAMESON	John	F	Self	844			3000				21,660	38	32	29	200
	1788	BROUGHTON	Eliza/Wm.	F	Self	1000			2000				21,000	39	17	22	2000
	1815	O'BRIEN	Henry	F	Self	680			3258				19,974	40			1000
	1822	LETHBRIDGE	Robert	F	Self	580			3750				19,950	41			8000
	1800	SUTTOR	George	F	Son	610			3500				19,650	42		78B	2280
		BRADLEY	Jonas	F	Son	600			3500				19,500	43		76A	4200
	1800*	COX	George	F	Self	621			3353				19,374	44	13	7	8850
		WOOD	John	F	Self	1029			1288				19,299	45	40		4840
		GAGGIN	John	F	Self	890			1754				18,612	46			2000
	1798	ROSE	Thomas	E	Self	1020			1100				18,600	47		65	2460
		JOHNSON	R.	F	Self	650			2844				18,282	48			-
		FORBES	George	F	Self	270			4700				18,150	49			16,000
	1800*	MEEHAN	Thomas	E	Self	560			3227				18,081	50	29	39	2000

\* Date of arrival of father

(continued next page)

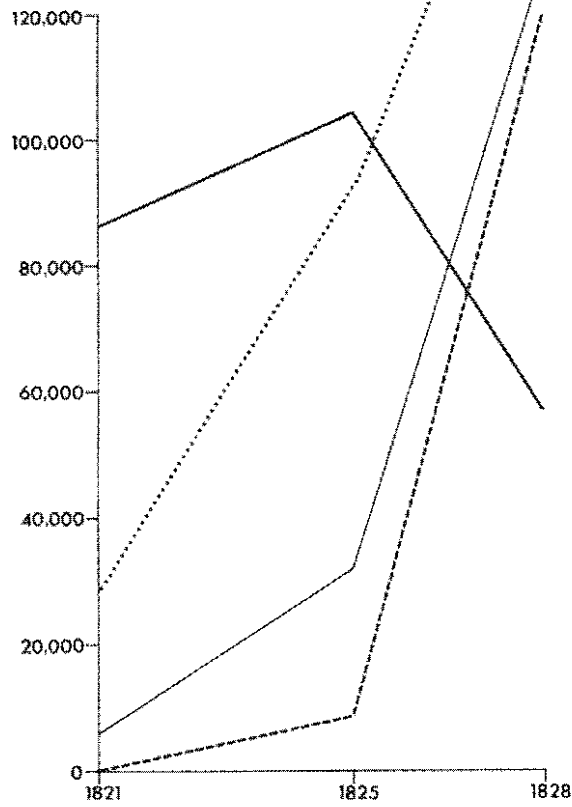
Marriage Systems	Arrival of self or father in NSW	NAME	Origins FREE or EMANCIPIST	Future Squatter	CATTLE	Ranking			SHEEP	Ranking			Area Grazed	Ranking			Area Owned 1826
						1828	1822	1818		1828	1822	1818		1828	1822	1818	
	1819	MCHENRY John	F		918				1420				18,030	51			2600
	1809	BERRY Alexander	F		1200				-				18,000	52			30,000
	1825	JONES Richard	F	Self	938				1101				17,373	63			9360
A	1819	BROWN Warham J.	F		285				4175				16,800	54			16,000
		BOWMAN James	F	Self	362				3715				16,575	58			11,000
		PYE Joseph	F		1065				180				16,515	56		52B	4580
	1818	HALL George	F	Self	1077				100				16,455	57		69A	1244
		CORDEAUX Wm. & Ann	F		405				3440				16,395	59			4060
G	1788	TINGAL John	F		737				1750				16,305	59		54B	2576
A	1817	PALMER John	F	Self	447				3100				16,005	60	42	66	3000
		KING (Capt.) & (Mrs)	F	Son	850		0	4	1050				15,900	61A	14	10	11,245
		STREET George	F		1600				300				15,900	61B			1000
		KEALY Edward	F		310				3600				15,450	62A			6500
		NOWLAN Timothy	F		310				3600				15,450	62B			6500
	1807	ONUS Joseph	F	Self	905				600				15,375	65			3360
	1823	UNDERWOOD Joseph	F		1010				-				15,150	66A			3758
	1823	WALKER James	F	Self	530				2400				15,150	66B			2000
C	1823	RANKEN George	F	Self	605				2020				15,135	68			6500
	1807	BELL Archibald	F	Self	500				2500				15,000	69A	45A		2695
		McDONNELL John	F		800				1000				15,000	69B			2250
		WENTWORTH George	F	Self	1000				-				15,000	69C			2500
	1824	COX (of Segenhoe) Wm.	F		500				2300				14,400	72			8000
	1816	JAMES Thos Horton	F		558				2000				14,370	73			10,374
		DRUITT (Agent) George	F	Sons	800				700				14,100	74			5170
		CARTER Wm.	F		150				3900				13,950	75			9000
		OGILVIE Wm.	F	Self	600				1610				13,830	76			9000
	1790	HARRIS John	F	Self	615				1500				13,740	77	39	41	7884
	1822	STREET John	F	Self	350				2800				13,650	78			2000
J	1790*	WEBBER John P.	F	Self	422				2424				13,602	79			5840
		HUME Hamilton	F		462				2200				13,530	80			3780
		BROWN Joseph & Matthew	F		900				-				13,500	81A			260
C	1800*	WARREN Alex.	F		600				1500				13,500	81B			2000
		COX Henry	F	Self	230				3270				13,260	83	18	7	8408
	1817	CARTWRIGHT Richard	F		700				895				13,185	84			1280
	1791*	WINDER T.W.M.	F		864				-				12,960	85			7400
G	1806*	LEE Wm.	F	Self	320				2700				12,900	86			2750
		CAMPBELL Rob. (Tert.)	F	Self	855				-				12,825	87			1640
		RIDDALL John	F		310				2600				12,450	89			11,860
		BOWEN Owen	F	Self	827				-				12,405	89		75	500
C	1822	SMITH Robert	F	Self	500				1600				12,300	90			1970
H	1798*	McKERZIE A.K.	F		250				2800				12,150	91			7000
		HASSALL Jonathan	F		401				2000				12,015	92	31	0	700
	1825	BADGERY Andrew	F	Self	890				-				12,000	93A		64	400
C	1822	McKELLAR Duncan	F		600				1000				12,000	93B			3280
		HANKINS Thos. F	F		457				1626				11,733	95			2400
		PYE John	F		762				100				11,730	96		60	1210
	1825	COOPER & Co.	F		549				1125				11,610	97			3000
		RYRIE Wm.	F	Brother	553				1100				11,595	98			2560
	1816	HOWE Wm.	F	Sons	650				600				11,550	99		18	3500
		HALE James	F	Self	430				1690				11,520	100			2133

Source: 1828 Census

The difficulty of properly identifying some individuals qualifies the accuracy of the sequence of land users.

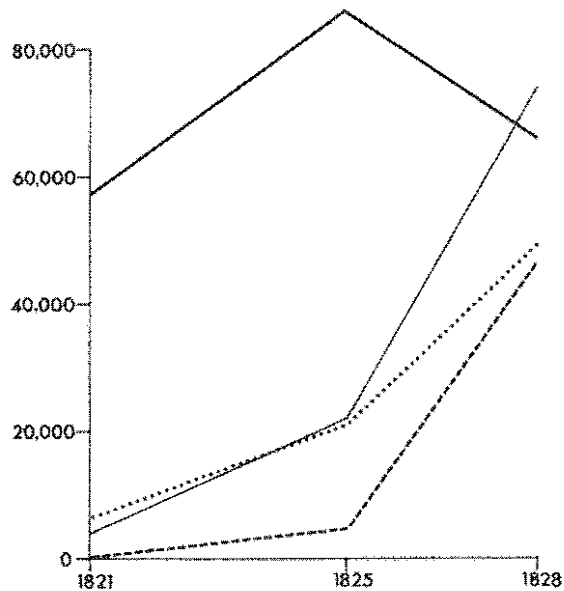
\* Date of arrival of father

SHEEP

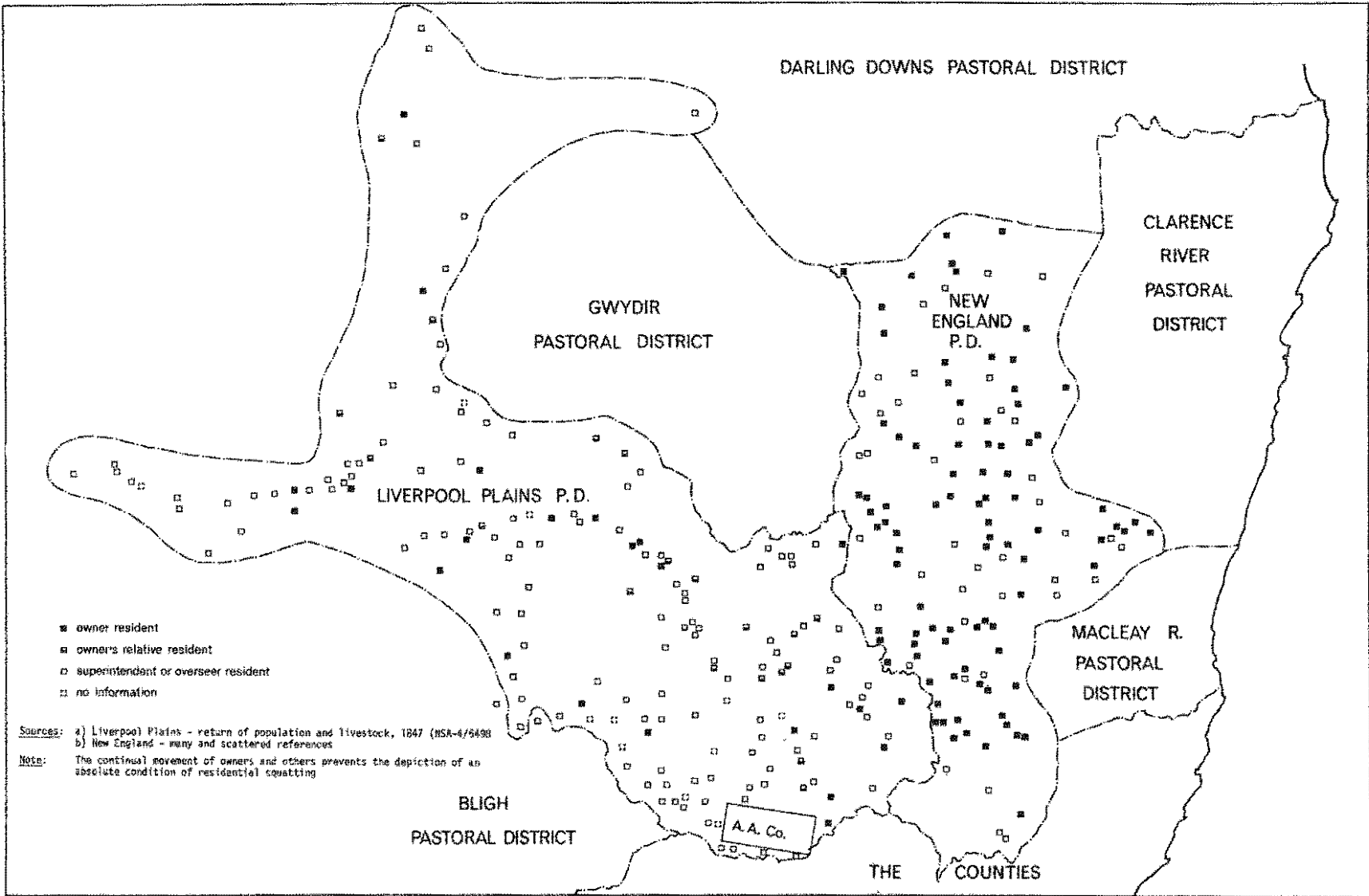


- Cumberland
- - - Argyle
- ..... Bathurst
- - - Hunter

CATTLE



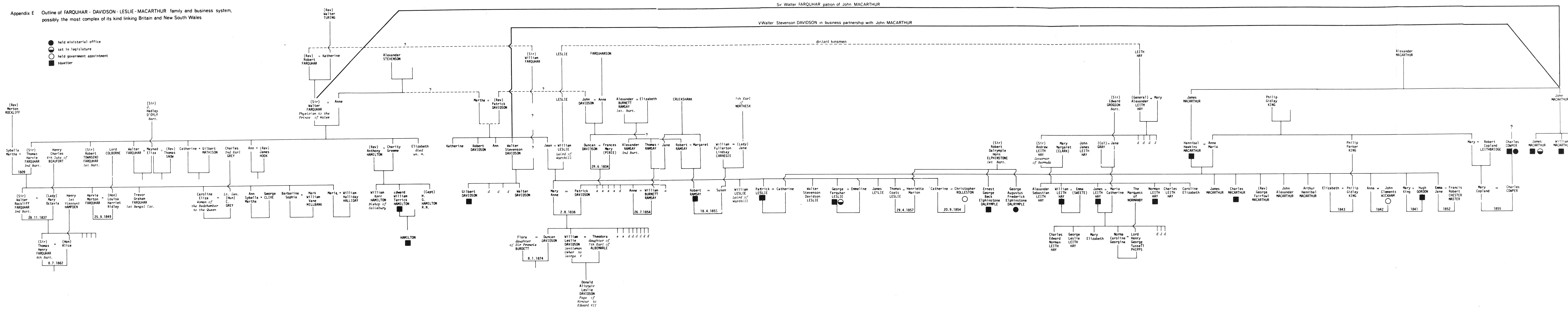
Appendix C. Livestock growth in New South Wales, 1821-1828  
 (after Perry, *Australia's First Frontier*, Melbourne, 1963, p. 132, Tables 5 and 6)



Appendix D Residential patterns in Liverpool Plains and in New England Pastoral Districts, 1847 (10 stations not located)

Appendix E Outline of FARQUHAR - DAVIDSON - LESLIE - MACARTHUR family and business system, possibly the most complex of its kind linking Britain and New South Wales

- held ministerial office
- sat in legislature
- held government appointment
- squatter



Catalogue made, August, 1971, at 'Tarong' homestead, of the surviving library of George Clapperton.

The first group of books was originally Clapperton's own: the second group came to him from the library of Bryce Thomas Barker of adjacent 'Nanango' homestead c.1862: there is no information of original ownership in respect of the third group. See Chapter 9, p.282.

Sketches by Boz

Lytton's Harold Last of the Saxon Kings

Lytton's The Last Days of Pompeii

Irving's Works, Vol. II, Sketch Book Life of Goldsmith

Milner's Universal Geography

Spenser's Faerie Queen

The First German Reading Book

Goldsmith's History of Rome, Vols. 1 and 2

Edinburgh Gazeteer, 6 vols.

Rollin's Ancient History, 4 vols.

Goldsmith's Animated Nature, 6 vols.

Lives of Eminent Persons

Poetical works of Hector Macneill, Vol.1

Edward Young, D.D., The Complaint, or Night Thoughts

The Works of Alexander Pope, Esq., Vols. 4,5,6,9 and 10 (1757 Edition)

Popular Encyclopedia, Vols. 3 and 4

William Falconer's The Shipwreck

Biographical Dictionary of Eminent Scotsmen, 9 vols.

Essays on Social Subjects

Lingard's History of England, Vol.4

Oeuvres de Massillon, Tome Quatrieme and Sixieme (1810 Edition)

Tytler's Elements of General History

Waverly Novels, 3 vols.

Oeuvres de Walter Scott, Le Talisman

Southgate's Many Thoughts of Many Minds

The Spectator, Vol. III, 1806

Boswell's Life of Johnson, 2 vols.

Wordsworth's Poems

Thomas Scott's Theological Works, Vol.2

Compendious Grammar of the German Language

The Poems of Robert Ferguson

The Odyssey of Homer, translated by Alexander Pope

Byron's the Corsair and other poems

A number of Barker's books, including the Pope volumes, were collected at various dates between 1816 and 1828 by one James Green and perhaps in the early 1840s were given to Barker by 'Aunt Green'.

Clapperton's two volumes of Goldsmith's History of Rome came to him from John James M. Borthwick, the first owner of 'Tarong'.

SELECT BIBLIOGRAPHY

1. Primary Sources - Manuscript
  - (a) Private
  - (b) Government
  
2. Primary Sources - Printed
  - (a) Private
    - (i) Letters
    - (ii) Books
  - (b) Government
  - (c) Newspapers
  
3. Secondary Sources
  - (a) Books
  - (b) Articles



1. Primary Sources - Manuscript(a) Private

Archer Papers (ML). General correspondence 1845-1862, and a selective reading of some other papers. This holding is primarily a record of the extensive pastoral and commercial enterprises of the Archer brothers of 'Gracemere'. The wider value of the papers, however, stems from the social and economic leadership of the Archers in Central Queensland, 'Gracemere' filling the role of social, cultural and economic nerve centre for squatters, commissioners, travellers and a wide assortment of men of lesser consequence. The 'general correspondence' reflects the large-scale nature of this contact and not infrequently the historically valuable intimacy of the contact. It was to the Archers, for instance, that Commissioner Wiseman unburdened himself of sentiments he may not have cared to voice publicly or in his official correspondence.

Australian Agricultural Company (ANUA). Records.

Selected reading.

Baldwin, Henry. (See Jewell)

Barambah and Tarong Stations. (ANUA) This holding is a photographed selection, made by myself in August 1971, from the extensive papers held at 'Tarong' in the South Burnett. The papers are at present unsorted, and apart from 'Tarong' station records and correspondence dating from c. 1850 into the 1880s, include also some papers of 'Nanango' and 'Barambah' stations, and are said to include also notes on the aborigines made over a period of 40 years by the superintendent of 'Boondooma'. Plans are under way to have all the records at 'Tarong' sorted and deposited in the Oxley Memorial Library. The proximity of the four stations to each other may well give a comprehensive dimension to the papers when sorted.

Bibbenluke Station. (ANL) Letter Book 1864-65.

Boondooma Station. (OML) Wages Book.

Boulton, E.B. (ML) Portfolio of 16 pencil sketches.

Clapperton, George. (See Barambah and Tarong Stations).

Clift Family. (ML) Papers.

Cobcroft Family. (ML) Papers.

Dowling Diaries. (ML) During the preparation of my thesis, these diaries of Vincent James Dowling were in the possession of his grand-daughter, Mrs. E.B. Joyce, of 'Eidsvold'. The diaries, which span Dowling's overlanding in 1858 and his pioneering on the Darling, Warrego and Paroo Rivers in 1859 onwards, have now been deposited with the Mitchell Library. The 1861 journal of Robert Biggart Gow, in the Australian National Library, can be read usefully in conjunction with Dowling's of the same year.

Eagar, Geoffrey. (ML) Papers.

Everett Letters. (See Ollera Letters).

Gigoomgan Station. (OML) Letter Book and Journal.

Gow, Robert Biggart. (ANL) Journal.

Hobler Journal. (ML) Vols. 4 to 8 of this well-known 18-volume journal span George Hobler's pastoral years between 1844 and 1851 on the Southern Highlands near Goulburn, at Nap Nap and Paika on the lower Murrumbidgee, and at Bacchus Marsh near Melbourne. This very full day-by-day account has to be read with care. Hobler at times had a capacity for self-deception, and on occasion what Hobler omitted was of more significance than what he wrote down. He was capable also of self-consciously studied attitudes, and his occasional retrospective references to events unchronicled at their proper time need to be approached with caution. Despite these caveats, Hobler's journal remains the great contemporary connected piece of writing extant of the age and place it describes. Letters written to George Hobler, Junior, after he returned to New South Wales in mid 1850s, have now also been deposited in the Mitchell Library.

Ivory Journal. (ML) This holding, less its first 799 pages, was retrieved several years ago from Scotland. The extant portion begins in 1862 and goes into the 1880s. The author was James Ivory, son of a Scottish law Lord and squatter of 'Eskdale' in the Brisbane Valley. The early years traversed in his journal are particularly good for the equanimity of a squatter who had been successful and for a visitor's view of Melbourne and Ballarat in 1862. The Mitchell Library holds other Ivory papers, including a journal of a trip to Scotland in 1854.

Jewell, William Henry. (ML) Letter describing Henry Baldwin and his family at Windsor, 1820.

Kelman Family. (ML) Papers.

- Leslie Letters. (OML)
- Lloyd Family. (ML) Family papers.  
The Mitchell Library also holds a printed transcript of Wentworth v. Lloyd in the House of Lords.
- McIntyre Family. (ML) Letters and Papers.
- McKay, J.C. (ML) Letters from his sons.
- Mackenzie, Farquhar. (ML) Journal.
- Marsh Papers. (ML) This holding covers some scattered papers of Eliza Marsh. Their fundamental value is in the highly idiosyncratic style. There are also Marsh records at UNEA and inward correspondence at 'Salisbury Court'.
- Nanango Station. (See Barambah and Tarong Stations).
- Ogilvie, E.D.S. (See Yulgilbar Station).
- Ollera Letters. (UNEA) In addition to these letters, UNEA holds Ollera station records and a superintendent's journal.
- Parnell Letters. (ML)
- Peppin Diary. (ML)
- Robinson, George. (ML) Four letters from his brother, Joseph Phelps Robinson.
- Rossi Family. (ML) Papers.
- Sloan Family. (ML) Letters received.
- Stephen Family. (ML) Papers.
- Tarong Station. (See Barambah and Tarong Stations).
- Uhr Family. (ML) Letters received.
- Walker, Robert. (ML) Four letters to his brother in England.
- Yulgilbar Station. (ML) Journals.

(b) Government

- Justice
- (i) Bench Books of Courts of Petty Sessions at Armidale, Balranald, Broulee, Cooma, Deniliquin, Eden, Gundagai, Moulamein, Mudgee, Queanbeyan, Tenterfield, Wagga Wagga, Warialda, Wee Waa, Wellingrove (all NSA) and Taroom (QSA).
  - (ii) Col. Sec. Letters to Magistrates (NSA).
  - (iii) Col. Sec. Special Bundles 4/730.4 and 4/561 re magistrates (NSA).
  - (iv) Native Police files (QSA).
  - (v) Col. Sec. Special Bundles 4/7173 and 4/719.2 re Native Police (NSA).
  - (vi) Col. Sec. In Letters re Native Police (QSA).
- Land
- (i) Maps drawn 1849-51 of the squatting districts, and which survived the Garden Palace fire of 1881, viz., Murrumbidgee, Lachlan, part Gwydir and part New England, and Darling Downs (NSA).
  - (ii) Maps drawn after 1859 of certain squatting districts in Qld, viz., Maranoa, Burnett, Wide Bay and Leichhardt (QSA).
  - (iii) Maps issued by Department of National Mapping in 1:250,000 and 1:1,000,000 series.
  - (iv) Col. Sec. In Letters re Land. Selected reading, other than for file of Dr Robert Townson (NSA - 2/7991).
  - (v) Commissioners of Crown Land, livestock returns for Liverpool Plains and Gwydir (NSA), Commissioner's Letter Books, Wide Bay and Burnett (QSA), and Darling Downs (ML).

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(b) Government

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Government Gazette (QLD)

Historical Records of Australia

Journal of Legislative Council (NSW)

Votes and Proceedings (NSW)

Votes and Proceedings (Qld)

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